

Bylaw No. 8491

**The Campaign Disclosure and
Spending Limits Bylaw, 2006**

**Codified to Bylaw No. 9374
May 24, 2016**

BYLAW NO. 8491

THE CAMPAIGN DISCLOSURE AND SPENDING LIMITS BYLAW, 2006

Whereas *The Local Government Election Act*, S.S. 1982-83, c. L-30.1, provides that a council may, by bylaw, establish disclosure requirements respecting campaign contributions and expenses, and establish campaign spending limits;

And Whereas the Council of The City of Saskatoon is desirous of enacting such a bylaw;

Now Therefore The Council of The City of Saskatoon enacts:

Part I Short Title and Interpretation

Short Title

1. This Bylaw may be cited as The Campaign Disclosure and Spending Limits Bylaw, 2006.

Definitions

2. In this Bylaw:
 - (a) “campaign contribution” means any money paid, or any donation in kind provided, to or for the benefit of a candidate during the election contribution period for the purpose of financing an election campaign, including revenue raised from a fundraising event by the sale of tickets or otherwise, but does not include volunteer labour or services;
 - (b) “campaign expense” means the cost of goods and services and the value of any donation in kind, used by or for the benefit of the candidate during the election expenses period for the purpose of a candidate’s election campaign but does not include audit fees, volunteer labour or services;
 - (c) “candidate” means a person nominated in accordance with *The Local Government Election Act* for election to Council;

- (c.1) “Chartered Professional Accountant” means a member in good standing of the Institute of Chartered Professional Accountants of Saskatchewan;
- (d) “City” means The City of Saskatoon;
- (e) “Clerk” means the City Clerk of The City of Saskatoon appointed pursuant to Section 85 of *The Cities Act*;
- (f) “contributor” means an individual, organization or corporation providing a campaign contribution;
- (g) “Council” means the Council of The City of Saskatoon;
- (g.1) “CPI” means the Statistics Canada Consumer Price Index;
- (h) “donation in kind” means the fair market value of goods and services donated or provided by or on behalf of a candidate for the purpose of an election but does not include volunteer labour or services;
- (h.1) “election advertising” means the transmission to the public by any means of an advertising message that promotes or opposes the election of a candidate, and includes one in which the candidate’s name or image is predominately featured promoting, sponsoring, endorsing or launching any project or enterprise if, in the opinion of the Election Disclosure Complaints Officer, it can reasonably be inferred that the message is intended to promote the election of that candidate, but shall not include advertising done in the ordinary course of the candidate’s business;
- (i) “election contribution period” means:
 - (i) in the case of the general election to be held on October 25, 2006, the period beginning April 1, 2006 and ending on December 31, 2006;
 - (ii) in the case of all subsequent general elections, the period between January 1st of the year following the preceding general election and ending on December 31st of the year of the next general election; and
 - (iii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 60 days following election day;

- (j) “election expenses period” means:
 - (i) in the case of a general election, the period beginning on June 1st of an election year and ending on December 15th of an election year; and
 - (ii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 10 days following election day;
- (k) “fundraising event” means events or activities held for the purpose of raising funds for an election campaign of the person by whom or on whose behalf the function is held;
- (l) “registered charity” means a registered charity within the meaning of the *Income Tax Act*;
- (m) “Returning Officer” means the returning officer within the meaning of *The Local Government Election Act*; and
- (n) “volunteer labour or services” means labour or services provided for no remuneration but does not include labour or services provided by an individual:
 - (i) if the individual is self-employed and the labour or services provided are normally sold or otherwise charged for by that individual; or
 - (ii) if the individual is being paid by an employer, individual or organization for providing the labour or services.

Part II Election Expenses and Contributions

Time for Incurring Campaign Expenses

3. (1) Except as provided in subsection (2), campaign expenses may only be incurred during the election expenses period.
- (2) Expenses for the preparation of advertising materials and signs may be incurred prior to the election expenses period but must be recorded and disclosed as campaign expenses in accordance with the provisions of this Bylaw.

Limitation on Campaign Expenses

- 3.1 (1) The maximum allowable campaign expenses of a candidate for Mayor or Councillor for any election campaign shall not exceed the limits determined in accordance with this section.
- (2) The maximum allowable campaign expenses of a candidate for Mayor shall be determined by application of the following formula:

$$\text{MCE} = \$0.75 \times (\text{IE} \div \text{IB}) \times \text{P}$$

where: MCE = mayoralty candidate's expenses

\$0.75 = allowable campaign expense per capita

IE = CPI for the City up to March 1st in an election year

IB = CPI for the City for 2012 up to October 1st

P = total population of the City as established by the most recent municipal wards commission.

- (3) The maximum allowable campaign expenses of a candidate for Councillor shall be ten percent (10%) of the maximum allowable expenses of a mayoralty candidate as established pursuant to subsection (2).

Official Agent

- 3.2 (1) A candidate for mayor shall appoint an official agent who shall be responsible for the financial records relating to the election campaign.

- (2) A candidate for mayor may serve as his or her own official agent.
- (3) The appointment of an official agent shall not relieve the candidate for mayor from responsibility for compliance with the provisions of this Bylaw.
- (4) Any remuneration paid to an official agent shall not be considered a campaign expense.

Candidate to Keep Records

4. (1) A candidate for election to Council shall keep complete and proper accounting records of all campaign contributions and all campaign expenses.
- (2) Without limiting the generality of subsection (1), the candidate is responsible to ensure that:
 - (a) proper records are kept of receipts and expenses;
 - (b) a record is kept of the value of every campaign contribution, whether in the form of money, goods or services, and of the name and address of the contributor; and
 - (c) all records kept in accordance with this Section remain in the possession and under the control of the candidate at all times.

Candidate's Statement of Election Expenses and Contributions

5. (1) A candidate shall disclose his or her campaign contributions and expenses in accordance with this Section.
- (2) A candidate shall file a Statement of Election Expenses/Contributions with the Returning Officer:
 - (a) in the case of a candidate for mayor, within four months following the date of a general election or by-election; and
 - (b) in the case of a candidate for councillor, within three months following the date of a general election or by-election.
- (3) A candidate shall file a Statement of Election Expenses/Contributions which shall include:

- (a) a Statutory Declaration in writing in the form prescribed in Schedule “A” to this Bylaw providing a statement of the total campaign contributions and the total campaign expenses of the candidate for that election campaign;
- (b) a list in writing in the form prescribed in Schedule “B” to this Bylaw that shall include the following information in relation to election contributions:
 - (i) the name of each contributor whose cumulative campaign contribution exceeded \$100.00;
 - (ii) the cumulative amount that each of the named contributors has given to the candidate; and
 - (iii) if no contributor’s cumulative campaign contribution exceeded \$100.00, a notation to that effect; and
- (c) a list of all campaign expenses and contributions, a full accounting of all campaign expenses and contributions relating to fundraising events, details relating to donations-in-kind and details relating to loans received for the purposes of an election campaign in the form prescribed in Schedule “C” to this Bylaw.

Auditing

- 6. (1) A candidate for mayor shall have the Statement of Campaign Revenues and Campaign Expenses (Schedule “C”) audited by a Chartered Professional Accountant in accordance with generally accepted auditing standards, and in compliance with the applicable rules of the Institute of Chartered Professional Accountants of Saskatchewan.
- (2) The auditor shall complete the Statement of Auditor on the Statement of Campaign Revenues and Campaign Expenses (Schedule “C”) prior to the candidate filing the statement with the Returning Officer.
- (3) If a mayoralty candidate files a properly audited Statement of Campaign Revenues and Campaign Expenses (Schedule “C”), the City shall reimburse the candidate for the cost of the audit as follows:
 - (a) where the campaign expenses are less than \$5,000.00, the candidate shall receive the lesser of \$750.00 or the actual cost of the audit, plus GST;

- (b) where the campaign expenses are \$5,000.00 or more, the candidate shall receive the lesser of \$2,000.00 or the actual cost of the audit, plus GST.
- (4) The maximum allowable limits for reimbursement of auditing costs for the 2012 general election shall be as prescribed in paragraphs 3(a) and (b). For all subsequent elections, the maximum allowable limits shall be adjusted to reflect the cumulative rate of inflation in Saskatoon since the immediately preceding election.

False or Misleading Statement

- 7. No candidate shall file with the Returning Officer a false, misleading or incomplete Statement of Campaign Expenses/Contributions.

Fundraising Events

- 8. (1) All contributions received at fundraising events and all costs associated with fundraising events must be included in the Statement of Election Expenses/Contributions required under this Bylaw; however, the costs associated with a fundraising event shall not be considered a campaign expense for the purpose of calculating a candidate's maximum allowable campaign expenses.
- (2) Receipts must be issued:
 - (a) for all funds received at or relating to a fundraising event, including ticket purchases, money given in response to a general collection and money solicited from persons in attendance; and
 - (b) for all expenses relating to a fundraising event.
- (3) Where the price of a ticket to a fundraising event exceeds the cost per ticket of the event, the excess shall be considered a campaign contribution and where that excess is \$100.00 or more, the name of the purchaser of the ticket shall be included in the list of campaign contributors required under this Bylaw.
- (4) The name of every person who contributes \$100.00 or more in response to a general collection or solicitation of money at a fundraising event shall be included in the list of campaign contributors required under this Bylaw.
- (5) The City Clerk, or any other person appointed by Council, shall have the authority to audit a candidate's records relating to fundraising events.

Anonymous Contributions

9. (1) No candidate shall accept an anonymous campaign contribution.
- (2) If a candidate receives an anonymous campaign contribution, the candidate shall ensure that the contribution shall not be used or spent, but shall be donated to a registered charity of the candidate's choice within 30 days of the receipt of the contribution.

Campaign Surplus

- 9.1 If a Candidate's Statement of Election Expenses/Contributions, filed with the Returning Officer in accordance with Section 5, discloses a surplus for the candidate's campaign, the candidate shall disclose how the surplus funds will be used by providing the appropriate details in the Statutory Declaration attached hereto and marked as Schedule "A".

Deferral of Campaign Expenses

- 9.2 Campaign expenses incurred by a candidate in an election shall not be carried forward to be considered as allowable campaign expenses in a subsequent election.

Publication of Disclosure Statements

10. (1) All documents filed with the Returning Officer pursuant to this Bylaw are public documents and, upon the expiration of the time prescribed by this Bylaw for filing the documents, may, on request, be inspected at the office of the Clerk during regular office hours.
- (2) The Clerk shall retain the documents referred to in subsection (1) in accordance with the City's records retention and disposal schedule established pursuant to Section 90 of *The Cities Act*.
- (3) The Returning Officer shall forward to Council for its information, a report summarizing the campaign contributions and campaign expenses of each candidate, with a notation for any candidate who has exceeded the limit on campaign expenses pursuant to Section 3, and the names of any candidates who fail to file the required disclosure statements pursuant to Sections 5 and 6.

- (4) The Clerk shall post in a conspicuous place a summary of the campaign contributions and expenses of each candidate, with a notation for any candidate who has exceeded the limit on campaign expenses pursuant to Section 3, and the names of any candidates who fail to file the required disclosure statements pursuant to Sections 5 and 6.
- (5) In addition to the requirements of subsections (3) and (4), the Clerk shall post on the City's website the Statement of Campaign Contributions and Expenses for all candidates seeking election in the immediately preceding election, whether the candidate was elected or not.

Deposits

- 10.1 A deposit submitted by a candidate for the office of councillor or mayor pursuant to section 46.1 of *The Local Government Election Act* shall not be returned to the candidate unless the candidate and the candidate's business manager have complied with the provisions of this Bylaw.

Retention of Records by Candidate

- 11. All records of a candidate required to be maintained pursuant to this Bylaw shall be retained by that candidate for the duration of the term of office for which the candidate sought election.

Part III Election Disclosure Complaints Officer

Election Disclosure Complaints Officer Designated

12. Council hereby designates the Election Disclosure Complaints Officer as the person to investigate complaints pursuant to this Bylaw.

Appointment and Eligibility to Hold Appointment

13. (1) A person appointed as the Election Disclosure Complaints Officer pursuant to Section 12 shall be appointed for a term of two years or until a successor is appointed.
- (2) A person who is appointed as the Election Disclosure Complaints Officer shall:
- (a) be a Canadian citizen;
 - (b) be over the age of 18 years; and
 - (c) have a general knowledge of this Bylaw.
- (3) No person who is a member of Council or any employee of the City or the City's controlled corporations is eligible to be appointed as the Election Disclosure Complaints Officer.

Remuneration

14. The Election Disclosure Complaints Officer shall be paid remuneration and reimbursement for expenses in accordance with the rates established from time to time by Council.

Duties

15. (1) The Election Disclosure Complaints Officer shall be responsible to investigate any complaint that a candidate has filed a false, misleading or incomplete disclosure of election contributions or expenses.

- (2) For the purposes of carrying out an investigation pursuant to subsection (1), the Election Disclosure Complaints Officer may retain the services of any person that the Election Disclosure Complaints Officer considers necessary to assist him or her to carry out the investigation of the complaint, and the cost of the services shall be considered an expense to be reimbursed pursuant to Section 14.

Complaint

16. (1) A complaint that a candidate has filed a false, misleading or incomplete disclosure of election contributions or expenses shall be in writing and shall contain:
 - (a) the name, mailing address and telephone number of the complainant;
 - (b) the name of the candidate who is the subject of the complaint;
 - (c) the nature of the complaint and the material facts upon which the complaint is made; and
 - (d) the name, address and telephone number of any person that may have information that will assist in the investigation of the complaint.
- (2) A complaint pursuant to subsection (1) shall be filed with the Clerk.
- (3) Upon receipt of a complaint, the Clerk shall forward the complaint to the Election Disclosure Complaints Officer.

Referral from Returning Officer

17. If, in the opinion of the Returning Officer, a candidate's disclosure of election contributions and expenses is, on its face, irregular or suspicious, the Returning Officer may refer the matter to the Election Disclosure Complaints Officer for investigation notwithstanding that no formal complaint has been filed with the Clerk.

Investigation

18. (1) Upon receipt of a complaint, the Election Disclosure Complaints Officer shall:
 - (a) contact the complainant and acknowledge receipt of the complaint;

- (b) advise the complainant about the procedures that will be followed in investigating the complaint; and
 - (c) obtain from the complainant any information required to investigate the complaint.
- (2) In addition to the requirements of subsection (1), the Election Disclosure Complaints Officer shall notify the candidate that is the subject of the complaint that a complaint has been received and shall provide the candidate with a copy of the complaint.
- (3) The Election Disclosure Complaints Officer shall obtain from the candidate any information required to investigate the complaint.
- (4) In carrying out an investigation, the Election Disclosure Complaints Officer may inspect, at all reasonable times, all books, documents and accounting records of the candidate.
- (5) The Election Disclosure Complaints Officer may make copies of anything referred to in subsection (4).
- (6) Every candidate that is the subject of an investigation by the Election Disclosure Complaints Officer shall cause all books, documents and accounting records pertaining to the candidate's election campaign to be available for inspection by the Election Disclosure Complaints Officer at all reasonable times.
- (7) If a person refuses to allow or interferes with an inspection described in subsection (4), the Election Disclosure Complaints Officer may apply to a justice of the peace or a provincial court judge for a warrant authorizing a person named in the warrant to:
 - (a) enter the property and carry out the inspection authorized by this Bylaw; and
 - (b) search for and seize anything relevant to the subject matter of the warrant.
- (8) No candidate or person acting on behalf of a candidate shall:
 - (a) fail to comply with any reasonable request of the Election Disclosure Complaints Officer;
 - (b) knowingly make any false or misleading statement to the Election Disclosure Complaints Officer; or

- (c) obstruct or interfere with the Election Disclosure Complaints Officer.
- (9) No complainant pursuant to this Bylaw shall:
- (a) fail to comply with any reasonable request of the Election Disclosure Complaints Officer;
 - (b) knowingly make a false or misleading complaint to the Election Disclosure Complaints Officer; or
 - (c) obstruct or interfere with the Election Disclosure Complaints Officer.

Decisions

19. (1) After completion of the investigation, the Election Disclosure Complaints Officer may:
- (a) dismiss the complaint; or
 - (b) uphold the complaint.
- (2) After a decision is made pursuant to subsection (1), the Election Disclosure Complaints Officer shall send to the complainant and the candidate a copy of the decision together with any written reasons for the decision.
- (3) The decision of the Election Disclosure Complaints Officer shall be final.
- (4) If the complaint is upheld, the Election Disclosure Complaints Officer shall send a copy of the decision to the Clerk with a recommendation that the matter be referred for review as to whether a prosecution is warranted.

Refusal to Investigate

20. (1) The Election Disclosure Complaints Officer may refuse to investigate any complaint or may terminate an investigation of a complaint if:
- (a) the complaint is received more than six months after the date for the filing of the Statement of Election Expenses/Contributions pursuant to subsection 5(2);

- (b) in the opinion of the Election Disclosure Complaints Officer, the complaint is frivolous, vexatious, trivial or is made in bad faith; or
 - (c) in the opinion of the Election Disclosure Complaints Officer, the circumstances of the complaint do not warrant investigation.
- (2) The decision of the Election Disclosure Complaints Officer to refuse to investigate any complaint or to terminate an investigation of a complaint is final.

Report to Council

21. Upon completing the investigation of all complaints arising out of a general election or a by-election, the Election Disclosure Complaints Officer shall submit a report to Council setting out:
- (a) the number of complaints received;
 - (b) the general nature of the complaints received; and
 - (c) the disposition or resolution of the complaints.

Confidentiality of Information

22. (1) The report submitted by the Election Disclosure Complaints Officer pursuant to Section 21 shall be a matter of public record.
- (2) The particulars of all complaints and all information obtained by the Election Disclosure Complaints Officer shall be confidential unless the release of that information is required in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

Records

23. The particulars of all complaints and all information obtained by the Election Disclosure Complaints Officer shall become part of the records of the City and shall be kept in the office of the Clerk.

Part IV Enforcement

Offences and Penalties

24. (1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.00 and, in the case of a continuing offence, to a further fine of not more than \$5,000.00 for each day during which the offence continues.
- (2) A conviction for an offence under this Bylaw does not relieve the person convicted from complying with the Bylaw and the convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the provisions of this Bylaw.
- (3) A person to whom an order is directed pursuant to subsection (2), who fails to comply with that order within the time specified by the judge, is guilty of any offence and liable on summary conviction to a fine of not more than \$5,000.00 for each day during which the non-compliance continues.
- (4) If a candidate is the subject of an investigation pursuant to this Bylaw and the candidate is convicted of an offence against this Bylaw based on information obtained pursuant to the investigation, the convicting court may order, in addition to any penalty imposed pursuant to this Bylaw, that the candidate pay all or any costs of the investigation.

Disqualification from Office

25. (1) In addition to the penalties set out in Section 24, if a candidate who is elected contravenes any provision of this Bylaw, the candidate is disqualified from Council and shall resign immediately.
- (2) Notwithstanding subsection (1), where on application a judge of the Court of Queen's Bench is of the opinion that the disqualification of the candidate arose through inadvertence or by reason of an honest mistake, the candidate shall not be required to resign.

Part V
Miscellaneous

Coming Into Force

26. This Bylaw shall come into force on the day of its final passing.

Read a first time this 27th day of March, 2006.

Read a second time this 27th day of March, 2006.

Read a third time and passed this 27th day of March, 2006.

"Donald J. Atchison"

"SEAL"

Mayor

"Janice Mann"

City Clerk

Schedule "A"

Statutory Declaration of Candidates for Municipal Office within the City of Saskatoon with Campaign Expenses and Campaign Contributions

I, _____ of _____
(name) (address)

in the Province of Saskatchewan, do solemnly declare:

1. That I was a candidate for the position of Mayor/Councillor for The City of Saskatoon in the election held on the ____ day of _____, 20____.

2. That the following is a true account of all the campaign expenses and campaign contributions of my election campaign in respect of the aforesaid election:

(a)	Campaign Contributions:	\$ _____
(b)	Campaign Expenses:	\$ _____
(c)	Total Surplus (Deficit):	\$ _____

3. That I intend to use the surplus as follows:

- Personal Use
- Charitable Donation - Specify: _____
- Other - Specify: _____
- N/A

4. That I have no reason to believe that any campaign expenses other than those listed above have been expended by me or with my authority and consent or by any person for the purpose of assisting me in the election.

5. That I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at Saskatoon, in
the Province of Saskatchewan
this ____ day of _____, 20____.

(Signature of Candidate)

(to be declared before a Justice of the Peace,
Notary Public, or a Commissioner of Oaths, etc.)

Schedule "C"
Statement of Campaign Revenues and Campaign Expenses
for Candidates

Candidate Name: _____

Campaign Period: From _____ to _____

Campaign Period Revenues:

Campaign Contributions:

Fundraising Functions _____

Cash Donations _____

Donations in Kind _____

Loans (detail) _____

Other (detail) _____

Total Contributions (to Schedule "A"): _____

Other Revenues (including interest & self contributions): _____

Total Campaign Period Revenues: _____

Campaign Period Expenses:

Nomination Deposit _____

Fundraising Costs _____

Advertising/Printing _____

Office/Facility Space Rental _____

Office Administration _____

Office Supplies & Equipment _____

Electoral Materials (maps, list of Electors, etc.) _____

Food & Beverages/Entertainment _____

Telephone/Communications/Utilities _____

Insurance _____

Distribution/Postage _____

Transportation _____

Record Keeping Costs _____

Other (detail) _____

Total Campaign Expenses (to Schedule "A") _____

Surplus (Deficit) of Campaign Revenues Over Campaign Expenses: _____

Attestation of the Candidate

I declare that the above statement is a true account of all the campaign expenses and campaign revenues incurred by me or by my agent on my behalf in respect of the above campaign period.

Signature of Candidate: _____ Date: _____

Statement of Auditor

(To be Completed on behalf of Candidates for Mayor Only)

I declare that I have audited the above Statement in accordance with generally accepted auditing standards. In my opinion this Statement presents fairly the candidates Campaign Revenues and Expenses for the Campaign Period.

Signature of Auditor: _____ Date: _____

Name and Qualifications of Auditor: _____