

POLICY 25 - ELECTIONS (CAMPAIGN DISCLOSURE AND SPENDING LIMITS)

The Local Government Election Act, 2015, c. L-30.11, provides that a school board may establish disclosure requirements respecting campaign contributions and expenses, and establish campaign spending limits;

The Board of Education of the Saskatoon School Division No. 13 of Saskatchewan is desirous of enacting such a provision;

The Board of Education of the Saskatoon School Division No. 13 of Saskatchewan resolved to enact the following disclosure requirements respecting campaign contributions and expenses and election campaign spending limits;

The Board has agreed to campaign disclosure and spending limits to be followed during Trustee elections.

The Board believes in the accountability and transparency of the democratic process. This process is described in detail in this section for the public and candidates who wish to run as Trustee for Saskatoon Public Schools.

1. Definitions

- 1.1 **“campaign contribution”** means money paid, loans given and the value of donations in kind provided, to or for the benefit of a candidate during the election campaign contribution period for the purpose of financing an election campaign, including revenue raised from a fund-raising event by the sale of tickets or otherwise;
- 1.2 **“campaign expense”** means the money spent or liabilities incurred, including the cost of goods and services and the value of donations 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;
- 1.3 **“candidate”** means a person nominated in accordance with *The Local Government Election Act, 2015* for election to the Board;
- 1.4 **“Board”** means the Board of Education of the Saskatoon School Division No. 13;
- 1.5 **“contributor”** means an individual, organization or corporation providing a campaign contribution;
- 1.6 **“donation in kind”** means the fair market value, at the time of the donation, of goods and services donated or provided by or on behalf of a candidate without compensation from the candidate and includes:
 - 1.6.1 services of an employee provided by a contributor for which the employee receives payment from the contributor;
 - 1.6.2 goods provided by a contractor for which the employee receives payment from the contributor;
 - 1.6.3 goods provided by a contributor who is a commercial supplier of the goods; and
 - 1.6.4 services provided by a contributor who is a commercial or occupational supplier of the services;

- 1.7 **“election contribution period”** means:
- 1.7.1 in the case of 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
 - 1.7.2 in the case of a by-election to fill a vacancy on the Board, the period beginning on the day following the meeting at which the Board decides to hold the by-election and ending 60 days following election day.
- 1.8 **“election expenses period”** means:
- 1.8.1 in the case of a general election, the period beginning on June 1 of an election year and ending on December 15 of the same election year; and
 - 1.8.2 in the case of a by-election to fill a vacancy on the Board, the period beginning on the day following the meeting at which the Board decides to hold the by-election and ending 10 days following election day;
- 1.9 **“fund-raising event”** means an event or activity held for the purpose of raising funds for a candidate by whom or on whose behalf the event or activity is held;
- 1.10 **“registered charity”** means a registered charity within the meaning of The Income Tax Act;
- 1.11 **“returning officer”** means the returning officer with the meaning of *The Local Government Election Act, 2015*.
- 1.12 **“volunteer labour or services”** means labour or services provided for no remuneration but does not include labour or services provided by an individual if:
- 1.12.1 the individual is self-employed, and the labour or services provided are normally sold or otherwise charged for by that individual; or
 - 1.12.2 the individual is being paid by an employer, individual or organization for providing the labour or services.

2. Limitation on Campaign Expenses

- 2.1 The total campaign expenses of a candidate for a member of the Board shall not exceed \$10,000.00 for any election expenses period.

3. Candidate to Keep Records

- 3.1 A candidate for election to the Board shall keep complete and proper accounting records of all campaign contributions and all campaign expenses.
- 3.2 Without limiting the generality of subsection (3.1), the candidate is responsible to ensure that:
- 3.2.1 proper records are kept of receipts and expenses;
 - 3.2.2 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
 - 3.2.3 all records kept in accordance with this section remain in the possession and under the control of the candidate at all times.

4. Candidate's Statement of Election Expenses and Contributions

- 4.1 A candidate shall disclose his or her campaign contributions and expenses in accordance with this section.
- 4.2 A candidate shall file a Statement of Election Expenses/Contributions with the Chief Financial Officer, or such other period as the Board may specify for receipt of such statements;
 - 4.2.1 in the case of a general election, not less than 180 days following election day; and
 - 4.2.2 in the case of a by-election, not less than 180 days following election day.
- 4.3 A Statement of Election Expenses/Contributions shall include:
 - 4.3.1 in the case of all candidates for election to the Board:
 - 4.3.1.1 A Statutory Declaration in writing in the form prescribed in Schedule "A".
 - 4.3.1.2 a list in writing in the form prescribed in Schedule "B" that shall include, in relation to election contributions:
 - 4.3.1.2.1 the name of each contributor whose cumulative campaign contribution amounted to \$250.00 or more;
 - 4.3.1.2.2 the cumulative amount that each of the named contributors has given to the candidate; and
 - 4.3.1.2.3 if no contributor's cumulative campaign contribution exceeded \$250.00, a notation to that effect.

5. False or Misleading Statement

- 5.1 No candidate shall file with the Chief Financial Officer a false, misleading or incomplete Statement of Campaign Expense/Contributions.

6. Contributions from Fund-Raising Events

- 6.1 The net proceeds from a fund-raising event shall be considered a campaign contribution and shall be reported by a candidate as a campaign contribution in the candidate's Statement of Campaign Expenses/Contributions.
- 6.2 Expenses incurred in holding a fund-raising event shall not be considered a campaign expense for the purposes of this policy.
- 6.3 If money is given in response to a general collection or money is solicited from persons in attendance at a fund-raising event, the gross amount collected shall be recorded and reported by the candidate as a campaign contribution in the candidate's Statement of Campaign Expenses/Contributions.
- 6.4 Money paid to attend a fund-raising event, or money given in response to a general collection or money solicited from a person in attendance at a fund-raising event shall not be included in the contributor's cumulative campaign contribution to a candidate.

7. Anonymous Contributions

- 7.1 No candidate shall accept anonymous campaign contribution except those received at a fund-raising event.

- 7.2 If a candidate receives an anonymous campaign contribution, except those received at a fundraising event, 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.

8. Publication of Disclosure Statements

- 8.1 All documents filed with the Chief Financial Officer pursuant to this policy are public documents and, upon the expiration of the time prescribed by this policy for filing the documents, may, on request, be inspecting at the office of the Chief Financial Officer during regular office hours.
- 8.2 The Chief Financial Officer shall retain the documents referred to section 8 until the next Civic Election date (four-year period).
- 8.3 The Chief Financial Officer shall forward to the Board 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 and the names of any candidates who fail to file the required disclosure statements.
- 8.4 The Chief Financial Officer 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, and the names of any candidates who fail to file the required disclosure statements.

9. Retention of Records by Candidate

- 9.1 All records of a candidate shall be retained by that candidate for a period of two years following the date on which the candidate's Statement of Campaign Expense/Contributions was required to be filed. In the event that the Election Disclosure Complaints Officer shall notify the candidate pursuant to subsection 15 (2) that they are the subject of a complaint, the candidate shall preserve and retain all records until the Election Disclosure Complaints Officer advises that they need no longer be retained.

10. Election Disclosure Complaints Officer Designated

- 10.1 The Board hereby designates the Election Disclosure Complaints Officer as the person to investigate complaints pursuant to this policy.
- 10.2 A deposit submitted by a candidate for a member of the Board submitted 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 policy.

11. Appointment and Eligibility to Hold Appointment

- 11.1 A person appointed as the Election Disclosure Complaints Officer pursuant to Section 10 shall be appointed for a term of two years or until a successor is appointed, and the incumbent Election Disclosure Complaints Officer is eligible for reappointment.
- 11.2 A person who is appointed as the Election Disclosure Complaints Officer shall:
- 11.2.1 be a Canadian citizen;
 - 11.2.2 be over the age of 18 years; and

- 11.2.3 have a general knowledge of this policy.
- 11.2.4 No person who is a member of the Board or any employee of the Board is eligible to be appointed as the Election Disclosure Complaints Officer.

12. Remuneration

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

13. Duties

- 13.1 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.
- 13.2 For the purposes of carrying out an investigation, 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 expenses to be reimbursed.

14. Complaint

- 14.1 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:
 - 14.1.1 the name, mailing address and telephone number of the complainant;
 - 14.1.2 the name of the candidate who is the subject of the complaint;
 - 14.1.3 The nature of the complaint and the material facts upon which the complaint is made; and
 - 14.1.4 the name, address and telephone number of any person that may have information that will assist in the investigation of the complaint.
- 14.2 A complaint pursuant to subsection (14.1) shall be filed with the Chief Financial Officer.
- 14.3 Upon receipt of a complaint, the Chief Financial Officer shall forward the complaint to the Election Disclosure Complaints Officer.

15. Investigation

- 15.1 Upon receipt of a complaint, the Election Disclosure Complaints Officer shall:
 - 15.1.1 contact the complainant and acknowledge receipt of the complaint;
 - 15.1.2 advise the complainant about the procedures that will be followed in investigating the complaint; and
 - 15.1.3 obtain from the complainant any information required to investigate the complaint.
- 15.2 In addition to the requirements of 15.1, 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.
- 15.3 The Election Disclosure Complaints Officer shall obtain from the candidate any information required to investigate the complaint.

- 15.4 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.
- 15.5 The Election Disclosure Complaints Officer may make copies of anything referred to in subsection 15.4.
- 15.6 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.
- 15.7 No candidate or person acting of behalf of the candidate shall:
 - 15.7.1 fail to comply with any reasonable request of the Election Disclosure Complaints Officer;
 - 15.7.2 knowingly make any false or misleading statement to the Election Disclosure Complaints Officer; or
 - 15.7.3 obstruct or interfere with the Elections Disclosure Complaints Officer.
- 15.8 No complainant pursuant to this policy shall:
 - 15.8.1 fail to comply with any reasonable request of the Election Disclosure Complaints Officer;
 - 15.8.2 knowingly make a false or misleading complaint to the Election Disclosure Complaints Officer; or
 - 15.8.3 obstruct or interfere with the Elections Disclosure Complaints Officer.

16. Decisions

- 16.1 After completion of the investigation, the Election Disclosure Complaints Officer may:
 - 16.1.1 dismiss the complaint; or
 - 16.1.2 uphold the complaint; or
 - 16.1.3 may make a determination that a candidate or other person acting on behalf of the candidate has failed to comply with one or more of their obligations under this policy.
- 16.2 After a decision is made pursuant to subsection 16.1, 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.
- 16.3 The decision of the Election Disclosure Complaints Officer shall be final.
- 16.4 If the complaint is upheld or a determination has been made that the candidate or other person acting on behalf of the candidate has failed to comply with one or more of their obligations under this policy, the Election Disclosure Complaints Officer shall send a copy of the decision to the Chief Financial Officer who in turn will publish this decision in the next Board file.

17. Refusal to Investigate

- 17.1 The Election Disclosure Complaints Officer may refuse to investigate any complaint or may terminate an investigation of a complaint if:
 - 17.1.1 the complaint is received more than six months after the date for the filing of the Statement of Election Expense/Contributions .
 - 17.1.2 in the opinion of the Election Disclosure Complaints Officer, the complaint is frivolous, vexatious, trivial or is made in bad faith; or
 - 17.1.3 in the opinion of the Election Disclosure Complaints Officer, the circumstances of the complaint do not warrant investigation.
- 17.2 The decision of the Election Disclosure Complaints Officer to refuse to investigate any complaint or to terminate an investigation of a complaint is final and the Election Disclosure Officer shall advise the complainant and the candidate of such decision.

18. Report to the Board

- 18.1 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 the Board setting out:
 - 18.1.1 the number of complaints received;
 - 18.1.2 the general nature of the complaints received; and
 - 18.1.3 the disposition or resolution of the complaints.

19. Confidentiality of Information

- 19.1 The report submitted by the Election Disclosure Complaints Officer shall be a matter of public record.
- 19.2 Except as required to comply with the provisions of this policy, including the rendering and publishing of the decision by the Election Disclosure Complaint 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*.

20. Records

- 20.1 The particulars of all complaints and all information obtained by the Election Disclosure Complaints Officer shall become part of the records of the Board and shall be kept in the office of the Chief Financial Officer.

21. Coming Into Force

This policy applies to the election of November 9, 2020 and all subsequent elections thereafter.

Date Last Revised: June 2, 2020

Schedule A

Statutory Declaration of Candidates for the Board of Education of the Saskatoon School Division No. 13 of Saskatchewan with Campaign Expenses and Contributions

Schedule B

Listing of Cumulative Campaign Contributions from Contributors in Excess of \$250.00

The Board of Education of the Saskatoon School Division No. 13 of Saskatchewan