

CITY OF MARTENSVILLE
THE CAMPAIGN DISCLOSURE BYLAW
BYLAW NO. 3-2021

Whereas *The Local Government Election Act*, 2015, section 34, provides that a council may, by bylaw, establish disclosure requirements respecting campaign contributions and expenses;

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

Now Therefore the Council of The City of Martensville enacts:

Part I
Short Title and Interpretation

Short Title

1. This Bylaw may be cited as The Campaign Disclosure Bylaw.

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 fund-raising 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, regardless of whether those costs are incurred, or the donation in kind provided, before, during or after the election expenses period, but does not include volunteer labour or services;
 - (c) “candidate” means a person nominated in accordance with *The Local Government Election Act* for election to Council;
 - (d) “Chartered Accountant” means a member in good standing of the Institute of Chartered Accountants of Saskatchewan;
 - (e) “City” means The City of Martensville;
 - (f) “Clerk” means the City Clerk of The City of Martensville appointed pursuant to Section 85 of *The Cities Act*;

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- (g) “contributor” means an individual, organization or corporation providing a campaign contribution;
- (h) “Council” means the Council of The City of Martensville;
- (i) “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;
- (j) “election advertising” 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;
- (k) “election contribution period” means:
 - (i) in the case of a general elections, the period between January 1 of the year following the preceding general election and ending on December 31 of the year of the next general election; 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 60 days following election day;
- (l) “election expenses period” means:
 - (i) in the case of a general election, the period beginning on June 1 of an election year and ending on December 31 of the same 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;
- (m) “fund-raising 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;
- (n) “registered charity” means a registered charity within the meaning of the *Income Tax Act*;
- (o) “Returning Officer” means the returning officer within the meaning of *The Local Government Election Act*; and

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- (p) “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

Limitation on Campaign Expenses

- 3. (1) The maximum allowable campaign expenses of a candidate for any election campaign shall not exceed the limits determined in accordance with this section.
- (2) The maximum allowable campaign expenses for a candidate for Mayor shall be determined by application of the formula $MCE = \$1.00 \times P$, where:
 - (a) MCE = Mayoralty candidate’s expense;
 - (b) \$1.00 = allowable campaign expense per capita,
 - (c) P = total population of the City as establish by current Statistics Canada census,
 - (d) The MCE shall be published by the City Clerk’s Office and reasonably advertised through candidate material, and other means as determined by the City Clerk.
- (3) The maximum allowable campaign expenses of a candidate for Councillor shall be 30% of the maximum allowable expenses of a Mayoralty candidate as established pursuant to section 2.

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.

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- (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 general election, on or before the first working day of May in the year immediately following the year in which an election is held; or
 - (b) in the case of a by-election, not less than 180 days following election day.
- (3) A Statement of Election Expenses/Contributions shall include:
 - (a) in the case of all candidates for election to Council:
 - (i) 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;
 - (ii) 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:
 - (A) the name of each contributor whose cumulative campaign contribution exceeded \$250.00;
 - (B) the cumulative amount that each of the named contributors has given to the candidate; and
 - (C) if no contributor’s cumulative campaign contribution exceeded \$250.00, a notation to that effect; and
 - (b) in the case of all candidates for mayor, in addition to the documents referred to in clause (a), a statement in writing in the

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form prescribed in Schedule “C” to this Bylaw, properly attested by the candidate, providing details of the campaign revenues and campaign expenses incurred by the candidate during the election expenses period.

False or Misleading Statement

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

Contributions from Fund-Raising Events

7.
 - (1) The net proceeds from a fund-raising event shall be considered a campaign contribution and shall be reported by a candidate to the Returning Officer as a campaign contribution in the candidate’s Statement of Campaign Expenses/Contributions.
 - (2) Expenses incurred in holding a fund-raising event shall not be considered a campaign expense for the purposes of this Bylaw.
 - (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 to the Returning Officer as a campaign contribution in the candidate’s Statement of Campaign Expenses/Contributions.
 - (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.

Anonymous Contributions

8.
 - (1) No candidate shall accept an anonymous campaign contribution except those received at a fund-raising event.
 - (2) If a candidate receives an anonymous campaign contribution, except those received at a fund-raising 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.

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Publication of Disclosure Statements

9. (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, listing the names of any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 5.
- (4) The Clerk shall post in a conspicuous place a summary of the campaign contributions and expenses of each candidate, with a list of the names of any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 5.

Retention of Records by Candidate

10. All records of a candidate shall be retained by that candidate for a period of one year following the date on which the candidate's Statement of Campaign Expenses/Contributions was required to be filed.

**Part III
Election Disclosure Complaints**

Election Disclosure Complaints Officer Designated

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

Appointments and Eligibility to Hold Appointment

12. (1) A person appointed as the Election Disclosure Complaints Officer pursuant to Section 10 shall be appointed for a term of four years or until a successor is appointed.
- (2) A person who is appointed as the Election Disclosure Complaints Officer shall:

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- (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 is eligible to be appointed as the Election Disclosure Complaints Officer.

Remuneration

13. 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

14. (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 campaign contributions or expense.
- (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 in carrying out the investigation of the complaint, and the cost of the services shall be considered an expense to be reimbursed pursuant to section 12.

Complaint

15. (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.

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- (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

- 16 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

17. (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.

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- (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

- 18. (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.

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- (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

19. (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 4(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

20. 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

21. (1) The report submitted by the Election Disclosure Complaints Officer pursuant to Section 19 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*.

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Records

22. 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

23. (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 pays all or any costs of the investigation.

Disqualification from Office

24. (1) In addition to the penalties set out in Section 23, 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

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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

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

Read a first time this 16 day of March 2021

Read a second time this 16 day of March 2021

Read a third time and adopted this 16 day of March 2021

{Seal}

MAYOR

CITY CLERK

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Schedule “A”

**Statutory Declaration of Candidates for
Municipal Office within the City of Martensville
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 Martensville 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 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.

4. 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 Martensville, 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.)

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Schedule "B"

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

I have accepted campaign contributions in excess of \$250.00 towards my campaign expenses from the following contributors and in the following cumulative amounts:

Contributor	Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I have no reason to believe that any cumulative campaign contributions from any contributor in excess of \$250.00 have been received or expended for the purpose of assisting me in the election other than those listed above.

Signature: _____ Date _____
(signature of Candidate)

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Schedule "C"
Statement of Campaign Revenues and Campaign Expenses
for Candidates for Mayor with the City of Martensville

Candidate Name: _____

Campaign Period: From _____ to _____

Campaign Period Revenues:

Campaign Contributions:

Fundraising Functions _____

Cash Donations _____

Donations in Kind _____

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 _____

Food & Beverages/Entertainment _____

Telephone/Communications/Utilities _____

Insurance _____

Distribution/Postage _____

Transportation _____

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: _____