

St. Paul's R.C.S.S.D. #20

Policy for Campaign Disclosure and Spending Limits

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

And Whereas the Board of Education St. Paul's R.C.S.S.D. #20 is desirous of enacting such a provision;

Now Therefore the Board of Education of St. Paul's R.C.S.S.D. #20 resolves to enact the following disclosure requirements respecting campaign contributions and expenses and election campaign spending limits:

Part I

Definitions

1. In this resolution:
 - (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 audit fees, volunteer labour or services;
 - (c) "candidate" means a person nominated in accordance with *The Local Government Election Act* for election to the Board;
 - (d) "Board" means the Board of Education of St. Paul's R.C.S.S.D. #20
 - (e) "contributor" means an individual, organization or corporation providing a campaign contribution;
 - (f) "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;
 - (g) "election contribution period" means:

- (i) in the case of the general election to be held on October 25, 2006, the period beginning upon the passage of this resolution 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 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;
- (h) “election expenses period” means:
- (i) in the case of a general election, the period beginning on August 1 of an election year and ending on October 31st of an election year; and
 - (ii) 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;
- (i) “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;
- (j) “registered charity” means a registered charity within the meaning of the *Income Tax Act*;
- (k) “Returning Officer” means the returning officer within the meaning of *The Local Government Election Act*; and
- (l) “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

2. The total campaign expenses of a candidate for a member of the Board shall not exceed **\$10,000** for any election expenses period.

Candidate to Keep Records

3. (1) A candidate for election to the Board shall keep complete proper accounting records of all campaign contributions for an election contribution period and all campaign expenses for an election expenses period.

- (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

4. (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 Superintendent of Administrative Services, or such other person as the Board may specify for receipt of such statements:
 - (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 the Board:
 - (i) a Statutory Declaration in writing in the form prescribed in Schedule "A" to this Resolution 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 Resolution that shall include the following information in relation to election contributions:
 - (A) the name of each contributor whose cumulative campaign contribution exceeded \$100.00;
 - (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 \$100.00, a notation to that effect; and

False or Misleading Statement

5. No candidate shall file with the Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2) a false, misleading or incomplete Statement of Campaign Expenses/Contributions.

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.

- (2) Expenses incurred in holding a fund-raising event shall not be considered a campaign expense for the purposes of this Resolution.
- (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.
- (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

7. (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.

Publication of Disclosure Statements

8. (1) The candidate's Statement of Campaign Expenses/Contributions, summary reports provided pursuant to subsection (3) and the decisions of the Election Disclosure Complaints Officer filed pursuant to this Resolution are public documents and, upon the expiration of the time prescribed by this Resolution for filing the documents, may, on request, be inspected at the office of the Superintendent of Administrative Services during regular office hours.
- (2) The Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2), shall retain copies of:
 - (a) candidates' Statement of Campaign Expenses/Contributions and the reports provided to the Board pursuant to subsection (3) for a period of two (2) years following the date on which the candidate's Statement of Campaign Expenses/Contributions was required to be filed; and
 - (b) the decisions of the Election Disclosure Complaints Officer for a period of ten (10) years from date of filing with the Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2).
- (3) The Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2), 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 pursuant to Section 2, and the names of any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 6.
- (4) The Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2), 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 2, and the names of any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 6.

Retention of Records by Candidate

9. 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 Expenses/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.

Part III Election Disclosure Complaints Officer

Election Disclosure Complaints Officer Designated

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

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.
- (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 Resolution.
- (3) 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.

Remuneration

12. 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.

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.
- (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 12.

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:
 - (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 Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2).
- (3) Upon receipt of a complaint, the Superintendent of Administrative Services, or person specified in accordance with subsection 4 (2) shall forward the complaint to the Election Disclosure Complaints Officer.

Investigation

15. (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) 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.
- (8) No complainant pursuant to this Resolution 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

16. (1) After completion of the investigation, the Election Disclosure Complaints Officer may:
 - (a) dismiss the complaint; or
 - (b) uphold the complaint; and/or
 - (c) may make a determination 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 Resolution.
- (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 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 Resolution, the Election Disclosure Complaints Officer shall send a copy of that decision to the Superintendent of Administrative Services who in turn will report the results of the decision to the Board at a meeting of the Board and attach the decision of the Election Disclosure Complaints Officer to the minutes of that Board meeting.

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:

- (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, and the Election Disclosure Complaints Officer shall advise the complainant and the candidate of such decision.

Reports to the Board

18. 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:
- (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

19. (1) The reports submitted by the Election Disclosure Complaints Officer pursuant to Section 18 shall be a matter of public record.
- (2) Except as required to comply with the provisions of this resolution, including the rendering and publishing of a decision by the Election Disclosure Complaints Officer, 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 in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

Records

20. 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 Superintendent of Administrative Services.

Part IV Miscellaneous

Coming Into Force

21. This motion of the Board shall come into force on the day of its approval, August ____, 2006.

Board Approved: June 22, 2009

Schedule "A"
Statutory Declaration of Candidates for
Board of Education of the St. Paul's R.C.S.S.D. #20
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 Trustee for the Board of Education of the St. Paul's R.C.S.S.D. #20 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
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 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 "B"

Listing of Cumulative Campaign Contributions from Contributors in Excess of \$100.00

I have accepted campaign contributions in excess of \$100.00 towards my campaign expenses from the following contributors and in the following cumulative amounts:

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

I have no reason to believe that any cumulative campaign contributions from any contributor in excess of \$100.00 have been received or expended for the purpose of assisting me in the election other than those listed above.

Signature: _____
(Signature of Candidate)

Date: _____