



Bylaw No. 2007-34

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

Office Consolidation

THE REGINA MUNICIPAL ELECTION EXPENSES BYLAW

Bylaw No. 2007-34

Including Amendments to March 29, 2016

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

Bylaw No. 2010-20

April 26, 2010

Bylaw No. 2012-21

March 26, 2012

Bylaw No. 2016-20

March 29, 2016

BYLAW NO. 2007-34

THE REGINA MUNICIPAL ELECTION EXPENSES BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Authority

1 The authority for this Bylaw is section 34 of *The Local Government Election Act, 2015* and clause 8(1)(a) and section 120 of *The Cities Act*. (#2016-20, ss. 43 and 44, 2016)

Purpose

- 2 The purpose of this Bylaw is to:
- (a) establish disclosure requirements respecting campaign contributions and expenses; and
 - (b) establish election campaign spending limits.

Definitions

3(1) In this Bylaw:

“**candidate**” means any person whose nomination is accepted by the returning officer as a candidate for election as mayor or councillor of the City of Regina;

“**consumer price index**” means the annual average of the all-items Consumer Price Index for Regina for a calendar year, as released by Statistics Canada;

“**contributions**” includes:

- (a) all monies, including loans, received by or on behalf of the candidate in support of the candidate’s election campaign; and
- (b) the market value of any goods or services donated or provided at reduced cost to or for the use of the candidate in support of the candidate’s election campaign, except for volunteer services or the services of a financial agent;

Approved as to form this _____ day of _____, 2007.

City Solicitor

“**direct costs**” includes both monies paid for goods and services and the market value of goods and services provided without cost or at reduced cost to the candidate, except for volunteer services

“**election**” means any election held to elect members of Council for the City of Regina, including a by-election;

“**election expenses**” mean all direct costs incurred by or on behalf of a candidate to promote their election, excluding personal expenses;

“**registered charity**” means a registered charity within the meaning of the *Income Tax Act*;

“**volunteer services**” includes voluntary labour provided by an individual person to a candidate, where the individual does not receive any compensation for his or her time from the candidate or any other person.

- (2) Where no definition is provided in this Bylaw, the words shall be given their ordinary meaning, except as they may be defined in *The Local Government Election Act, 2015* or *The Cities Act*.
(#2012-21, s. 2, 2012, #2016-20, s. 43, 2016)

Limits on Election Expenses

- 4(1) The total election expenses for a candidate for their campaign for election shall not exceed:
- (a) \$62,635, in the case of a candidate for mayor; and
 - (b) \$10,439 in the case of a candidate for councillor.
- (2) Commencing January 1, 2013, the City Clerk is authorized to adjust the election expense limits in subsection (1) annually based on the formula outlined in subsection (3), so that the election expense limits reflect the annual percentage change in the consumer price index.
- (3) For the purposes of subsection (2), the annual percentage change in the consumer price index is the value PC determined in accordance with the following formula:

$$PC = (CPI1 \div CPI2 \times 100) - 100$$

Where:

CPI1 is the consumer price index for the year immediately preceding the year in which the adjustment is being made; and

CPI2 is the consumer price index for the year immediately preceding the year for which CPI1 is determined.

- (4) After adjustment pursuant to this section, the resulting amount is to be rounded to the nearest dollar.
- (5) The election expense limit to be applied to candidates in a general election or a by-election shall be the most recent limit established by the City Clerk pursuant to subsections (1) and (2).
(#2012-21, ss. 3, 4 and 5, 2012)

Disclosure of Election Contributions and Expenses

- 5(1) Any candidate whose name appears on the ballot in an election shall, within 90 days after the date of election, complete and submit to the returning officer a form as set out in Schedule "A" to this Bylaw, which includes:
 - (a) the name of each contributor that provides contributions of \$500 or more, for a candidate for Mayor;
 - (b) the name of each contributor that provides contributions of \$200 or more, for a candidate for Councillor;
 - (c) a summary of all election expenses; and
 - (d) a statutory declaration indicating that the candidate has complied with the spending limits and disclosure requirements in the Bylaw and that his or her disclosure of expenses and contributions are accurate and complete.
- (2) Repealed (#2010-20, s. 3, 2010)
- (3) The returning officer shall prepare a report to Council:
 - (a) listing the candidates; and
 - (b) attaching the forms filed by candidates.
- (4) All information provided to the returning officer shall be available to the public after Council's receipt of the returning officer's report.
(#2010-20, s. 2, 2010)

Time Period

- 6 The election expense limits in section 4 and the disclosure requirements in section 5 shall apply to all election expenses incurred, whether or not paid, and contributions, whether received or pledged, during the following time periods:
- (a) in the case of a general election, the period from June 1 to December 31 of the year of the general election; and
 - (b) 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.

Contributions and Surplus Funds

- 7(1) All monies received by or on behalf of a candidate as contributions shall:
- (a) be held in a trust account;
 - (b) be spent only for the purpose of electing the candidate as a member of Council; and
 - (c) if not spent in the election or by the next general election in a subsequent campaign to elect the same candidate, be donated to a registered charity.
- (2) Subsection (1) does not apply to contributions made by the candidate personally.

Candidate's Responsibility

- 8 The candidate shall be responsible for ensuring compliance with the requirements of this Bylaw.

Penalties

- 9(1) If a candidate who is elected fails to comply with this Bylaw, the candidate shall be subject to disqualification from council and ineligibility from nomination or election as provided by clause 120(1)(e) and subsection 120(2) of *The Cities Act*;
- (2) Repealed (#2010-20, s. 4, 2010)
 - (3) Any person who contravenes this Bylaw is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine not exceeding \$10,000 or, in default of payment, to imprisonment for not more than one year, or both;
- (b) in the case of a corporation, to a fine not exceeding \$25,000 or, in default of payment, imprisonment of the directors of the corporation for not more than one year, or both.

(3.1) Pursuant to section 68 of *The Local Government Election Act, 2015*, where a candidate fails to comply with the provisions of this Bylaw the returning officer shall not return the candidate’s deposit and the deposit shall be forfeited.
 (#2010-20, s. 5, 2010, #2016-20, ss. 43, 45, and 46, 2016)

Severability

10 If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

Coming into Force

11 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 16TH DAY OF APRIL 2007.

READ A SECOND TIME THIS 16TH DAY OF APRIL 2007.

READ A THIRD TIME AND PASSED THIS 16TH DAY OF APRIL 2007.

P. FIACCO
 Mayor

R. M. MARKEWICH
 City Clerk (SEAL)

CERTIFIED A TRUE COPY

 City Clerk

SCHEDULE "A"

DISCLOSURE OF ELECTION CONTRIBUTIONS AND EXPENSES

I. ELECTION EXPENSES

Total Expenses: _____

Summary Breakdown of Expenses:

| | <u>Actual Expenses</u> | <u>* Market Value Expenses</u> | <u>TOTAL</u> |
|--|------------------------|--------------------------------|--------------|
| Advertising | \$ _____ | \$ _____ | \$ _____ |
| Bank Charges | \$ _____ | \$ _____ | \$ _____ |
| Brochures | \$ _____ | \$ _____ | \$ _____ |
| Candidates Personal Expenses | \$ _____ | \$ _____ | \$ _____ |
| Furniture | \$ _____ | \$ _____ | \$ _____ |
| Insurance and Utilities | \$ _____ | \$ _____ | \$ _____ |
| Meetings, Social Functions, Rallies | \$ _____ | \$ _____ | \$ _____ |
| Office Rent | \$ _____ | \$ _____ | \$ _____ |
| Office Supplies | \$ _____ | \$ _____ | \$ _____ |
| Postage | \$ _____ | \$ _____ | \$ _____ |
| Salaries and Benefits | \$ _____ | \$ _____ | \$ _____ |
| Signs | \$ _____ | \$ _____ | \$ _____ |
| Stationery | \$ _____ | \$ _____ | \$ _____ |
| Telephone | \$ _____ | \$ _____ | \$ _____ |
| Travel | \$ _____ | \$ _____ | \$ _____ |
| Other categories (Describe) | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| TOTAL EXPENSES: | \$ _____ | \$ _____ | \$ _____ |

* ("Market Value Expenses" should state the full market value of those goods and services received at no or reduced cost, except for unpaid volunteer services)

II. CAMPAIGN CONTRIBUTIONS

Total Contributions Received: _____

List of contributions, including any loans, received from each person which total \$500 or more, for a candidate for Mayor, or \$200 or more, for a candidate for Councillor.

| Amount | Name of Contributor |
|--------|---------------------|
| | |
| | |
| | |

(use additional pages, if required)

III. SURPLUS FUNDS

Amount not spent: _____

If funds received as campaign contributions exceed the election expenses, state the disposition or trust fund in which those funds are being held:

Trust Fund: _____

Disposition to Registered Charity:

| | |
|-------------------|--------------------|
| _____ | _____ |
| (Name of Charity) | (Date of Donation) |

I, _____ (name of candidate), certify and swear as follows:

1. I am aware of the spending limits in *The Regina Municipal Election Expenses Bylaw* and I confirm that during the time period outlined in section 6 of the Bylaw I have not exceeded the total election expenses set out in section 4 of the Bylaw.
2. I am aware of the contribution disclosure requirements in *The Regina Municipal Election Expenses Bylaw* and I confirm that for the time period outlined in section 6, I have disclosed all

election expenses and contributions made to my campaign as required pursuant to section 5 of the Bylaw.

- 3. The above information that I have provided as to my contributions and expenses is accurate and complete.

SWORN BEFORE ME at Regina,)
 Saskatchewan, this ____ day of)
 _____, 20____.)

 Commissioner for Oaths or Notary Public
 In and for the Province of Saskatchewan
 My commission expires:

 Candidate

(#2010-20, s. 6, 2010)

ABSTRACT

BYLAW NO. 2007-34

THE REGINA MUNICIPAL ELECTION EXPENSES BYLAW

| | |
|----------------------------|---|
| PURPOSE: | To limit the amount that may be spent on campaign expenses for municipal elections and to require disclosure of campaign contributions given to candidates for election to Council. |
| ABSTRACT: | This Bylaw sets campaign expense limits of \$60,000 for candidates for Mayor and \$10,000 for candidates for Councillor. It also requires candidates to provide disclosure of individual contributions of \$500 or more for a candidate for Mayor or \$200 or more for a candidate for Council and a summary of campaign contributions and expenses within ninety days after the election. The returning officer will then report these returns to Council. |
| STATUTORY AUTHORITY: | Section 145.1 of <i>The Local Government Election Act</i> and clause 8(1)(a) and section 120 of <i>The Cities Act</i> |
| MINISTER'S APPROVAL: | N/A |
| PUBLIC HEARING: | N/A |
| PUBLIC NOTICE: | N/A |
| REFERENCE: | EX03-18, Executive Committee, January 22, 2003 EX03-35 Executive Committee, March 19, 2003 EX07-6 Executive Committee, January 17, 2007 EX07-22 Executive Committee, April 11, 2007 |
| AMENDS/REPEALS: | N/A |
| CLASSIFICATION: | Administrative |
| ORIGINATING DEPARTMENT: | City Clerk |