

## BYLAW NO. 001/2017

Being a bylaw of the Red Deer Public School District No. 104 ("the District") to require the disclosure of Campaign Contributions and Campaign Expenses.

Whereas, pursuant to section 118(2) of the *Local Authorities Election Act*, R.S.A. 2000, Chapter L-21, a school board may pass a bylaw to require that candidates prepare and disclose to the public statements of all their campaign contributions and campaign expenses and may prescribe how campaign contributions not used for campaign expenses must be used;

Whereas the District desires to function in a manner consistent with the concepts of transparency and accountability; and

Whereas members of the public may wish to know the source of contributions as well as the amounts and nature of disbursements in campaigns for school board trustees.

BOARD OF THE RED DEER PUBLIC SCHOOL DISTRICT NO. 104 ENACTS AS FOLLOWS:

### Title

1 This Bylaw may be cited as the "Campaign Contribution and Expense Disclosure Bylaw".

### Definitions

2 In this Bylaw unless otherwise specified:

"Campaign" means events or activities in, by, or on behalf of, a candidate for the purpose of promoting the election of the candidate;

"Campaign Contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from that candidate but does not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services.

"Campaign Expense" means:

- (a) the actual personal expenses of the candidate;
- (b) the cost of acquiring premises, accommodation, goods or services used for election campaign purposes;
- (c) payments for the fair cost of printing and advertising;
- (d) reasonable and ordinary payment to any person for the hire of transportation used
  - i. by a candidate or speakers in travelling to and from public meetings; or
  - ii. by any person in connection with and for the purposes of an election.

“Campaign Period” means:

- (a) for a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election;
- (b) for a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election;

“Candidate” means an individual nominated as a candidate for election as a school board trustee or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses.

“Contributor” means an individual, organization, or corporation providing a campaign contribution;

“Donation in kind” means the fair market value of goods and services donated or provided by or on behalf of a candidate during a campaign for the purpose of an election but does not include volunteer labour;

“Employee organization” means any organization other than a trade union that bargains collectively for any employees in Alberta, and for the purposes of this Part all branches in Alberta of an employee organization are deemed to be one organization;

“Fundraising Function” means events held for the purposes of raising funds for an election campaign of the person by whom or on whose behalf the function is held;

“Gift” means a payment, advance, forbearance, loan, or deposit of money, or any thing of value received, unless something of equal or greater value is received by the donor but does not include services provided without compensation by individuals volunteering their time;

“Person” includes any individual other than a candidate, and any organization other than a corporation, employee organization or trade union;

“Prohibited organization” means

- (i) a municipality,
- (ii) a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the *Municipal Government Act*,
- (iii) a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:
  - a. grants,
  - b. real property, or
  - c. personal property
- (iv) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act*,
- (v) a Metis settlement,
- (vi) a school board under the *School Act*,
- (vii) a public post-secondary institution under the *Post-secondary Learning Act*,
- (viii) any corporation that does not carry on business in Alberta, or
- (ix) any organization designated by the Lieutenant Governor in Council as a prohibited organization;

“Returning Officer” means the Returning Officer appointed by The City of Red Deer Council who, by joint agreement, is likewise appointed by the District.

“Trade union” means a trade union as defined by the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada) and that holds bargaining rights for employees in Alberta, and for the purposes of this Part all locals in Alberta of a trade union are deemed to be one trade union.

### **Limitations on Contributions**

- 3**
- (1) Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5,000 in any year.
  - (2) Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed \$10,000 in any campaign period.
  - (3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization, other than a trade union or employee organization as defined in this bylaw, shall make any campaign contributions to a candidate.
  - (4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of \$1,000.
  - (5) A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of \$500.

### **Duties of Candidates**

- 4**
- (1) A candidate shall ensure that
    - (a) Contributions to his or her campaign account shall only be used for the payment of campaign expenses;
    - (b) Contributions of real property, personal property and services are valued;
    - (c) Receipts are issued for every contribution and obtained for every expense;
    - (d) Disclosure statements are filed in accordance with section 7;
    - (e) Records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which the disclosure statements were required to be filed under section 7;
    - (f) Proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit campaign contributions on behalf of the candidate;
    - (g) A campaign contribution received in contravention of this Bylaw is returned to the contributor as soon as possible after the candidate becomes aware of the contravention.
  - (2) A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of \$100.

### **Anonymous Contributions**

- 5**
- (1) Receipt of anonymous contributions by candidates is not permitted. Upon becoming aware of an anonymous contribution a candidate:
    - (a) Must return the contribution to the contributor if the contributor's identity can be established; or
    - (b) If the contributor's identity cannot be established or the funds returned to the contributor, a candidate must pay the amount of the contribution to the District.

- (2) A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of \$100.

### **Surplus Contributions**

- 6 (1) On or before March 1 immediately following a general election, or in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus, the candidate shall pay the surplus to the Returning Officer.
- (2) The Returning Officer shall hold any money received under subsection (1) in trust for the candidate at a financial institution.
- (3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the Returning Officer shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.
- (4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the Returning Officer to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada).
- (5) If the Returning Officer does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the District.

### **Campaign Disclosure**

- 7 (1) Every candidate, regardless of the source of his or her election campaign contributions, shall file with the Returning Officer, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a disclosure statement in the prescribed form, which must include:
  - (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in aggregate from any single contributor;
  - (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate;
  - (c) the total amount of money paid by the candidate out of the candidate's own funds;
  - (d) the total amount of any campaign surplus, including any surplus from previous campaigns; and
  - (e) a financial statement setting out the total amount of revenue and expenses.
- (2) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,
  - (a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the school

board where the candidate was declared elected in a previous general election.

- (b) if there is a deficit, eliminate the deficit.
- (3) A candidate who has a deficit referred to in subsection (2)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (2), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.
- (4) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the Returning Officer.
- (5) The Returning Officer must ensure that all documents filed under this section are available to the public during regular business hours.

### Late Filing

- 8 A candidate who contravenes section 7 and who fails to:
- (1) comply with that section within 30 days after the time period provided for, and
  - (2) pay the Returning Officer a late filing fee of \$50,
- is guilty of an offense and liable to a fine of \$100.

### Documents

- 9 (1) The Returning Officer shall forward for information, all documents filed pursuant to this Bylaw to the Chair and Corporate Secretary in respect to the District's election.
- (2) Except as protected by the provisions of the *Freedom of Information and Protection of Privacy (FOIP) Act*, the District will ensure that all documents including disclosure statements, surplus contributions, and a report relating to failure to file, shall be made available to the public by the end of March in the year following an election and within 180 days after a by-election.

### Miscellaneous

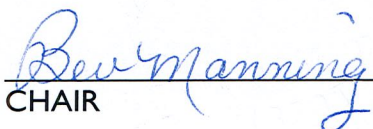
- 10 If a deadline for filing a statement(s) under this Bylaw occurs on a Saturday, Sunday or a statutory holiday then the deadline will be the next City business day.

READ A FIRST TIME this 8th day of February 2017.

READ A SECOND TIME this 8th day of March 2017.

READ A THIRD TIME this 12 day of April 2017.

AND SIGNED BY THE CHAIR AND CORPORATE SECRETARY THIS 19<sup>TH</sup> DAY OF APRIL 2017.

  
CHAIR

  
CORPORATE SECRETARY