

2020 Candidate Campaign Contributions and Expenses Report

Date	February 24, 2021
To	City Council
From	City Clerk's Office
Service Area	Office of the City Clerk
Item No.	CM21-2

RECOMMENDATION

That City Council receive and file this report.

ISSUE

The Regina Municipal Election Expenses Bylaw, Bylaw 2007-34 requires any candidate running for the positions of Mayor or Councillor for the City of Regina (the City) to complete and submit to the Returning Officer a sworn statement of the candidate's compliance with the requirements of this Bylaw with respect to the spending limits and a Disclosure of Election Contributions and Expenses form. This is required to be completed and submitted within 90 days after the date of the election. This deadline was February 8, 2021.

The Returning Officer shall then prepare a report to Council listing all the candidates and attaching all the Disclosure of the Election Contributions and Expenses forms and other related material filed by the candidates.

The purpose of this report is to meet the above requirements.

All information provided to the Returning Officer shall be available to the public after Council's receipt of the Returning Officer's report.

IMPACTS

Financial Impact

Each candidate was required to provide a deposit of \$100.00 when submitting their nomination paper to the Nomination Officer. The deposits received from each of the candidates that complied with this Bylaw were refunded. The deposits were withheld from the candidates that did not comply with this Bylaw. Candidates that do not comply are also subject to fines in the maximum amount of \$10,000, if prosecuted and convicted.

Policy Impact

Ensuring legislative requirements are met helps achieve consistent operational processes and expectations.

Legal/Risks

Candidates that fail to provide the required Disclosure of Election Contributions and Expenses forms by the deadline of February 8, 2021 are subject to the following possible penalties:

- the loss of the \$100 deposit (pursuant to section 68 of *The Local Government Elections Act* and section 9 of Bylaw 2007-34);
- a fine, if the person is prosecuted and convicted for failure to comply with Bylaw 2007-34 (pursuant to section 9 of Bylaw 2007-34); and
- disqualification from office and the ineligibility to run in future elections where the candidate has been elected (pursuant to clause 120(1)(e)(i) and subsection 120(2) of *The Cities Act* and sections 5 and 9 of Bylaw 2007-34).

There are no Accessibility, Environmental or other impacts related to this report.

OTHER OPTIONS

There are no other options related to this Report. The Administration has provided the material required by the Bylaw, has retained the deposits where there was non-compliance and will forward information on those non-compliant candidates to the City Solicitor to pursue prosecution.

The Returning Officer has the authority to deal with all election matters and the City Solicitor has been delegated the authority to conduct prosecutions related to non-compliance with the Bylaw. This ensures political neutrality and the integrity of the election system and avoids any perception that the prosecution of non-compliant candidates is politically motivated.

COMMUNICATIONS

In accordance with *The Regina Municipal Election Expenses Bylaw, Bylaw 2007-34*, candidates are required to submit their Disclosure of Election Contributions and Expense forms to the Returning Officer by the February 8, 2021 deadline.

Clause 4(1)(a) of Bylaw 2007-34 identifies the spending limits for candidates for Mayor and/or Councillor and 4(1)(b) requires a consumer price index (CPI) to be applied to these limits annually. Based on the 2019 CPI of 136.0 percent, the following spending limits were provided to all Candidates:

- a) \$68,776, in the case of a candidate for Mayor
- b) \$11,393 in the case of a candidate for Councillor

Candidates were provided the following notices about this requirement:

- the Nomination Officers provided a copy of this form during the submission of candidate's nomination paper, noting the requirement to have this form submitted to the Returning Officer within the 90-day deadline;
- this information was contained on the Elections Regina website;
- this information was contained in the Candidate Information Guide provided; and
- emails were sent to all candidates from Elections Regina on the following dates, reminding them to submit their form by the deadline:

- November 16, 2020
- December 18, 2020
- January 20, 2021
- February 2, 2021

DISCUSSION

Pursuant to section 34 of *The Local Government Elections Act, 2015*, a municipal council has the authority to pass a bylaw to set disclosure requirements respecting campaign contributions and expenses as well as election campaign spending limits. The City of Regina Council has passed such a bylaw called *The Regina Municipal Election Expenses Bylaw, Bylaw 2007-34*.

In Bylaw 2007-34, the Disclosure of Election Contributions and Expenses form is a prescribed form attached to the Bylaw. This form requires that candidates disclose the name of each person who contributes more than \$500, for candidate for Mayor; and the name of each person that contributes more than \$200 for a candidate for Councillor. The prescribed form also requires that each candidate disclose an itemized list of expenses that they incurred to promote their election. The prescribed form also requires that candidates disclose what they have done with all surplus funds that were contributed. Finally, the prescribed form contains a statutory declaration that candidates must swear that indicates

the candidate has complied with the spending limits and disclosure requirements in the Bylaw and that the candidate's disclosure of expenses and contributions are accurate and complete. The public policy reason for disclosure of campaign contributions and election expenses is so that the public can see who has contributed to a candidate's campaign and so that the election expense limits can be enforced.

The Returning Officer has received the Disclosure of Election Contributions and Expenses forms from 46 of the 54 candidates involved in the 2020 Election for the positions of Mayor and Councillor. The original copy of the Election Contributions and Expenses forms submitted from each of the candidates is attached as Appendix A.

A list of those candidates who did not submit the required disclosures is attached as Appendix B.

As mentioned above there are three possible penalties for candidates who have failed to provide the required Disclosure of Election Contributions and Expenses form by the deadline of February 8, 2021. The deposits have been retained from those candidates that have not complied. In addition, the Returning Officer will forward to the City Solicitor requests to prosecute those candidates that have not complied. The City Solicitor's Office will review each case and pursue accordingly. This will involve charging each individual and requiring the person to appear in Municipal Court. If they plead not guilty then there will be a trial. If convicted, the maximum fine is \$10,000.

A further possible penalty is that non-compliant candidates who are elected can be disqualified from office and are ineligible to run in future elections.

DECISION HISTORY

Bylaw 2007-34 requires that the Returning Officer prepare a report to Council to provide the forms provided by the candidates.

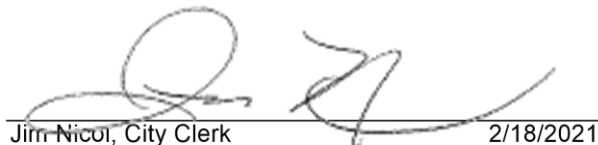
Respectfully Submitted,

Respectfully Submitted,



Amber Ackerman, Deputy City Clerk

2/18/2021



Jim Nicol, City Clerk

2/18/2021

Prepared by: Kristina Gentile, Business Performance Consultant

ATTACHMENTS

Appendix A - Candidate Contribution and Expense Forms

Appendix B - Outstanding Expense Forms