



**CITY OF NORTH BATTLEFORD  
SASKATCHEWAN  
BYLAW NO. 2167**

**A BYLAW OF THE CITY OF NORTH BATTLEFORD, IN THE  
PROVINCE OF SASKATCHEWAN, TO ESTABLISH  
DISCLOSURE REQUIREMENTS RESPECTING CAMPAIGN  
CONTRIBUTION, EXPENSES, AND SPENDING LIMITS  
FOR MUNICIPAL ELECTIONS.**

WHEREAS pursuant to Section 34 of *The Local Government Election Act, 2015*, at least 60 days before an election, a Council, by bylaw may do either or both of the following:

- a) Establish disclosure requirements respecting campaign contributions and expenses; and,
- b) Establish election campaign spending limits.

WHEREAS pursuant to Section 182 of *The Local Government Election Act, 2015*, provides for the distribution of advertisements referring to any election or promoting the candidacy of a particular person.

WHEREAS pursuant to Section 176 of *The Local Government Election Act, 2015*, provides for canvassing in or near a polling place and activities in a polling place.

WHEREAS a Council has discretionary authority to act respecting certain aspects of an election or by-election.

NOW, THEREFORE, the Council of the City of North Battleford in the Province of Saskatchewan, enacts as follows:

**Part I  
Short Title & Interpretation**

**Short Title**

1. This Bylaw may be cited as “The Campaign Disclosure & Spending Limits Bylaw.”

### **Purpose**

2. The purpose of this Bylaw is:
  - a) to establish the disclosure requirements and limitations on campaign expenses for municipal election and by-election candidates; and,
  - b) to establish the requirements respecting the distribution of advertisements, activities for campaign advertising and canvassing, and campaign signage.

### **Interpretation & Definitions**

3. In this Bylaw:
  - a) **"Advertisement"** means advertisement as defined in Section 182 of *The Local Government Election Act*.
  - b) **"Advertisement Distribution"** means to print or produce by any other process, publish, distribute by mail or otherwise, post, or disseminate or broadcast advertisements referring to any election or promoting the candidacy of a particular person.
  - c) **"campaign 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;
  - d) **"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 fundraising event by the sale of tickets or otherwise, but does not include volunteer labour or services.
  - e) **"campaign contribution period"** means:
    - i. in the case of the general election to be held in November of the election year, the period beginning June 1<sup>st</sup>, 2024, and ending on December 31<sup>st</sup>, 2024;
    - ii. in the case of all subsequent general elections, the period between January 1<sup>st</sup> of the year following the preceding general election and ending on December 31<sup>st</sup> of the year of the next general election; and,
    - iii. 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.
  - f) **"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.

- g) **"campaign expense period"** means:
    - iv. in the case of a general election, the period beginning on June 1<sup>st</sup> of an election year and ending on December 31<sup>st</sup> of an election year; and,
    - i. 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.
  - h) **"candidate"** means a person nominated in accordance with *The Local Government Election Act*.
  - i) **"City"** means The City of North Battleford.
  - j) **"City Clerk"** means the person appointed as City Clerk pursuant to section 85 of *The Cities Act* and includes a person acting his or her designate.
  - k) **"contributor"** means an individual, organization or corporation providing a campaign contribution.
  - l) **"Council"** Council for the City of North Battleford elected pursuant to the provisions of section 11 of *The Local Government Elections Act*, as the governing body of the municipality.
  - m) **"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.
  - n) **"fundraising 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.
  - o) **"registered charity"** means a registered charity within the meaning of *The Income Tax Act*.
  - p) **"Returning Officer"** means the returning officer within the meaning of *The Local Government Election Act* and includes the City Clerk.
  - q) **"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.
4. This Bylaw must be interpreted in accordance with the applicable legislation, the common law, and the policies and bylaws of the City.

### **Severability**

5. 1) In the event that any portion of this Bylaw is declared *ultra vires* by the Court of the King's Bench or Supreme Court of Canada, then such portion shall be deemed severed from the Bylaw to the extent and the remainder of this Bylaw shall continue in force and effect.

- 2) In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
- 3) Where a provision of this Bylaw conflicts with the provision of another City Bylaw, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

## **Part II**

### **Election Expenses and Contributions**

#### **Campaign Expense Period**

6. 1) Campaign Expenses may only be incurred during the campaign expense period.
- 2) Expenses incurred for the preparation of campaign advertising materials, website development, signs and incidental financial charges required to accept campaign contributions may be incurred prior to the campaign expense period but must be recorded and disclosed as campaign expenses in accordance with this Bylaw.

#### **Campaign Expense Limits**

7. 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  $MCE = \$0.75 \times P$ , where:
  - a) MCE = Mayoral Candidate's Expense Limit;
  - b) \$0.75 = allowable campaign expense per capital; and,
  - c) P = total population of the City as established by most recent Statistics Canada Census.
- 3) For the purposes of this calculation, P:
  - a) excludes the total census agglomeration; and,
  - b) includes the amalgamated North Battleford Crown Colony population.
- 4) The maximum allowable campaign expenses for a candidate for Councillor shall be up to a maximum of 50% of the amount determined pursuant to subsection 2).

#### **Candidate's Statement of Election Expenses and Contributions**

8. 1) A candidate shall disclose their campaign contributions and expenses in accordance with this section.

- 2) All candidates for election to City Council shall file a Statement of Election Expenses/Contributions with the Returning Officer within three (3) months following the date of a general or by-election.
- 3) In the case of all candidates for election to City Council, A Statement of Election Expenses/Contributions shall include the following completed documents:
  - a) a Statutory Declaration of Candidates in writing in the form prescribed in Schedule "A" to this Bylaw signed by a Justice of the Peace, Notary Public or Commissioner for Oaths;
  - b) an accounting of revenues and expenses relating to fundraising events in writing in the form prescribed in Schedule "B" to this Bylaw;
  - c) a list in writing in the form prescribed in Schedule "C" to this Bylaw that shall include the following information in relation to election contributions:
    - i) the first and last name, and business name, if applicable of each contributor whose cumulative campaign contribution exceeded \$250.00;
    - ii) the cumulative amount that each of the named contributors has given to the candidate;
    - iii) if no contributor's cumulative campaign contribution exceeded \$250.00, a notation to that effect; and,
  - d) a list of all campaign contributions and expenses, a full accounting of revenues and expenses relating to fundraising events, details of donations in kind and loans received for the purposes of an election campaign in the form prescribed in Schedule "D."

#### **False or Misleading Statement**

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

#### **Contributions from Fundraising Events**

10. 1) The net proceeds from a fundraising 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 Expenses incurred in holding a fundraising event shall not be considered a campaign expense for the purposes of this Bylaw.
- 2) 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.
- 3) 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**

11. 1) No candidate shall accept an anonymous campaign contribution.
- 2) If a candidate receives an anonymous campaign contribution, 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 thirty (30) days of the receipt of the contribution.

**Publication of Disclosure Statements**

12. 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 City 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 City Clerk 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 8 and 9.
- 4) The City Clerk shall post in a conspicuous place in City Hall 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 8 and 9.

**Candidate to Keep Records**

13. 1) A candidate for election to City Council shall keep complete and proper accounting records of all campaign contributions and all campaign expenses.
- 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;
  - c) all records kept in accordance with this section remain in the possession and under the control of the candidate at all times; and,
  - d) 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 Candidate Campaign Advertisement**

### **Authorization of Advertisements**

14. 1) Pursuant to Section 182 of the Act, no person shall distribute or cause to be distributed any advertisement that promotes the candidacy of a particular person unless there is included in, or unless there appears on the face of the advertisement:
- a) the name of the candidate on behalf of whom the advertisement is distributed; and,
  - b) the name of the person who has authorized its printing, display, and distribution.

### **Canvassing at Polling Place**

15. 1) Pursuant to Section 176 of the Act, during the hours that a poll is open, no candidate, no agent of any candidate, nor any other person shall, in the polling place or within 100 metres of the building in which the poll is held:
- a) canvass or solicit votes;
  - b) persuade or compel a person to vote or refrain from voting;
  - c) make any communication to a person regarding any matters relating to voting or the election, other than through the deputy returning officer; or,
  - d) display, distribute or post a campaign sign, a specimen ballot for a person whose name is on the ballot for the election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by the Act.

### **Signage**

16. 1) All campaign signage must comply with the City of North Battleford temporary Sign Bylaw 2100, or any amendments hereto as follows:
- a) Election signs may be placed on public property, if the placement of the sign does not in any way impede, impair, disrupt, or disturb traffic, both pedestrian and/or vehicular;
  - b) The sign may not in its placement cause any manner of visual impairment or obstruction that may be considered a safety hazard or a contribution to urban blight;
  - c) Elections signs must be removed within seven (7) days following the date of the election, and any other provisions of the *Local Government Elections Act, 2015*;
  - d) Property owners are permitted to remove any election signage from the portion of boulevard abutting the frontage of their property, pursuant to this Bylaw;

- e) No signs shall be placed in or on City facilities and City owned parking lots, or on City Hall property, or on the public property immediately abutting City Hall.
- 2) Candidates shall remove any signage in contravention with:
  - a) the *Local Government Election Act, 2015*;
  - b) this Part; or,
  - b) the City of North Battleford Temporary Sign Bylaw No. 2100.
- 3) Subject to subsection 2), contravening signage that is not removed by a Candidate, will be removed, and disposed of by City Officials and subject to fines outlined in Part V – Offenses and Penalties of this Bylaw:

## **Part IV**

### **Election Disclosure Complaints**

#### **Complaints Investigation Agency**

17. 1) Council hereby designates the Battlefords RCMP as the agency to investigate complaints pursuant to this Bylaw.

#### **Duties**

18. 1) The Battlefords RCMP shall be responsible to investigate any complaint that a candidate has filed a false, misleading, or incomplete disclosure of election contributions or expenses.

#### **Complaint**

19. 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; and,
  - c) the nature of the complaint and the material facts upon which the complaint is made.
- 2) the name, address and telephone number of any person that may have information that will assist in the investigation of the complaint.
- 3) A complaint pursuant to subsection 1) shall be filed with the City Clerk.
- 4) Upon receipt of a complaint, the City Clerk shall forward the complaint and to the Battlefords RCMP.



**Referral from City Clerk**

20. 1) If, in the opinion of the City Clerk, a candidate's disclosure of election contributions and expenses is, on its face, irregular or suspicious, the City Clerk may refer the matter to the Battlefords RCMP for investigation notwithstanding that no formal complaint has been filed with the Clerk.

**Investigation**

21. 1) Upon receipt of a complaint, the Battlefords RCMP 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 Battlefords RCMP 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 Battlefords RCMP shall obtain from the candidate any information required to investigate the complaint.
- 4) In carrying out an investigation, the Battlefords RCMP may inspect, at all reasonable times, all books, documents, and accounting records of the candidate.
- 5) The Battlefords RCMP may make copies of anything referred to in subsection 4).
- 6) Every candidate that is the subject of an investigation by the Battlefords RCMP shall cause all books, documents and accounting records pertaining to the candidate's election campaign to be available for inspection by the Battlefords RCMP at all reasonable times.
- 7) If a person refuses to allow or interferes with an inspection described in subsection 4), the Battlefords RCMP 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 Battlefords RCMP;
  - b) knowingly make any false or misleading statement to the Battlefords RCMP; or
  - c) obstruct or interfere with the Battlefords RCMP in an investigation.

- 9) No complainant pursuant to this Bylaw shall:
  - a) fail to comply with any reasonable request of the Battlefords RCMP;
  - b) knowingly make a false or misleading complaint to the Battlefords RCMP; or
  - c) obstruct or interfere with the Battlefords RCMP in an investigation.

### **Decisions**

22. 1) After completion of the investigation, the Battlefords RCMP may:
  - a) dismiss the complaint; or,
  - b) uphold the complaint.
- 2) After a decision is made pursuant to subsection (1), the Battlefords RCMP 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 Battlefords RCMP shall be final.
- 4) If the complaint is upheld, the Battlefords RCMP 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**

23. 1) The Battlefords RCMP 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 Battlefords RCMP, the complaint is frivolous, vexatious, trivial or is made in bad faith; or,
  - c) in the opinion of the Battlefords RCMP, the circumstances of the complaint do not warrant investigation.
- 2) The decision of the Battlefords RCMP to refuse to investigate any complaint or to terminate an investigation of a complaint is final.

### **Report to Council**

24. 1) Upon completing the investigation of all complaints arising out of a general election or a by-election, the Battlefords RCMP 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**

25. 1) The report submitted by the Battlefords RCMP pursuant to section 22 shall be a matter of public record.
- 2) The particulars of all complaints and all information obtained by the Battlefords RCMP 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*.

**Records**

26. 1) The particulars of all complaints and all information obtained by the Battlefords RCMP shall become part of the records of the City and shall be kept in the office of the Clerk.

## **Part V Enforcement**

**Offences and Penalties**

27. 1) Any 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.
- 5) Notwithstanding subsection 1), and subject to subsection 2) any person who contravenes section 16 of this Bylaw is guilty of an offence and liable upon summary conviction to a fine in the amount of \$100 per occurrence and for each day during which the non-compliance continues.
- 6) Notwithstanding subsection 5) and subject to section 16 of this Bylaw contravening signage that is not removed by a Candidate and is removed and disposed of by a City official is guilty of an offence and liable upon summary conviction to a fine in the amount of \$100 per occurrence.

**Disqualification from Office**

28. 1) In addition to the penalties set out in section 27, if a candidate who is elected contravenes any provision of this Bylaw, the candidate may be 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 candidate arose through inadvertence or by reason of an honest mistake, the candidate shall not be required to resign.

**Part VI  
Miscellaneous****Coming Into Force**

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

Introduced and read a first time this 15<sup>th</sup> day of July, 2024.

Read a second time this this 15<sup>th</sup> day of July, 2024.

Read a third time and adopted this 15<sup>th</sup> day of July, 2024.

"David Gillan"

MAYOR

"Stacey Hadley"

CITY CLERK