

Saskatoon Municipal Review Commission:
Municipal Elections Committee



Saskatoon, Saskatchewan
November 19, 2015

Municipal Review Commission Membership

Mr. Paul Jaspar

Ms. Jennifer Lester

Ms. Linda Moulin

Mr. Charles Smith, PhD.

Ms. Joan White

Hon. Merri-Ellen Wright

Researcher

David Artemiw

Table of Contents

Executive Summary	5
Overview	9
Introduction	11
Methodology	12
General Background Information	14
Money and Finance in Municipal Elections	15
Disclosure Requirements Respecting Campaign Contributions	15
The Election Campaign Spending Limits	17
The Accounting Records Respecting Campaign Contributions	18
The Audit of Candidates Statement of Campaign Contributions and Expenses	20
The Retention of Records Respecting Campaign Contributions	21
The Rules for Fund-Raising Events	21
The Reporting of Campaign Surpluses	22
The Reporting of Campaign Expenses	23
The Publication of Candidates Election Expenses and Contribution	24
The Rules for Deferring Election Expenses	24
The Election Period	26
The Administration of Elections	29
The Appointment of a Returning Officer	29
The Proper Use of a Member of Council's Communication Allowance	28
The Enumeration of the Names of Electors and the Preparation of a Voter's List	30

Saskatoon Municipal Review Commission: Election Committee Report

The Offences and Penalties for Candidates in Contravention of the Bylaw	31
Public Financing of Municipal Election Campaigns	32
Proposed Amendments to the Local Government Election Act	33
Other Matters Relating to a Municipal Election in the City	35

Executive Summary

In 2015, Saskatoon City Council (the City) created the Saskatoon Municipal Review Commission (SMRC) to examine public policy issues relating to the administration of city elections, councillor ethical conduct and councillor remuneration. In this report, the SMRC examines the rules surrounding electoral finance. In order to fulfill its mandate, the SMRC examined three broad policy areas: 1) the role of money and finance in municipal elections; 2) the rules surrounding the election period; 3) the administration of elections. For ease of access, we have included a summary of our recommendations below.

1. The SMRC recommends that Bylaw No. 8491 be amended to require the disclosure of the names of campaign contributors whose cumulative donations exceed \$100 and that the statements of election expenses and contributions should include an itemized list of all campaign expenses, a full accounting of contributions and expenses related to fundraising events, details relating to donations-in-kind, and details relating to loans received for the purposes of election campaigns.
2. The SMRC recommends that council amend Bylaw No. 8491 to tie the campaign expense limits for mayoral candidates to the Consumer Price Index for Saskatoon using 2015 as the base year.
3. The SMRC recommends that Bylaw No. 8491 be amended to lay out the specific records to be kept by candidates to bring them in line with those of other jurisdictions, including the requirements for the opening and exclusive use of campaign bank accounts, the issuance of receipts for contributions, and the requirement of receipts for expenses. The city clerk (or other official appointed by council) would then have the authority to audit these records at any time.
4. The SMRC recommends that Bylaw No. 8491 be amended to require candidates for the office of mayor be required to appoint an official agent who will be responsible for the financial records relating to the campaign. A candidate may serve as his or her own official agent.
5. The SMRC also recommends that costs associated with these recommendations that may be incurred by candidates (save for any remuneration provided to the official agent) be reported on the statement of election expenses and contributions but not be subject to the expense limits established by council.
6. The SMRC recommends that Bylaw 8491 be amended to provide for the reimbursement of the costs of audits for mayoral campaigns where the expenses are \$5,000 or more at the rate currently established by the bylaw for expenses that exceed \$5,000.

Saskatoon Municipal Review Commission: Election Committee Report

7. The SMRC recommends that the City continues the practice that city councillors do not require audited campaign revenues and campaign expenses.
8. The SMRC recommends that Bylaw 8491 be amended to require candidates to retain their records for the duration of the term of office for which they sought election.
9. The SMRC recommends that the rules for fund-raising events be maintained but that Bylaw 8491 be amended to make explicit that all costs associated with fundraising events and all contributions received at fund-raising events be included as part of the Statement of Contributions and Expenses. For the sake of clarity, the SMRC recommendation relates only to the reporting of all costs associated with fundraising. The SMRC is not recommending that the costs of fund-raising events be included under the spending cap in place for candidates.
10. The SMRC recommends that Bylaw 8491 be amended to require surplus campaign funds be remitted to the municipality to be held in trust for the candidate in the event that the candidate registers to run in the next municipal election or prior held by-election.
11. The SMRC recommends that Bylaw 8491 be amended to stipulate that if the candidate fails to register to run in the next municipal election the surplus funds held in trust be paid to a charity of the candidate's choice and, failing that, the surplus funds shall become the property of the municipality. The SMRC further recommends that no tax receipt be issued to candidates for charitable contributions made under this new rule.
12. The SMRC recommends that Bylaw 8491 be amended to stipulate that campaign expenses may only be incurred during the campaign period.
13. The SMRC recommends that no amendments be made to Bylaw 8491 with respect to the publication of the Statements of Expenses and Contributions.
14. The SMRC recommends that Bylaw 8491 be amended to include a specific prohibition on the carrying forward of campaign expenses.
15. The SMRC recommends that Bylaw 8491 be amended so that candidates cannot raise money, nor spend money until they have been officially nominated as a candidate. To achieve this, the SMRC recommends that the campaign contribution period, expense period, and nomination period be brought in line with one another so that they all begin on the same day. The contribution and expense periods should end on the same day. The nomination period should end as prescribed by *The Local Government Act*.

Saskatoon Municipal Review Commission: Election Committee Report

16. The SMRC recommends that candidates should be prohibited from accepting contributions or incurring expenses until they have officially filed their nomination papers.
17. The SMRC recommends that candidates should be required to open a campaign bank account prior to filing their nomination papers and this information be provided as part of officially filling their nomination papers with the city.
18. The SMRC recommends that Council inquire with the Province whether or not the City has the power to appoint an individual other than the city clerk to act as returning officer for municipal elections. If it does the SMRC recommends that the city separate the roles of city clerk and returning officer by appointing a second individual to the latter role. If the City does not have this power, the SMRC recommends that the City request this power from the province.
19. The SMRC believes the costs associated with a quadrennial enumeration would be high and administratively burdensome. It is thus recommended that Council explore the possibility of obtaining voter information from the Chief Electoral Officers of Canada and Saskatchewan for the purposes of establishing a permanent Saskatoon voters' list. This list should be open to revision for a period leading up to the close of voting on the day of the election. In the absence of this information from the Chief Electoral Officers of Canada and Saskatchewan, the SMRC recommends that the current process for establishing the voters' list be followed for the 2016 election. Following that election it is recommended that that list be preserved and used as the basis for a permanent voters list for subsequent elections.¹ The SMRC recommends that that list be open to revision for a period of time leading up to the close of voting on the day of the election.
20. The SMRC recommends that Council request that the Province amend *The Cities Act* to apply the penalties for breaches of Bylaw 8491 to defeated candidates as well as elected candidates. The SMRC also recommends that upon the passage of this amendment by the Province, Bylaw 8491 be amended to incorporate this language as well.
21. The SMRC recommends that City Council request that the Province amend *The Local Government Act* to empower Council to adopt a bylaw to establish limits on contributions to candidates for municipal office.
22. The SMRC recommends that upon the adoption of this amendment amend Bylaw 8491 to:
 - a. Place a limit on the total amount that individuals may contribute to candidates for municipal office;

¹ The current practice is to seal and destroy the voters' list after each election.

Saskatoon Municipal Review Commission: Election Committee Report

- b.** Prevent donations to candidates for municipal office from corporations and trade unions;
- c.** Restrict donations to municipal candidates to those that come only from individuals normally resident in Saskatchewan.

Overview

In 2015, Saskatoon City Council (the City) created the Saskatoon Municipal Review Commission (SMRC) to examine public policy issues relating to the administration of city elections, councillor ethical conduct and councillor remuneration.² At the centre of this report is the City's request to investigate "the conducts of all matters relating to municipal elections including the disclosure requirements respecting campaign contributions and expenses and campaign spending limits for municipal elections."³

In fulfilling this mandate, the SMRC spent the spring and summer of 2015 studying the City's current rules governing campaign disclosure and spending limits while also comparing the City's procedures with other municipal bylaws throughout the country. The SMRC also engaged in public consultations in the spring of 2015 to examine the effectiveness of the City's current rules and to hear recommendations (if any) for change. This report is the result of that work.

At the outset, it is worth noting the internal axioms that have guided the SMRC in its work. As a body independent of City Council, the SMRC determined that it would be guided by the principles of accountability, transparency, fairness and predictability. Members of the SMRC feel that these philosophies reflect the broad mandate given to it by the City, but also represent the spirit of any proposed reforms to the municipality's democratic institutions. In our view, any recommendations to alter the rules governing municipal elections must reflect the public's desire for heightened transparency and accountability in how local elections are administered. We also feel that any proposals for reorganization must promote fairness for both citizens and candidates alike, creating to all degrees possible equal opportunities for the citizenry to engage in the democratic process.

As elections are one of the centrepieces of local democracy, the SMRC felt obligated to examine how representatives of City Council are elected and to determine what, if any, structural advantages incumbents possess by way of their institutional position. The issue of structural advantage in municipal elections is worthy of a brief reflection. In contrast to other levels of government, political parties have not dominated local elections in Canada.⁴ In most Western liberal democracies, political parties play an important role in the democratic process by assisting in organizing and informing voters about political issues, assisting in shaping political choice around important issues of public policy and contributing to raising money for local candidates to challenge incumbents. In this way, political parties act as an institutional check on the power that incumbents have by way of holding office. In

² City of Saskatoon, *Bylaw No. 9242, The Saskatoon Municipal Review Commission Bylaw, 2014*.

³ City of Saskatoon, *Bylaw No. 9242, The Saskatoon Municipal Review Commission Bylaw, 2014*, para 2.

⁴ Lisa Young and Sam Austin, "Political Finance in City Elections: Toronto and Calgary Compared," *Canadian Political Science Review* 2, 2008, 88-102.

Saskatoon Municipal Review Commission: Election Committee Report

local elections, however, political campaigning revolves around individuals. Individual candidates must organize their own campaigns, raise funds, and canvass for votes entirely through their own personal networks. While political and economic interests may lurk in the background, it is up to the individual candidate to create the infrastructure necessary to run for office. During municipal elections, the task of running, administering, funding and ultimately winning an election is made considerably easier by way of incumbency.⁵ It is therefore important that the rules surrounding local elections are constructed in such a way as to alleviate any structural or institutional advantage that one candidate may have over another.

Finally, it is worth noting that the SMRC found no evidence of scandal or corruption in the existing procedures surrounding the administration of local elections. By all accounts, administrators, candidates and public officials in the City have followed the current rules well. Nevertheless, the City has tasked the SMRC to inquire into whether the existing bylaw continues to meet the needs of a growing and expanding city and whether there is room for improvement to the democratic process. It is with all of these observations in mind that the following report has been drafted. We believe that the adoption of these recommendations will ensure clarity for candidates and the public while enriching the quality of the City's democratic process.

⁵ For an overview of this phenomenon, see A. Moore, R.M. McGregor and L. Stephenson, "Paying Attention and the Incumbency Effect: Voting Behaviour in the 2014 Toronto Municipal Election," *International Political Science Review* (forthcoming).

Introduction

The City has tasked the SMRC to study, examine, and make recommendations in a host of areas related to municipal elections. According to section 12 (1) of the *Saskatoon Municipal Review Commission Bylaw, 2014*, the SMRC was tasked to inquire into and make recommendations with respect to any or all of the following policy areas:

- a. The disclosure requirements respecting campaign contributions and expenses;
- b. The election campaign spending limits;
- c. The accounting records respecting campaign contributions and expenses;
- d. The auditing of candidate's statement of campaign contributions and expenses;
- e. The retention of records respecting campaign contributions and expenses;
- f. The election contribution period;
- g. The election expense period;
- h. The rules for fund-raising events;
- i. The reporting of surplus campaign funds;
- j. The reporting of campaign expenses incurred outside the election expense period;
- k. The commencement and duration of the campaign period;
- l. The publication of a candidate's election expenses and contributions;
- m. The appointment of a returning officer other than the City Clerk;
- n. The proper use of a member of Council's communication allowance prior to an election in which the member is a candidate;
- o. The rules for deferring election expenses;
- p. The enumeration of the names of electors and the preparation of a voter's list;
- q. The offences and penalties for candidates in contravention of The Campaign Disclosure and Spending Limits Bylaw, 2006, including the role and duties of the Election Disclosure Complaints Officer;
- r. The public financing of municipal election campaigns including reimbursement of candidates expenses for specific forms of spending, tax benefits for contributors and allowances to candidates for expenses;
- s. Any proposed amendments to The Local Government Election Act;
- t. Any other matter relating to a municipal election in the City.

Methodology

The SMRC began its work by dividing the points of investigation into three broad policy areas:

1. Money and Finance in Municipal Elections

- a. the disclosure requirements respecting campaign contributions and expenses;
- b. the election campaign spending limits;
- c. the accounting records respecting campaign contributions and expenses;
- d. the auditing of candidate's statement of campaign contributions and expenses;
- e. the retention of records respecting campaign contributions and expenses;
- h. the rules for fund-raising events;
- i. the reporting of surplus campaign funds;
- j. the reporting of campaign expenses incurred outside the election expense period;
- l. the publication of a candidate's election expenses and contributions;
- o. the rules for deferring election expenses.

2. The Election Period

- f. the election contribution period;
- g. the election expense period;
- k. the commencement and duration of the campaign period.

3. The Administration of Elections

- m. the appointment of a returning officer other than the City Clerk;
- n. the proper use of a member of Council's communication allowance prior to an election in which the member is a candidate;
- p. the enumeration of the names of electors and the preparation of a voter's list;
- q. the offences and penalties for candidates in contravention of *The Campaign Disclosure and Spending Limits Bylaw, 2006*, including the role and duties of the Election Disclosure Complaints Officer;
- r. the public financing of municipal election campaigns including reimbursement of candidates expenses for specific forms of spending, tax benefits for contributors and allowances to candidates for expenses;
- s. any proposed amendments to *The Local Government Election Act*;
- t. any other matter relating to a municipal election in the City.

By dividing these twenty points into these broad policy areas, the SMRC was able to seek input from the public regarding the effectiveness of local campaign rules. It also made the task of compiling information more efficient, as the Commission was able to make broad comparisons with other jurisdictions across the country.

Saskatoon Municipal Review Commission: Election Committee Report

Public hearings were held on June 18 and June 24 at Cosmo Civic Centre and Lakewood Civic Centre. Members of the public as well as several city councillors and the mayor attended these hearings. Citizens were also encouraged to provide feedback through an online survey and were further encouraged to participate through social media. Through these public processes, the SMRC received a number of comments regarding transparency and accountability in financing election campaigns. While these comments varied, the SMRC has endeavoured to take these comments into account in the recommendations made below.

Additionally, the SMRC undertook a review of the rules respecting Saskatoon's municipal elections for the purposes of understanding the current rules that candidates for Saskatoon must follow. The SMRC then conducted a study of ten additional Canadian municipalities for the purposes of comparing rules and understanding how Saskatoon's campaign finance regime compares to those in other municipalities across the country. Finally, a review of the academic literature was undertaken to examine some of the arguments from leading experts in the field.

In our view, there are several areas of Saskatoon's election rules that could be improved to further provide transparency, fairness and greater accountability. In several areas, we believe the existing rules overly benefit incumbents, thus weakening democratic competition in the city. We further believe that adoption of these recommendations will clarify the rules and expectations with respect to the raising and spending of money for election purposes thereby reducing opportunities for misunderstandings and accidental breaches of what are currently unclear rules.

Saskatchewan is unique among the provinces compared in this study in that the province creates few statutory rules regarding municipal campaign finance. Alberta, Manitoba, Ontario, and Nova Scotia have all set their rules regarding the disclosure campaign spending and contributions and campaign spending limits by provincial legislation. In Saskatchewan, by contrast, municipalities are empowered to adopt these rules as they see fit.⁶ By adopting these recommendations, City Council can level the political playing field thus encouraging more transparent and accountable rules that will empower individuals to participate in the local democratic process.

⁶ Saskatchewan, *Local Government Election Act*, s. 145.1.

General Background Information

Saskatoon City Council is comprised of one mayor and ten councillors. The mayor is elected at large for the entire city. The councillors are elected, one each, from ten geographically distinct wards. As of the 2011 census, the population of the City of Saskatoon was 222,189.⁷ During the last municipal general election in Saskatoon there were 180,411 registered voters.⁸ The average size of Saskatoon's municipal wards is 22,219 citizens and 18,041 registered voters.

Of the cities that were studied for this report, Saskatoon has the smallest city council along with Regina, Saskatchewan, Kitchener, Ontario, and Windsor, Ontario.⁹

	Population	Council Size (mayor and councillors)	Average Ward Size (population)	Average Ward Size (voters)
Toronto, ON	2,615,060	45	59,433	41,225
Calgary, AB	1,230,915	15	87,923	47,716
Edmonton, AB	877,926	13	73,161	51,595
Winnipeg, MB	709,300	16	47,287	31,394
Halifax, NS	390,096	17	24,381	18,638
London, ON	366,151	15	26,154	18,510
Kitchener, ON	233,700	11	23,370	14,729
Saskatoon, SK	222,189	11	22,219	18,041
Windsor, ON	210,875	11	21,088	15,687
Regina, SK	205,000	11	20,500	15,832
Guelph, ON	121,688	13	20,281	14,995

⁷ 2011 Statistics Canada Census. <http://goo.gl/mEFMZf> Accessed August 19, 2015.

⁸ 2012 Election Summary Report, Saskatoon 2012 Municipal Election. <https://goo.gl/PjNN5q> Accessed August 19, 2015.

⁹ Guelph, Ontario has a city council with thirteen members despite having approximately 100,000 fewer citizens than Saskatoon. The city is divided into six wards each of which elects two councillors.

1. Money and Finance in Municipal Elections

a. Disclosure Requirements Respecting Campaign Contributions and Expenses

Currently the City of Saskatoon requires statements of campaign contributions and expenses to be filed with the returning officer following an election. Candidates for the position of mayor are required to file their statements within four months following the date of an election.¹⁰ Candidates for city council are required to file their statements within three months following the date of an election.¹¹

All of the municipalities reviewed by the SMRC require filing financial statements by candidates for city council and mayor positions.¹² Across the country, the period in which candidates must file campaign contributions following an election ranges from sixty days in Halifax to 210 days in Winnipeg.

Saskatoon currently requires the following information to be included in the Statement of Election Expenses/Contributions for all candidates for all municipal offices:

1. A statutory declaration of the total campaign contributions and total campaign expenses.¹³
2. A list of the names of each contributor whose cumulative donations exceed \$250 and the cumulative amount of each of the named contributors' donations. If no contributor's cumulative donations exceed \$250 then a notation to this effect is required.¹⁴

Additionally, candidates for the office of mayor are required to include a written statement providing the details of campaign revenues and campaign expenses incurred during the campaign expenses period.¹⁵

¹⁰ City of Saskatoon, Bylaw No. 8491 s. 5 (2)(a).

¹¹ City of Saskatoon, Bylaw No. 8491 s. 5 (2)(b).

¹² The exceptions to this are Calgary and Edmonton where this requirement does not apply to mayoral candidates. This appears to be an oversight and candidates for mayor in both cities do file these statements. Additionally, Alberta's *Local Authorities Election Act* does not require disclosure statements from candidates whose campaigns are exclusively funded out a candidate's own funds up to a maximum of \$10,000 (s. 147.11 (2)).

¹³ City of Saskatoon, Bylaw No. 8491 s. 5 (3)(a)(i).

¹⁴ City of Saskatoon, Bylaw No. 8491 s. 5 (3)(a)(ii)(A)(B)(C).

¹⁵ City of Saskatoon, Bylaw No. 8491 s. 5 (3)(b).

Saskatoon Municipal Review Commission: Election Committee Report

Saskatoon's requirements are roughly in line with the other municipalities studied, though it does, along with Winnipeg, have the highest donation limit for triggering the reporting the names of contributors.

The requirements of Saskatoon's disclosure rules fall in line with the other municipalities studied, although cities in Manitoba and Ontario require more detailed disclosure. These requirements include itemized lists of expenses, a full accounting of the contributions and expenses related to fundraising events, and details relating to loans received for the campaign, and restricting donations to those residents that reside in the province.

	Limit for disclosure of names of contributors
Winnipeg, MB	\$250.00
Saskatoon, SK	\$250.00
Regina, SK	\$200.00
Toronto, ON	\$100.00
Calgary, AB	\$100.00
Edmonton, AB	\$100.00
London, ON	\$100.00
Kitchener, ON	\$100.00
Windsor, ON	\$100.00
Guelph, ON	\$100.00
Halifax, NS	\$50.00

Recommendations:

1. The SMRC recommends that Bylaw No. 8491 be amended to require the disclosure of the names of campaign contributors whose cumulative donations exceed \$100 and that the statements of election expenses and contributions should include an itemized list of all campaign expenses, a full accounting of contributions and expenses related to fundraising events, details relating to donations-in-kind, and details relating to loans received for the purposes of election campaigns.

Rationale

The adoption of these recommendations will bring the City of Saskatoon's campaign finance regulatory regime in line with the practices of other municipalities studied

Saskatoon Municipal Review Commission: Election Committee Report

by the SMRC. We believe that this amendment would also make the City's local elections far more transparent for both candidates and citizens alike.

b. The Election Campaign Spending Limits

As with most of the jurisdictions studied, the City of Saskatoon establishes spending limits for candidates for both the office of mayor and city council. The limits are set by a formula that allows candidates to spend a certain amount of money per resident.

For mayoral candidates, the formula is:

$$\text{MCE} = \$0.75 \times P$$

where

MCE = mayoralty candidate's expenses

\$0.75 = allowable campaign expense per capita

P = total population of the City as established by the most recent municipal wards commission.¹⁶

Candidates for city council are permitted a maximum allowable campaign expense equal to 10 per cent of that established for mayoral candidates.¹⁷

These rules are in line with the way campaign expense limits are established in other jurisdictions. Winnipeg additionally ties its campaign expense limits to inflation with the following formula:

$$M = N \times \$0.35 \times \text{IE}/\text{IB}$$

where

M = maximum amount for election expenses for the year in which the election is held

N = number of eligible voters in the City according to the most recent voters list prepared prior to the campaign period

IE = Consumer Price Index for the City of Winnipeg for the month two months prior to the beginning of the campaign period

¹⁶ City of Saskatoon, Bylaw No. 8491 s. 3 (2).

¹⁷ City of Saskatoon, Bylaw No. 8491 s. 3 (3).

IB = annual average Consumer Price Index for the City of Winnipeg for the year 2002.¹⁸

Recommendations

2. The SMRC recommends that council amend Bylaw No. 8491 to tie the campaign expense limits for mayoral candidates to the Consumer Price Index for Saskatoon using 2015 as the base year.

Rationale

The SMRC believes it is advantageous to have expense limits tied to the city's population. Further benefits can be accrued by additionally tying the limits to inflation to preserve the value of the base amount over time.

c. The Accounting Records Respecting Campaign Contributions and Expenses

Candidates for positions on municipal council in Saskatoon are required to keep "complete and proper accounting records" of all contributions and expenses.¹⁹ These shall include the value of all contributions including money, goods, or services, and the names and addresses of all contributors.²⁰

The requirements in other jurisdictions are more stringent than those of Saskatoon. Municipal candidates in Calgary, Edmonton, Winnipeg, and throughout Ontario, are required to open campaign bank accounts. All campaign contributions must be paid into these accounts and campaign expenses may only be paid out of these accounts. Each of these jurisdictions explicitly requires receipts be issued for each contribution received, in whatever form, and that receipts be obtained for all expenses. In Winnipeg and throughout Ontario, candidates are required to appoint official agents who are responsible for the financial record keeping of campaigns.

¹⁸ City of Winnipeg, Bylaw No. 10/2010 s. 16 (1).

¹⁹ City of Saskatoon, Bylaw No. 8491 s. 4 (1).

²⁰ City of Saskatoon, Bylaw No. 8491 s. 4 (2)(b).

Recommendations:

3. The SMRC recommends that Bylaw No. 8491 be amended to lay out the specific records to be kept by candidates to bring them in line with those of other jurisdictions, including the requirements for the opening and exclusive use of campaign bank accounts, the issuance of receipts for contributions, and the requirement of receipts for expenses. The city clerk (or other official appointed by council) shall have the authority to audit these records at any time.
4. The SMRC recommends that Bylaw No. 8491 be amended to require candidates for the office of mayor be required to appoint an official agent who will be responsible for the financial records relating to the campaign. A candidate may serve as his or her own official agent.
5. The SMRC also recommends that costs associated with these recommendations that may be incurred by candidates (save for any remuneration provided to the official agent) be reported on the statement of election expenses and contributions but not be subject to the expense limits established by council.

Rationale

More detailed financial records during local elections will require candidates to more closely track contributions and expenses during the campaign. These more detailed records will improve the transparency of the election financing process in Saskatoon. Specifically, the requirement for campaign bank accounts and the issuance and obtaining of receipts for contributions and expenses will ensure that all candidates are operating on a level playing field with respect to the records kept. In combination with recommendations made below regarding the campaign contribution period, more detailed financial records will further level the electoral playing field. In the event that questions about a candidate's campaign spending or contributions arise over the new campaign period the retention of these records can be beneficial to a candidate's defense.

The recommendation of the appointment of an official agent for mayoral candidates is based on the idea that mayoral campaigns are large and complex machines that engage numerous people. We believe that it is unreasonable to expect a mayoral candidate to be able to oversee the campaign's record keeping at the same time as the candidate is engaged in citywide campaigning. The campaigns for the council offices are sufficiently small that such an appointment would be overly burdensome to local candidates.

d. The Auditing of Candidate's Statement of Campaign Contributions and Expenses

The City of Saskatoon requires that mayoral candidate's have their statement of campaign revenues and campaign expenses audited by a chartered accountant.²¹ The City also provides reimbursement to candidates for the cost of the audit. For a campaign where expenses are less than \$5,000, the reimbursement provided is the lesser of \$750 or the actual cost of the audit plus GST.²² For a campaign where the expenses exceed \$5,000, the reimbursement is the lesser of \$2,000 or the actual cost of the audit plus GST.²³ The wording of the bylaw does not provide for the reimbursement of audit costs for campaigns where the expenses equal \$5,000.

These limits are in effect for the 2012 election only and shall be adjusted for each campaign to reflect the cumulative rate of inflation in Saskatoon since the immediately preceding election.²⁴

Candidates for the office of city councillor are not required to have their statements audited.

Recommendation

6. The SMRC recommends that Bylaw 8491 be amended to provide for the reimbursement of the costs of audits for mayoral campaigns where the expenses are \$5,000 or more at the rate currently established by the bylaw for expenses that exceed \$5,000.
7. The SMRC recommends that the City continues the practice that city councillors do not require audited campaign revenues and campaign expenses.

Rationale

The first recommendation serves to close the gap identified in the report. We also believe that audited campaign statements would prove overly burdensome for ward candidates. We also came across no evidence that a full audit would uncover anything that the new financial recommendations would not already reveal.

²¹ City of Saskatoon, Bylaw 8491 s. 6 (1).

²² City of Saskatoon, Bylaw No. 8491 s. 6 (3)(a).

²³ City of Saskatoon, Bylaw No. 8491 s. 6 (3)(b).

²⁴ City of Saskatoon, Bylaw No. 8491 s. 6 (4).

e. The Retention of Records Respecting Campaign Contributions and Expenses

Candidates for positions on Saskatoon's city council are required to maintain possession and control of their campaign records at all times.²⁵ They are further required to keep their records for two years from the period on which their Statements of Campaign Contributions and Expenses are due to be filed.²⁶

This two-year period is in keeping with the requirements in Calgary, Edmonton, and Winnipeg. In Ontario, candidates are required to maintain their records for the entire length of the term for which they have been elected, until a successor is chosen, and a new council is appointed.²⁷

Recommendation

8. The SMRC recommends that Bylaw 8491 be amended to require candidates to retain their records for the duration of the term of office for which they sought election.

Rationale

While the two-year period currently in force in Saskatoon with respect to retention of records is in line with other jurisdictions studied by the SMRC there is a disconnect between the record-keeping period and the penalties for contravening the bylaw. One such penalty is the resignation of one's seat on council.²⁸ Extending the record-keeping period as recommended here takes into account the fact that some contraventions may not come to light immediately following an election. It further ensures that investigations may be undertaken at any point during the council term.

h. The Rules for Fund-Raising Events

Candidates for the offices of Saskatoon's city council are permitted to hold fund-raising events. The net proceeds from these events are considered campaign contributions. The expenses incurred for the holding of a fund-raising event are not considered campaign expenses.²⁹ Further, the gross amount collected during a general collection or money solicitation (passing the hat) while at a fundraising event shall be reported as a contribution.³⁰ The cost of tickets to a fund-raising

²⁵ City of Saskatoon, Bylaw No. 8491 s. 4 (2)(c).

²⁶ City of Saskatoon, Bylaw No. 8491, s. 11.

²⁷ Ontario, *Municipal Elections Act, 1996*, s. 69 (1) (j.1).

²⁸ City of Saskatoon, Bylaw No. 8491 s. 25 (1) (2).

²⁹ City of Saskatoon, Bylaw No. 8491 s. 8 (1) and (2).

³⁰ City of Saskatoon, Bylaw No. 8491 s. 8 (3).

Saskatoon Municipal Review Commission: Election Committee Report

event or given in response to general collection of funds or solicited at a fundraising event shall not be included in a contributor's cumulative campaign contribution total.³¹ These rules are in keeping with the rules in other jurisdictions.

However, the SMRC is aware that these rules have led to confusion in the past. We believe that there is room for some clarity in these rules in order to recognize the importance of community fundraisers for local campaigns and to make sure that the rules in place are as user-friendly as possible while also encouraging full transparency.

Recommendation

9. The SMRC recommends that the rules for fund-raising events be maintained but that Bylaw 8491 be amended to make explicit that all costs associated with fundraising events and all contributions received at fund-raising events be included as part of the Statement of Contributions and Expenses. For the sake of clarity, the SMRC recommendation relates only to the reporting of all costs associated with fundraising. The SMRC is not recommending that the costs of fund-raising events be included under the spending cap in place for candidates.

Rationale

This new amendment will serve to clarify the reporting requirements specifically for fund-raising expenses and contributions.

i. The Reporting of Campaign Surpluses

In the City of Saskatoon, candidates who record a surplus are required to advise the returning officer how these funds will be used in the future. The candidate's decision on how to use surplus campaign funds shall be included as part of the statutory declaration submitted as the statement of expenses and contributions.³²

The City of Saskatoon's rules in this area differ from most of the other jurisdictions examined. In Regina, Calgary, Edmonton, Winnipeg, and Ontario municipalities, candidates who finish their campaigns with a surplus are required to turn the surplus over to the municipality to be held in trust for the candidate. The money is then returned to the candidate if they register to run in the next municipal election or a prior held by-election. If a candidate fails to register to run in the next municipal election, then the surplus funds must either be donated to charity or become the property of the municipality.

³¹ City of Saskatoon, Bylaw No. 8491 s. 8 (4).

³² City of Saskatoon, Bylaw No. 8491 s. 9.1.

Saskatoon Municipal Review Commission: Election Committee Report

In Ontario, candidates who record a surplus may first refund their own personal campaign contributions prior to remitting the money to the municipality.

Recommendation

10. The SMRC recommends that Bylaw 8491 be amended to require surplus campaign funds be remitted to the municipality to be held in trust for the candidate in the event that the candidate registers to run in the next municipal election (or in a by-election held prior to the next general election).
11. The SMRC recommends that Bylaw 8491 be amended to stipulate that if the candidate fails to register to run in the next municipal election the surplus funds held in trust be paid to a charity of the candidate's choice and, failing that, the surplus funds shall become the property of the municipality. The SMRC further recommends that no tax receipt be issued to candidates for charitable contributions made under this new rule.

Rationale

These amendments will bring Saskatoon in line with the other jurisdictions examined. These requirements ensure that monies donated for election purposes are used solely for election purposes and also seeks to level the electoral field in as much as campaign funds will only be used during campaigns and that candidates will receive no personal benefit from their campaign fundraising activities.

j. The Reporting of Campaign Expenses Incurred Outside the Election Expense Period

According to Bylaw 8491, campaign expenses are defined by their use, not when the costs are incurred.³³ All campaign expenses are to be included in the statement of expenses and contributions regardless of when they are incurred.

Calgary, Edmonton, Winnipeg, and all Ontario municipalities explicitly state that campaign expenses may not be incurred outside of the campaign period.

The SMRC sees merit in aligning campaign expenses and the campaign period. We will make several recommendations regarding the campaign period that will offer further clarity regarding the campaign period in the section dealing with the campaign period beginning on page 26.

Recommendation

12. The SMRC recommends that Bylaw 8491 be amended to stipulate that campaign expenses may only be incurred during the campaign period.

³³ City of Saskatoon, Bylaw No. 8491 s. 2 (b).

Rationale

This amendment will ensure that all candidates operate on an equal footing when it comes to the operation of their campaigns. Further, it lessens the burden on candidates with respect to record keeping.

I. The Publication of a Candidate's Election Expenses and Contributions

Bylaw 8491 requires that candidate statements of expenses and contributions shall be filed with the returning officer and shall be kept by the city clerk. These records are reviewable by the public at the clerk's office during regular office hours. The records are to be kept in accordance with Section 90 of *The Cities Act*.³⁴ The city clerk is also required to forward a report to City Council summarizing the campaign contributions and expenses of all candidates and include a notation indicating candidates who exceeded the spending limits and those who failed to file the required reports. This report shall also be posted in a "conspicuous place".³⁵

The city clerk is further required to post the statements of expenses and contributions on the city website.³⁶

These requirements are in line with those in other jurisdictions and go further in respect of requiring the publication of the statements on the City website.

Recommendation

13. The SMRC recommends that no amendments be made to Bylaw 8491 with respect to the publication of the Statements of Expenses and Contributions.

o. The Rules for Deferring Election Expenses

These rules are not specifically addressed in Bylaw 8491 although the Bylaw does require that all campaign expenses are to be accounted for as such in the Statement of Expenses and Contributions. The practice is specifically prohibited in Calgary and Edmonton (although they do allow for deficits to be carried forward). In Winnipeg, claims for expenses must be submitted in writing to candidates within 30 days of the election. In Ontario, expenses may only be incurred during a candidate's campaign period.

Recommendation

14. The SMRC recommends that Bylaw 8491 be amended to include a specific prohibition on the carrying forward of campaign expenses.

³⁴ City of Saskatoon, Bylaw No. 8491 s. 10 (1) and (2).

³⁵ City of Saskatoon, Bylaw No. 8491 s. 10 (3) and (4).

³⁶ City of Saskatoon, Bylaw No. 8491 s. 10 (5).

Rationale

This amendment will make explicit what is made implicit by other requirements of the Bylaw.

2. The Election Period

- f. **The Election Contribution Period**
- g. **The Election Expense Period**
- k. **The Commencement and Duration of the Campaign Period**

Unlike the other jurisdictions reviewed by the SMRC, Saskatoon does not have a specified campaign period. Instead it has three separately defined periods:

- 1) The **contribution period** that runs from January 1 of the year following a general election to December 31 of the year of the subsequent general election.³⁷
- 2) The **election expenses period** that runs from August 1 to October 31 of an election year.³⁸
- 3) The **nomination period** that dates from “at least” ten business days before nomination day until 4:00 pm on nomination day that is the fifth Wednesday prior to the day of the election.³⁹

The effect of these different periods is that candidates are allowed to raise campaign funds at any time during the four years leading up to an election, though this money may only be spent during the three-month period leading up to the day of the election. The SMRC believes that such a rule gives a substantial advantage to incumbents running for re-election.

While we recognize that Saskatoon’s rules in these areas reflect similar rules in Calgary and Edmonton, it is out of step with Regina, Winnipeg, and Ontario municipalities.

In each of the latter three jurisdictions, the campaign periods are limited to set periods of time during the year of an election. In Regina, the campaign period runs from June 1 to December 31 of an election year.⁴⁰ In Winnipeg, the campaign period runs from May 1 of an election year for mayoral candidates and June 30 for councillor candidates to March 31 of the year after an election.⁴¹ In Ontario, the campaign period runs from the date on which a candidate files his or her nomination papers until December 31 following an election.⁴² Candidates may file their nomination papers on any day of an election year while the city clerk’s office is open.⁴³

³⁷ City of Saskatoon, Bylaw No. 8491 s. 2 (i)(ii).

³⁸ City of Saskatoon, Bylaw No. 8491 s. 2 (j)(i).

³⁹ Saskatchewan, *The Local Government Act* s. 45; 50.

⁴⁰ City of Regina, Bylaw No. 2007-34, s. 6.

⁴¹ Manitoba, *The City of Winnipeg Charter*, s. 31(1).

⁴² Ontario, *Municipal Elections Act, 1996*, s. 68 (1).

⁴³ Ontario, *Municipal Elections Act, 1996*, s. 33 (4).

We believe that the maintenance of three separate periods relating to election campaigns in Saskatoon can lead to a great deal of confusion for candidates and citizens. Further, the fact that candidates are not required to maintain campaign bank accounts, nor required to formally register prior to accepting contributions or incurring expenses, an open and transparent campaign finance regime becomes difficult. This lack of transparency becomes problematic for citizens who expect that their democratic institutions will be fully open and transparent. It also poses potential problems for candidates who, despite following the rules as written, may find themselves placed under a cloud of suspicion.

Recommendations

For these reasons, the SMRC makes the following recommendations related to these policy areas:

15. The SMRC recommends that Bylaw 8491 be amended so that candidates cannot raise money nor spend money until they have been officially nominated as a candidate. To achieve this, the SMRC recommends that the campaign contribution period, expense period, and nomination period be brought in line with one another so that they all begin on the same day. The contribution and expense periods should end on the same day. The nomination period should end as prescribed by *The Local Government Act*.

For greater clarity, the SMRC recommendation is that the city clerk begin accepting nomination papers for candidates on the first business day of the year in which an election is to be held. Nomination papers will be accepted until the time prescribed by *The Local Government Act*.

The campaign period will begin for a candidate once he or she has filed their nomination papers. At that point, the candidate can begin raising and spending money for their campaign.

16. The SMRC recommends that candidates should be prohibited from accepting contributions or incurring expenses until they have officially filed their nomination papers.
17. The SMRC recommends that candidates should be required to open a campaign bank account prior to filing their nomination papers, and this information be provided as part of officially filling their nomination papers with the city.

Rationale

These recommendations will ensure that all candidates are operating on an equal footing with respect to campaign finances. These new rules will ensure clarity and transparency with respect to money raised and spent by candidates. The

Saskatoon Municipal Review Commission: Election Committee Report

requirement for a candidate to file nomination papers prior to raising funds or incurring expenses will ensure clarity and compliance with the campaign finance regulatory scheme established by the City.

Finally, these new rules will ease the burdens of record keeping placed on candidates and remove any grey areas about what might happen with a candidate who begins raising money some three years before the day of an election.

3. The Administration of Elections**m. The Appointment of a Returning Officer Other Than the City Clerk**

The Local Government Election Act establishes the city clerk as the returning officer for municipal elections in Saskatoon.⁴⁴ The *Act* states that subject to Part V of the *Act*, the city may appoint a person other than the city clerk to act as returning officer, however that power does not reside in that part.⁴⁵

Recommendation

18. The SMRC recommends that Council inquire with the Province whether or not the City has the power to appoint an individual other than the city clerk to act as returning officer for municipal elections. If it does, the SMRC recommends that the city separate the roles of city clerk and returning officer by appointing a second individual to the latter role. If the City does not have this power, the SMRC recommends that the City request this power from the province.

Rationale

The SMRC believes that there is merit in appointing a returning officer other than the city clerk. The city clerk is an officer appointed by council whose role is to perform legislated responsibilities to council and support the work of council. The clerk also must administer the election and the election rules, including enforcing any penalties that may arise from discrepancies during elections. We were convinced that there is potential that the clerk may be put in awkward positions in performing the role of chief public servant to city council and enforcing election rules for existing members on city council.

n. The Proper Use of a Member of Council's Communication Allowance Prior to an Election in Which the Member is a Candidate

The Code of Conduct for Members of Saskatoon City Council requires that City resources are to be used for civic business only and that these resources are not to be used for campaign purposes.⁴⁶

The SMRC believes it may be advantageous to give an officer of council the responsibility to investigate complaints about the contravention of the code with

⁴⁴ s. 28.

⁴⁵ Part V deals with the holding of referenda and plebiscites.

⁴⁶ *Code of Conduct for Members of Saskatoon City Council*, Part 5, https://www.saskatoon.ca/sites/default/files/documents/city-clerk/code_of_conduct_for_members_of_city_council.pdf

Saskatoon Municipal Review Commission: Election Committee Report

respect to the use of city resources for campaign purposes. However, as the Code of Conduct for Members of Saskatoon City Council is currently under review by the Code of Conduct Committee, the SMRC defers on making any recommendations at this time.

p. The Enumeration of the Names of Electors and the Preparation of a Voter's List

The City of Saskatoon is empowered to conduct an enumeration of municipal voters provided it is carried out at least fifty-five days prior to the day of an election. The returning officer is the chief enumerator unless otherwise specified by Council.⁴⁷

The rules regarding voter's lists vary across the country. In Alberta, enumerations are conducted in April of each election year.⁴⁸ In Winnipeg, the senior election official is required to maintain a voters list that may be done by obtaining information from any source including the Chief Electoral Officers of Canada and Manitoba or through enumeration.⁴⁹

In Ontario, the Municipal Property Assessment Corporation must provide the City Clerk with a preliminary voters list no later than September 1 of an election year.⁵⁰ Revisions are then conducted beginning the Tuesday after Labour Day until the close of voting on voting day, during which voters may apply to have their names added to the voters' list.⁵¹

Having said that, the City allows on site voter registration at the time of an election, subject to residency requirements. Although outside of the SMRC's immediate mandate, we did hear evidence that the existing residency requirements of three consecutive months in the City and six consecutive months in the province of Saskatchewan may be cumbersome for more transient people such as students or seasonal workers.

Recommendations

19. The SMRC believes the costs associated with a quadrennial enumeration would be high and administratively burdensome. It is thus recommended that Council explore the possibility of obtaining voter information from the Chief Electoral Officers of Canada and Saskatchewan for the purposes of establishing a permanent Saskatoon voters' list. This list should be open to revision for a period leading up to the close of voting on the day of the election. In the absence

⁴⁷ Saskatchewan, *Local Government Elections Act*, s. 36 (1) and (2).

⁴⁸ City of Calgary, <http://goo.gl/EsPR3b> Accessed August 19, 2015.

⁴⁹ Manitoba, *Municipal Councils and School Boards Elections Act*, s. 28 (1).

⁵⁰ Ontario, *Municipal Elections Act, 1996*, s. 19.

⁵¹ Ontario, *Municipal Elections Act, 1996*, s. 24 (1).

Saskatoon Municipal Review Commission: Election Committee Report

of this information from the Chief Electoral Officers of Canada and Saskatchewan, the SMRC recommends that the current process for establishing the voters' list be followed for the 2016 election. Following that election it is recommended that that list be preserved and used as the basis for a permanent voters list for subsequent elections.⁵² The SMRC recommends that that list be open to revision for a period of time leading up to the close of voting on the day of the election.

q. The Offences and Penalties for Candidates in Contravention of *The Campaign Disclosure and Spending Limits Bylaw, 2006*, Including the Role and Duties of the Election Disclosure Complaints Officer

According to Saskatoon's existing bylaws, anyone found guilty of violating any provision of Bylaw No. 8491 and can be fined no more than \$5,000. If the offence continues, a fine of not more than \$5,000 per day continues until the dispute is resolved.⁵³ Those found guilty of an offence may also be liable for the costs of the investigation.⁵⁴

Elected candidates who are found guilty of an offence under the Bylaw are ineligible to hold office and must resign immediately though a resignation is not required if a judge of the Court of Queen's Bench finds the offence was the result of inadvertence or an honest mistake.⁵⁵ For greater clarity, *The Cities Act* declares that a member of council who contravenes a municipal bylaw established under section 145.1 of *The Local Government Election Act*, as Bylaw 8491 is, is ineligible to hold office and must resign immediately. Such individuals may stand for office at the next election provided they meet the eligibility requirements for holding office.⁵⁶

The penalties outlined under Bylaw 8491 and in *The Cities Act* are largely in keeping with those found in jurisdictions across the country. In Winnipeg and Ontario, all candidates who are found guilty of offences similar to those contemplated under the Saskatoon Bylaw are ineligible to hold office until after the next regular election has occurred, thus defining the term of ineligibility to be the time remaining in the term for which they had stood for office plus an additional full term of council.

As this report is being finalized, the Legislative Assembly of Saskatchewan is debating Bill 186, *An Act to amend The Cities Act, The Municipalities Act and The Northern Municipalities Act, 2010 and to make related and consequential amendments to The Ombudsman Act, 2012 and The Planning and Development Act, 2007 to Strengthen the Integrity and Accountability of Municipal Entities and to Bring*

⁵² The current practice is to seal and destroy the voters' list after each election.

⁵³ City of Saskatoon, Bylaw No. 8491 s. 24 (1).

⁵⁴ City of Saskatoon, Bylaw No. 8491 s. 24 (4).

⁵⁵ City of Saskatoon, Bylaw No. 8491 s. 25 (1) and (2).

⁵⁶ Saskatchewan, *The Cities Act*, s. 120 (1) (e) (i) and (2).

Saskatoon Municipal Review Commission: Election Committee Report

Municipal Entities Within the Jurisdiction of the Ombudsman (The Municipal Conflict of Interest Amendment Act, 2015).

This act will, if adopted, amend section 120 (2) of *The Cities Act* to disqualify councillors found in breach of a municipal bylaw established under section 145.1 of *The Local Government Act* from holding office for twelve years from the date of their disqualification.

This SMRC notes that the penalties under Bylaw 8491 and *The Cities Act* apply only to elected officials and not to defeated candidates.

Recommendation

20. The SMRC recommends that Council request that the Province amend *The Cities Act* to apply the penalties for breaches of Bylaw 8491 to defeated candidates as well as elected candidates. The SMRC also recommends that upon the passage of this amendment by the Province, Bylaw 8491 be amended to incorporate this language as well.

Rationale

The SMRC believes that if the campaign finance regulations are to have the full faith of the public and the municipal candidates and if it is to be perceived as just its provisions, including its penalties, must apply equally to all candidates regardless of whether or not they are successful in their election bids.

r. The Public Financing of Municipal Election Campaigns Including Reimbursement of Candidates Expenses for Specific Forms of Spending, Tax Benefits for Contributors and Allowances to Candidates for Expenses

Saskatoon does not currently provide for the public financing of municipal election campaigns. Saskatoon's procedures on public financing are in keeping with the rules in Regina, Calgary, and Edmonton. However, public financing schemes do exist in Winnipeg and Ontario. The benefits of public financing are obvious: it encourages more people to donate to campaigns and thus encourages individuals to participate in the democratic process. The disadvantages of public financing are the costs involved with such a scheme. The SMRC believes there may be some benefit to enacting such a plan in Saskatoon, but further investigation is required before recommendations can be made. For instance, we would like to examine how the plan is administered in different jurisdictions, how it is financed and if there have been notable increases in citizen participation after such schemes have been enacted.

s. Any Proposed Amendments to *The Local Government Election Act*

Saskatoon Municipal Review Commission: Election Committee Report

As mentioned in **item m.** of the report, the SMRC recommends that Council inquire with the Province regarding the City's powers to appoint a returning officer other than the city clerk and then request any amendments to *The Local Government Election Act* as outlined in that item.

Campaign Donation Limits

The SMRC also notes that section 145.1 of *The Local Government Election Act* empowers the City to adopt a bylaw that only deals with the disclosure of campaign contributions and expenses of candidates and the establishment of campaign spending limits. The *Act* does not permit Council to adopt a bylaw establishing donation limits. As such, Saskatoon does not have any limit on the amount of money and individual, corporation, or trade union may contribute to candidates.

In this way, Saskatoon stands outside the norm for most municipalities that were studied. In Alberta,⁵⁷ Winnipeg,⁵⁸ and Ontario,⁵⁹ donors are permitted to donate only a certain amount to candidates for municipal office. These range from a low of \$750 to a maximum of \$5,000.

Additionally, Winnipeg and Toronto prohibit contributions from corporations and trade unions.⁶⁰

The SMRC also notes that there has been something of a trend at both federal and provincial levels of government to tighten donation limits and to ban donations from corporations and trade unions. In 2006, the federal government passed the *Federal Accountability Act*.⁶¹ As part of the *Accountability Act* the government imposed a complete ban on contributions by corporations, unions and other organizations. The legislation lowered the contributions limits that individuals could give to a registered party (from \$5000 to \$1000) while also lowering how much money an individual can give to a local candidate. The Act also banned secret donations and gifts to political candidates.

In 2015, the government of Alberta joined Quebec, Manitoba, and Nova Scotia in banning institutional donations to political parties. In fact, the new government's first action was the passing of Bill 1, *An Act to Renew Democracy in Alberta*.⁶² In that Bill, the Alberta government banned corporate and union donations, arguing that

⁵⁷ Alberta, *Local Authorities Election Act*, s. 147.2 (1).

⁵⁸ Manitoba, *The City of Winnipeg Charter*, s. 33.1 (2); City of Winnipeg, Bylaw No. 10/2010 s. 8 (2).

⁵⁹ Ontario, *Municipal Elections Act, 1996*, s. 70.1 (5) and s. 71 (1).

⁶⁰ Manitoba, *The City of Winnipeg Charter*, s. 33.1 (1); City of Winnipeg, Bylaw No. 10/2010 s. 8 (1); City of Toronto, Bylaw No. 1177-2009.

⁶¹ *Federal Accountability Act*, S.C. 2006 c. 9.

⁶² SA, 2015 c15.

Saskatoon Municipal Review Commission: Election Committee Report

only individuals can donate (up to \$15,000) to a political party or registered candidate.

Donor Eligibility

Saskatoon also stands apart from the other jurisdictions studied in that it does not place any limits on donor eligibility. In Alberta,⁶³ Winnipeg,⁶⁴ and Ontario,⁶⁵ individuals who are normally resident in those provinces may make donations to candidates for municipal office.

Recommendations

21. The SMRC recommends that City Council request that the Province amend *The Local Government Act* to empower Council to adopt a bylaw to establish limits on contributions to candidates for municipal office.
22. The SMRC recommends that upon the adoption of this amendment Council amend Bylaw 8491 to:
 - a. place a limit on the total amount that individuals may contribute to candidates for municipal office;
 - b. prevent donations to candidates for municipal office from corporations and trade unions.
 - c. restrict donations to municipal candidates to those that come only from individuals normally resident in Saskatchewan;

Rationale

The SMRC believes that only those who reside in the province should participate in municipal elections in Saskatoon. The adoption of this recommendation will bring Saskatoon in line with the other jurisdictions studied for this report.

The SMRC further believes that the lack of contribution limits can lead to questions about the independence of candidates and opens them up to the perception that donors who contribute large sums of money may have privileged access to the City's democratic institutions. In the interests of greater transparency and openness, as well as preserving the integrity of local elections, the SMRC believes that contribution caps should be introduced in Saskatoon.

Finally, the SMRC believes that the elimination of campaign contributions from corporations and trade unions will lead to more transparent campaign financing practices as well as reflect trends at both the federal and provincial levels of

⁶³ Alberta, *Local Authorities Election Act*, s. 147.2 (3).

⁶⁴ Manitoba, *The City of Winnipeg Charter*, s. 33.1 (1); City of Winnipeg, Bylaw No. 10/2010 s. 8 (1).

⁶⁵ Ontario, *Municipal Elections Act, 1996*, s. 70 (3) and (5).

Saskatoon Municipal Review Commission: Election Committee Report

government as well as in other municipalities in the country as outlined earlier in this section.

The adoption of these recommendations will make Saskatoon a leader at the municipal level in encouraging individual participation in local elections. The banning of corporate and union donations would also level the electoral field for all candidates to compete fairly in local elections while limiting the influence of those with substantial monetary resources to overly influence local elections.

t. Any Other Matter Relating to a Municipal Election in the City

The SMRC has no comment on other matters at this time.