

DATE: April 27, 2021

TO: Board of Trustees

FROM: Policy Review Committee

SUBJECT: Rescindment of the School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1

ORIGINATOR: Karen Mills, Director Board and Superintendent Relations

RESOURCE STAFF: Rachel Foley, Shirley Juneau, Nancy Petersen

REFERENCE: [Local Authorities Election Act](#)

ISSUE

The Policy Review Committee is recommending that the Board of Trustees rescind the School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1.

BACKGROUND

Prior to its revision on December 11, 2018, the *Local Authorities Election Act* did not require school board trustee candidates to disclose campaign expenses. It did, however, set out that a school board may require disclosure to the public of all campaign contributions and campaign expenses of all candidates for election as trustee.

On March 19, 2013, the Edmonton Public Schools Board of Trustees passed the School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1 (Bylaw). This Bylaw required school board trustee candidates to disclose campaign contributions and expenses, and mirrored provincial legislation and the requirements for City Council candidates.

In the revised *Local Authorities Election Act*, issued December 11, 2018, Section 147.4 now requires school board trustee candidates to disclose campaign expenses through a prescribed disclosure statement form. Therefore, the Bylaw is superseded by the requirements for disclosure set out in Section 147.4.

RELATED FACTS

- In the revised *Local Authorities Election Act*, “candidate” is defined as an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee.
- Section 147.4 of the *Local Authorities Election Act* specifies that all candidates must file disclosure statements.

All documents filed under this section must be available to the public during regular business hours for a period of four years after the election. The City of Edmonton elections office has agreed to both collect the forms and make them available to the public as part of the Election Agreement between the City of Edmonton and Edmonton Public Schools.



RECOMMENDATION

That School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1 be rescinded.

OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. Support the recommendation to rescind Bylaw 2012-2013-1.
2. Request changes to the report and ask that it come back to a future Board meeting.

NEXT STEPS

Upon approval of the recommendation, School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1 will be removed from the Division's bylaws and will be archived.

ATTACHMENTS and APPENDICES

- ATTACHMENT I School Trustee Candidates Election Campaign Disclosure Bylaw 2012-2013-1
ATTACHMENT II Section 147.4 of the *Local Authorities Election Act*

BS:km



EDMONTON PUBLIC SCHOOLS

Edmonton School District No. 7

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BYLAW NO. 2012-2013-1

A Bylaw to Require the Public Disclosure
of Campaign Contributions and Campaign Expenses of Candidates
for Trustee for The Board of Trustees of Edmonton School District No. 7

WHEREAS the Board of Trustees of Edmonton School District No. 7 ("Edmonton Public Schools") believes that public disclosure of campaign finances provides for transparency and improves the accountability of candidates to the electorate;

AND WHEREAS Section 118(2) of the *Local Authorities Election Act*, R.S.A. 2000, Chapter L-21 provides that a school board may by bylaw require that candidates for trustee of a school board disclose to the public statements of all their campaign contributions and expenses;

AND WHEREAS Section 118(4) of the *Local Authorities Election Act*, R.S.A. 2000, Chapter L-21 provides that a person who contravenes a bylaw passed under section 118(2) is guilty of an offence and liable to a penalty of not more than \$1000;

NOW, THEREFORE, THE BOARD ENACTS AS FOLLOWS:

- 1 This Bylaw may be cited as "The School Trustee Candidates Election Campaign Disclosure Bylaw of The Board of Trustees of Edmonton School District No. 7".
2. In this Bylaw:
 - (a) "campaign" means events or activities in, by, or on behalf of, a candidate for the purpose of promoting the election of the candidate.
 - (b) "campaign contribution" means any money paid or any donation in kind provided to or for the benefit of a candidate for the purpose of financing a campaign without compensation from the candidate, including, in support of any fundraising function for a candidate, money paid for admission charge, or ticket purchase paid for or fair market value of donated merchandise or auction items, or any other donation in kind except volunteer labour.
 - (c) "campaign expense" means money spent or liabilities incurred other than an expense relating to a recount in respect of the election; and



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- (d) "campaign period" means the period of time between consecutive general elections of the Board, except, where a by-election is held, it means the period of time between the by-election and the preceding general election.
 - (e) "candidate" means any person who files nomination papers with the Returning Officer of The City of Edmonton for any election or by-election for trustee of the Board.
 - (f) "contributor" means an individual, organization, or corporation providing a campaign contribution.
 - (g) "donation in kind" means the fair market value of goods and services donated or provided by or on behalf of a candidate during a campaign period for the purpose of an election but does not include volunteer labour.
 - (h) "fundraising function" means events or activities held for the purposes of raising funds for an election campaign of the person by whom or on whose behalf the function is held.
 - (i) "Returning Officer" means the person appointed by City of Edmonton Council to act as Returning Officer pursuant to the *Local Authorities Elections Act*.
3. A candidate shall keep complete and proper accounting records of all campaign contributions received and all campaign expenses incurred during the campaign period.
4. The candidate is responsible for ensuring that:
- (a) proper records are kept of all campaign contributions and campaign expenses incurred during the campaign period;
 - (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) receipts are issued for every campaign contribution accepted.



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5. All Candidates shall file with the Returning Officer on or before the first working day of March in the year immediately following the year in which an election for Trustees to the Board has been held, or in the case of a by-election, within 90 days after the by-election, a disclosure statement in the prescribed form, which must include:
 - (a) a statutory declaration in the form of Schedule "A" to this Bylaw, stating their campaign contributions and campaign expenses; and
 - (b) a list, in the form of Schedule "B" to this Bylaw, of:
 - (i) each contributor whose cumulative campaign contributions exceed \$100.00;
 - (ii) the amount of each contributor's cumulative campaign contribution(s) under the appropriate heading; and
 - (iii) if no cumulative campaign contribution exceeded \$100.00, then Schedule "B" must still be completed and marked "Nil".
6. All records of a candidate shall be retained by that candidate for a period of two years following the date on which the financial statements or statutory declarations were required to be filed under this Bylaw.
7. The Returning Officer shall forward for information, a letter summarizing campaign contributions and campaign expenses of candidates and all documents filed pursuant to this Bylaw to the Office of the Secretary-Treasurer for the Board within forty-five (45) days of the prescribed filing date or within thirty (30) days following the receipt of the information, whichever is later
8. All documents filed with the Returning Officer pursuant to this Bylaw are public record upon the expiration of the time prescribed by this Bylaw for the filing of same and may on request be inspected at the offices of the Board at the Centre For Education, One Kingsway, Edmonton, during normal office hours and may be available to the public through other media.
9. The Returning Officer shall make provision for each prospective candidate to have access to this Bylaw.



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SCHEDULE "A"

**CAMPAIGN DISCLOSURE - STATEMENT OF REVENUES AND EXPENSES
TRUSTEE CANDIDATES FOR EDMONTON PUBLIC SCHOOLS**

I, _____
(name)

of _____
(street address or legal land description of candidate's residence)

in the Province of Alberta, do solemnly declare:

1. That I was a candidate for the position of Trustee for The Board of Trustees of Edmonton School District No. 7 in the election (or by-election, as the case may be) held on the _____ day of _____, 20 ____.
2. That the following is a true account of all the campaign contributions and campaign expenses incurred by me or by my agent on my behalf in respect of the aforesaid election:

a) Campaign Contributions:

i) Total amount of contributions of \$100.00 or less \$ _____

ii) Total amount of all contributions of \$100.01 and greater
(Together with the contributor's name and amount on the attached listing) \$ _____

NOTE: For lines i and ii, include all campaign contributions as defined in section 2(b) of this Bylaw.

iii) Net Contributions (add lines i and ii) \$ _____

b) Other Sources:

iv) Total amount contributed out of candidate's own funds \$ _____

c) TOTAL CAMPAIGN REVENUE (add lines iii and iv) \$ _____

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d) Campaign Expenses incurred:

v)	Nomination Deposit (if not refunded)	\$ _____
vi)	Fundraising Costs	\$ _____
vii)	Advertising/Printing	\$ _____
viii)	Office/Facility Space Rental	\$ _____
ix)	Office Administration	\$ _____
x)	Office Supplies and Equipment	\$ _____
xi)	Electoral Materials (Maps, List of Electors, etc.)	\$ _____
xii)	Food and Beverages/Entertainment	\$ _____
xiii)	Telephone/Communications/Utilities	\$ _____
xiv)	Insurance	\$ _____
xv)	Distribution/Postage	\$ _____
xvi)	Transportation	\$ _____
xvii)	Other (Detail)	\$ _____

e) TOTAL CAMPAIGN EXPENSES

\$ _____

f) SURPLUS (DEFICIT) of Campaign Revenues

Over Campaign Expenses (deduct line e from line c)

\$ _____

3. That I have no reason to believe that any monies other than those listed above have been expended by me or with my authority and consent or by any person for the purpose of assisting me in the election.
4. That I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at
in the province of Alberta
this day of 20 .

(Signature of Candidate)

(To be declared before a Justice of the Peace
Notary Public, or a Commissioner of Oaths, etc.)

MINUTE BOOK**SCHEDULE "B"****LISTING OF CUMULATIVE CAMPAIGN CONTRIBUTIONS FROM
CONTRIBUTORS IN EXCESS OF \$100.00**

I have accepted campaign contributions in excess of \$100.00 towards my campaign expenses from the following contributors and in the following cumulative amounts:
(Use additional space on reverse if required)

Contributor Name	Contributor Address	Money Donation	Donation in Kind	Total

I have no reason to believe that any cumulative campaign contributions from any contributor in excess of \$100.00 have been received or expended for the purpose of assisting me in the Election other than those listed above.

IT IS AN OFFENCE TO SIGN A FALSE STATEMENT

Signature: _____



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SCHEDULE "B", Page 2

**LISTING OF CUMULATIVE CAMPAIGN CONTRIBUTIONS FROM
CONTRIBUTORS IN EXCESS OF \$100.00**

Contributor Name	Contributor Address	Money Donation	Donation in Kind	Total



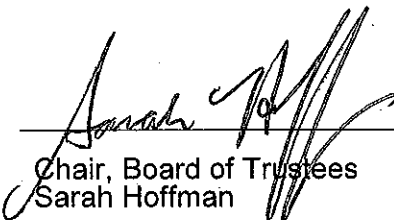
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10. This Bylaw comes into force upon receiving third reading.


READ A FIRST TIME THIS 19 DAY OF MARCH, 2013

READ A SECOND TIME THIS 19 DAY OF MARCH, 2013

READ A THIRD TIME THIS 19 DAY OF MARCH, 2013



Chair, Board of Trustees
Sarah Hoffman



Secretary-Treasurer
Roberta Malysh

Excerpted from the *Local Authorities Election Act*

Campaign disclosure statements

147.4(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of all contributions received as referred to in section 147.22(3),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

(2) A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with the disclosure statement referred to in subsection (1).

(3), (4) Repealed 2020 c22 s17.

(5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.

(6) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) or the review engagement required under subsection (2) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the local jurisdiction.

(7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.