

# HOLY SPIRIT ROMAN CATHOLIC SEPARATE REGIONAL DIVISION NO. 4

## Bylaw 2013/02

### Election Contributions and Campaign Expense Disclosure

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

And whereas those statements of campaign contributions and campaign expenses are to be made available to persons eligible to vote in the election in accordance with section 118(2.2) of the *Local Authorities Election Act*;

And whereas, pursuant to section 118(4) of the *Local Authorities Election Act*, contravention of this bylaw is an offence under that Act, and conviction of an offence of that Act may affect the eligibility of a trustee under other legislation governing the Board;

NOW THEREFORE the Board of Trustees of the Holy Spirit Roman Catholic Separate Regional Division No. 4 enacts this Bylaw:

#### Purpose and Definitions

1. The purpose of this bylaw is to:
  - (a) require all candidates for school board trustee for the Board to prepare and file with the Board, for disclosure to the public, a campaign disclosure statement of campaign contributions received and campaign expenses made, during an election campaign for school board trustee; and
  - (b) prescribe how unused campaign contributions are to be utilized.
2. In this bylaw,
  - (a) "Board" means the Board of Trustees of the Holy Spirit Roman Catholic Separate Regional Division No. 4;
  - (b) "campaign contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from the candidate or the candidate's election campaign, but does not include services provided by a volunteer who voluntarily performs the services and receives no

compensation, directly or indirectly, in relation to the services or the time spent providing the services;

- (c) "campaign expense" means any expense incurred by the candidate or the candidate's election campaign referred to in section 118 of the *Local Authorities Election Act*;
- (d) "candidate" means an individual nominated as a candidate for election as school board trustee of the Board, or who intends to be nominated as a candidate for election as school board trustee of the Board and accepts campaign contributions or incurs campaign expenses;
- (e) "disclosure statement" means the disclosure statement required by section 3 of this bylaw;
- (f) the terms "election", "general election", and "by-election" have the definitions contained within the *Local Authorities Election Act*, as relates to elections for school board trustees of the Board.

### Records

- 3. A candidate shall provide a receipt for all campaign contributions received, and obtain a receipt for all campaign expenses.
- 4. A candidate shall keep records of all campaign contributions, including the identity of the contributor and the contributor's name and address, and all campaign expenses. Those records shall be maintained by the candidate for no less than two years after the date of the election.

### Campaign Contribution and Expense Disclosure

- 5. On or before March 1 immediately following a general election, or within 120 days after a by-election, a candidate shall file with the Secretary-Treasurer of the Board a disclosure statement in the form attached as Schedule "A" to this bylaw, which shall include:
  - (a) the total amount of all campaign contributions received that did not exceed \$100 in aggregate from any single contributor;
  - (b) the total amount received, together with the contributor's name and address, for each contributor whose contributions exceeded \$100 in aggregate;

- (c) the total amount of money paid by the candidate out of the candidate's own funds;
  - (d) the amount of any attempted anonymous donation, and how the attempted donation was disposed of;
  - (e) the amount of any campaign surplus; and
  - (f) a statement setting out the total amounts of campaign revenue and campaign expenses.
6. If a candidate's campaign is funded exclusively by money up to and including \$5,000 paid by the candidate out of the candidate's own funds, and only if the candidate has received no campaign contributions or anonymous attempted contributions from any other source:
- (a) those moneys paid by the candidate out of the candidate's own funds are not considered campaign contributions for the purpose of this bylaw; and
  - (b) the candidate is not required to comply with section 5 of this bylaw, except to file with the Secretary-Treasurer of the Board the disclosure statement in the form attached as Schedule "A" confirming that the conditions of section 6 were met.

#### Auditing

7. The Board may, from time to time, require that the disclosure statement of any or all candidates be audited in accordance with generally accepted auditing standards by an auditor appointed by the Board. The cost of such audit shall be covered by the Board. In the event of such audit being required, the candidate shall produce to the Board and its auditor the records retained in accordance with sections 3 and 4 of this bylaw.

#### Anonymous Contributions

8. Where the contributor information required to be recorded and disclosed for any campaign contribution is not provided by the contributor, or the contributor refuses to provide or permit that information to be disclosed, the candidate shall not accept the campaign contribution or utilize the campaign contribution for the benefit of a candidate or the candidate's election campaign, and
- (a) if the contributor is known, shall obtain the information or return the attempted contribution, or

- (b) if the contributor is not known, dispose of the attempted contribution in a manner which does not benefit the candidate or the candidate's election campaign, such as by donation of the attempted contribution to a registered charity within the meaning of the *Income Tax Act* (Canada), and shall maintain records of that disposition.

#### Campaign Surplus

9. On or before March 1 immediately following a general election, or within 120 days after a by-election, if the candidate's disclosure statement shows a surplus, the candidate must pay the surplus to the Board.
10. The Board shall pay all surplus monies received from candidates to a registered charity within the meaning of the *Income Tax Act* (Canada).

#### Late Filing or Payment

11. A candidate who fails to comply with sections 5, 6 and 9 within the deadlines set out in this bylaw shall be permitted to make a late filing of the disclosure statement, or late payment of the surplus, within 30 days of the missed deadline, and upon payment to the Board of a \$200 late filing fee.

#### Failure to Comply with Bylaw

12. The Secretary-Treasurer of the Board shall make a report to the Board of any candidate who has failed to comply with sections 5, 6 and 9, and has not made a late filing or payment in accordance with section 11.
13. Failure to comply with this bylaw is an offence under the *Local Authorities Election Act*, and penalties for failure to comply are set in accordance with that Act.

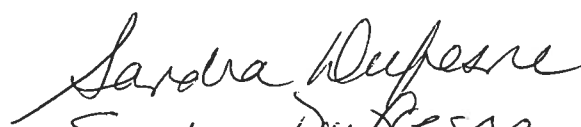
#### Miscellaneous


14. If a deadline contained within this bylaw falls on a weekend or holiday, then the deadline shall be the next working day.

GIVEN FIRST READING ON March 27, 2013

GIVEN SECOND READING ON March 27, 2013

GIVEN THIRD READING AND PASSED ON March 27, 2013

  
Sandra Dufresne  
Board Chair

  
Lisa Palmieri  
Secretary Treasurer

**SCHEDULE "A"**

**CAMPAIGN CONTRIBUTION AND EXPENSE DISCLOSURE FORM**

Name of Candidate: \_\_\_\_\_

Date of Election/By-election: \_\_\_\_\_

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***For Self-Funded Campaigns Under \$5,000:***

My campaign was funded exclusively by my own money, my campaign expenses were no greater than \$5,000 paid from my own money, and neither I nor my campaign received any campaign contributions or anonymous attempted contributions from any other source.

Yes

If yes, please skip all other sections, and sign below.

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**SUMMARY OF CAMPAIGN CONTRIBUTIONS**

Total of Cash Contributions (aggregate under \$100):	\$
Total Value of Goods and Services Contributed (aggregate under \$100):	\$
Total of Cash Contributions (aggregate over \$100):	\$
Total Value of Goods and Services Contributed (aggregate over \$100):	\$
Self Contribution:	\$
Total of Anonymous Attempted Contributions:	\$ _____
Revenue Subtotal:	\$
Less Contributions or Attempted Contributions returned to Donor:	\$
Less Attempted Anonymous Contributions otherwise disposed of:	\$ _____
<b>TOTAL CAMPAIGN CONTRIBUTIONS:</b>	<b>\$</b>

**SUMMARY OF CAMPIGN EXPENSES**

Advertising	\$
Food/Beverage/Entertainment	\$
Insurance	\$
Office/Facility/Space Rental	\$
Office Supplies/Equipment	\$
Printing	\$
Salaries	\$
Signage	\$
Transportation	\$
Other (please describe)	\$
TOTAL CAMPAIGN EXPENSES:	\$
SURPLUS:	\$

**CERTIFICATE of the CANDIDATE**

This is to certify that to the best of my knowledge, this Campaign Contribution and Expenses Disclosure Form and the Attachments accurately reflect the financial transactions of my campaign. 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 \_\_\_\_\_,  
Alberta, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Commissioner for Oaths  
In and for The Province of Alberta

\_\_\_\_\_  
Signature of Candidate

TO BE FILED WITH THE SECRETARY TREASURER ON OR BEFORE MARCH 1 AFTER A GENERAL ELECTION YEAR OR 120 DAYS AFTER A BY-ELECTION. The personal information requested on this form is being collected under the authority of s. 118 of the *Local Authorities Election Act*. The information will be used only to fulfill the requirements of Bylaw 2013/02, the Election Contributions and Expenses Disclosure Bylaw. Contact Lisa Palmarin, Secretary Treasurer, if you have questions about the use of information collected on this form.

