



CALGARY CATHOLIC SCHOOL DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Dr. Bryan Szumlas
Chief Superintendent 

DATE: April 6, 2022

SUBJECT: Candidate Election Disclosure Non-Compliance

RELEVANT QIs: QI 7.4 - Keeps the Board informed about District operations and significant risks to District reputation.

QI 7.7 - Ensures high-quality management services are provided to the Board.

The *Local Authorities Election Act* (LAEA) sets out the requirements for campaign finances and disclosure statements for candidates in General Elections. Section 147.8 (1) b of the LAEA provides that if a candidate for election of school board trustee fails to file a disclosure statement as per the requirements of the LAEA, the secretary shall transmit a report to that effect to the School Board. The LAEA provides that the report shall be made public upon receipt.

As required by the LAEA, this Briefing meets the statutory reporting obligation to inform School Board of the candidates from the 2021 General Election that failed to file their disclosure statements by the deadline of March 11, 2022.

SUPPORTING INFORMATION

Disclosure statement requirements

The LAEA sets out the requirements for candidates, including candidates who have withdrawn or were elected by acclamation, with respect to campaign disclosure statements.

Section 147.4 provides that on or before March 1, immediately following a general election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form. Specifically, the LAEA requires that the disclosure statement 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).

Disclosure statement compliance

Section 147.4 of the LAEA requires candidates to file disclosure statements by March 1, 2022. Candidates who did not file disclosure statements by March 1, 2022, are subject to a non-refundable late filing fee of \$500, payable to The City of Calgary. The LAEA provides for a ten-day period after the March 1, 2022, deadline to allow candidates to file their disclosure statements. If a candidate files a disclosure statement no later than 10 days after the filing deadline, the secretary will not transmit a report to the School Board in relation to the candidate.

As set out in Section 22 of the LAEA, a person is not eligible to be nominated as a candidate for election as a councillor (including mayor) or a school board trustee if:

- (a) a report was transmitted under section 147.8(1) in respect of the person,
- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
- (c) subject to subsection (1) (d.1), nomination day for the election occurs within

- (i) the 8-year period following the day on which the secretary transmitted the report to council or the school board, or
- (ii) where the disclosure statement required by section 147.4 has been filed with the secretary, the 3-year period following the day of filing, whichever period expires first.

Non-compliant candidates may apply to the Court for relief by June 11, 2022 (within 60 days of the date on this Briefing) as per Section 147.8 of the LAEA.

Offences and fines

Candidates who have not filed their campaign disclosure statements by April 1, 2022, are guilty of an offence and may be subject to a fine of \$5,000, as per section 147.84 of the LAEA. The Election Commissioner has the authority to investigate violations or potential violations of Part 5.1 of the LAEA (Election Finances and Contributions Disclosure) and impose an administrative penalty. If a candidate fails to file disclosure statements by April 1, 2022, the Returning Officer is required by subsection 205(b) of the LAEA to notify the Elections Commissioner of Alberta.

Public access to disclosure statements

Subsection 147.4(7) of the LAEA requires that disclosure statements be made available to the public for a period of four years. Candidate disclosure statements are made available on the Elections Calgary website for public convenience. Elections Calgary does not review candidates' disclosure statements for accuracy or completeness, nor provide any assurances respecting their accuracy, thoroughness, or legality.

Courtesy notice of filing deadlines to candidates

Neither the Returning Officer or the secretary are required to provide statutory notice of disclosure statement filing deadlines to candidates; however, courtesy notices were provided. In 2020, a candidate helpline and email were opened to address candidate questions and concerns. In 2021 candidates were reminded to review their campaign finance obligations as set out by the LAEA through information sessions, newsletters, and direct communication with Elections Calgary. In November 2021, the disclosure statement form was posted on the Elections Calgary website. Notices regarding disclosure requirements and deadlines were communicated between November 2021 and March 2022 by e-newsletter, social media and the Elections Calgary website. A media advisory regarding disclosure statement requirements was issued on February 16, 2022.

2021 General Election Candidates in Non-Compliance with Disclosure Statement Filing Requirements

Separate school board trustee candidates of the 2021 General Election who did not file a disclosure statement before March 11, 2022, as required by section 147.4 of the LAEA are included below:

1. Addie CORAH
2. Brian O'NEILL
3. John D. RAMSAY

Recommendation:

THAT the Board of Trustees accepts this report as information.