Explanation for Council re: By-law No. 5780 /91

This By-law amends The Campaign Expenses and Contributions By-law of The City of Winnipeg to prohibit candidates from accepting contributions from political parties and regulates the disposal of surplus funds in accordance with legislative changes to The City of Winnipeg Act.

F. N. Steele, Q.C.,
City Solicitor.

BY-LAW NO. 5780 /91

A By-law of The City of Winnipeg to amend By-law No. 5550/90 being a by-law to provide for the regulation of expenses and contributions for candidates for Mayor and Councillor.

The City of Winnipeg, in Council assembled, enacts as follows:

By-law No. 5550/90 of The City of Winnipeg is amended as follows:

(a) by amending the definition of "contribution" in Section 2 thereof by adding after the word "provided" in the second line thereof the words "by a contributor";

(b) by deleting the definition of "contributor" in Section 2 thereof and substituting therefor the following:

""contributor" means an individual, organization, corporation or trade union, but does not include

(a) a political party registered under the Canada Elections Act, or a constituency association of such a registered party, or

(b) a political party registered under The Elections Finances Act or a constituency association of a registered political party;";

(c) by adding to Section 8 the following subsection:

"**PROHIBITION RE: CONTRIBUTIONS**

8(18) A Registered Candidate shall not accept a contribution from a person who is not a contributor as defined in Section 2.";

(d) by renumbering "subsections 13(1) to 13(4) inclusive", and "14(1) to 14(3) inclusive" and "Sections 15, 16 and 17" to "subsections 14(1) to 14(4) inclusive" and "15(1) to 15(3) inclusive" and "Sections 16, 17 and 18" respectively;

(e) by adding the following section after Section 12:

"**CONTRIBUTION EXCEEDING CONTRIBUTION LIMIT**

13(1) Where a registered candidate receives a contribution for an amount that exceeds the contribution limit prescribed by subsection 8(7), the official agent of the registered candidate shall return to the contributor the portion of the contribution that exceeds the prescribed

contribution limit.

PAYMENT OF SURPLUS MONEY TO CITY

13(2) Where the audited statement of a registered candidate filed under subsection 14(1) shows a surplus, the official agent of the registered candidate shall immediately pay the surplus to the City which shall hold it in trust on behalf of the registered candidate for use by the registered candidate in the next election.

RELEASE OF SURPLUS MONEY TO CANDIDATE

13(3) The City shall not release any money held in trust under subsection (2) until the person on whose behalf the money is held is registered under Section 5 for the next election.

DISPOSAL OF SURPLUS MONEY HELD IN TRUST

13(4) Where the person on whose behalf money is held in trust under subsection (2):

(a) advises the Returning Officer in writing that he or she will not seek nomination;

(b) is not nominated; or

(c) does not register as a candidate under Section 5;

in the next election, the money shall be paid into the general funds of the City."

DONE AND PASSED, IN COUNCIL ASSEMBLED, this 6th day of November, A.D. 1991.

Mayor

Acting City Clerk

Certified as to form:

for F. N. Steele, Q.C.,
City Solicitor

File No. G.3/89(1)