Minutes – Executive Policy Committee – April 21, 2010

Minute No. 265
Report – Council Secretariat Committee - February 8, 2010

Item No. 1 Campaign Expenses and Contributions By-law and the Rebate of Election Contributions By-law
eFile GL-2.4

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Council Secretariat Committee and submits the following to Council:

1. That By-law No. 10/2010, the Campaign Expenses and Contributions By-law, as outlined in the report from the Winnipeg Public Service dated February 3, 2010, be enacted.

2. That By-law No. 9/2010, the Rebate of Election Contributions By-law, as outlined in the report from the Winnipeg Public Service dated February 3, 2010, be enacted.

3. That the Proper Officers do all things necessary to implement the intent of the foregoing.

Report – Council Secretariat Committee - February 8, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Council Secretariat Committee be concurred in and forwarded to Council.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee laid over the matter for 60 days.

COMMITTEE RECOMMENDATION:

On February 8, 2010, the Council Secretariat Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: Changes to the Campaign Expenses and Contributions By-law and the Rebate of Election Contributions By-law as a result of changes to election related legislation by Provincial Government

Critical Path: **Council Secretariat**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Lemoine	R. Kachur	N/A	

RECOMMENDATIONS

- That Council pass By-law No. 10/2010, the Campaign Expenses and Contributions By-law, as outlined in the report.

- That Council pass By-law No. 9/2010, the Rebate of Election Contributions By-law, as outlined in the report.

IMPLICATIONS OF THE RECOMMENDATIONS

- The City's Campaign Expenses and Contributions By-law, which specifies how municipal campaigns are funded / expensed, must be amended to be in compliance with changes to The Municipal Councils and School Boards Elections Act and The Charter.

- The City's Rebate of Election Contributions By-law, which specifies how contributions to municipal campaigns are rebated, must be amended to be in compliance with the new Campaign Expenses and Contributions By-law.

- Mayoralty campaigns for the 2010 General Civic Election commence on May 1, 2010; changes need to be incorporated into the by-laws and candidate information prior to this date.

- Changes made apply not only to the City of Winnipeg, but also to all other municipalities in Manitoba.

HISTORY

In accordance with legislative requirements, the City passed By-law No. 5550/90, the Campaign Expenses and Contributions By-law, at its meeting of September 19, 1990. On October 8, 2009, the Provincial Legislature gave Royal Assent to Bill 35 (Appendix A), The Municipal Conflict of Interest and Campaign Financing Act, which amended election related provisions of The Charter and The Municipal Councils and School Boards Elections Act. A new Campaign Expenses and Contributions By-law (draft attached as Appendix B) is proposed, in order to be in compliance with the changes arising out of the legislation. In addition, a new Rebate of Election Contributions By-law (draft attached as Appendix C) is proposed, to be in keeping with the new Campaign Expenses and Contributions By-law.

The primary legislative changes included:

- Changes to who can contribute to municipal campaigns, to allow only individual residents of Manitoba to be contributors. Previously, corporations, unions and individuals / groups from outside Manitoba could also contribute.
- Changes to contribution limits of $1,500 for Mayoralty candidates and $750 for Councillor candidates to apply to the candidate and their spouse. Previously, candidates and their spouse were not limited in how much they could contribute to their own campaign.

Several other changes have also been made to the Charter in areas such as loans taken out by candidates. However, much of the legislation passed by the Province was “borrowed” from the existing City of Winnipeg by-law, so no update to the existing by-law is necessary and there is no additional impact to candidates, who were already required to follow these rules under the existing by-law.

The legislation also makes several smaller changes which are incorporated into the new by-law. For example, the due date for audited financial statements changes from May 31 in the year after the election to 210 days after the election. This has little effect on candidates in general elections, but does potentially accelerate the timeframes to file audited statements in by-elections.

Finally, changes have been made to both by-laws by Legal Services to ensure that they are updated and in keeping with the wording of the related legislation. For example, the calculation for the total amounts of expenses that can be incurred by a candidate were based upon using the 1994 Consumer Price Index. Statistics Canada now uses the 2002 CPI As a base for calculations. The CECO officer has confirmed that changing the by-law is appropriate and will not affect the calculations or final totals.

FINANCIAL IMPACT

Financial Impact Statement **Date:** February 1, 2010

Project Name: Update to Election By-Laws

COMMENTS:
There is no financial impact to adoption of the reccomendations in this report.

Original Signed by

Deputy City Clerk

CONSULTATION

In preparing this Report there was consultation with:

Legal Services
Campaign Expenses and Contributions Officer

SUBMITTED BY

City Clerk's Department
Prepared by: M. Lemoine
Date: February 3, 2010

J:\LIBRARY\REPORTS\100203 Campaign Expenses.doc

Appendix A

Appendix B

Appendix C

Third Session, Thirty-Ninth Legislature

This version is based on the printed bill that was distributed in the Legislature after First Reading. **It is not the official version.** If accuracy is critical, you can obtain a copy of the printed bill from Statutory Publications or view the online bilingual version (PDF).

Bill 35

THE MUNICIPAL CONFLICT OF INTEREST AND CAMPAIGN FINANCING ACT (VARIOUS ACTS AMENDED)

Explanatory Note

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1

AMENDMENTS TO MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

C.C.S.M. c. M255 amended

*1 Section 13 of **The Municipal Council Conflict of Interest Act** is replaced with the following:*

Statements available to public

13(1) The clerk of the municipality shall make every statement filed under section 9 available for inspection by any person without charge during normal business hours.

November 2009 statements and beyond

13(2) Subsection (1) applies in respect of any statement required to be filed by a date in November 2009 and thereafter.

PART 2

AMENDMENTS TO MUNICIPAL ACT

C.C.S.M. c. M225 amended

*2 **The Municipal Act** is amended by this Part.*

3 The centred heading "DATE OF ELECTIONS" is added before section 86.

4 The centred heading "WARDS" is added before section 87.

5 The centred heading "ELIGIBILITY FOR NOMINATION AND ELECTION" is added before section 90.

6 The centred heading "RIGHTS OF EMPLOYEES IN ELECTIONS" is added before section 92.

7 *The following is added after section 93:*

CAMPAIGN FINANCING

Definitions

93.1(1) The following definitions apply in this section and in sections 93.2 to 93.18.

"campaign account" means, in respect of a registered candidate, an account that is listed in his or her application to become a registered candidate. (« compte de campagne »)

"campaign expense" means

(a) money spent or liabilities incurred; and

(b) the value of non-monetary contributions accepted;

in respect of goods used or services provided, by or on behalf of, and with the knowledge and consent of, a registered candidate during a campaign period, for the purpose of an election, but does not include expenses relating to a recount in respect of the election. (« dépenses électorales »)

"campaign period" means

(a) in a general election

(i) in Dunnottar, Victoria Beach and Winnipeg Beach, the period

(A) in the case of a candidate for head of council, beginning on February 1 and ending on December 31 of the year of the election, and

(B) in the case of other candidates, beginning on March 31 and ending on December 31 of the year of the election, and

(ii) in any other municipality, the period

(A) in the case of a candidate for head of council, beginning on May 1 in the year of the election and ending on March 31 of the year after the election, and

(B) in the case of other candidates, beginning on June 30 in the year of the election and ending on March 31 of the year after the election; and

(b) in a by-election, beginning on the day when the senior election official receives the request from council to hold the by-election and ending on the day that is 90 days after the by-election. (« période de campagne électorale »)

"contribution" means money paid, or a non-monetary contribution provided, by a contributor to or for the benefit of a registered candidate, without compensation from the candidate. (« contribution »)

"financial institution" means a bank, credit union, trust company or other similar institution. (« établissement financier »)

"non-monetary contribution" means goods or services provided to or for the benefit of a registered candidate, without compensation from the candidate, and includes

(a) services of an employee provided by an employer;

(b) goods produced or donated voluntarily by a contributor who is a commercial supplier of the goods; and

(c) services provided voluntarily by a contributor who is a commercial or occupational supplier of the services;

but does not include

(d) money;

(e) goods produced or donated voluntarily, other than in clause (b); or

(f) services provided voluntarily, other than in clause (c). (« contribution non monétaire »)

"organization" includes

(a) a trade union, a partnership and an unincorporated association;

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

(c) a political party registered under *The Elections Finances Act*, or a constituency association of such a party. (« organisation »)

"registered candidate" means a candidate who has been registered under section 93.3. (« candidat inscrit »)

Value of non-monetary contribution

93.1(2) The value of a non-monetary contribution is

(a) the fair market value of the goods or services at the time of the donation; or

(b) where the non-monetary contribution is services of an employee provided by an employer, the cost to the employer of the salary or wages of the employee whose services are provided for the period during which the services are provided.

By-law on expenses and contributions

93.2 A council must pass a by-law, not inconsistent with *The Municipal Council Conflict of Interest Act*,

(a) prescribing the limit to campaign expenses that may be incurred by a registered candidate for head of council and by a registered candidate for councillor;

(b) prescribing the portion of income from a fund-raising event that is deemed to be a contribution, and the portion that is deemed to be campaign expenses;

(c) prescribing the manner in which registered candidates must keep records of contributions received and campaign expenses incurred by them;

(d) in respect of an election finance statement required to be filed under section 93.12,

(i) prescribing additional information, if any, required to be included in the statement, and

(ii) prescribing the date by which the statement must be filed, which must not be more than 210 days after the election;

(e) prescribing the date by which any further statement requested by the chief administrative office under subsection 93.12(2) must be filed, which must not be more than 60 days after the registered candidate receives the request; and

(f) prescribing forms for the purposes of the by-law.

Registration of prospective candidates

93.3(1) The senior election official must register an individual who proposes to be a candidate in an election if

(a) during the campaign period for the election and before nominations close, the individual applies for registration in a form approved by the senior election official; and

(b) the senior election official is satisfied that the individual is eligible to be nominated in the election.

Information that must be provided

93.3(2) When applying to be registered as a candidate, the individual must provide

(a) his or her name and address;

(b) the name and address of any financial institution in which accounts are to be used by or on behalf of the individual for the purpose of the election campaign, and the numbers of every such account; and

(c) any additional information required by the senior election official.

Report of change in information

93.3(3) An individual must immediately notify the senior election official in writing of any changes in the information provided by him or her under this section.

No contribution, expenses or borrowing until registered

93.4 No individual, other than a registered candidate, and no person acting on the individual's behalf, shall, for the purpose of electing the individual,

(a) solicit or accept a contribution;

(b) borrow money; or

(c) incur an expense.

Registered candidate entitled to copy of voters list

93.5 The senior election official must give a registered candidate, on request, a copy of the voters list. The senior election official may determine the form in which the list is given.

Only individual residents may contribute

93.6(1) No person or organization other than an individual normally resident in Manitoba shall make a contribution to a registered candidate.

Limit on contributions by individuals

93.6(2) No individual shall make contributions that exceed

(a) $1,500. to a registered candidate who is a candidate for the office of head of council;

(b) $1,500. to a registered candidate who is a candidate for the office of councillor, if councillors are elected by a vote of the voters of the whole municipality; or

(c) $750. to a registered candidate who is a candidate for the office of councillor, if councillors are elected on the basis of wards.

Prohibited contributions not to be accepted

93.6(3) A registered candidate in an election shall not

(a) solicit or accept a contribution from

(i) a person who is not an individual normally resident in Manitoba, or

(ii) an organization;

(b) solicit or knowingly accept a contribution that exceeds the limits established in subsection (2); or

(c) incur campaign expenses in respect of the election in excess of the limit prescribed in the by-law passed under clause 93.2(a).

Return of contribution

93.6(4) A registered candidate, on learning of any contribution accepted by or on behalf of him or her is contrary to this Act, shall immediately return to the contributor

(a) the contribution; or

(b) the amount of money equal to the value of the contribution.

Candidate's personal contributions

93.7(1) A registered candidate may make a contribution

(a) to his or her own election campaign; or

(b) to the election campaign of another registered candidate.

Limit applies to contributions of candidate

93.7(2) For certainty, the limit to the contributions established in subsection 93.6(2) applies to the contributions made by a registered candidate.

Anonymous contributions

93.8 A registered candidate who is given an anonymous contribution must not spend the contribution, but rather must turn it over to the senior election official. Contributions turned over to the senior election official become part of the general funds of the municipality.

Loans only from financial institutions

93.9(1) A registered candidate shall not solicit or accept a loan for the purposes of an election, except from a financial institution.

Prohibition making loan

93.9(2) No person or organization, other than a financial institution, shall make a loan to a registered candidate for the purposes of an election.

Loans to registered candidates

93.9(3) A loan made by a financial institution to a registered candidate is not a contribution.

Loan must be paid into campaign account

93.9(4) A registered candidate shall ensure that a loan received from a financial institution is paid directly into a campaign account of the candidate.

Loan payments must be made from campaign account

93.9(5) Payments on a loan made to a registered candidate must be made from a campaign account of the candidate.

Loan payments made in different manner

93.9(6) A payment on a loan made to a registered candidate that is not made from a campaign account of the candidate is a contribution to the candidate made by the person or organization that made the payment.

No loans from registered candidates to others

93.10 A registered candidate shall not lend money raised for the purposes of an election to another person or to any organization.

Duties of registered candidate

93.11 A registered candidate in an election must ensure that

(a) proper records are kept of the contributions made to, and the campaign expenses incurred by, the candidate;

(b) monetary contributions are deposited in a campaign account of the candidate;

(c) a campaign account of the candidate is used only for the purpose of the election campaign of the candidate;

(d) all payments relating to or arising out of the campaign are made only by cheque drawn on a campaign account of the candidate; and

(e) all financial records relating to the election campaign of the candidate are retained for not less than two years after the election and made available on request to the chief administrative officer.

Candidate to file election finance statement

93.12(1) Each registered candidate in an election must file with the chief administrative officer an election finance statement that contains the following information in respect of the campaign period of the election:

(a) all contributions received and expenses incurred by the candidate;

(b) the name, address and the contribution of each contributor who has made to the candidate a contribution of more than $250.;

(c) an itemized list of campaign expenses incurred by the candidate;

(d) the contributions and expenses relating to each fund-raising event, in accordance with apportioning prescribed in a by-law passed under clause 93.2(b);

(e) particulars of any loan made to the candidate for the purpose of the election campaign, including the name of the financial institution that made the loan, the principal amount of the loan, the interest rate on the loan and the terms of repayment;

(f) any other information required by the by-law passed under subclause 93.2(d)(i).

Further statement

93.12(2) If the chief administrative officer finds an election finance statement filed by a registered candidate to be incorrect or incomplete and notifies the candidate in writing of the finding, the candidate is required, not later than a day prescribed in the by-law passed under clause 93.2(e) and specified in the notice, to file with the chief administrative officer a further statement containing the information required under subsection (1).

Audit may be required

93.13(1) A council may by by-law require election finance statements, and further statements requested under subsection 93.12(2), to be audited.

Qualifications of auditor

93.13(2) If a council has passed a by-law under subsection (1), a candidate's election finance statement and any further statement requested from the candidate under subsection 93.12(2) must be prepared by an auditor

(a) who is entitled to practise as an accountant under *The Chartered Accountants Act*, *The Certified General Accountants Act* or *The Certified Management Accountants Act*; and

(b) who is not involved in the election for which the statement is prepared as an election official, as defined in section 1 of *The Municipal Councils and School Boards Elections Act*, a candidate, or in raising funds for a registered candidate, and who certifies to that effect.

Appointment of auditor

93.13(3) If a council passes a by-law under subsection (1), the candidate must include the name and address of the candidate's auditor in the candidate's application to be registered under section 93.3.

Audit expenses are not campaign expense

93.13(4) The expense incurred by the candidate in having a statement audited is not a campaign expense of the candidate.

Effective date of by-law

93.13(5) A by-law under this section must be passed at least 180 days before the election in respect of which it is to take effect.

Claims for campaign expenses

93.14 A person who has a claim against a registered candidate in an election for payment in relation to the election must submit the claim in writing to the candidate within 30 days after the election day in the election.

Surplus payable to municipality

93.15(1) Where a registered candidate's election finance statement filed under subsection 93.12(1) shows a surplus of funds, the candidate must immediately pay the surplus to the municipality which must hold it in trust on behalf of the candidate for use by the candidate in the next general election.

Release of surplus

93.15(2) The municipality must not release money held under subsection (1) in trust on behalf of an individual who was a registered candidate in an election until the individual is registered under section 93.3 (registration of prospective candidates) for the next general election, and if the individual

(a) advises the senior election official in writing that the individual will not seek nomination;

(b) is not nominated; or

(c) is not registered under section 93.3 as a candidate;

in the next general election, the money must be paid into the general funds of the municipality.

Failure by elected candidate to file statement

93.16(1) Where a registered candidate who is elected in an election fails to file

(a) an election finance statement required under subsection 93.12(1) before the date prescribed in a by-law passed under subclause 93.2(d)(ii); or

(b) a further statement required under subsection 93.12(2) before the date prescribed in a by-law passed under clause 93.2(e);

the chief administrative officer must send a written report of the failure to the head of council, who must place the report before council at its next meeting and, until the statement is filed with the chief administrative officer, the candidate must not sit on council.

Forfeiture of seat

93.16(2) Every registered candidate elected in an election forfeits his or her seat on council if the candidate fails to comply with section 93.12 (filing election finance statement) within 270 days after the day of the election.

Failure of other registered candidates to file

93.16(3) Where an individual who is registered as a candidate in an election and who is not nominated, withdraws, or is not elected in the election, fails to comply with section 93.12 (filing election finance statement), the individual is disqualified from being nominated for or elected as a member of council until after the next general election.

By-law establishing tax credits and rebates for contributions

93.17(1) A council may by by-law establish a program that entitles a contributor who made a contribution to a registered candidate during a campaign period to

(a) a credit, of an amount equal to part of the contribution, against taxes that are imposed by the municipality and that are payable by the contributor; or

(b) a rebate of part of the contribution.

Contents of by-law

93.17(2) A by-law under subsection (1) may, without limiting the generality of that subsection,

(a) specify the taxes against which there may be a credit;

(b) provide for the amount, or the means of determining the amount, of the credit or rebate of contribution;

(c) establish a maximum credit for contributions, or a maximum rebate of contributions, made by a contributor to all candidates in an election;

(d) impose terms and conditions on the entitlement to the credit or rebate; and

(e) provide for any other matter respecting the credits and rebates that the council considers necessary or advisable.

By-law establishing reimbursement of campaign expenses

93.18(1) A council may by by-law establish a program that entitles a candidate to reimbursement of a portion of his or her campaign expenses.

Contents of by-law

93.18(2) A by-law under subsection (1) may, without limiting the generality of that subsection,

(a) establish the campaign expenses that are eligible for reimbursement;

(b) provide for the amount, or the means of determining the amount, of reimbursement of campaign expenses;

(c) impose terms and conditions on the entitlement to the reimbursement; and

(d) provide for any other matter respecting reimbursement of campaign expenses that the council considers necessary or advisable.

Offence and penalty

93.19(1) Every person who contravenes or fails to comply with any of sections 93.4, 93.6, 93.8 to 93.12 or 93.15, or the by-law passed under section 93.2, is guilty of an offence and is liable on summary conviction to a fine of not more than $5,000.

Time limits on prosecution

93.19(2) A prosecution for an offence under this section may not be commenced later than six months after the day on which evidence sufficient to justify a prosecution for the offence came to the knowledge of the chief administrative officer. The certificate of the chief administrative officer as to the day on which the evidence came to his or her knowledge is evidence of that date.

*8 The centred heading "*DISQUALIFICATION OF MEMBERS*" is added before section 94.*

9 Subsection 94(1) is amended by adding the following after clause (c):

(c.1) forfeits his or her seat under subsection 93.16(2);

*10 The centred heading "*TERM OF OFFICE, FIRST COUNCIL MEETING, OATH OF OFFICE*" is added before section 99.*

*11 The centred heading "*VACANCIES AND BY-ELECTIONS*" is added before section 102.*

*12 The centred heading "*TERM OF OFFICE*" is added before section 106.*

*13 The heading for Part 4 is replaced with "*CHIEF ADMINISTRATIVE OFFICER, DESIGNATED OFFICERS AND CODE OF CONDUCT FOR EMPLOYEES*".*

14 The following is added after section 131 as part of Part 4:

EMPLOYEE CODE OF CONDUCT

Employee code of conduct

131.1(1) A council must establish a code of conduct for employees of the municipality that includes conflict of interest rules.

Content: conflict of interest rules

131.1(2) The conflict of interest rules must

(a) set out the types of conduct that are prohibited, which must include prohibiting an employee from

(i) using information that is obtained as a result of his or her employment and that is not available to the public to further, or seek to further, his or her private interests or those of his or her dependants, or to seek to improperly further another person's private interests, or

(ii) using his or her position to seek to influence a decision of another person so as to further the employee's private interests or those of his or her dependants or to improperly further another person's private interests; and

(b) specify the procedure an employee is to follow if the employee suspects that he or she may be in a conflict of interest and the procedure for resolving a conflict.

15 Subsection 263(1) is amended by adding the following after clause (h):

(i) an election finance statement filed by a registered candidate in an election.

PART 3

AMENDMENTS TO CITY OF WINNIPEG CHARTER

S.M. 2002, c. 39 amended

*16 **The City of Winnipeg Charter** is amended by this Part.*

17 Subsection 31(1) is amended

(a) in the part before the definition "campaign expense", by striking out "sections 32 to 46" *and substituting* "sections 32 to 46.1"*;*

(b) in clause (b) of the definition "campaign period", by striking out "returning officer" *and substituting* "senior election official"*; and*

(c) by adding the following definitions:

"financial institution" means a bank, credit union, trust company or other similar institution; (« établissement financier »)

"organization" includes

(a) a trade union, a partnership and an unincorporated association,

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

(c) a political party registered under *The Elections Finances Act*, or a constituency association of such a party; (« organisation »)

18 *Section 33 is replaced with the following:*

No contribution, expenses or borrowing until registered

33 No individual, other than a registered candidate, and no person acting on the individual's behalf, shall, for the purpose of electing the individual,

(a) solicit or accept a contribution;

(b) borrow money; or

(c) incur an expense.

Only individual residents may contribute

33.1(1) No person or organization other than an individual normally resident in Manitoba shall make a contribution to a registered candidate.

Limit on contributions by individuals

33.1(2) No individual shall make contributions that exceed

(a) $1,500. to a registered candidate who is a candidate for the office of mayor; or

(b) $750. to a registered candidate who is a candidate for the office of councillor.

Prohibited contributions not to be accepted

33.1(3) A registered candidate in an election shall not

(a) solicit or accept a contribution from

(i) a person who is not an individual normally resident in Manitoba, or

(ii) an organization;

(b) solicit or knowingly accept a contribution that exceeds the limits established in subsection (2); or

(c) incur campaign expenses in respect of the election in excess of the limit prescribed in a by-law passed under clause 34(b).

Return of contribution

33.1(4) On learning of any contribution accepted by or on behalf of a registered candidate contrary to this Act, the candidate's official agent shall immediately return to the contributor

(a) the contribution; or

(b) the amount of money equal to the value of the contribution.

Candidate's personal contributions

33.2(1) A registered candidate may make a contribution

(a) to his or her own election campaign; or

(b) to the election campaign of another registered candidate.

Limit applies to contributions of candidate

33.2(2) For certainty, the limit to the contributions established in subsection 33.1(2) applies to the contributions made by a registered candidate.

Loans only from financial institutions

33.3(1) A registered candidate shall not solicit or accept a loan for the purposes of an election, except from a financial institution.

Prohibition making loan

33.3(2) No person or organization, other than a financial institution, shall make a loan to a registered candidate for the purposes of an election.

Loans to registered candidates

33.3(3) A loan made by a financial institution to a registered candidate is not a contribution.

Loan must be paid into campaign account

33.3(4) A registered candidate shall ensure that a loan received from a financial institution is paid directly into an account that is listed in the application of the candidate to be registered.

Loan payments must be made from campaign account

33.3(5) Payments on a loan made to a registered candidate must be made from an account that is listed in the application of the candidate to be registered.

Loan payments made in different manner

33.3(6) A payment on a loan made to a registered candidate that is not made from an account that is listed in the application of the candidate to be registered is a contribution to the candidate made by the person or organization that made the payment.

No loans from registered candidates to others

33.4 A registered candidate shall not lend money raised for the purposes of an election to another person or to any organization.

19 Clause 34(a) is repealed.

20(1) Clause 35(1)(e) is amended by striking out "the lender" *and substituting* "the financial institution that made the loan".

20(2) Clause 35(2)(a) is amended by striking out "May 31 of the year following" *and substituting* "the day that is 210 days after".

21 Clause 37(h) is replaced with the following:

(h) any contribution accepted by or on behalf of the candidate that is contrary to this Act is returned to the contributor in accordance with subsection 33.1(4).

22 Sections 39, 40 and 42 are repealed.

23(1) Subsection 44(1) is amended by striking out "May 31 of the year following" *and substituting* "the day that is 210 days after".

23(2) Subsection 44(2) is amended by striking out "July 31 of the year following" *and substituting*

"the day that is 270 days after".

24 *Subsection 45(1) is amended by striking out* "sections 33 and 35" *and substituting* "sections 33, 33.1 and 33.3".

25 *The centred heading before section 46 of the English version is amended by striking out* "PROGRAM" *and substituting* "PROGRAMS".

26 *The section heading for subsection 46(1) is replaced with* "By-law establishing tax credits or rebates for contributions".

27 *The following is added after section 46 and before the centred heading that follows it:*

CAMPAIGN EXPENSE REIMBURSEMENT PROGRAM

By-law establishing reimbursement of campaign expenses

46.1(1) The council may by by-law establish a program that entitles a candidate to reimbursement of his or her campaign expenses.

Contents of by-law

46.1(2) A by-law under subsection (1) may, without limiting the generality of that subsection,

(a) establish the campaign expenses that are eligible for reimbursement;

(b) provide for the amount, or the means of determining the amount, of reimbursement of campaign expenses;

(c) impose terms and conditions on the entitlement to reimbursement; and

(d) provide for any other matter respecting reimbursement of campaign expenses that the council considers necessary or advisable.

28 *Clause 89(1)(c) is amended by striking out* "and codes of conduct".

29 *The following is added after section 89:*

Employee code of conduct

89.1(1) Council must establish a code of conduct for employees that includes conflict of interest rules,

Content: conflict of interest rules

89.1(2) The conflict of interest rules must

(a) set out the types of conduct that are prohibited, which must include prohibiting an employee from

(i) using information that is obtained as a result of his or her employment and that is not available to the public to further, or seek to further, his or her private interests or those of his or her dependants, or to seek to improperly further another person's private interests, or

(ii) using his or her position to seek to influence a decision of another person so as to further the employee's private interests or those of his or her dependants or to improperly further another person's private interests; and

(b) specify the procedure an employee is to follow if the employee suspects that he or she may be in a conflict of interest and the procedure for resolving a conflict.

PART 4

CONSEQUENTIAL AMENDMENT

AND COMING INTO FORCE

Consequential amendment, C.C.S.M. c. M257

*30 Clause 37(3)(a) of **The Municipal Councils and School Boards Elections Act** is replaced with the following:*

(a) the period that begins 42 days before election day and ends 90 days after election day, in a school division or a school district;

(a.1) the campaign period, as defined in subsection 93.1(1) of *The Municipal Act*, in a municipality other than The City of Winnipeg; or

Coming into force

31(1) This Act, except sections 1, 13, 14, 28 and 29, comes into force on the day it receives royal assent.

Coming into force — section 1

31(2) Section 1 comes into force on December 1, 2009.

Coming into force — sections 13, 14, 28 and 29

31(3) Sections 13, 14, 28 and 29 come into force on a day to be fixed by proclamation.

Explanatory Note

Amendment to *The Municipal Council Conflict of Interest Act*

Part 1 of this Bill makes the annual statements of assets and interests filed by municipal councillors under *The Municipal Council Conflict of Interest Act* available for public inspection.

amendments to *The Municipal Act*

Part 2 of this Bill governs election campaign financing for municipalities outside Winnipeg.

Candidates must register before they can raise money or make expenditures related to an election.

Unions and corporations are banned from making contributions to candidates.

Maximum amounts are established for contributions that individuals can make to candidates. The contribution limits also apply to contributions that a candidate makes to his or her own campaign.

Loans to candidates from anyone other than a financial institution are prohibited.

Candidates must file election finance statements. Elected candidates who fail to file their statement within the specified time may be disqualified from remaining on council.

Municipalities are authorized to establish programs that provide tax credits and rebates to

contributors, as well as a program to reimburse candidates for their election expenses.

In addition, municipalities are required to establish a code of conduct and conflict of interest rules for municipal employees.

Amendments to *The City of Winnipeg Charter*

Part 3 of this Bill amends the election campaign financing regime for the City of Winnipeg.

Unions and corporations are banned from making contributions to candidates.

Maximum amounts are established for contributions that individuals can make to candidates.

The contribution limits now also apply to contributions that a candidate makes to his or her own campaign.

Loans to candidates from anyone other than a financial institution are prohibited.

The City is authorized to establish a program to reimburse candidates for their election expenses.

In addition, the City is required to establish conflict of interest rules for city employees.

Consequential amendment

A consequential amendment is made to *The Municipal Councils and School Boards Elections Act*.

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Appendix B

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG providing for the regulation of expenses and contributions for candidates for Mayor and Councillors.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the Campaign Expenses and Contributions By-law.

Definitions

2(1) In this By-law

"Audited Financial Statement" means Form 4, which is attached to and forms part of this By-law;

"campaign expense" means

(a) money spent or liabilities incurred, and

(b) the value of donations in kind accepted,

in respect of goods used or services provided, by or on behalf of, and with the knowledge and consent of, a registered candidate during a campaign period, for the purpose of an election, but does not include audit fees, or expenses relating to a recount in respect of the election;

"campaign period" for an election means the period

(a) in a general election

(i) in the case of a candidate for mayor, beginning on May 1 in the year of the election and ending on March 31 of the year after the election, and

(ii) in the case of other candidates, beginning on June 30 in the year of the election and ending on March 31 of the year after the election, and

(b) in an election to fill a vacancy, beginning on the day when the Senior Election Official receives the direction from the city clerk to hold the election and ending on the day that is 90 days after the election;

“Certificate of Authority to Incur Campaign Expenses” means Form 2, which is attached to and forms part of this By-law;

“Certificate of Maximum Campaign Expenses” means Form 3, which is attached to and forms part of this By-law;

"contribution" means money paid or a donation in kind provided by a contributor to or for the benefit of a registered candidate, without compensation from the candidate;

"donation in kind" means goods or services provided to or for the benefit of a registered candidate without compensation from the candidate, and includes

(a) services of an employee provided by an employer,

(b) goods produced or donated voluntarily by a contributor who is a commercial supplier of the goods, and

(c) services provided voluntarily by a contributor who is a commercial or occupational supplier of the services,

but does not include

(d) money,

(e) goods produced or donated voluntarily, other than in clause (b), or

(f) services provided voluntarily, other than in clause (c);

"financial institution" means a bank, credit union, trust company or other similar institution;

"organization" includes

(a) a trade union, a partnership and an unincorporated association,

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

(c) a political party registered under *The Elections Finances Act*, or a constituency association of such a party;

“Receipt for Campaign Contributions” means Form 5, which is attached hereto and forms part of this By-law;

"registered candidate" means a candidate registered under section 5 of this By-law;

“Registration Form” means Form 1, which is attached to and forms part of this By-law;

"Senior Election Official" means the senior election official of the City of Winnipeg appointed under *The Municipal Councils and School Boards Elections Act.*

Value of donations in kind
2(2) The value of a donation in kind is

(a) the fair market value of the goods or services at the time of the donation; or

(b) where the donation in kind is services of an employee provided by an employer, the cost to the employer of the salary or wages of the employee whose services are provided for the period during which the services are provided.

Appointment of Campaign Expenses and Contributions Officer
3(1) After considering the recommendation of the Senior Election Official, Council must by by-law appoint a Campaign Expenses and Contributions Officer.

Duties of Campaign Expenses and Contributions Officer
3(2) The duties of the Campaign Expenses and Contributions Officer are:

(a) to assist registered candidates to comply with this By-law and provisions of *The City of Winnipeg Charter* relating to campaign expenses and contributions;

(b) to examine Audited Financial Statements filed by candidates; and

(c) to obtain such information as the Campaign Expenses and Contributions Officer considers necessary for the purpose of making a report to Council on matters set out in this By-law and on any apparent failure of a candidate to comply with this By-law or the provisions of *The City of Winnipeg Charter* relating to campaign expenses and contributions.

REGISTRATION OF CANDIDATES

No contribution, expenses or borrowing until registered
4 Until an individual is registered as a candidate, no individual and no person acting on the individual's behalf, shall, for the purpose of electing the individual,

(a) solicit or accept a contribution;

(b) borrow money; or

(c) incur an expense.

Registration of prospective candidates
5(1) The Senior Election Official shall register an individual who proposes to be a candidate in an election if

(a) during the campaign period for the election and before nominations close, the individual applies for registration in the Registration Form (Form 1)

(i) setting out the name and address of the candidate, the candidate's official agent, the candidate's auditor and any financial institution in

which accounts are to be used by or on behalf of the candidate for the purpose of the election campaign, and the numbers of every such account;

(ii) accompanied by statements signed by the candidate's official agent and the candidate's auditor in which they consent to act in those capacities;

(iii) containing any other information indicated in the Registration Form; and

(b) the Senior Election Official is satisfied that the individual is eligible to be nominated in the election.

Information required
5(2) The Senior Election Official may require that the individual provide personal identification, evidence of residency and other evidence necessary to satisfy the Senior Election Official that the individual is eligible to be nominated in the election.

Report of change in information
5(3) Where any of the information provided by a registered candidate on an application under subsection (1) changes for any reason, the candidate must immediately notify the Senior Election Official in person and in writing of the change.

Registered candidate entitled to copy of voters list
6 The Senior Election Official must give a registered candidate, on request, a copy of the most up-to-date voters list. The Senior Election Official may determine the form in which the list is given.

Duties of official agent
7 The official agent named in the application for registration of a candidate in an election is responsible for receiving all contributions made to or for the benefit of the candidate and authorizing all campaign expenses of the candidate, and for ensuring that

(a) proper records are kept of the contributions and campaign expenses;

(b) the contributions that are not donations in kind are deposited in an account that is

(i) listed in the application of the candidate for registration; and

(ii) used only for the purpose of the election campaign of the candidate;

(c) proper receipts for all the contributions are issued and given or sent to the contributors who made them;

(d) the Audited Financial Statement required under section 21 to be filed by the candidate is prepared;

(e) all financial records relating to the election campaign of the candidate are retained for not less than two years after the election and made available on request to the Campaign Expenses and Contributions Officer;

(f) all payments relating to or arising out of the campaign are made only by cheque drawn on such an account;

(g) all contributions that are made anonymously are not used or spent in the campaign but are paid over to the Senior Election Official to become part of the general funds of the city; and

(h) any contribution accepted by or on behalf of the candidate that is contrary to this By-law is returned to the contributor in accordance with subsection 9(2).

CONTRIBUTIONS

Only individual Manitoba residents may contribute
8(1) No person or organization other than an individual normally resident in Manitoba shall make a contribution to a registered candidate.

Limits on contributions by individuals
8(2) No individual shall make contributions that exceed

(a) $1,500.00 to a registered candidate who is a candidate for the office of mayor; or

(b) $750.00 to a registered candidate who is a candidate for the office of councillor.

Candidate's personal contributions to campaign
8(3) A registered candidate may make a contribution

(a) to his or her own election campaign; or

(b) to the election campaign of another registered candidate;

but the limits on contributions set out in subsection (2) apply to such a contribution.

Prohibited contributions not to be accepted
9(1) A registered candidate in an election shall not

(a) solicit or accept a contribution from

(i) a person who is not an individual normally resident in Manitoba, or

(ii) an organization; or

(b) solicit or knowingly accept a contribution that exceeds the limits established in subsection 8(2).

Return of contribution
9(2) On learning of any contribution accepted by or on behalf of a registered candidate contrary to this By-law, the candidate's official agent shall immediately return to the contributor

(a) the contribution; or

(b) the amount of money equal to the value of the contribution.

Contribution in excess of contribution limit
9(3) Where a contribution is contrary to this By-law because it exceeds the contribution limit set out in subsection 8(2), only the amount of the contribution that exceeds the contribution limit is required to be returned to the contributor.

Anonymous contributions not to be used
9(4) The candidate's official agent must ensure that all contributions that are made anonymously to the candidate are not used or spent in the campaign but are paid over to the Senior Election Official to become part of the general funds of the city.

Deposit and use of funds in account
10 The official agent for a registered candidate shall ensure that

(a) all contributions accepted by or on behalf of a registered candidate are deposited in an account or accounts that are

(i) listed in the application of the candidate for registration; and

(ii) used only for the purpose of the election campaign of the candidate; and

(b) and all payments relating to or arising out of the campaign are made by cheque only out of such an account.

Candidate to issue receipts
11(1) A registered candidate shall issue a completed Receipt for Campaign Contributions for each contribution accepted by or for the benefit of the candidate. Each receipt shall be consecutively numbered.

Candidate to keep record of contributions
11(2) Every registered candidate shall keep a record of all contributions, whether in the form of money, goods or services and in the case of a single contribution of more than $250.00 of contributions from a single source that in the aggregate or total of more than $250.00, the name and address of the contributor.

FUND-RAISING EVENTS

Definition of "fund-raising event"
12(1) In this section, "fund-raising event" means an event or activity held for the purpose of raising funds for the registered candidate by whom or on whose behalf the event is held.

Fund-raising event to be held within campaign period
12(2) A fund-raising event held by or on behalf of a registered candidate shall be held only during the campaign period.

Funds raised to be included in Audited Financial Statement (Form 4)
12(3) The gross income from a fund-raising event shall be recorded and included in the Audited Financial Statement required by subsection 21(1).

Categorization of fund-raising revenue and expenses
12(4) Any revenue generated by a fund-raising event by the sale of tickets or otherwise shall be considered a contribution for the purposes of subsection 21(1), and expenses incurred in holding a fund-raising event shall be excluded from the total campaign expenses referred to in subsections 17(1) and 17(2)..

Goods or services purchased in excess of market value at fund-raising event
12(5) Any amount paid for goods or services purchased at a fund-raising event that is in excess of fair market value shall be considered a contribution and must comply with the rules for contributions set out in this By-law.

BORROWING FOR CAMPAIGNS

Loans only from financial institutions
13(1) A registered candidate shall not solicit or accept a loan for the purposes of an election, except from a financial institution.

Prohibition on making loan
13(2) No person or organization, other than a financial institution, shall make a loan to a registered candidate for the purposes of an election.

Loans by financial institutions to registered candidates
13(3) A loan made by a financial institution to a registered candidate is not a contribution.

Loan must be paid into campaign account
13(4) A registered candidate shall ensure that a loan received from a financial institution is paid directly into an account that is listed in the application of the candidate to be registered.

Loan payments must be made from campaign account
13(5) Payments on a loan made to a registered candidate must be made from an account that is listed in the application of the candidate to be registered.

Loan payments made in different manner

13(6) A payment on a loan made to a registered candidate that is not made from an account that is listed in the application of the candidate to be registered is a contribution to the candidate made by the person or organization that made the payment.

No loans from registered candidates to others
13(7) A registered candidate shall not lend money raised for the purposes of an election to another person or to any organization.

CAMPAIGN EXPENSES

Candidate or designate must authorize incurring expense
14(1) The campaign expenses of a registered candidate shall be incurred only under the direction of the registered candidate by persons authorized by the registered candidate under subsection (2).

Authorization of designate to incur expense
14(2) A candidate may authorize an individual to incur a campaign expense on behalf of the candidate only by signing a completed Certificate of Authority to Incur Campaign Expenses (Form 2). An individual who has been authorized to incur a campaign expense on behalf of a candidate must, upon request, show the completed and signed Certificate as proof of his or her authority.

Candidate must maintain record of expenses
15 Every registered candidate shall keep a record of all campaign expenses.

Limitation on expenses – candidates for Mayor
16(1) The total campaign expenses incurred by a registered candidate in an election for the office of Mayor during the campaign period shall not exceed the maximum amount determined in accordance with the following formula:

$$M = N \times \$0.35 \times \frac{IE}{IB}$$

if

"M" is equal to the maximum amount permitted for election expenses for a registered candidate for Mayor for the year in which the election or by-election is being held;

"N" is equal to the number of eligible voters in the City according to the most recent voters list prepared by the Senior Election Official prior to the campaign period;

"IE" is equal to the Consumer Price Index for the City of Winnipeg published by Statistics Canada for the month two months prior to the commencement of the campaign period and, if the Consumer Price Index is not available for that month, the Consumer Price Index for the month immediately prior thereto which is available; and

"IB" is equal to the annual average Consumer Price Index for the City of Winnipeg published by Statistics Canada for the year 2002.

Limitation on expenses – candidates for Councillor
16(2) The total campaign expenses incurred by a registered candidate in an election for the office of a Councillor during the campaign period shall not exceed the maximum amount determined in accordance with the following formula:

$$M = N \times \$0.90 \times \frac{IE}{IB}$$

if

"M" is equal to the maximum amount permitted for election expenses for a registered candidate for Councillor for the year in which the election or by-election is being held;

"N" is equal to the number of eligible voters in the ward in which the registered candidate for Councillor is seeking election according to the most recent voters list prepared by the Senior Election Official prior to the campaign period;

"IE" is equal to the Consumer Price Index for the City of Winnipeg published by Statistics Canada for the month two months prior to the commencement of the campaign period and, if the Consumer Price Index is not available for that month, the Consumer Price Index for the month immediately prior thereto which is available; and

"IB" is equal to the annual average Consumer Price Index for the City of Winnipeg published by Statistics Canada for the year 2002.

Campaign Expenses and Contributions Officer to certify maximum expenses
17(1) The Campaign Expenses and Contributions Officer shall calculate for each office for which an election is being held the maximum amount of campaign expenses that may be incurred by a registered candidate under section 16. The Campaign Expenses and Contributions Officer shall, as soon as possible after the end of the nomination period, deliver or send by registered mail a copy of a Certificate of Maximum Campaign Expenses (Form 3) for each office for which an election is being held to each registered candidate for each office.

Certification of Campaign Expenses and Contributions Officer conclusive
17(2) Certification by the Campaign Expenses and Contributions Officer of the maximum amount of total campaign expenses that may be incurred by a registered candidate for an office for which an election is being held is conclusive and is not open to challenge.

Candidate must not spend over limit
18 A registered candidate must not incur expenses in excess of the maximum amount of total campaign expenses set out in a Certificate issued by the Campaign Expenses and Contributions Officer under subsection 17(2).

Receipt required for payment over $50
19 The official agent of the candidate on whose behalf a campaign expense was incurred must ensure that a receipt is obtained setting out the particulars and proof of payment for every campaign expense greater than $50.

Claims for election expenses
20(1) A person who has a claim against a registered candidate in an election for payment in relation to the election must submit the claim in writing to the candidate within 30 days after the election day in the election.

Claims disputed or refused
20(2) If the registered candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, that claim shall be considered to be a disputed claim and shall be declared as such in the Audited Financial Statement required by subsection 21(1).

AUDITED FINANCIAL STATEMENT (FORM 4)

Candidate to file Audited Financial Statement (Form 4)
21(1) Each registered candidate in an election must file with the Campaign Expenses and Contributions Officer an Audited Financial Statement that contains the following information in respect of the campaign period of the election:

(a) all contributions received and expenses incurred by the candidate;

(b) the name, address and the contribution of each contributor who makes to the candidate a total contribution of more than $250.00;

(c) an itemized list of campaign expenses incurred by the candidate;

(d) the contributions and expenses relating to each fund-raising event, in accordance with apportioning prescribed in section 12;

(e) particulars of any loan made to the candidate for the purpose of the election campaign, including the name of the financial institution that made the loan, the principal amount of the loan, the interest rate on the loan and the terms of repayment;

(f) other information required by Form 4.

Time for filing statement
21(2) An Audited Financial Statement required under subsection (1) to be filed by a registered candidate in an election must be filed,

(a) if the candidate is nominated in the election and does not withdraw, not later than the day that is 210 days after the election; and

(b) if the candidate is not nominated in the election or is nominated and withdraws, not later than the day that is 60 days after the election.

Further Audited Financial Statement (Form 4)
21(3) If the Campaign Expenses and Contributions Officer finds an Audited Financial Statement filed by a candidate to be incorrect or incomplete and notifies the candidate in writing of the finding, the candidate is required, not later than 240 days after the election, which date must be specified in the notice, to file with the Campaign Expenses and Contributions Officer a further Audited Financial Statement containing the information required under subsection (1).

Appointment and qualifications of auditor
22 An Audited Financial Statement required under section 21 must be prepared by an auditor

(a) who is appointed by the candidate as his or her auditor;

(b) who is entitled to practice as an accountant under *The Chartered Accountants Act*, *The Certified General Accountants Act* or *The Society of Management Accountants of Manitoba Incorporation Act*; and

(c) who is not involved in the election as an election official, as defined in section 1 of *The Municipal Councils and School Boards Elections Act*, candidate or official agent, or in raising funds for a registered candidate, and who certifies to that effect.

Audited Financial Statement to be made public
23 After the Audited Financial Statement has been examined by the Campaign Expenses and Contributions Officer for compliance under the provisions of this By-law and *The City of Winnipeg Charter*, the Campaign Expenses and Contributions Officer shall forward it to the Senior Elections Official. The Audited Financial Statement shall be open to inspection by any person at the Office of the City Clerk.

Surplus payable to city
24(1) Where the Audited Financial Statement filed under section 21 by a registered candidate in an election shows a surplus of funds, the official agent of the candidate must immediately pay the surplus to the city which must hold it in trust on behalf of the candidate for use by the candidate in the next general election.

Release of surplus
24(2) The city must not release money held under subsection (1) in trust on behalf of an individual who was a registered candidate in an election until the individual is registered under subsection 5(1) (registration of candidates) for the next general election, and if the individual

(a) advises the Senior Election Official in writing that the individual will not seek nomination;

(b) is not nominated; or

(c) is not registered under subsection 5(1) as a candidate;

in the next general election, the money must be paid into the general funds of the city.

Failure by elected candidate to file statement
25(1) Where a registered candidate who is elected in an election fails to file an Audited Financial Statement before the day that is 210 days after the election as required under section 21, the Campaign Expenses and Contributions Officer shall send a written report of the failure to the presiding officer of Council, who must place the report before Council at its next meeting and, until the Audited Financial Statement is filed with the Campaign Expenses and Contributions Officer, the candidate must not sit on Council.

Forfeiture of seat
25(2) Every registered candidate elected in an election forfeits his or her seat on council if the candidate fails to file the Audited Financial Statement required under section 21 before the day that is 270 days after the election.

Failure of other registered candidates to file
25(3) Where an individual who is registered as a candidate in an election and who fails to be nominated, withdraws, or is not elected in the election, fails to file an Audited Financial Statement in compliance with section 21, the individual is disqualified from being nominated for or elected as a member of council until after the next general election.

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
City Clerk

Approved as to form:

_____
For City Solicitor/Manager of
Legal Services

Appendix C

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to authorize the payment of rebates for contributions made to registered candidates in civic elections.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title
1 This By-law may be cited as the Rebate of Election Contributions By-law.

Definitions
2 Words used in this by-law have the same meaning as in the Campaign Expenses and Contributions By-law No.

Entitlement to rebate
3(1) Subject to this section, any individual who makes a contribution to one or more registered candidates during the campaign period of a civic election and who meets the requirements of section 4 is entitled to a rebate of part of the contribution in accordance with this By-law.

3(2) An individual is not entitled to a rebate for a contribution unless the candidate to whom the contribution was made:

(a) files an Audited Financial Statement in accordance with section 21 of the Campaign Expenses and Contributions By-law; and

(b) submits copies of all Receipts for Campaign Contributions issued during the campaign period to the Campaign Expenses and Contributions Officer not later than the date established in section 21 of the Campaign Expenses and Contributions By-law as the deadline for filing an Audited Financial Statement.

3(3) An individual is not entitled to a rebate if the Receipt for Campaign Contributions for his or her contribution filed by the candidate under clause 3(2)(b) is inconsistent with the Receipt for Campaign Contributions filed by the contributor under subsection 4(2).

3(4) An individual is not entitled to a rebate for any contribution of less than $25.00.

Application process

4(1) In order to obtain the rebate referred to in section 3, the person who made the contribution or contributions must apply to the City Clerk in a form acceptable to the City Clerk no later than 14 months after the date of the election.

4(2) As part of the application, the applicant must provide the original or a photocopy of the Receipt for Campaign Contributions issued for the contribution or contributions for which an application is being made.

Amount of rebate

5 The amount of a contributor's rebate is determined by one of the following formulas:

(a) for a total contribution to one or more candidates of $300.00 or less, 75% of the contribution;

(b) for a total contribution to one or more candidates of more than $300.00 but less than $1000.00, $225.00 plus 50% of the amount by which the contribution exceeds $300.00;

(c) for a total contribution to one or more candidates of more than $1000.00, the lesser of:

(i) $575.00 plus 33.3% of the amount by which the contribution exceeds $1000.00; or

(ii) $1000.00.

Rebate issued to individual

6(1) The City Clerk may issue a rebate only to the individual who is identified on the Receipt for Campaign Contributions.

6(2) Where the City Clerk is satisfied that the individual who is identified on the Receipt for Campaign Contributions has died since making the contribution, the City Clerk may issue the rebate to the estate of the individual.

Rebate of Election Contributions By-law No. 91/2004 repealed

7 The Rebate of Election Contributions By-law No. 91/2004 is repealed

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
City Clerk

Approved as to form:

_____
For City Solicitor/Manager of
Legal Services