Report of the Campaign Expenses and Contributions Officer

2011 Civic By-Election Audited Financial Statements

Office of Councillor St Vital Ward

September 2012

Report of the
Campaign Expenses and Contributions Officer

2011 CIVIC BY-ELECTION

AUDITED FINANCIAL STATEMENTS

Office of Councillor
St Vital Ward

Submitted to the Senior Election Official
of The City Of Winnipeg

September 2012

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Mr. Marc Lemoine
Senior Election Official
City of Winnipeg
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Mr. Lemoine

Report of the Campaign Expenses and Contributions Officer:
2011 Civic By-Election - Audited Financial Statements

In accordance with By-law No. 10/2010, passed by Council on April 28, 2010, I was engaged to fulfil the duties and obligations of Campaign Expenses and Contributions Officer for the City of Winnipeg.

In this regard, I am pleased to submit herewith my report to Council on the filing of audited financial statements by registered Councillor candidates in the 2011 Civic By-Election in accordance with Section 4(3) of the Campaign Expenses and Contributions By-law No. 10/2010.

The report identifies the 10 registered candidates who, in accordance with the by-law, are required to submit audited financial statements. All but 1 of the 10 candidates did file their statements by the required deadline. In accordance with discussions, it is my understanding that you will provide copies of this report to all inquiries.

I would like to take this opportunity to acknowledge and thank the Senior Election Official and the City Clerk's Department for their ongoing assistance during the 2011 By-Election for the office of Councillor in the St Vital Ward.

Bill Treytiak, C.G.A.
Campaign Expenses and
Contributions Officer

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BACKGROUND

Section 34(f) of *The City of Winnipeg Charter* requires Council to designate, by by-law, a person to assist registered candidates to comply with by-law and statutory provisions relating to campaign expenses and contributions, to examine audited statements filed by registered candidates, and to report to Council on certain matters including any apparent failure of a registered candidate to comply with provisions relating to campaign expenses and contributions. City of Winnipeg By-law No. 10/2010, the Campaign Expenses and Contributions By-law, establishes the position and duties of a Campaign Expenses and Contributions Officer (copy attached).

On January 25, 2006, Council passed By-law No. 22/2006 appointing of Mr. William Walter Treytiak, C.G.A., as the Campaign Expenses and Contributions Officer for the City of Winnipeg.

In accordance with By-law No. 10/2010, the campaign period for the Office of Councillor, St Vital Ward, commenced on September 24, 2011 and ended on February 24, 2012. Each candidate was required to file an audited statement not later than June 23, 2012, (for all registered candidates who did not withdraw), or if a candidate was not nominated or nominated but withdrew, not later than January 25, 2012.

The Campaign Expenses and Contributions Officer has examined and submitted to the Senior Election Official, all audited financial statements which are available for inspection by the public.

While the Campaign Expenses section of The City of Winnipeg Charter and the Campaign Expenses By-law have changed since the date of this election, the prevailing versions of the Charter and By-law in force at the time of the election have been utilized by the candidates and by this office in the review of their submissions.

FINDINGS: OFFICE OF COUNCILLOR

Registration for Councillor candidates commenced on Saturday, September 24, 2011, and closed at 4:30 p.m. on Nomination Day, Friday, October 21, 2011. During this period, ten persons registered as candidates for the office of Councillor, St Vital Ward.

OFFICE OF COUNCILLOR	
CANDIDATE	**AUDITED STATEMENT**
Mike Ducharme	Filed audited statement by June 23, 2012 deadline
Marty Green	Filed audited statement by June 23, 2012 deadline
Steven Hennessey	Filed audited statement by June 23, 2012 deadline
Hammad Khan	Filed audited statement by June 23, 2012 deadline
Brian Richard Mayes	Filed audited statement by June 23, 2012 deadline
Gregory Ross Nordman	Filed audited statement by June 23, 2012 deadline
Carl Osato	Filed audited statement by June 23, 2012 deadline
Beverley Watson	Filed audited statement by June 23, 2012 deadline
Harry Wolbert	Filed audited statement by June 23, 2012 deadline
Terry Wachniak	DID NOT FILE audited statement by June 23, 2012 deadline

Of the nine filings there was one violation of the By-Law 10/2010.
This violation was:

By-Law 10/2010, Subsection 8(3) - Candidate's personal contributions to campaign
Candidate - Beverley Watson
Violation - The total contributed by the candidate was $875

The Campaign Expenses and Contributions By-law and the City of Winnipeg Charter both limit the amount of contribution by councillor candidates to their own campaign to $750. In order to cover the cost of the audited financial statement, Ms. Watson exceeded this amount by $125. On May 30, 2012, Council recommended to the Province of Manitoba that the City of Winnipeg Charter be changed to exclude the costs of the audited financial statement from the candidate contribution limit. In light of this recommendation, the fact that the candidate violated the by-law to ensure public disclosure and considering the materiality of the amount involved (3/10 of 1 per cent of the campaign expense limit of 40,078.82), it is my recommendation that no action be taken in regards to this matter.

Appendix A

Registered Candidates

Candidates et candidats inscrits

	CANDIDATE (Address/Phone No.) **CANDIDATE OU CANDIDAT** **(Adresse et no de téléphone)**	OFFICE (Ward, if applicable) POSTE (Quartier, s'il y a lieu)	OFFICIAL AGENT (Address/Phone No.) AGENT OFFICIEL (Adresse et no de téléphone)	AUDITOR (Address/Phone No.) VÉRIFICATEUR (Adresse et no de téléphone)	REGISTRATION DATE DATE D'INSCRIPTION
1	Brian Richard Mayes 231-3660 info@brianmayes.com www.mayes2011.com	Councillor St. Vital Ward	Tannis Charles 256-1241	Kelly Ukrainec Booke & Partners 284-7060	September 24, 2011
2	Gregory Ross Nordman 930-5301 gregnordman@gmail.com www.gregnordman.com	Councillor St. Vital Ward	Kristjan Nordman 237-5173	Carol MacKenzie 257-8173	September 24, 2011
3	Mike Ducharme 962-1585 VoteDucharme@gmail.com www.VoteDucharme.blogspot.com	Councillor St. Vital Ward	Charles Simundson 952-5671	Nelson Collins Collins and Company 233-3270	September 26, 2011
4	Steven Hennessey 880-5319 shennessey1@shaw.ca www.votehennessey.ca	Councillor St. Vital Ward	Sherry Hennessey 255-1217 sahennessey@hotmail.com	Claude Roy 254-5154	September 26, 2011
5	Carl Osato 227-5215 carlosato1@hotmail.com	Councillor St. Vital Ward	Trent Snider 801-7995	Zing Wang Osato & Co. 253-4900	October 5, 2011

Registered Candidates

Candidates et candidats inscrits

	CANDIDATE (Address/Phone No.) **CANDIDATE OU CANDIDAT (Adresse et no de téléphone)**	OFFICE (Ward, if applicable) POSTE (Quartier, s'il y a lieu)	OFFICIAL AGENT (Address/Phone No.) AGENT OFFICIEL (Adresse et no de téléphone)	AUDITOR (Address/Phone No.) VÉRIFICATEUR (Adresse et no de téléphone)	REGISTRATION DATE DATE D'INSCRIPTION
6	Harry Wolbert 294-6062 hwolbert@shaw.ca	Councillor St. Vital Ward	Valerie Wolbert 889-4793 vwolbert@hotmail.com	Lorraine J. Cornelsen Cornelsen Tax Consulting 269-9566	October 12, 2011
7	Hammad Khan 272-3270 votekhan2011@gmail.com www.votekhan2011.ca	Councillor St. Vital Ward	Vjala Nagpal 880-0545 vjalanagpal@gmail.com	William O. Bingham 889-2485	October 13, 2011
8	Marty Green 774-4932 marty@onforeignsoil.com www.onforeignsoil.com	Councillor St. Vital Ward	Neil Schipper 221-7877 neilschipper@shaw.ca	Agnes Rodgers 771-5241	October 14, 2011
9	Beverley Watson 339-6555 info@beverleywatson.com www.beverleywatson.com	Councillor St. Vital Ward	Rick Watson 339-6555 info@beverleywatson.com	Mabel Wieler 943-3572	October 18, 2011
10	Terry Wachniak 488-2831	Councillor St. Vital Ward	John Redekopp 290-4968 jredekopp@hotmail.com	Richard Watson 953-6100	October 20, 2011

Appendix B

2011 City of Winnipeg By-Election

Summary of Registered Candidates' Campaign Income and Expenses

Office of Councillor – St Vital Ward

Candidate	Campaign Expenses Subject to Limitation	Total Campaign Income	Total Campaign Expenses	Campaign Surplus/ Deficit
Campaign Expense Limitation: $40,078.82				
Mike Ducharme	*$28,834.50*	*$29,946.94*	*$29,565.15*	*$381.79*
Marty Green	*$415.00*	*$532.00*	*$535.00*	*($3.00)*
Steven Hennessey	*$6,446.04*	*$6,439.00*	*$6,596.04*	*($157.04)*
Hammad Khan	*$35,315.61*	*$35,590.00*	*$35,315.61*	*$634.39*
Brian Richard Mayes	*$26,761.83*	*$28,116.00*	*$28,513.24*	*($397.24)*
Gregory Ross Nordman	*$18,388.20*	*$18,642.00*	*$18,638.20*	*$3.80*
Carl Osato	*$3,844.07*	*$5,725.00*	*$5,689.07*	*$35.93*
Terry Wachniak	*Did Not File*	*Did Not File*	*Did Not File*	*Did Not File*
Beverley Watson	*$3,956.35*	*$4,511.05*	*$4,516.35*	*($5.00)*
Harry Wolbert	*$202.70*	*$200.00*	*$986.70*	*($786.70)*

Appendix C

THE CITY OF WINNIPEG

CAMPAIGN EXPENSES AND CONTRIBUTIONS BY-LAW NO. 10/2010

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 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 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 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; 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 or his or her agent 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 on the part of the individual purchasing the goods or services 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 and must comply with the rules for contributions set out in this By-law.

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 Subject to subsection 12(4), 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 practise 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 funds held under subsection (1) in trust on behalf of an individual who was a registered candidate in an election to the individual until the individual is registered under subsection 5(1) (registration of candidates) for the next general election. 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.

By-law No. No 5550/90 repealed

26 The Campaign Expenses and Contributions By-law No. 5550/90 is hereby repealed.

DONE AND PASSED this 28th day of April, 2010.

THE CITY OF WINNIPEG
CAMPAIGN EXPENSES AND CONTRIBUTIONS BY-LAW NO. 10/2010
FORM 1
REFERENCE : SECTION 5(1)

REGISTRATION FORM

For Office Use Only	
☐	Mayor
☐	Councillor

NOTE: This form must be fully completed, signed by the candidate and filed with the Senior Election Official in accordance with the following:

In a regular election,

a) for mayoralty candidates, between May 1 and the close of the Nomination Period, 36 days prior to the election date.
b) for councillor candidates, between June 30 and the close of the Nomination Period, 36 days prior to the election date.

In an election to fill a vacancy,

a) for both mayoralty and councillor candidates, between the day on which a warrant to hold the election is issued, and the close of the Nomination Period, 36 days prior to the election date

1. TYPE OF REGISTRATION

☐ NEW / INITIAL REGISTRATION

☐ AMENDING / CHANGING INITIAL REGISTRATION INFORMATION
Changes must be submitted immediately / The form must be completed in full.

2. NAME OF CANDIDATE

Name of candidate		
Address / Postal Code		
Phone	Alternate Phone	Fax Number
Email Address		
Website		

3. NAME OF OFFICE

Name of office for which candidate is seeking election	Ward Name (if councillor candidate)

4. OFFICIAL AGENT (SECTION 7)

Name		
Address / Postal Code		
Phone	Alternate Phone	Fax Number
Email Address		

5. AUDITOR (SECTION 22) (The auditor must be an individual who is entitled to practise as an accountant under *The Chartered Accountant Act, The Certified General Accountants Act* or *The Society of Management Accountants of Manitoba Incorporation Act*.)

Name of Accountant	
Name of Firm	
Name of Registering Institute / Association	
Address / Postal Code	
Phone (Business)	Fax Number

6. DEPOSIT OF CONTRIBUTIONS (add names of additional designated signing officers on separate sheet)

Name of financial institution	
Address / Postal Code	
Account number(s)	
Signing Officer	Address / Postal Code
Signing Officer	Address / Postal Code
Signing Officer	Address / Postal Code
Signing Officer	Address / Postal Code

7. LOCATION WHERE CANDIDATE'S RECORDS ARE MAINTAINED (e.g. office, home, etc.)

Location
Address / Postal Code
Contact Person

8. DECLARATION OF CANDIDATE

I, _____ a candidate eligible to be nominated
(NAME OF CANDIDATE)

for election as a member of Council for the City of Winnipeg at this election, do solemnly declare:

(a) That the information contained in this Registration Form is to the best of my knowledge and information true and correct.

(b) That I am a Canadian citizen and will be of the full age of eighteen years on the date of the election.

(c) That I am not subject to any disqualification for the office for which I am a candidate under *The Municipal Councils and School Boards Elections Act, The City of Winnipeg Charter, or any other Act of the Manitoba Legislature.*

(d) That I am an elector of the City of Winnipeg.

(e) My place of residence is _____

And 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, and by virtue of The Canada Evidence Act.

Declared before me at the City of Winnipeg
in the Province of Manitoba

this _____ day of _____

_____
SIGNATURE OF CANDIDATE

_____
A Commissioner of Oaths (or Notary Public)
My commission expires on

_____
SIGNATURE OF
SENIOR ELECTION OFFICIAL

_____
DATE

Explanation for Candidates

- Section (b) requires that a candidate be eighteen years of age at the date of the election.
- Section (d) requires that the candidate is a voter of the City of Winnipeg as defined in Sections 21(1) and 22 (1) of *The Municipal Councils and School Boards Elections Act*.
- While a candidate need not reside in the Ward in which they are seeking election, they must either
  - (a) reside in the City of Winnipeg, or
  - (b) reside within the Province of Manitoba and own property within the City of Winnipeg.

NOTE: It is the responsibility of the person registering to file a complete and accurate Registration Form. Failure to do so will render the Registration Form invalid.

Subsection 5(3) of the By-law requires that changes to the information contained in this form must immediately be reported in person and in writing to the Senior Election Official.

THE CITY OF WINNIPEG
CAMPAIGN EXPENSES AND CONTRIBUTIONS BY-LAW NO. 10/2010
FORM 2
REFERENCE : SECTION 14(2)

CERTIFICATE OF AUTHORITY TO INCUR CAMPAIGN EXPENSES

For the campaign period:	From	To

Name of Registered Candidate	
Address / Postal Code	
Office	Ward Name (if councillor candidate)

PERSON AUTHORIZED TO INCUR CAMPAIGN EXPENSES

Name
Address / Postal Code

DATE

SIGNATURE OF CANDIDATE

THE CITY OF WINNIPEG
CAMPAIGN EXPENSES AND CONTRIBUTIONS BY-LAW NO. 10/2010
FORM 3
REFERENCE : SECTION 17(1)

CERTIFICATE OF MAXIMUM CAMPAIGN EXPENSES

For the campaign period:	From	To

Municipality	
	The City of Winnipeg
Office	Ward Name (if councillor candidate)

I certify that the maximum amount of campaign expenses for the above mentioned office is:

DATE

SIGNATURE OF CAMPAIGN EXPENSES AND CONTRIBUTIONS OFFICER

Copy to be sent by registered mail or delivered to candidates for such office.

THE CITY OF WINNIPEG
CAMPAIGN EXPENSES AND CONTRIBUTIONS BY-LAW NO. 10/2010
FORM 4
REFERENCE : SECTION 21(1)

AUDITED FINANCIAL STATEMENT

	From	To
For the campaign period		

NAME OF CANDIDATE AND OFFICE

NAME OF REGISTERED CANDIDATE		
ADDRESS		
CITY, PROVINCE		POSTAL CODE
PHONE	ALTERNATE PHONE (NEW)	FAX NUMBER
EMAIL ADDRESS (NEW)		
OFFICE	WARD NAME (IF COUNCILLOR CANDIDATE)	

SUMMARY OF CAMPAIGN INCOME AND EXPENSES

Campaign Expense Limitation (as per form 3) $ _____

Campaign Expenses Subject to Limitation (as per Statement of Income and Expenses) $ 0

Total Campaign Income $ _____ (A)

Total Period Expenses $ _____ (B)

Campaign Period Surplus (Deficit) ((A) - (B)) $ 0

DECLARATION OF CANDIDATE

I, _____ hereby declare that
Name of Candidate

to the best of my knowledge and belief this financial statement and supporting schedules as set out herein are true and correct and I make this 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 the City of Winnipeg in the Province of Manitoba this

_____ day of _____

_____ _____
Signature of Campaign Expenses and Contributions Officer Signature of Candidate

DECLARATION OF OFFICIAL AGENT

I, _____ have prepared this Campaign Period Return
Name of Official Agent

and supporting schedules as set out herein for _____ and hereby
Name of Candidate

declare that to the best of my knowledge and belief this Financial Statement and supporting schedules as set out herein are true and correct and I make this 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 the City of Winnipeg in the Province of Manitoba this

_____ day of _____

_____ _____
Signature of Campaign Expenses and Contributions Officer Signature of Official Agent

STATEMENT OF INCOME AND EXPENSES

FROM _____ TO _____

INCOME	
Candidate's Surplus from immediately preceding Election Released by the Senior Election Official	$
Contributions (attached Schedule 1)	$
Fund-Raising Event (attached Schedule 2)	$
Interest Income	$
Other (Please Specify):	$
TOTAL INCOME	$ 0
EXPENSES (ATTACH SCHEDULE 4; IF ANY DISPUTED CLAIMS, ATTACH SCHEDULE 5)	
CAMPAIGN EXPENSES SUBJECT TO LIMITATION	
Advertising	$
Bank Charges	$
Brochures	$
Candidate's Personal Expenses	$
Furniture	$
Insurance and Utilities	$
Meetings, Social Functions, Rallies	$
Office Rent	$
Office Supplies	$
Postage	$
Salaries and Benefits	$
Signs	$
Stationery	$
Telephone	$
Travel	$
Other (Please Specify):	$
SUB-TOTAL CAMPAIGN EXPENSES SUBJECT TO LIMITATION	$ 0

STATEMENT OF INCOME AND EXPENSES (continued)

Total Income (reported from previous page)		$ 0
Sub-total Campaign Expenses Subject to Limitation	$ 0	
CAMPAIGN EXPENSES EXCLUDED FROM LIMITATION		
Accounting and Audit	$	
Court action commenced under Part 9, *The Municipal Councils and School Boards Elections Act*	$	
Expense in holding a Fund-Raising Function	$	
Interest on Loans	$	
Recount	$	
SUB-TOTAL CAMPAIGN EXPENSES EXCLUDED FROM LIMITATION	$ 0	
TOTAL PERIOD EXPENSES		$ 0
CAMPAIGN PERIOD SURPLUS (DEFICIT)		$ 0

SCHEDULE 1 - FOR MAYORALTY CANDIDATES ONLY

CONTRIBUTIONS
FOR USE BY MAYORALTY CANDIDATES ONLY (Section 8(2)(a))

PART I

From a single source totalling more than $250 (complete Part III)	$ _____
Total of contributions in the Form of Goods and Services from a single source of more than $250 (complete Part I)	$ _____
Total of single source contributions of $250 or less	$ _____
From candidate	$ _____
TOTAL CONTRIBUTIONS	$ 0

CONTRIBUTIONS IN EXCESS OF LIMITS

Excess cash over $1500 - Returned to the Contributor	$ _____
Excess over $1500 in the form of Goods and Services - Returned to the Contributor	$ _____

CONTRIBUTIONS TO BE PAID TO THE SENIOR ELECTION OFFICIAL

From anonymous sources	$ _____
Cash and/or Goods and Services in excess of limits	$ _____
TOTAL TO BE PAID TO THE SENIOR ELECTION OFFICIAL	$ 0

SCHEDULE 1 - FOR MAYORALTY CANDIDATES ONLY (continued)

PART II

List of Contributions in the Form of Goods and Services

Itemized list:

Nature of Goods and Services	Supplier	Value

Sub-total from supplementary list if used $ _____

Total (sum to equal D above) $ 0

SCHEDULE 1 - FOR MAYORALTY CANDIDATES ONLY (continued)

PART III

List of Contributors from Single Source totalling more than $250

Name	Address	Value

TOTAL $ 0

SCHEDULE 1 - FOR COUNCILLOR CANDIDATES ONLY

CONTRIBUTIONS
FOR USE BY COUNCILLOR CANDIDATES ONLY (Section 8(2)(b))

PART I

From a single source totalling more than $250 (complete Part III)	$ _____
Total of contributions in the Form of Goods and Services from a single source of more than $250 (complete Part II)	$ _____
Total of single source contributions of $250 or less	$ _____
From candidate	$ _____
TOTAL CONTRIBUTIONS	$ 0

CONTRIBUTIONS IN EXCESS OF LIMITS

Excess cash over $750 - Returned to the Contributor	$ _____
Excess over $750 in the form of Goods and Services - Returned to the Contributor	$ _____

CONTRIBUTIONS TO BE PAID TO THE SENIOR ELECTION OFFICIAL

From anonymous sources	$ _____
Cash and/or Goods and Services in excess of limits	$ _____
TOTAL TO BE PAID TO THE SENIOR ELECTION OFFICIAL	$ 0

SCHEDULE 1 - FOR COUNCILLOR CANDIDATES ONLY (continued)

PART II

List of Contributions in the Form of Goods and Services

Itemized list:

Nature of Goods and Services	Supplier	Value

Sub-total from supplementary list if used $ _____

Total (sum to equal D above) $ 0

SCHEDULE 1 - FOR COUNCILLOR CANDIDATES ONLY (continued)

PART III

List of Contributors from Single Source totalling more than $250

Name	Address	Value

TOTAL $ 0

SCHEDULE 2

FUND RAISING EVENTS INCOME STATEMENT
(ATTACH A DIFFERENT SCHEDULE FOR EACH EVENT HELD)

FUND RAISING FUNCTION

Date: _____

Held at: _____

Type of Function: _____

*Admission Charge (per person)	$ _____	A
Number of Tickets sold	$ _____	B
REVENUE FROM FUNCTION (A X B)	$ _____	
Other Revenue (Please Specify):	$ _____	
_____		
_____		
_____		
TOTAL GROSS REVENUE:	$ 0	

* If admission charge per person is not consistent, please provide complete breakdown of all ticket sales.

_____

_____

_____

SCHEDULE 3

BORROWINGS, OVERDRAFT, ETC.

Name of financial institution: _____

Address: _____

_____

_____

Principal Amount of Loan: $ _____

Interest rate: _____

Terms of repayment: _____

_____

_____

GUARANTORS (attach supplementary list if space insufficient)

Name	Address	Amount of Guarantee

SCHEDULE 4

STATEMENT OF DISPUTED CLAIMS
(ATTACH LIST IF MORE SPACE REQUIRED)

	Amount included in expenses	Disputed amount
Name & Address of Claimant Nature of Expense Reason for Dispute	$ _____	$ _____
Name & Address of Claimant Nature of Expense Reason for Dispute	$ _____	$ _____
Name & Address of Claimant Nature of Expense Reason for Dispute	$ _____	$ _____
TOTAL FROM SUPPLEMENTARY LIST ATTACHED	$ _____	$ _____
TOTAL DISPUTED CLAIMS	$ 0	$ 0

AUDITOR'S REPORT
REFERENCE: SECTION 21(1)

Name of Candidate _____

Official Agent _____

Office _____

Ward Name (if councillor candidate) _____

I / we have examined the statements of assets and liabilities and income and expenses of

_____ candidate, for the campaign period ending
Name of Candidate

_____ relating to the election held on _____
Date Campaign Period Ended Date of Election

These statements, which have not been , and were not intended to be, prepared in accordance with Canadian generally accepted accounting principles, are solely for the information and use of the Campaign Expenses and Contributions Officer for the City of Winnipeg for complying with By-law No. 10/2010 of *The City of Winnipeg Charter*. The statements are not intended to be and should not be used by anyone other than the specified users or for any other purposes.

These financial statements are the responsibility of the registered candidate and official agent. My/our responsibility is to express an opinion on these financial statements based on my/our audit.

My/our examination was made in accordance with generally accepted auditing standards. Those standards require that I/we plan and perform an audit to obtain responsible assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes such test and other procedures as I/we consider necessary in the circumstances except as explained in the following paragraph.

Due to the nature of the types of transactions inherent in an election campaign, it is impracticable through auditing procedures to determine that the accounting records include all donations of goods and services, receipts and disbursements for the campaign period. Accordingly, my/our verification of these transactions was limited to ensuring that the financial statements reflect the amounts recorded in the accounting records of the candidate, in accordance with established accounting procedures and I/we was/were not able to determine whether any adjustments might be necessary to receipts and disbursements.

In my/our opinion, except for the effect of adjustments, if any, which I/we might have determined to be necessary had I/we been able to satisfy myself/ourselves as to the completeness of the records as described in the preceding paragraph, these statements present fairly the information contained in the accounting records on which the statements are based in accordance with prescribed accounting treatment.

_____ _____
Date Signature of Auditor

The City of Winnipeg
CAMPAIGN CONTRIBUTIONS
RECEIPT / REBATE APPLICATION FORM **ORM 5**
NOT VALID FOR INCOME TAX PURPOSES

RECEIPT NO. _____

Only individuals who are residents of Manitoba are eligible to contribute.

Office for which Candidate is Registered (circle one): MAYOR COUNCILLOR

Name of Candidate (please print): _____

Signature of Candidate or Representative: _____

Date Issued: Year _____ Month _____ Day _____

Contribution Amount $_____ Specify: O Monetary O Goods/Services/Advertising

Full name and mailing address of contributor (please print)

Name of Individual
. . . . . .

Address
. . . . . .

City Postal Code
. . . . . .

TO APPLY FOR A REBATE, <u>THE CONTRIBUTOR MUST SIGN AND RETURN THIS FORM</u>
TO THE CITY CLERK, CITY OF WINNIPEG, CITY CLERK'S DEPARTMENT,
COUNCIL BUILDING, 510 MAIN STREET, WINNIPEG, MB R3B 1B9.
For further information, please call 311 to reach the City of Winnipeg's Contact Centre

DEADLINE FOR RECEIPT OF APPLICATION IS_____.

SIGNATURE OF CONTRIBUTOR _____TELEPHONE NUMBER _____

REBATES WILL BE MAILED OUT IN_____. A REBATE IS PAYABLE ONLY IF THE CANDIDATE HAS FILED AN AUDITED FINANCIAL STATEMENT AND COMPLIED WITH ALL BY-LAW REQUIREMENTS.

Personal information on this form is collected under the authority of *The City of Winnipeg Charter* and will be used for the purposes of recording your campaign contribution and administering the rebate program only.

WHITE copy to be given to Contributor YELLOW copy to be retained by Official Agent PINK copy to be submitted with Audited Financial Statement