



The City of Winnipeg

2010

Civic Election

Campaign Expenses and Contributions Guide
(By-law No. 10/2010)



Mayor and Councillor Candidates



City Clerk's Department
April, 2010



A Message from Marc Lemoine, Senior Election Official

*An election for members of Council in the City of Winnipeg is held every four years on the fourth Wednesday in October. A Civic Election will be held this year on **Wednesday, October 27, 2010.***

The Campaign Expenses and Contributions By-law No. 10/2010 provides for the regulation of expenses and contributions for Mayor and Councillor candidates. This information guide addresses those regulations and highlights some of the provisions of the by-law and its practical application.

Candidates are responsible for complying with the by-law requirements; which includes filing an audited financial statement with the Campaign Expenses and Contributions Officer.

Candidates who register and file a Nomination Paper must file their audited financial statement by May 25, 2011.

Candidates who register but do not file a Nomination Paper, or who file a Nomination Paper and withdraw, must file their audited financial statement by December 27, 2010.

Should you have further questions, please contact:

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www.winnipeg.ca/2010election

CAMPAIGN EXPENSES AND CONTRIBUTIONS GUIDE
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CAMPAIGN EXPENSES AND CONTRIBUTIONS OFFICER

The Campaign Expenses and Contributions Officer assists candidates in complying with the provisions of the Campaign Expenses and Contributions By-law No. 10/2010.

The Campaign Expenses and Contributions Officer examines the audited financial statement that each registered candidate is required to file, and obtains any other related information he considers necessary for the purpose of making a report to Council.

The Campaign Expenses and Contributions Officer for this election is:

Name: Bill Treytiak
Address: 71 Lakeview Cove, Winnipeg, MB R3X 2B1
Telephone / Fax: 257-2814
E-mail: treytiak@hotmail.com

**All questions on campaign financing are to be made to the
Campaign Expenses and Contributions Officer**

OFFICIAL AGENT

Every candidate must appoint an Official Agent who will be responsible for receiving contributions and authorizing campaign expenses. If the Official Agent ceases to hold office for any reason, the registered candidate must immediately appoint another Official Agent and advise the Senior Election Official in writing of the change.

The Official Agent is responsible for the following:

- a) Keeping proper records of the contributions and campaign expenses;
- b) Ensuring that contributions are deposited in the account(s) listed in candidate's Registration Form and used only for the purpose of the election campaign;
- c) Ensuring that proper receipts are issued;
- d) Ensuring that the audited financial statement required under Section 21(1) of the Campaign Expenses and Contributions By-law is prepared;
- e) Ensuring that financial records relating to the election campaign are retained for two years after the election.

CAMPAIGN PERIOD

The campaign period is the time during which a **registered** candidate can, or any person acting on their behalf can, accept contributions or incur campaign expenses.

The campaign period for candidates for **Mayor** begins on Saturday, May 1, 2010 and ends on Thursday, March 31, 2011.

The campaign period for candidates for **Councillor** begins on Wednesday, June 30, 2010 and ends on Thursday, March 31, 2011.

REGISTRATION PROCESS

The registration process is step one in a two step process for becoming a candidate. Individuals must complete step one before proceeding to step two, the nomination process (as outlined in the *Candidate's Guide*).

The registration process and the nomination process are separate.

CANDIDATE REGISTRATION

A person seeking election for either **Mayor or Councillor** must file a **Registration Form** in person with the Senior Election Official, City Clerk's Department, Council Building, 510 Main Street. The Registration Form (**Form 1**) can be found on the white pages at the back of this guide.

Registration for candidates for **Mayor** begins on Monday, May 3, 2010 and ends on Tuesday, September 21, 2010, 4:30 p.m.

Registration for candidates for **Councillor** begins on Wednesday, June 30, 2010 and ends on Tuesday, September 21, 2010, 4:30 p.m.

The following information is required on the Registration Form:

- the name and address of the candidate
- the candidate's official agent and auditor
- the name of the financial institution, including account number(s), where accounts will be established by the candidate for use during their election campaign
- a declaration of the candidate's eligibility to be nominated in the election.

The candidate must immediately notify the Senior Election Official, in person and in writing, of any changes to this information.

A person who files a Registration Form becomes a registered candidate on the day of filing. The Senior Election Official keeps a list of all persons who have registered.

After a candidate has filed their Registration Form, they can, or any person acting on their behalf can, accept contributions or incur campaign expenses. **A candidate cannot spend any of their own money on the campaign before registering.**

The registration process and the nomination process are separate.

Registration alone does not confirm status as a candidate in the election. A candidate must file a Nomination Paper before their name can appear on the ballot.

The *Candidate's Guide* outlines the nomination process.

CAMPAIGN CONTRIBUTIONS

WHO CAN CONTRIBUTE

Registered candidates may accept contributions **ONLY** from individuals who are residents of Manitoba. **Contributions from businesses, unions and individuals residing outside of Manitoba CANNOT be accepted.**

Until a person is registered as a candidate, they are not permitted to accept contributions.

Contributions made to a candidate are not tax-deductible for the contributor.

CONTRIBUTION LIMIT

The total contribution limit by an individual, in money, goods or services, to any registered candidate for **Mayor** is \$1,500.00

The total contribution limit by an individual, in money, goods or services, to any registered candidate for **Councillor** is \$750.00

CANDIDATE'S PERSONAL CONTRIBUTIONS

A registered candidate may make a contribution to their own campaign or to the campaign of another registered candidate, but **the contribution limit of \$1,500.00 for Mayor and \$750.00 for Councillor applies to the candidate and their spouse.**

RETURN OF CONTRIBUTIONS

A contribution that is found to be contrary to the Campaign Expenses and Contributions By-law shall be immediately returned by the Official Agent to the contributor.

CONTRIBUTIONS IN EXCESS OF CONTRIBUTION LIMIT

Where a contribution exceeds the contribution limit, only the amount of the contribution that exceeds the limit must be returned to the contributor.

ANONYMOUS CONTRIBUTIONS

The Official Agent must ensure that all anonymous contributions are not used or spent, but are paid to the Senior Election Official to become part of the general funds of the City.

DEPOSITS AND USE OF FUNDS

The Official Agent must ensure that all contributions accepted by or on behalf of a registered candidate are deposited into the account(s) listed in the candidate's Registration Form and can only be used for the purpose of the election campaign. All payments relating to or arising out of the campaign must be made by cheque out of such an account.

RECEIPTS

A registered candidate must issue a receipt for campaign contributions (**Form 5**) for each contribution accepted. Each receipt must be consecutively numbered.

RECORD OF CONTRIBUTIONS

Every registered candidate must keep a record of all contributions whether in the form of money, goods or services, and in the case of contributions of more than \$250 from a single source, the name and address of the contributor.

FUND-RAISING EVENTS

Fund-raising events held by or on behalf of a registered candidate must be held only during the campaign period.

The gross income from a fund-raising event must be recorded and included in the audited financial statement. Any revenue made at a fund-raising event by the sale of tickets or otherwise shall be considered a contribution.

Expenses incurred while holding a fund-raising event are excluded from the candidate's total campaign expenses.

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.

CAMPAIGN EXPENSES

Registered candidates may authorize an individual to incur campaign expenses on their behalf by signing a Certificate of Authority to Incur Campaign Expenses (**Form 2**).

Every registered candidate must keep a record of all campaign expenses.

There is a limitation on the amount a registered candidate may spend on campaign expenses. The limitation is determined by a formula based upon the number of electors. Sections 16(1) and 16(2) of Campaign Expenses and Contributions By-law No. 10/2010 outline the formulas.

The Campaign Expenses and Contributions Officer will provide each registered candidate with a preliminary campaign expense limitation estimate at the beginning of the campaign period and will certify the exact campaign expense limitation as soon as possible after the close of nominations on September 21, 2010.

FUNDS EXPENDED ON THE ELECTION OF A CANDIDATE ARE NOT TAX-DEDUCTIBLE.

AUDITED FINANCIAL STATEMENT

ALL registered candidates must file an Audited Financial Statement with the Campaign Expenses and Contributions Officer, regardless of whether any monies were incurred or expended and regardless of whether they complete the nomination process. An audited financial statement prepared by an auditor, appointed by the candidate, contains the following information:

- a) all contributions received and expenses incurred;
- b) the name, address and contribution of each contributor of an amount over \$250;
- c) an itemized list of campaign expenses incurred;
- d) the contributions and expenses relating to each fund-raising event;
- e) particulars of any loan made to the candidate for the purpose of the election campaign.

A registered candidate who files a Nomination Paper must file their audited financial statement with the Campaign Expenses and Contributions Officer by May 25, 2011, 4:30 p.m.

A registered candidate who does not file a Nomination Paper, or who files a Nomination Paper and withdraws, must file their audited financial statement with the Campaign Expenses and Contributions Officer by December 27, 2010, 4:30 p.m.

If the Campaign Expenses and Contributions Officer should find an audited financial statement to be incorrect or incomplete, he will notify the registered candidate that they must file a further audited financial statement with him by June 30, 2011.

Any candidate who is elected and fails to file their audited financial statement by July 24, 2011 will forfeit their seat on Council.

Any other candidate who fails to file their audited financial statement is disqualified from being nominated as a candidate until after the next Civic Election.

The audited financial statement of every candidate will be available for inspection at the City Clerk's Department during regular office hours.

FAILURE OF A REGISTERED CANDIDATE TO COMPLY WITH STATUTORY AND BY-LAW PROVISIONS, INCLUDING THE FAILURE TO FILE AN AUDITED FINANCIAL STATEMENT, WILL RESULT IN PROSECUTION.

REBATE OF ELECTION CONTRIBUTIONS

The Rebate of Election Contributions By-law No. 9/2010 provides for a rebate of contributions made to a registered candidate.

The maximum contribution to any registered candidate for **Mayor** is \$1,500.00.

The maximum contribution to any registered candidate for **Councillor** is \$750.00

At the time of registration, candidates will be provided with Rebate Application forms for use during their campaign.

The Rebate Application form is a three part form:

- The White copy is to be given to the Contributor
- The Yellow copy is to be retained by the Official Agent as part of the candidate's records
- The Pink copy is to be submitted by the candidate to the Campaign Expenses and Contributions Officer at the same time they file their audited financial statement.

CALCULATION OF REBATE

Rebates are calculated as follows:

- For total contributions between \$25.00 and \$300.00, the rebate is 75% of the contribution
- For total contributions between \$301.00 and \$1,000.00, the rebate is \$225.00 plus 50% of the difference between the contribution and \$300.00
- For total contributions of more than \$1,000.00, the rebate is the lesser of:
 - i) \$575.00 plus 33.3% of the difference between the contribution and \$1,000.00;
 - ii) \$1,000.00

Contributions of less than \$25.00 will not receive a rebate.

An applicant making contributions to more than one candidate is able to apply for a rebate for each contribution. The rebate calculated will be based on the **total** amount contributed.

Please see table on Page 10 for sample calculations of contribution rebates.

TO RECEIVE A REBATE

To receive a rebate, the contributor must:

- complete the Rebate Application form provided by the candidate
- mail the application to the City Clerk, City of Winnipeg, City Clerk's Department, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9.

The deadline to submit a Rebate Application is December 27, 2011.

Registered candidates must file an audited financial statement and provide a copy of all receipts for contributions, before a contributor is issued a rebate.

Commencing in July of 2011, the City Clerk's Department will begin mailing out rebates.

SAMPLE CALCULATIONS OF CONTRIBUTION REBATES

The amount of rebate paid to a contributor is based upon the total amount of all the contributions the contributor made to candidates in the election. For example, if a contributor gave \$500 each to three different candidates, the rebate is calculated based on the total contribution of \$1,500.00. The rebate payable on the \$1,500.00 would be \$741.67.

TOTAL CONTRIBUTIONS TO ALL CANDIDATES	AMOUNT OF REBATE	TOTAL CONTRIBUTIONS TO ALL CANDIDATES	AMOUNT OF REBATE
less than \$25	0.00	1,100.00	608.33
25.00	18.75	1,150.00	625.00
35.00	26.25	1,200.00	641.67
45.00	33.75	1,250.00	658.33
50.00	37.50	1,300.00	675.00
100.00	75.00	1,350.00	691.67
150.00	112.50	1,400.00	708.33
200.00	150.00	1,450.00	725.00
250.00	187.50	1,500.00	741.67
300.00	225.00	1,550.00	758.33
350.00	250.00	1,600.00	775.00
400.00	275.00	1,650.00	791.67
450.00	300.00	1,700.00	808.33
500.00	325.00	1,750.00	825.00
550.00	350.00	1,800.00	841.67
600.00	375.00	1,850.00	858.33
650.00	400.00	1,900.00	875.00
700.00	425.00	1,950.00	891.67
750.00	450.00	2,000.00	908.33
800.00	475.00	2,050.00	925.00
850.00	500.00	2,100.00	941.67
900.00	525.00	2,150.00	958.33
950.00	550.00	2,200.00	975.00
1,000.00	575.00	2,250.00	991.67
1,050.00	591.67	2,275.00	1,000.00
		over 2,275	1,000.00

The maximum contribution to any registered candidate for **Mayor** is \$1,500.00.

The maximum contribution to any registered candidate for **Councillor** is \$750.00

REBATE OF ELECTION CONTRIBUTIONS BY-LAW NO. 9/2010

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. 10/2010.

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 fourteen 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.

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

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 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 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 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 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.

