

The Rural Municipality of Lac du Bonnet

**CAMPAIGN FINANCE
ELECTION EXPENSES & CONTRIBUTIONS**

By-Law No. 11-14

BEING a by-law of the Rural Municipality of Lac du Bonnet to set campaign expense (Spending) limit for candidates, establish fundraising rules and set the form and deadline for filing the election finance statement and to repeal Bylaw 20-13.

WHEREAS under section 93.2 of the Municipal Act a municipality must pass a by-law prescribing certain matters concerning campaign expenses and contributions in connection with municipal elections.

NOW THEREFORE THE COUNCIL of the Rural Municipality of Lac du Bonnet enacts as a by-law the following:

INTERPRETATION

- 1.1 Terms in this by-law have the meanings ascribed to them in The Municipal Act.
- 1.2 References to sections in this by-law are to provisions in the Municipal Act.

REGISTRATION OF PROSPECTIVE CANDIDATES

- 2.1 An individual applying to be a registered candidate under section 93.3 must Complete the registration form provided by the Senior Election Official.

CAMPAIGN EXPENSE LIMIT

- 3.1 The limit to campaign expenses that may be incurred by registered candidates Shall be
 - (a) for the head of council, \$3,000.00
 - (b) for councillors, \$2,500.00

PORTIONING OF INCOME FROM FUND-RAISING EVENT

- 4.1 In this section, "fund-raising event" means events or activities held for the purpose of raising funds for the registered candidate by whom or on whose behalf the event is held.
- 4.2 A fund-raising event held by or on behalf of a registered candidate shall be held only during the campaign period.
- 4.3 The total revenue received and the total costs incurred for fund-raising event shall be recorded and included in Part B of the registered candidate's election finance statement.
- 4.4 The net income made at a fund-raising event shall be considered a contribution and expenses incurred in holding a fund-raising event shall be excluded from the campaign expense limitation. Net income is calculated by deducting fund-raising costs from fund-raising revenue.
- 4.5 Notwithstanding 4.4, a monetary contribution that is more than \$10.00 from An individual into a general collection at a fund-raising event must be considered A contribution as per section 93.6(2) of The Municipal Act, be recorded and Reported in accordance with 93.12(1), and be excluded from the fund-raising Event revenue.

ELECTION FINANCE STATEMENTS

- 5.1 The election finance statement shall be in the form set out in Schedule A to this by-law. Registered candidates must keep records of contributions received, campaign expenses incurred and loans obtained in a manner that facilitates the filing and reconciliation of the election finance statement.

The Rural Municipality of Lac du Bonnet

**CAMPAIGN FINANCING
ELECTION EXPENSES & CONTRIBUTIONS**

By-Law No. 11-14

-Page 2-

- 5.2 Registered candidates must retain for not less than two years after the election, as per section 93.11(e), copies of receipts, bank statements, cheques and any other documents on which the election finance statement is based.
- 5.3 The date by which the election finance statement under section 93.12(1) must be filed with the Chief Administration Officer in each general election or by-election is within 210 days after Election Day.
- 5.4 A request by the Chief Administrative Officer to file a further election finance statement under section 93.12(2) must be made within 30 days of the filing of the election finance statement.
- 5.5 The date by which a further election finance statement requested by the Chief Administrative Officer under section 93.12(2) must be filed is 30 days after The request is received.
- 5.6 After a registered candidate files his or her election finance statement with the Chief Administrative Officer the statement shall be open to inspection by any person during regular office hours and a copy shall be provided on payment of the municipality's current photocopy fee.

DONE AND PASSED as a by-law of the Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this 22nd day of April, 2014.


Gus Wruck, Reeve


Tannis Lodge, Chief Administrative Officer

READ A FIRST TIME:	April 8 th , 2014	Resolution # 2014-0142
READ A SECOND TIME:	April 8 th , 2014	Resolution # 2014-0143
READ A THIRD TIME:	April 22, 2014	Resolution # 2014-0168

Schedule "A" to By-law No. 11-14

Rural Municipality of Lac du Bonnet

CANDIDATE ELECTION FINANCE STATEMENT

To be filed with the Chief Administrative Officer in each general election or by-election within 210 days after the Election Day.

Name of office (Head of Council or Councillor)		
Name of Candidate		
Permanent mailing address		
		Postal Code
Phone	Phone (alternate)	Fax Number
E-mail address		

CONTRIBUTIONS IN CAMPAIGN PERIOD

Contributions \$250.00 or less \$ _____

Add: Contributions more than \$250 from single contributor \$ _____ (Part A)

Add: Contributions from fund-raising events \$ _____ (Part B)

Add: Other (Please specify) \$ _____

TOTAL CONTRIBUTIONS \$ _____

Anonymous Contributions turned over to SEO \$ _____
(Do not include in Total Contributions)

EXPENSES IN CAMPAIGN PERIOD

Advertising – media, posters, pamphlets, signs \$ _____

Office – furniture, equipment, insurance, rent, telephone \$ _____

Office supplies – stationary, postage \$ _____

Candidate's personal expenses \$ _____

Meetings, social functions, rallies \$ _____

Travel \$ _____

Other (please specify): _____

_____ \$ _____

TOTAL EXPENSES \$ _____

SURPLUS/(DEFICIT)
(TOTAL CONTRIBUTIONS LESS TOTAL EXPENSES) \$ _____

PART A

**CONTRIBUTIONS (INCLUDING GOODS OR SERVICES)
FROM A SINGLE CONTRIBUTOR VALUED MORE THAN \$250.00**

(Complete only if the total value of contributions, monetary and non-monetary, from any single contributor was more than \$250 during the campaign period).

Name	Address	Goods or Services	Amount/Value of Goods or Services \$
PART A – TOTAL CONTRIBUTIONS			\$

PART B

FUND-RAISING EVENT STATEMENT

(Attach a separate statement for each event held)

Event #: _____

Date: _____

Held at: _____

Type of Function: _____

Revenue

(Please Specify e.g. ticket sales, merchandise etc.):

(Exclude individual monetary contributions into a general collection of more than \$10.00. These contributions are to be reported as individual contributions.)

TOTAL REVENUE \$ _____

Costs

(Please Specify e.g. hall rental, advertising, supplies etc.):

TOTAL COSTS \$ _____

**PART B – TOTAL
CONTRIBUTIONS
(TOTAL REVENUE LESS
TOTAL COSTS)** \$ _____

LOAN DETAILS

Name of financial institution:	_____
Address:	_____ _____ _____
Amount borrowed:	\$ _____
Interest rate: _____%	Terms for repayment _____

I, _____, a candidate for election as a member of council at the _____ (Year of) General Election/ By-Election, declare:

- (a) this campaign finance completely and accurately discloses the information required under The Municipal Act; and
 - (b) the requirements of The Municipal Act and the Rural Municipality of Lac du Bonnet under this By-Law have been met,
- in relation to my election campaign in the year _____ General Election / By-Election.

(Signature of Candidate)

Declared before me at the _____ in the Province of
Manitoba, this _____ day of _____, 20____.

(Signature of Witness)

LOAN DETAILS

Name of financial institution:	_____
Address:	_____ _____ _____
Amount borrowed:	\$ _____
Interest rate: _____ %	Terms for repayment _____

I, _____, a candidate for election as a member of council at the 2014 general election, declare:

- (a) this campaign finance completely and accurately discloses the information required under The Municipal Act; and
- (b) the requirements of The Municipal Act and the Rural Municipality of Lac du Bonnet under this By-Law have been met,

in relation to my election campaign in the year 2014 General Election.

(Signature of Candidate)

Declared before me at the _____ in the Province of
Manitoba, this _____ day of _____, 20__.

(Signature of Witness)

CAMPAIGN FINANCING

Definitions

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

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

"campaign expense" means

- (a) money spent or liabilities incurred; and
- (b) the value of non-monetary contributions accepted;

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

"campaign period" means

- (a) in a general election

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

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

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

- (ii) in any other municipality, the period

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

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

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

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

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

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

- (a) services of an employee provided by an employer;
- (b) goods produced or donated voluntarily by a contributor who is a commercial supplier of the goods; and
- (c) services provided voluntarily by a contributor who is a commercial or occupational supplier of the services;

but does not include

- (d) money;
- (e) goods produced or donated voluntarily, other than in clause (b); or
- (f) services provided voluntarily, other than in clause (c). (« contribution non monétaire »)

"organization" includes

- (a) a trade union, a partnership and an unincorporated association;
- (b) a political party registered under the *Canada Elections Act*, or a constituency association of such a party; and
- (c) a political party registered under *The Election Financing Act*, or a constituency association of such a party. (« organisation »)

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

Value of non-monetary contribution

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

- (a) the fair market value of the goods or services at the time of the donation; or
- (b) where the non-monetary contribution is services of an employee provided by an employer, the cost to the employer of the salary or wages of the employee whose services are provided for the period during which the services are provided.

S.M. 2009, c. 35, s. 7; S.M. 2012, c. 35, Sch. A, s. 120.

By-law on expenses and contributions

11-14
~~By-law 2013~~

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

- (a) prescribing the limit to campaign expenses that may be incurred by a registered candidate for head of council and by a registered candidate for councillor;
- (b) prescribing the portion of income from a fund-raising event that is deemed to be a contribution, and the portion that is deemed to be campaign expenses;
- (c) prescribing the manner in which registered candidates must keep records of contributions received and campaign expenses incurred by them;
- (d) in respect of an election finance statement required to be filed under section 93.12,
 - (i) prescribing additional information, if any, required to be included in the statement, and
 - (ii) prescribing the date by which the statement must be filed, which must not be more than 210 days after the election;
- (e) prescribing the date by which any further statement requested by the chief administrative office under subsection 93.12(2) must be filed, which must not be more than 60 days after the registered candidate receives the request; and
- (f) prescribing forms for the purposes of the by-law.

S.M. 2009, c. 35, s. 7.

Registration of prospective candidates

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

- (a) during the campaign period for the election and before nominations close, the individual applies for registration in a form approved by the senior election official; and
- (b) the senior election official is satisfied that the individual is eligible to be nominated in the election.

Information that must be provided

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

- (a) his or her name and address;
- (b) the name and address of any financial institution in which accounts are to be used by or on behalf of the individual for the purpose of the election campaign, and the numbers of every such account; and
- (c) any additional information required by the senior election official.

Report of change in information

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

S.M. 2009, c. 35, s. 7.

No contribution, expenses or borrowing until registered

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

- (a) solicit or accept a contribution;
- (b) borrow money; or
- (c) incur an expense.

S.M. 2009, c. 35, s. 7.

Registered candidate entitled to copy of voters list

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

S.M. 2009, c. 35, s. 7.

Only individual residents may contribute

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

Application to Flin Flon

93.6(2) Despite subsection (1), an individual who is normally resident in the boundary area defined in *The Flin Flon Extension of Boundaries Act*, S.M. 1989-90, c.73, may make a contribution to a registered candidate in an election in the City of Flin Flon.

Limit on contributions by individuals

93.6(3) No individual shall make contributions that exceed

- (a) \$1,500. to a registered candidate who is a candidate for the office of head of council;
- (b) \$1,500. to a registered candidate who is a candidate for the office of councillor, if councillors are elected by a vote of the voters of the whole municipality; or
- (c) \$750. to a registered candidate who is a candidate for the office of councillor, if councillors are elected on the basis of wards.

Prohibited contributions not to be accepted

93.6(4) A registered candidate in an election shall not

- (a) solicit or accept a contribution from
 - (i) a person who is not an individual normally resident in Manitoba, or
 - (ii) an organization;
- (b) solicit or knowingly accept a contribution that exceeds the limits established in subsection (3); or
- (c) incur campaign expenses in respect of the election in excess of the limit prescribed in the by-law passed under clause 93.2 (a).

Return of contribution

93.6(5) A registered candidate, on learning of any contribution accepted by or on behalf of him or her is contrary to this Act, shall immediately return to the contributor

- (a) the contribution; or
- (b) the amount of money equal to the value of the contribution.

S.M. 2009, c. 35, s. 7.

Candidate's personal contributions

93.7(1) A registered candidate may make a contribution

- (a) to his or her own election campaign; or
- (b) to the election campaign of another registered candidate.

Limit applies to contributions of candidate

93.7(2) For certainty, the limit to the contributions established in subsection 93.6(3) applies to the contributions made by a registered candidate.

S.M. 2009, c. 35, s. 7.

Anonymous contributions

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

S.M. 2009, c. 35, s. 7.

Loans only from financial institutions

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

Prohibition making loan

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

Loans to registered candidates

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

Loan must be paid into campaign account

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

Loan payments must be made from campaign account

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

Loan payments made in different manner

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

S.M. 2009, c. 35, s. 7.

No loans from registered candidates to others

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

S.M. 2009, c. 35, s. 7.

Duties of registered candidate

93.11 A registered candidate in an election must ensure that

- (a) proper records are kept of the contributions made to, and the campaign expenses incurred by, the candidate;
- (b) monetary contributions are deposited in a campaign account of the candidate;
- (c) a campaign account of the candidate is used only for the purpose of the election campaign of the candidate;
- (d) all payments relating to or arising out of the campaign are made only by cheque drawn on a campaign account of the candidate; and
- (e) all financial records relating to the election campaign of the candidate are retained for not less than two years after the election and made available on request to the chief administrative officer.

S.M. 2009, c. 35, s. 7.

Candidate to file election finance statement

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

- (a) all contributions received and expenses incurred by the candidate;
- (b) the name, address and the contribution of each contributor who has made to the candidate a contribution of more than \$250.;
- (c) an itemized list of campaign expenses incurred by the candidate;
- (d) the contributions and expenses relating to each fund-raising event, in accordance with apportioning prescribed in a by-law passed under clause 93.2(b);
- (e) particulars of any loan made to the candidate for the purpose of the election campaign, including the name of the financial institution that made the loan, the principal amount of the loan, the interest rate on the loan and the terms of repayment;
- (f) any other information required by the by-law passed under subclause 93.2(d)(i).

Further statement

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

S.M. 2009, c. 35, s. 7.

Audit may be required

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

Qualifications of auditor

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

- (a) who is a chartered professional accountant authorized to provide public accounting services in accordance with *The Chartered Professional Accountants Act*;
- (b) who is not involved in the election for which the statement is prepared as an election official, as defined in section 1 of *The Municipal Councils and School Boards Elections Act*, a candidate, or in raising funds for a registered candidate, and who certifies to that effect.

Appointment of auditor

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

Audit expenses are not campaign expense

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

Effective date of by-law

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

S.M. 2009, c. 35, s. 7; S.M. 2015, c. 5, s. 123.

Claims for campaign expenses

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

S.M. 2009, c. 35, s. 7.

Surplus payable to municipality

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

Release of surplus

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

- (a) advises the senior election official in writing that the individual will not seek nomination;
- (b) is not nominated; or
- (c) is not registered under section 93.3 as a candidate;

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

S.M. 2009, c. 35, s. 7.

Failure by elected candidate to file statement

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

- (a) an election finance statement required under subsection 93.12(1) before the date prescribed in a by-law passed under subclause 93.2(d)(ii); or
- (b) a further statement required under subsection 93.12(2) before the date prescribed in a by-law passed under clause 93.2(e);

the chief administrative officer must provide a written report of the failure to council at its next meeting, and the candidate must not sit on council until the chief administrative officer reports to council that the candidate's statement has been filed.

Forfeiture of seat

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

Failure of other registered candidates to file

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

S.M. 2009, c. 35, s. 7.

By-law establishing tax credits and rebates for contributions

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

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

Contents of by-law

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

- (a) specify the taxes against which there may be a credit;
- (b) provide for the amount, or the means of determining the amount, of the credit or rebate of contribution;
- (c) establish a maximum credit for contributions, or a maximum rebate of contributions, made by a contributor to all candidates in an election;
- (d) impose terms and conditions on the entitlement to the credit or rebate; and
- (e) provide for any other matter respecting the credits and rebates that the council considers necessary or advisable.

S.M. 2009, c. 35, s. 7.

By-law establishing reimbursement of campaign expenses

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

Contents of by-law

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

- (a) establish the campaign expenses that are eligible for reimbursement;
- (b) provide for the amount, or the means of determining the amount, of reimbursement of campaign expenses;
- (c) impose terms and conditions on the entitlement to the reimbursement; and
- (d) provide for any other matter respecting reimbursement of campaign expenses that the council considers necessary or advisable.

S.M. 2009, c. 35, s. 7.

Offence and penalty

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

Time limits on prosecution

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

S.M. 2009, c. 35, s. 7.