

BY-LAW NO. 6974

BEING A BY-LAW OF The City of Brandon to prescribe certain matters concerning campaign expenses and contributions in connection with City of Brandon elections.

WHEREAS Section 93.2 of The Municipal Act, RSM 1996, c.M225 provides as follows:

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.

AND WHEREAS the City Manager, as the City of Brandon's Chief Administrative Officer, has delegated to the City Clerk, pursuant to Section 123 of The Municipal Act, the responsibility to ensure that civic elections and related activities are carried out in accordance with The Municipal Councils and School Boards Election Act and The Municipal Act.

NOW THEREFORE the Council of The City of Brandon in regular session assembled, enacts as follows:

Interpretation

- 1. (a) Terms in this by-law have the meanings ascribed to them in The Municipal Act.
- (b) References to sections in this by-law are to provisions in The Municipal Act.

Registration of Prospective Candidates

- 2. 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. The limit to campaign expenses that may be incurred by registered candidates shall be:
 - (a) for Mayor, \$16,000; and
 - (b) for Councillors, \$4,000.

Portioning of Income from Fund-Raising Event

- 4. (a) 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.
- (b) A fund-raising event held by or on behalf of a registered candidate shall be held only during the campaign period.
- (c) The total revenue received and the total costs incurred for a fund-raising event shall be recorded and included in Part B of the registered candidate's election finance statement.
- (d) 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.

- (e) Notwithstanding Subsection 4.(d), 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. (a) Where reference is made in Section 93 of The Municipal Act to the responsibilities of the Chief Administrative Officer with respect to campaign financing, such responsibilities shall be assumed by the City Clerk as delegated to him by the City Manager pursuant to Section 129 of the Act.
- (b) 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.
- (c) 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.
- (d) The date by which the election finance statement under section 93.12(1) must be filed is:
 - (i) May 25, 2011 for the 2010 general election; and
 - (ii) in each general election or by-election after that, 210 days after Election Day.
- (e) A request by the City Clerk 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.
- (f) The date by which a further election finance statement requested by the City Clerk under section 93.12(2) must be filed is 30 days after the request is received.
- (g) After a registered candidate files his or her election finance statement with the City Clerk 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.

Enactment

- 6. This by-law shall come into full force and effect on the date following its final passage.

DONE AND PASSED by the Council of the City of Brandon in regular session assembled this 22nd day of March A.D. 2010.

"D. K. Burgess"
MAYOR

"C. R. Arvisais"
CITY CLERK

Read a first time this	8th	day of	March	A.D. 2010
Read a second time this	22 nd	day of	March	A.D. 2010
Read a third time this	22 nd	day of	March	A.D. 2010

I, Conrad Robert Arvisais, Clerk of City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6974.

"C. R. Arvisais"
C. R. Arvisais, City Clerk

SCHEDULE "A"
BY-LAW NO. 6974

CANDIDATE ELECTION FINANCE STATEMENT

To be filed with the City Clerk by May 25, 2011.

Name of office (Mayor or Councillor, and Ward if applicable)		
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 \$ _____ ← From Part A

Add: Contributions from fund-raising events \$ _____ ← From Part B

Add: Other (Please specify) \$ _____

TOTAL CONTRIBUTIONS \$ _____

Anonymous Contributions turned over to
Senior Election Official \$ _____
(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 City Council at the 20 General Election, declare:

- (a) this campaign finance statement completely and accurately discloses the information required by The Municipal Act; and
- (b) the requirements of The Municipal Act and City of Brandon By-law No. 6974 have been met, in relation to my election campaign in the year 20 General Election.

(SIGNATURE OF CANDIDATE)

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

(SIGNATURE OF CITY CLERK)