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Important Information

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BY-LAW NO. 1506
AMENDMENT NO. 1525, 1576, 1578, 1598
ELECTION FINANCE BY-LAW
PASSED BY COUNCIL ON October 15, 2007

Pursuant to the powers vested in it under the Municipal Elections Act, R.S.N.L. 1990 c. M-20.2, as amended and all other powers enabling it, the City of St. Johns enacts the following By-Law relating to municipal election finances.

BY-LAW

1. This By-Law may be cited as the St. Johns Election Finance By-Law.

2. In this By-Law:

(a) “contribution means a contribution of money, goods, or services, but does not include a donation by a natural person of his or her personal services, talents, or expertise or the use of his or her vehicle where it is given freely and not as part of his or her work in the service of an employer”; and **(Amended 06/19/2017; #1598)**

(b) election means a general election, by-election or special election called under the Municipal Elections Act.

EXPENDITURES

3. (1) A candidate for mayor shall not in any election expend monies exceeding the total of \$10,000.00 plus \$1.00 for each voter on the voters list as of the date of the election.

(2) A candidate for deputy mayor shall not in any election expend monies exceeding the total of \$10,000.00 plus \$1.00 for each voter on the voters list as of the date of the election.

(3) A candidate for councillor at large shall not in any election expend monies exceeding the total of \$10,000.00 plus \$1.00 for each voter on the voters list as of the date of the election.

(4) A candidate for ward councillor shall not in any election expend monies exceeding the total of \$10,000.00 plus \$1.00 for each voter in the applicable ward on the voters list as of the date of the election.

CONTRIBUTIONS

4. (1) (a) Contributions to candidates shall be made only by natural persons individually, or by corporations or trade unions individually.

(b) The value of goods or services contributed to a candidate is:

(i) if the contributor is in the business of supplying those goods or services, the lowest amount charged by the contributor for an equivalent amount of the same goods or services at or about the time and in the market area in which the goods or services are contributed; and

(ii) if the contributor is not in the business of supplying those goods or services, the lowest amount charged, at or about the time the goods or services are provided, by another person who provides the same goods on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are contributed.”

(c) For greater certainty, where an employee spends time working for a candidate for which he or she is compensated by his or her employer and the employer is not a candidate, the value of that compensation is a contribution of the employer for the purposes of this By-Law. **(Section 4(1) - Amended 06/19/2017; #1598)**

(2) (a) Natural persons individually may in a calendar year make a maximum contribution of \$1,000.00 to a candidate; and

(b) Corporations and trade unions may in a calendar year make a maximum contribution of \$2,000.00 to a candidate.

(3) Only a candidate or his or her agent may solicit, collect or accept contributions.

(4) A contribution to a candidate that is made by a person in a calendar year, the total value of which does not exceed \$250.00 is not a contribution for the purposes of this section.

(5) Money given to a candidate in an amount exceeding \$250.00 shall be made only:

(a) by a cheque that has the name of the contributor printed legibly on it and that is signed by the contributor and drawn on an account in the contributor's name;

(b) by a money order that identifies the name of the contributor; or

(c) in the case of a contribution by an individual by the use of a credit card, if that credit card has the name of the individual contributor imprinted or embossed on that card,

and that contribution shall not be accepted unless the contribution is made in accordance with this subsection.” **(Section 4(5) - Amended 06/19/2017; #1598)**

(6) Notwithstanding subsection (5), where money in an amount exceeding \$250.00 is anonymously contributed to a candidate, that money shall not be utilized by the candidate in the election but shall be paid to the City of St. Johns and used to offset the costs of the election.

(7) Where goods or services in an amount exceeding \$250.00 are anonymously contributed to a candidate, those goods or services shall not be utilized by the candidate in the election.” **(Amended 06/19/2017; #1598)**

REPORTING

5. (a) All candidates in an election, including those not elected, shall, not more than 90 days after the election, file with the returning officer a statement in the required form and made under oath or affirmation stating:

i. the total amount of the contributions received by him or her;

ii. each contribution from a corporation and the contributors of those amounts; and

iii. each contribution from an individual that exceeds \$250.00 and the contributors of those amounts. **(Amended 07/14/2015; #1578)**

(b) All candidates in an election, including those not elected, who did not receive any one contribution in an amount exceeding \$250.00 shall, not more than 90 days after the election, file with the returning officer a statement under oath or affirmation stating the total amount of the contributions received by him or her and that he or she did not receive any one contribution in an amount that exceeded \$250.00.

6. All candidates in an election, including those not elected, shall not more than 90 days after the election, file with the returning officer a statement under oath or affirmation stating the total amount of expenditures made by him or her on the campaign and confirming that said amount did not exceed the limits set out in section 3 of this By-Law. **(Amended 05/25/2015; #1576)**

(1) A statement filed under this By-Law shall be considered to be an official record of the City, and upon request, shall be made available for inspection by members of the public. **(Amended 06/19/2017; #1598)**

OFFENCE AND PENALTY

7. Sections 99 and 100 of the Municipal Elections Act apply to a contravention of this By-Law.

APPLICATION

8. This By-Law shall apply to an election which may be called after the enactment of this By-Law.