



MEMBER ADVISORY

BILL 35: THE MUNICIPAL CONFLICT OF INTEREST AND CAMPAIGN FINANCING ACT

October 28, 2009 – Bill 35: The Municipal Conflict of Interest and Campaign Financing Act received Royal Assent from the Manitoba Legislature earlier this month.

This bill makes very significant changes to both the roles governing elections and the current conflict of interest provisions governing municipal officials. Despite serious concerns from the AMM, the Province passed the bill without addressing our major concerns.

Overall, the AMM has been accepting of the Province's plans to increase transparency in the election process. In early 2009 the AMM met with the Department of Intergovernmental Affairs (IGA) to discuss possible changes to The Municipal Act regarding the election process. Following this initial discussion with IGA, the Province decided to include additional changes to the municipal conflict of interest rules in the bill as a result of the Auditor General's recommendations. The AMM did not have input into this section of the bill.

The following is a timeline of activities with regard to this legislation.

- **June 2** - The Province introduced Bill 35 – The Municipal Conflict of Interest and Campaign Financing Act which made a number of changes to the rules governing municipal elections and municipal conflict of interest.
- **August 27** - The AMM Board of Directors reviewed the proposed bill in detail and highlighted a number of concerns. These included:
 - *our opposition to making financial disclosure statements openly available to the public, especially in the middle of the current municipal mandate;*
 - *the need to strengthen the penalties for unsuccessful candidates who do not file election expense forms; and*
 - *our preference to have CAOs report the failure to file statements to council as a whole, rather than to the head of council only.*

- **September 2** - The AMM met with the Minister of Intergovernmental Affairs and senior IGA staff to highlight our concerns. While the Minister felt the opening up of financial disclosure statements was necessary, he was sympathetic to the concerns with changing the rules in the middle of the current municipal mandate and *agreed the proposed implementation date of November 1st, 2009 date would be changed until after the next municipal election.*
- **September 28** - The AMM registered and presented its concerns to the Legislative Standing Committee. On the same day, the AMM received commitments from the Province that the AMM's concerns, including changing the rules in the middle of the current municipal mandate, *would be addressed, but not likely through the standing committee that evening.*
- **October 7** - The Manitoba Legislature passed third reading of Bill 35 *without* the changes that the Province committed to the AMM.

As a result of some of these activities, the AMM is concerned about the process used by government in passing this important bill affecting municipalities without addressing the AMM's concerns.

We are also concerned with the failure of the government to carry through on their commitments to the AMM.

Despite these concerns, the AMM will continue to work with IGA to make sure the election requirements and processes will be as simple and straightforward as possible, by:

- ✓ commissioning, through our legal fund, sample by-laws to help our members with the process;
- ✓ working with IGA on a candidate's manual and communications of the new rules leading up to the next municipal election, and
- ✓ organizing a plenary session at the AMM Annual Convention for IGA to give an overview of the new rules. We also hope the Minister of Intergovernmental Affairs will participate in the Ministerial Forum to answer your questions on the new rules.

We will keep our members updated on further developments.
