



HOUSE OF ASSEMBLY

Elections **Newfoundland and Labrador**

**REPORT OF THE CHIEF ELECTORAL OFFICER
ON
ELECTION FINANCES FOR THE BY ELECTION
HELD IN THE DISTRICT OF
PLACENTIA & ST. MARY'S
FEBRUARY 21ST, 2006**

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**PUBLISHED UNDER THE AUTHORITY OF SECTION 273,
THE ELECTIONS ACT, 1991, CHAPTER E-3.1**

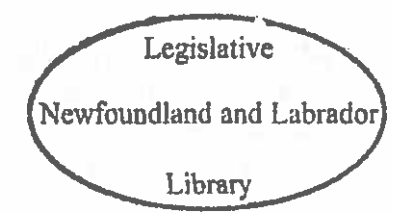
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ELECTION FINANCE REPORT

Part III – Election Finances, of the Elections Act, 1991 was proclaimed into force on October 1, 1993. In addition to outlining the powers and duties of the Chief Electoral Officer with respect to Election Financing, the Act establishes a regulatory framework for campaign financing and the reporting of financial information applicable to elections and by-elections in this Province.

CAMPAIGN FILINGS

Section 304 of The Elections Act requires candidates in a by-election and political parties that received contributions or made expenditures in relation to the by-election to file with the Chief Electoral Officer a financial statement of income and expenses relating to the by-election within six months of polling day.

There were five filings relating to the February 21st 2006 Placentia & St. Mary's by-election. The four candidates were; Nick Careen (non-affiliated), Felix Collins (Progressive Conservative Party), Tom Hickey (Newfoundland & Labrador First Party), and Kevin Power (Liberal Party). The Progressive Conservative Party, which reported direct expenditures relating to the by-election, was also required to file. The Liberal and Newfoundland and Labrador First Parties did not report contributions or direct election related expenditures and therefore were not required to file audited financial statements relating to the by-election.

FILING DEADLINE

Subsection 304 of the Elections Act, 1991 specifies that "The chief financial officer of every registered party or candidate shall, within 6 months after polling day, file with the Chief Electoral Officer a financial statement of income and expenses of the party or candidate for which he or she acts relating to the election, together with the auditor's report as required by subsection 302(6) of the Act. For the Placentia & St. Mary's by-election the statutory filing deadline was therefore set as August 21, 2006.

Of the above noted five reports three were received by the specified deadline. The report for the Felix Collins campaign was received on September 8, 2006, 18 days after the filing deadline and the report for the Nick Careen campaign was received on February 8, 2007, 117 days following the August 21, 2006 deadline.

Subsection 320(1) of the Elections Act, 1991 provides that "A chief financial officer who wilfully or through neglect fails to file a financial return with the Chief Electoral Officer

within the time required by section 304 commits an offence and is liable on summary conviction to a fine of \$50 per day for each day he or she is in default of filing the return.

In each of the above noted cases, The Chief Electoral Officer reviewed the circumstance and explanations provided for the late filings and determined that wilful intent or neglect on the part of the chief financial officers was not a contributing factor to the filing delays. A decision was made not to pursue further action on this matter.

EXPENDITURE LIMITS

Section 310 of the Elections Act, 1991 places a limitation on the amount of certain election expenses permitted by political parties and candidates in an election.

These limits are established for each district based on the number of eligible voters on the official voter's list used for an election multiplied by an inflation adjusted factor of \$3.755 (for 2006) per voter.

Based on a voter's list number of 6989, the allowable limit for the Placentia & St. Mary's by-election was set by the Chief Electoral Officer at \$26,244.00 on the date the writ for the by-election was issued.

Election expenditure limits apply only to certain types of expenditures made by a campaign. The limits are not applicable to candidates and their spouses travel and personal living expenses, to amounts spent on wrap-up or election night thank you parties, to amounts transferred to candidates or parties or to other expenses not directly related to contesting of the election.

The reason or logic for excluding such expenses is rooted in the principle of fairness and in attempts to create as level a playing field as possible for all candidates. For instance, a candidate who maintains a permanent residence in a particular district would likely incur less travel and living expenses than a candidate who does not and would obtain a spending advantage if the candidate who was required to travel more had to factor his or her travel expenses into the expenditure limit.

For the Placentia & St. Mary's by-election each of the four candidates and the Progressive Conservative Party were within the allowable district expenditure limit. (See Appendix A- Financial Report Summary).

EXPENSE SUBSIDIES

Three of the four candidates in the by-election received at least fifteen percent of the popular vote cast in the district. As a result their campaigns were entitled to

reimbursement of the \$100 nomination fee paid and to receive an election expense reimbursement calculated to be 1/3 of their eligible allowable campaign expenses up to a maximum of 1/3 of their district's expenditure limit. Subsidy amounts paid were as follows:

Nick Careen	(non-affiliated)	\$1,749.00
Felix Collins	(PC candidate)	\$8,109.00
Kevin Power	(Liberal candidate)	\$4,229.11

In addition to the campaign expense subsidy payable to candidates the Chief Electoral Officer also subsidizes the cost of auditor services to candidates to a maximum amount of \$500 per campaign paid directly to a candidate's auditors. The total auditor subsidy amount paid for the Placentia St. Mary's by-election was \$2,000.00.

CAMPAIGN SURPLUS

Subsection 313(1) of the Elections Act requires that a campaign surplus created either from political contributions, expense subsidies or other sources permitted under the Act, be remitted to the appropriate party if a candidate's political affiliation appears on the ballot or in the case of a non-affiliated candidate to the Chief Electoral Officer who shall hold the money in trust on behalf of the non-affiliated candidate and pay it out as follows:

If the person on whose behalf money is held in trust under subsection 313(1) becomes a candidate, either in a by-election called before the next general election or in the next general election, the money held in trust for the person shall be paid to him or her for the purpose of contesting the election.

If the person on whose behalf money is held in trust under subsection 313(1) does not become a candidate in either a by-election called before the next general election or in the next general election, the Chief Electoral Officer shall remit the money to the Consolidated Revenue Fund.

For the Placentia & St. Mary's by-election the amounts calculated as transferred/payable to the political parties and the Chief Electoral Officer (in trust) under this provision of the legislation were as follows:

Progressive Conservative Party	\$2,485.00
Liberal Party	\$ 16.07
The Chief Electoral Officer (in trust for Nick Careen)	\$1,797.00

(APPENDIX B)
POLITICAL CONTRIBUTIONS
FOR THE PLACENTIA & ST. MARY'S BY-ELECTION of FEBRUARY 21, 2006
"either individually or in total, in excess of \$100"

LAST NAME	FIRST NAME	ADDRESS	PARTY/CANDIDATE	AMOUNT
Allen Carew Survey Ltd.		CBS, NL	Felix Collins	150.00
Andrews	Scott	CBS, NL	Kevin Power	450.00
Captain's Quarters		St. John's, NL	Tom Hickey	1942.72
Captain's Quarters		St. John's, NL	Tom Hickey	294.40
Captain's Quarters		St. John's, NL	Tom Hickey	230.00
Captain's Quarters		St. John's, NL	Tom Hickey	207.00
Captain's Quarters		St. John's, NL	Tom Hickey	184.00
Captain's Quarters		St. John's, NL	Tom Hickey	169.05
Captain's Quarters		St. John's, NL	Tom Hickey	158.70
Captain's Quarters		St. John's, NL	Tom Hickey	110.40
Captain's Quarters		St. John's, NL	Tom Hickey	80.34
Captain's Quarters		St. John's, NL	Tom Hickey	62.55
Captain's Quarters		St. John's, NL	Tom Hickey	43.00
Captain's Quarters		St. John's, NL	Tom Hickey	10.45
Careen	Roy	Point Lance, NL	Nick Careen	200.00
Caregivers Inc.		Placentia, NL	Nick Careen	100.00
Caregivers Inc.		Placentia, NL	Felix Collins	100.00
Caregivers Inc.		St. John's, NL	Kevin Power	100.00
Coady	Adrian	St. John's, NL	Nick Careen	250.00
Coombs	Francis	Placentia, NL	Nick Careen	250.00
Don Gibbons Ltd.		St. Mary's, NL	Felix Collins	200.00
Edward Collins Contracting Ltd		Jerseyside, NL	Felix Collins	300.00
Edward Collins Contracting Ltd.		Jerseyside, NL	Kevin Power	300.00
Elliott Group Inc.		St. John's, NL	Felix Collins	500.00
English	Eileen	Placentia, NL	Nick Careen	200.00
Etheridge	Marcel	St. John's, NL	Tom Hickey	787.75
Greene	Beh	Placentia, NL	Kevin Power	500.00
Greene	Dan	Placentia, NL	Kevin Power	500.00
H. J. Oconnell Construction Ltd.		Wabush, NL	Felix Collins	2000.00
Hann	Anne Marie	Calgary, AB	Felix Collins	200.00
Harold's Hotel Placentia Ltd.		Placentia, NL	Kevin Power	250.00
Hearn	Jim	St. John's, NL	Felix Collins	500.00
Hynes Construction Co. Ltd.		Dunville, NL	Kevin Power	250.00
Hynes Construction Co. Ltd.		Dunville, NL	Felix Collins	250.00
Island Waste Management Inc.		St. John's, NL	Kevin Power	250.00
K. J. Power Ltd.		Placentia, NL	Kevin Power	1040.00
Lannon Development Ltd.		Placentia, NL	Felix Collins	400.00
Lundrigan	John	Ottawa, ON	Felix Collins	300.00
M.I.R. Ltd./Jeff Walsh		St. John's, NL	Tom Hickey	645.00
Maher's Industrial Services Inc.		Placentia, NL	Kevin Power	200.00
Mannion	John	St. John's, NL	Nick Careen	250.00
Newlab Engineering Ltd.		Clarke's Beach, NL	Kevin Power	500.00
Newlab Engineering Ltd.		Clarke's Beach, NL	Felix Collins	200.00
O'Brien	Gerald F.	St. John's, NL	Felix Collins	2000.00
O'Hehir Arena Inc.		St. John's, NL	Felix Collins	500.00
Power	Joan	Placentia, NL	Kevin Power	1040.00

(APPENDIX B)
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LAST NAME	FIRST NAME	ADDRESS	PARTY/CANDIDATE	AMOUNT
Power	Justin	Fort McMurray, AB	Nick Careen	175.00
Power	Kevin	Placentia, NL	Kevin Power	1040.00
Regular	Robert	CBS, NL	Felix Collins	500.00
Reid	Gerald	St. John's, NL	Kevin Power	200.00
Russell	Sheila	Stephenville, NL	Nick Careen	200.00
Squires	Todd	St. Mary's, NL	Felix Collins	200.00
St. Mary's Pharmacy Ltd.		St. Mary's, NL	Felix Collins	200.00
Tapper	Ken	St. John's, NL	Tom Hickey	105.00
Temple	Levi	Whitbourne, NL	Kevin Power	250.00
Tobin	Stan	Ship Cove, NL	Nick Careen	300.00
Walsh	Jeff	St. John's, NL	Tom Hickey	1000.00
Young	Rick	St. John's, NL	Tom Hickey	150.00



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