

December 29, 2022

Mr. Darren Penner
307-374 River Ave
Winnipeg MB R3L 0E4
BY EMAIL

Dear Mr. Penner,

Re: Your complaint of December 1, 2021

Thank you for your email of December 1, 2021. You have raised a concern about whether money donated to fund Shelley Glover's legal challenge to the results of the PC Party's leadership contest would count as a contribution to her leadership campaign and, as such, be governed by the rules set out in *The Election Financing Act* (EFA).

Prior to soliciting donations for her legal challenge, Ms. Glover raised the same issue with Elections Manitoba. As raising money for a legal challenge of a leadership contest was a novel situation in Manitoba, and one not specifically contemplated by the EFA, Elections Manitoba considered the legislation and provided its interpretation to all of the parties involved.

It was Elections Manitoba's view that, in the case of a leadership contest, only money given for the purpose of assisting a candidate in that contest is a "contribution", as that word is used in the EFA. In this case, based on the information then available to it, Elections Manitoba concluded that the leadership contest ended when Ms. Stefanson was elected leader. Money donated after that time for the purpose of supporting a court challenge would therefore not be a contribution as that word is used in the act.

I agree with Elections Manitoba's interpretation of the legislation; if it were otherwise, the practical effect would be to make it virtually impossible for candidates to challenge a leadership contest result. I agree, therefore, that donations raised by Mr. Glover to fund a legal challenge are not "contributions" as defined by *The Election Financing Act* and are therefore not governed by the contribution limits set out in the act.

Elections Manitoba also considered whether the donations made for Ms. Glover's defence fund were required to be disclosed pursuant to section 65 of the EFA. That section requires reporting of income and expenses related to a leadership contest. In light of the conclusions above, this section does not apply to donations made for litigation that might arise thereafter.

Your letter raised concerns about a lack of transparency if the donations made for the litigation were not reported and so not made public. Even if those concerns are legitimate ones, the EFA simply doesn't make provision for legal proceedings arising from a leadership contest, and Elections Manitoba therefore has no authority to require disclosure of donations related to such litigation.

Thank you for your letter raising these issues. They are certainly important ones and I hope this letter helps to clarify the position Elections Manitoba has taken.

Bill Bowles



Commissioner of Elections for Manitoba