



# **2022 Municipal Election Candidate Guide**

## Contents

INTRODUCTION.....	4
CONTACT INFORMATION.....	4
IMPORTANT DATES .....	5
ELECTED OFFICES .....	8
MEMBERS OF COUNCIL .....	8
COUNCIL MEETINGS .....	8
COMMITTEES OF COUNCIL .....	9
QUALIFICATIONS FOR MUNICIPAL COUNCIL .....	9
DISQUALIFICATIONS FOR MUNICIPAL COUNCIL .....	10
NOMINATIONS.....	10
WITHDRAWAL OF NOMINATION.....	11
REFUND OF NOMINATION DEPOSIT.....	11
CAMPAIGNING.....	11
CAMPAIGN PERIOD .....	12
ELECTION SIGNS .....	12
SCRUTINEERS .....	12
RESULTS.....	13
ACCESSIBILITY .....	13
CANDIDATE’S FINANCIAL RESPONSIBILITIES.....	14
RECORD KEEPING.....	14
CAMPAIGN EXPENSES.....	15
SPENDING LIMIT .....	16
CAMPAIGN CONTRIBUTIONS .....	16
INELIGIBLE CONTRIBUTIONS.....	17
ELIGIBLE CONTRIBUTORS.....	17
INELIGIBLE CONTRIBUTORS .....	17
RETURNING INELIGIBLE CONTRIBUTIONS.....	17
THIRD PARTY ADVERTISING .....	18
CONTRIBUTION LIMITS .....	19
CONTRIBUTION RECEIPTS.....	19

FUNDRAISING ..... 19  
CAMPAIGN FINANCIAL STATEMENT ..... 20  
EXTENDED CAMPAIGNS ..... 20  
SURPLUS AND DEFICIT ..... 20  
AUDITOR'S REPORT ..... 21  
PENALTIES FOR NON-COMPLIANCE ..... 21  
OFFENCES..... 21  
NOTICE OF DEFAULT ..... 22  
FILING DEADLINE EXTENSION ..... 22  
COMPLIANCE AUDITS ..... 22

## INTRODUCTION

This Guide has been prepared for the purpose of supplying information to persons intending to stand for elected office. This guide is available electronically on the Town of Tillsonburg website.

This Guide is only intended to provide candidates with information on running for office. Candidates are responsible for ensuring they are familiar with the requirements of the Municipal Elections Act and should consult the Act for complete information and legislative requirements.

A copy of the Municipal Elections Act, 1996 is available online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Candidates must comply with all regulations of the Act relating to election campaign financing. The Ministry of Municipal Affairs and Housing (MMAH) produces a guide for candidates that outlines the financial reporting requirements under the Act. The Ministry Guide is available online from the Ministry of Municipal Affairs and Housing [website](#), the Town of Tillsonburg [website](#) and in hardcopy from the Clerks Department or Customer Service Centre.

This guide may be updated periodically. Please notify municipal staff if there are any changes to your mailing and/or email address.

It is the responsibility of prospective candidates to ensure that they are complying/have complied with the election financing regulations and that they are in fact, qualified and not disqualified by law to take part in the election.

In all cases of filing times, the time displayed by the Clerks Department electronic clock shall prevail.

## CONTACT INFORMATION

Michelle Smibert Town Clerk 519-688-3009 ext. 4040 <a href="mailto:msmibert@tillsonburg.ca">msmibert@tillsonburg.ca</a>	Ann Wright Deputy Clerk 519-688-3009, ext. 4041 <a href="mailto:awright@tillsonburg.ca">awright@tillsonburg.ca</a>	Gina Armand Records & Legislative Coordinator 519-688-3009, ext. 4043 <a href="mailto:garmand@tillsonburg.ca">garmand@tillsonburg.ca</a>
Town of Tillsonburg 200 Broadway, Suite 204 Tillsonburg, ON N4G 5A7		

## IMPORTANT DATES

The following are legislative dates as set out in the Municipal Elections Act, 1996.

### 2022

Monday, May 2

- First day for candidates to file a nomination paper for the office of Mayor, Councillor or school board trustee
- First day for an individual or entity to file a notice of registration as a third-party advertiser
- Campaign period begins once a nomination paper or notice of registration is filed
- Preliminary expense limit and other legislative documentation provided to candidates and third-party advertisers on the day they file

Friday, August 19

- Nomination Day - Last day for a candidate to file their nomination papers
  - 9:00 am to 2:00 p.m. – nominations or withdrawal cannot be accepted beyond 2:00 p.m.
  - A candidate who wishes to withdraw their nomination must notify the clerk in writing before 2 p.m. (s.36)

Monday, August 22

- The clerk will examine and certify all nominations by 4:00 p.m. (s.35 (1)) and declare the candidate(s) elected by acclamation (s.37(1))

Thursday, September 1

- Deadline to reproducing the voters' list
  - On written request, provide candidates with a copy of the part of the voters' list that contains the names of the electors who are entitled to vote for that office (s.23(4)).

Monday, September 26

The clerk will provide candidates with:

- A certificate of the applicable maximum amount of expenses (s.88.20(6)).
- A certificate of the applicable maximum amount of contributions to the candidate's own election campaign (s.88.9.1(1)).
- A certificate of the applicable maximum amount for parties, etc. after voting day (s.88.20(9)).

The clerk shall provide registered third parties with:

- A certificate of the applicable maximum amount of expenses (s.88.21(14)).

- A certificate of the applicable maximum amount for parties, etc. after voting day (s.88.21(14)).

Friday, October 21

- Last day for third party advertisers to file their notice of registration (s.88.6(7)).

Monday, October 13 to Monday, October 24

- Voting Period (24 hours per day online or by telephone beginning at 9:00 am on Monday, October 13<sup>th</sup> until Monday, October 22 at 8:00 pm)

Monday, October 24

- Voting Day – closes at 8:00 pm
- The clerk will, as soon as possible, declare the unofficial results of the 2022 Municipal Election on the website or in another electronic format.

Tuesday, October 25

- The clerk will, as soon as possible, declare the results of the election and provide the results on a website or in another electronic format (s.55(4), (4.1)).

Tuesday, November 15

- New term of office commences (2022 to 2026)

Saturday, December 31

- End of election campaign period.

## **2023**

Tuesday, January 3

- Deadline for candidates and registered third parties to provide written notice, in the prescribed form, of a deficit and the continuation of their campaign period (s.88.24(2), s.88.28)

Wednesday, March 1

- Deadline for the Clerk to provide candidates and registered third parties with notice of the filing requirements for their initial financial statements and auditor's reports (s.88.25(9), s.88.29(7))

Thursday, March 30

- Deadline for candidate or registered third party to apply to Superior Court of Justice to extend the time to for filing their initial financial statements and auditor's reports (s.88.23(6), S.88.27(3)).

Friday, March 31

- Deadline for candidates and registered third parties to file their initial financial statements and auditor's reports. – applies to all candidates and registered third parties (s.88.30(1)).

- Deadline for candidate or registered third-party to notify Clerk, in writing that an application has been made to the Superior Court of Justice to extend the time for filing their initial financial statement and auditor's report by the 2:00p.m. deadline (s.88.23(7), S.88.27(4)).

Monday, May 1

- Last day for candidates and registered third parties to file their initial financial statements and auditor's reports (by 2:00 p.m. with a \$500.00 late filing fee) (s.88.23(9), s.88.27(6)).
- Documents submitted after this deadline are to be accepted by the Clerk only for the purposes of making them available to the public (s.88.25(12), s.88.29(10)).

Friday, June 30

- End of the extended campaign period for candidates and registered third parties.

Wednesday, August 28

- Last day to provide candidates and registered third parties with notice of the filing requirements for their supplementary financial statements and auditor's reports (s.88.25(10), s.88.29(8)).

Thursday, September 28

- Last day for candidate or registered third party to apply to Superior Court of Justice to extend the time for filing their supplementary financial statements and auditor's reports (s.88.23(6), s.88.27(3)).

Friday, September 29

- Deadline for candidates and registered third parties to file their supplementary financial statements and auditor's reports (s.88.30(1)).

Monday, October 30

- Last day for candidates and registered third parties to file a supplementary financial statement and auditors report (by 2:00 p.m. with a \$500.00 late filing fee) (s.88.23(9)).

## **ELECTED OFFICES**

At this election, members will be elected for the period from November 15, 2022- November 14, 2026, for the following offices:

### **Council**

- Mayor (1)
- Councillors (6)

### **School Boards**

- Thames Valley District School Board (for the County of Oxford) – 2 positions
- London District Catholic School Board – 1 position
- Conseil scolaire catholique Providence – 1 position
- Conseil scolaire Viamonde – 1 position

## **MEMBERS OF COUNCIL**

The role of council members are set out in the Municipal Act, and are further developed through the Town's current procedural by-law.

These roles include to:

- ➔ represent the public and consider the well-being and interests of the municipality,
- ➔ develop and evaluate municipal policies and programs,
- ➔ determine which services the municipality provides,
- ➔ ensure that administrative and controllership policies, practices and procedures are in place to implement Council decisions,
- ➔ ensure the accountability and transparency of the municipal operations,
- ➔ maintain the financial integrity of the municipality, and
- ➔ carry out the duties of Council under the procedural by-law or any Act.

Council members may spend 5-10 hours a week on Council business depending on committee involvement and the amount of time a Councillor is willing to devote to the position. The position of Mayor will take up considerably more time.

## **COUNCIL MEETINGS**

Council meetings are open to the public. Regular meetings are typically scheduled twice a month and begin at 6:00 p.m. If a Closed Session meeting is required they are typically scheduled for 5:00 p.m. ahead of the regularly scheduled Council meeting, in the Council Chambers, located on the 2nd floor of 200 Broadway. The length of the meetings depends on the amount of business discussed. Public meetings required under the Planning Act are generally held once a month during a Council Planning meetings that generally begin at 4:30. Due to COVID-19 meetings have been being held in a hybrid format, in person and electronically or entirely electronically.



There may also be a Council member appointed to act as the alternate member for Oxford County Council in the absence of the Mayor.

Council may also appoint a Deputy Mayor/Acting Mayor to act on the Mayors behalf in his or her absence.

## **COMMITTEES OF COUNCIL**

Council members are required to represent Council on one or two advisory committees. These committees of Council are established for four year terms and currently include:

- ➔ Accessibility Advisory Committee
- ➔ Airport Advisory Committee
- ➔ Cultural Heritage and Special Awards Advisory Committee
- ➔ Economic Development Committee
- ➔ Transit Advisory Committee
- ➔ Museum Advisory Committee
- ➔ Recreation & Sports Advisory Committee
- ➔ Memorial Park Revitalization Project Advisory Committee
- ➔ Parks, Beautification and Cemeteries Advisory Committee
- ➔ Dog Park Advisory Committee
- ➔ Affordable and Attainable Housing Committee
- ➔ Police Services Board

### **Ad-Hoc Committees**

- ➔ Boundary Adjustment Committee
- ➔ Tillsonburg Physician Recruitment & Retention Committee

Note: a review of the committees and mandates was an item identified as part of the 2022 business plan for the Town.

## **QUALIFICATIONS FOR MUNICIPAL COUNCIL**

Qualifications for members of Council are set out in Section 256 of the Municipal Act, 2001 and Section 17 of the Municipal Elections Act, 1996. A candidate for municipal office must, upon nomination, be a qualified municipal elector and fulfill all of the following requirements:

- ➔ a resident of the Town, a non-resident owner or tenant of land in the Town or the spouse of such an owner or tenant,
- ➔ a Canadian Citizen,
- ➔ at least 18 years old,
- ➔ not legally prohibited from voting, and
- ➔ not disqualified by any legislation from holding municipal office.

A candidate, if nominated, must remain qualified throughout the election and, if elected, throughout the term of office.

## **DISQUALIFICATIONS FOR MUNICIPAL COUNCIL**

The following are not eligible to be elected to the Council or to hold office as a member of the Municipal Council:

- ➔ any person who is not eligible to vote in the municipality
- ➔ an employee of a municipality who has not taken an unpaid leave of absence and resigned\*
- ➔ a judge of any court
- ➔ an MP, an MPP or a senator
- ➔ an inmate serving a sentence in a penal or correctional institution

\* Any employee of the Town is eligible to be a candidate for and to be elected as a member of the Municipal Council if he or she takes an unpaid leave of absence beginning not later than nomination day and ending on voting day.

## **NOMINATIONS**

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and/or expending any funds on a campaign. A candidate may file his or her nomination papers as of May 2, 2022 beginning at 9:00am. Nomination papers will be available at the Tillsonburg Customer Service Centre office and on the Town's website

Nomination Papers submitted by fax, email or mail will not be accepted. Forms must be completed and submitted in person at 10 Lisgar Avenue, Tillsonburg. Candidates are required to complete the Nomination Paper which includes a declaration of qualification, taken before the Clerk or her designate. Photo identification containing the candidate's signature is also required.

The nomination of a person for an office on council must be endorsed by at least 25 persons and the person endorsing the nomination must be eligible to vote in an election for an office within the municipality if a regular election was held on the day that the person endorses the nomination.

The deadline for filing for the 2022 municipal election is Nomination Day, Friday, August 19, 2022 – 9 am to 2pm.

The nomination must be accompanied by the prescribed nomination filing fee. The prescribed fee is \$200 for the head of council (Mayor) and \$100 for all other offices (Deputy Mayor and Councillor) and can be paid by cash, debit, certified cheque or money order payable to the Town of Tillsonburg.

If an agent is filing the nomination on behalf of a candidate, the Candidates Nomination paper must be commissioned before the agent files the nomination form with the Town of Tillsonburg and the agent must provide a copy of the Candidate's Identification as well as providing their own identification.

Candidates are responsible for ensuring that they meet all the qualifications and have followed the procedures with respect to the filing of Nomination Papers. A candidate may only run for one office at a time. If a candidate files a second nomination, the first nomination is deemed to be withdrawn. If a candidate decides to run for a different office on the same council or as a school board trustee and both are elected at large, everything from the first campaign is transferred to the second campaign. If a candidate was running an at-large council position and decided to run for the head of council position the nomination filing fee would need to be topped up to \$200.00.

## **EXCEPTION FOR ADDITIONAL NOMINATIONS**

If the number of nominations filed for an office is less than the number of persons to be elected to an office, additional nominations may be filed between 9 am and 2 pm on the Wednesday following Nomination Day – August 24, 2022.

## **WITHDRAWAL OF NOMINATION**

Nominations can be withdrawn by the candidate. The “Withdrawal of Nomination” Form must be filed in person with the Town Clerk no later than 2:00 p.m. on Nomination Day, August 19, 2022.

Withdrawn nominees are required to file a campaign financial statement covering all campaign financial transactions even if there were not any contributions or expenses incurred. Nomination fees will be refunded if the financial statement is filed before the deadline.

## **REFUND OF NOMINATION DEPOSIT**

A candidate is entitled to receive a refund of the nomination filing fee if they file their financial statements with the Clerk by the filing date. For the 2022 Municipal Election, the filing date is before 2 pm on March 31, 2023.

## **ACCLAMATIONS**

If there is only one certified candidate running for an office at 4 p.m. on Monday, August 22, that candidate will be declared elected by acclamation. If you are elected by acclamation, you must still file a campaign financial statement

## **LIST OF CERTIFIED CANDIDATES**

The Clerk shall certify the Notice of Candidates by 4:00 p.m. on the Monday following Nomination Day, August 22, 2022.

## **CAMPAIGNING**

All campaign advertising shall:

- ➔ identify the candidate by name
- ➔ not include use of the Town logo or other insignia for campaign purposes
- ➔ not include election campaigning or materials being posted at municipally-owned or leased facilities/properties, with the exception of road allowances.

Candidates are now allowed access from 9:00a.m. - 9:00p.m. in apartment buildings, condominiums, non-profit housing co-ops and gated communities to campaign.

Candidates are required to provide publishers and broadcasters with their name, business address and phone number in which the recipient will keep on record for a mandatory four years.

The Town Clerk is not responsible for providing candidate information to voters. However, a list of certified candidates and their contact information shall be listed on the Town website as nomination papers are filed.

The Act does not require candidate debates to be held, and the Town Clerk is not responsible for organizing meetings or debates. Debates may be organized by community groups, media outlets, candidates or any other interested person.

## **CAMPAIGN PERIOD**

Contributions can only be incurred during the campaign period.

Campaigns typically end 45 days after voting day. Exceptions are:

- ➔ Withdrawn nominations (campaign ends on withdrawal date)
- ➔ Uncertified candidates

Campaigns can be extended for up to six months. Extended campaigns end on the day the Town Clerk is notified in writing that the campaign is ending and no additional contributions will be accepted.

After voting day, election signs and campaign websites must be taken down.

## **ELECTION SIGNS**

Please review By-Law 3786, being a by-law to regulate election signs in the Town of Tillsonburg prior to placing any election signs within the Town. No election signs shall be erected or displayed prior to nomination day and shall be removed within seven days after voting day.

## **SCRUTINEERS**

Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996, as amended.

If appointed, scrutineers will be entitled to the following:

Upon request and after producing the properly signed “Appointment of Scrutineer” and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.

Upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Community Support Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or election official(s), or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Community Support Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Community Support Centre.

Scrutineers and candidates are prohibited from the following:

- ➔ Use of a cellular telephone or any other electronic device within a Community Support Centre by any candidate or scrutineer.
- ➔ Engaging electors in conversation while in a voting place or location;
- ➔ Attempting directly or indirectly, to interfere with how an elector votes;
- ➔ Attempting to campaign or persuade an elector to vote for a particular candidate;
- ➔ Displaying a candidate’s election campaign material in a voting place;
- ➔ Compromising the secrecy of the voting;
- ➔ Interfering or attempting to interfere with an elector who is marking a ballot;
- ➔ Obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted;
- ➔ Communicating any information obtained at a voting place about how an elector intends to vote or has vote

## **RESULTS**

The Town Clerk will report the “unofficial” results at approximately 8:30p.m. on Monday, October 24, 2022 at a location yet to be determined.

## **ACCESSIBILITY**

For those individuals without means to access voting via telephone or Internet, or who require the assistance of a trained Election Official, several advance community support station(s) and Election Day community support station(s) will be open to provide in-person internet voting opportunities via a laptop, tablet, touch screen monitor.

Voters may attend any community support station location throughout the voting period. The Town of Tillsonburg will be operating the following location(s) during the Voting Period:

October 13, 14 and 17 to 21st - 8:00 a.m. to 5:00 p.m.  
Customer Service Centre (10 Lisgar)  
Internet/Telephone

October 15 and 22nd - 9:00 a.m. to noon.  
Customer Service Centre (10 Lisgar)  
Internet/Telephone

The following community support station location(s) will be open on Election Day, Monday October 24, 2022 from 10:00 a.m. to 8:00 p.m.

Town Hall, Council Chambers (200 Broadway)  
Internet/Telephone  
Customer Service Centre (10 Lisgar)  
Internet/Telephone

The election will be conducted in an accessible manner pursuant to the Town of Tillsonburg's Accessibility Policy and the 2022 Municipal Elections Accessibility Policy.

## **CANDIDATE'S FINANCIAL RESPONSIBILITIES**

The candidate is responsible to ensure:

- ➔ One or more campaign accounts are opened at a financial institution exclusively for the purposes of the election and in the name of the candidate's election campaign (no account needs to be opened if no expenses or contributions are incurred),
- ➔ All monetary contributions are deposited into the campaign accounts,
- ➔ All payments for expenses are made from the campaign accounts,
- ➔ All contributions are valued,
- ➔ Receipts are issued for every contribution and obtained for every expense,
- ➔ Financial filings are made as required by the Act,
- ➔ Proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions on behalf of the candidate,
- ➔ Any contribution of money in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention. Any such contribution that is not returned to the contributor must be paid to the Town Clerk, and
- ➔ Any anonymous contribution is paid to the Town Clerk.

## **RECORD KEEPING**

It is the candidate's responsibility to ensure that records are kept including:

- ➔ receipts issued for every contribution including the acceptance date and receipt issue date- this includes issuing personal receipts for personal contributions,

- ➔ the value of every contribution, whether it is in the form of money, goods or services, and the contributor's name and address,
- ➔ all expenses, including the receipts obtained for each expense,
- ➔ any claim for payment of an expense that the campaign disputes or refuses to pay
- ➔ the funds raised and expenses incurred from each fundraising event
- ➔ the donated monies less than \$25 received at a fundraising event (no receipt necessary)
- ➔ the terms of any loan received from a bank or other recognized lending institution

The records described above are retained for the term of office of council members until their successors are elected and the newly elected Council is organized.

## CAMPAIGN EXPENSES

Expenses are considered to be costs incurred for goods or services for use in an election campaign, including but not limited to:

- ➔ replacement value of goods retained by the person from any previous election and used in the current election,
- ➔ value of contributions of goods and services,
- ➔ audit and accounting fees,\*
- ➔ interest on loans,
- ➔ cost of holding fundraising functions,\*
- ➔ cost of holding parties and making other expressions of appreciation after the close of voting,\*
- ➔ expenses relating to a recount,\*
- ➔ expenses relating to controverted elections\*,
- ➔ expenses relating to a compliance audit, and\*
- ➔ expenses incurred by a candidate with a disability that are directly related to the disability\*

Expenses with an \* are not subject to the spending limit.

**The nomination fee is a personal expense. It is not considered to be a campaign expense, and should not be reported on the campaign financial statement.**

Expenses can only incur during the campaign period. Expenses incurred after the campaign period related to the preparation of an auditor's report must be reported on the financial statement.

If a discount is received on a purchase it is to be recorded with the full value of the purchase. The value of the discount is considered a contribution.

For credit card purchases ensure clear records are kept showing that the credit card expense was reimbursed from the campaign account.



Taxes (eg. HST) paid on purchases must be included in the expense amount.

## **SPENDING LIMIT**

The campaign spending limit is calculated based on the number of eligible electors.

- ➔ Mayor: \$7,500 plus \$0.85 per eligible elector
- ➔ Councillor: \$5,000 plus \$0.85 per eligible elector

In the 2018 Municipal election, there were 12,586 eligible electors therefore the estimated spending limits for the 2022 Municipal election will be as follows:

- ➔ Mayor: \$18,198.10
- ➔ Councillor: \$15,698.10

The limit for parties/celebrations after voting day is 10% of the above calculated amounts (this pertains to third party advertisers also).

## **SELF-FUNDING LIMIT**

There is now a limit on the amount that a candidate and their spouse can make to their own campaign. This limit is based on the number of electors voting for the office, to a maximum of \$25,000 per candidate:

$$\$7,500 + \$0.20 \text{ per elector for head of council} = \$10,017.2$$

$$\$5,000 + \$0.20 \text{ per elector for other council offices} = \$7,517.20$$

These contributions must be deposited into the campaign account, a receipt provided and contributions reported on the financial statement.

## **BORROWING**

A loan can be used for funding a campaign. The loan can only come from a bank or other recognized lending institution in Ontario and paid directly to the campaign account. Loans may only be guaranteed by the candidate or their spouse.

## **CAMPAIGN CONTRIBUTIONS**

Contributions can only be made during the campaign period. A contribution is either monetary, goods or services accepted by or on behalf of a person for use in an election campaign and can include:

- ➔ fundraiser admission fee,
- ➔ if goods and services are sold at a fundraising function for more than their market value, the difference between the amount paid and market value,



- if goods and services used in a person's election campaign are purchased for less than their market value, the difference between the amount paid and market value, and
- any unpaid but guaranteed balance in respect of a loan.

## **INELIGIBLE CONTRIBUTIONS**

- value of services provided by voluntary unpaid labour,
- value of services provided voluntarily, under the person's direction, by an employee whose compensation does not exceed the compensation the employee would normally receive for the period the services are provided,
- the value of political advertising donated charge on a broadcasting in adherence with the *Broadcasting Act*, and
- a loan amount.

## **ELIGIBLE CONTRIBUTORS**

- Ontario residents
- Candidate or their spouse

## **INELIGIBLE CONTRIBUTORS**

- a federal political party, constituency association, or a registered candidate in a federal election,
- a provincial political party, constituency association, or a registered candidate or leadership contestant,
- a federal or provincial government, a municipality or a school board,
- a corporation,
- a trade union.

Note: corporations and trade unions can contribute to third party advertisers.

It is an offence to give, lend, offer or promise someone money or compensation to induce them to run or not to run for office or to withdraw.

## **RETURNING INELIGIBLE CONTRIBUTIONS**

Contributions accepted in contravention of the Act must be returned as soon as it is known that it was an ineligible contribution. If the contribution cannot be returned then it must be submitted to the Town Clerk.

Examples include contributions:

- made outside the campaign period ,
- from an anonymous source (except for donations of \$25 or less at a fundraising event) ,
- from an ineligible source,

- a cash contribution greater than \$25,
- funds that do not belong to the contributor who gave them.

## **THIRD PARTY ADVERTISING**

Third parties may advertise in support of or opposition to any candidate being elected by voters in that municipality. Registrations begin May 2, 2022 and cannot be filed later than October 21, 2022 during the clerk's office hours.

A third party advertiser would register in the local municipality with the clerk responsible for conducting an election.

Third party advertisements do not include "issues-based advertising" so groups that do public outreach can continue their issued-based advocacy work.

Advertising that does not cost money to post or broadcast such as comments made on social media, are not considered third party advertising.

Third Party advertisers can be:

- an Ontario resident,
- a corporation that carries business in Ontario or,
- a trade union that holds bargaining rights for employees in Ontario.

Third party advertisers must complete the "Notice of Registration for Third Party Advertiser" Form and be certified by the Town Clerk. There is no registration fee.

The following are ineligible to register as a third party advertiser:

- candidate whose nomination has been filed
- a Federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party,
- a Provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act,
- The Crown in right of Canada or Ontario, a municipality or local board,
- Any group or association that is not a corporation

The following may make contributions to third party advertisers:

- Ontario resident
- A corporation carrying business in Ontario
- A trade union that holds bargaining rights for employees in Ontario
- The registered third party or their spouse

The following rules apply to third party advertisers:

- ➔ A Candidate shall not direct any third party advertisements. Contributions or expenses to third parties advertisers can only occur during the campaign period.
- ➔ The rules for ineligible contributions for candidates also apply to third party advertisers.

Third party spending limits are: \$5,000 plus \$0.05 per elector, to a maximum of \$25,000. = \$5,629.30

## **CONTRIBUTION LIMITS**

A monetary contribution exceeding \$25 cannot be anonymous.

A candidate's contact information or hyperlink to the candidate's website by the municipality does not constitute a contribution.

Contributions cannot exceed:

- ➔ \$1,200 to any one candidate in an election, or
- ➔ \$5,000 to two or more candidates for office on the same council

The contribution limit does not apply to contributions made by the candidate or their spouse.

## **CONTRIBUTION RECEIPTS**

Receipts must be issued for every contribution. The receipt will include who made the contribution, the date, and the value. If the contribution was for goods or services, the value of the goods or services must be determined.

Cheques received from a joint account will get one receipt issued in the name of the cheque signor.

## **FUNDRAISING**

- ➔ Fundraising functions are events held for the primary purpose of raising campaign funds. Events promoting campaigns or brochures request contributions do not qualify as a fundraiser.
- ➔ Fundraising events can only be held during campaign period. Gross income and expenses related to each event must be recorded on the financial statement.
- ➔ Each ticket sale must be receipted. Ticket sales are considered to be a contribution. Tickets cannot be paid in cash if they cost more than \$25.
- ➔ If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income, and not a contribution.
- ➔ If goods are sold (such as food and drink) at market value, the revenue is not considered to be a contribution, but must be recorded on the campaign financial statement as "revenue not deemed a contribution".

## **CAMPAIGN FINANCIAL STATEMENT**

- ➔ Financial statements must be complete, accurate and submitted by the deadline.
- ➔ Financial statements can be submitted electronically.
- ➔ If an error is discovered on the statement, the candidate/advertiser can resubmit the statement prior to the due date.
- ➔ All contributions must be reported.

The names of contributors who contribute more than \$100 must be reported on the financial statement.

The filing deadline is 2 p.m. on March 31, 2023.

Anyone who filed a nomination form is required to file a financial statement- including withdrawn nominees, acclaimed candidates and non-certified candidates.

If the financial statement is not filed by the deadline it can be filed within 30 days after the deadline but must be accompanied with a \$500 late fee. Financial statements will be published on the Town website.

## **EXTENDED CAMPAIGNS**

Information on extended campaigns:

- ➔ Campaign periods end December 31, 2022.
- ➔ If the campaign has a deficit it can be extended for a maximum six-month period for additional fundraising.
- ➔ The Town Clerk must be notified using the “Notice of Extension of Campaign Form” prior to December 31, 2022.
- ➔ Two financial statements must be filed when a campaign has been extended.
- ➔ The first statement will reflect the campaign until 45 days after voting day and the supplementary statement will include information from the first statement as well as additional financial information for the extended campaign.

The supplementary financial statement must be filed with the Town Clerk by 2 p.m. on the day that is 30 days after the end of the six-month extension.

## **SURPLUS AND DEFICIT**

If a campaign has a surplus after contributions by the candidate and/or spouse have been refunded then:

- ➔ The surplus is paid to the Town Clerk when the financial statement is filed.
- ➔ The surplus will be held in trust, and can be used if additional expenses are incurred such as recount expenses, application for a controverted election or a compliance audit.

If campaign expenses are greater than campaign income, the campaign will be in a deficit, but vendors with outstanding balances are still required to be paid. After the 2022 election, deficits are no longer carried forward from the previous campaign.

## **AUDITOR'S REPORT**

If campaign expenses or the contributions exceed \$10,000 then an auditor is required to review the financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the *Public Accounting Act, 2004*.

Expenses related to the preparation of the auditor's report can be incurred after the December 31, 2022 deadline.

## **PENALTIES FOR NON-COMPLIANCE**

If a candidate fails to:

- File the required documents,
- Pay a surplus to the Town Clerk, or
- File documents indicating the candidate exceeded the spending limits.

Penalties for offence convictions include:

- a fine of up to \$25,000 (trade union/corporation up to \$50,000)
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of elected office, if the judge finds that a candidate committed the offence knowingly
- fines for excess campaign expenses
- forfeiture of office if offence committed knowingly

## **OFFENCES**

It is an offence to directly or indirectly:

- offer, give, lend or promise to give any valuable consideration connected to the exercise or non-exercise of an elector's vote,
- offer a person money or other valuables in order to convince them to run for office or refrain from running for office
- give, procure or promise to procure an office or employment to induce a voter to vote or not vote, or a candidate to run or not run for office

## **NOTICE OF DEFAULT**

The Town Clerk is required to notify a candidate and Council in writing if a default has occurred.

## **FILING DEADLINE EXTENSION**

A candidate, requiring an extension to the filing deadline must apply to the Ontario Court of Justice prior to March 30, 2023. If the court is satisfied there are mitigating circumstances justifying a later date, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension of more than 90 days.

A candidate who has applied for an extension to the filing deadline must inform the Town Clerk prior to 2:00 p.m. on Friday, March 30, 2023.

## **COMPLIANCE AUDITS**

The following applies to compliance audit committees:

- ➔ Each municipality must appoint a compliance audit committee.
- ➔ An eligible elector who believes a candidate has contravened the election finance rules may apply in writing for a compliance audit of their campaign finances. The application must be submitted to the Town Clerk by June 29, 2023.
- ➔ The application must set out the reasons for believing there was contravention of the rules.
- ➔ The compliance audit committee will consider applications.
- ➔ Candidates may appeal the committee's decision to the Ontario Court of Justice within 15 days after the decision is made.
- ➔ If the committee grants the application, it will appoint an auditor to conduct a compliance audit of the campaign finances.
- ➔ The auditor is entitled to have access to all of the campaign financial records.
- ➔ The auditor will provide a report, which the candidates are entitled to receive.
- ➔ The compliance audit committee will meet to consider the auditor's report.
- ➔ If the report concludes that there is an apparent contravention of the Act, the committee will decide whether to commence legal action.
- ➔ The compliance audit committee does not have any authority to set penalties. Only the court can decide if there was a contravention of the Act and, if so, which penalties should apply.
- ➔ A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own.