



CANDIDATE'S FINANCIAL REPORTING



2010 MUNICIPAL ELECTION

This document, which contains excerpts from the *Municipal Elections Act*, is provided to assist Candidate's with their election finances as information only and does not contain all material required to be reviewed by Municipal Candidates. Please refer to your Ministry of Municipal Affairs & Housing "Candidates Guide" for additional information.

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Campaign Period

The election campaign period will vary from one candidate to another and it shall be determined by the application of the following rules:

The election campaign:

- Begins on the day that the person files a nomination form for the election; and
- Ends in accordance with the following:
 - on the day the nomination is withdrawn by the candidate, or
 - on the day the nomination is deemed to have been withdrawn, or
 - on Nomination Day if the nomination is rejected by the Clerk.

A candidate shall not accept contributions to their campaign until they have submitted a Nomination Form as a candidate for the Municipal Election. The Clerk cannot be certain of the status of nominated Candidates (that is, whether they are acclaimed or whether they are candidates) until:

- after 2:00 p.m. on Nomination Day, or
- until the Clerk has certified the nomination papers.

Estimated/Maximum Campaign Expenses

Estimated Campaign Expenses

If a candidate has submitted a Nomination Form, the Clerk shall provide notice to each Candidate of the Estimated Campaign Expenses for the Municipal Election for the period ending on Nomination Day as follows:

Mayor

Total 2006 Electors X \$.85 + \$7,500

Deputy Mayor

Total 2006 Electors X \$.85 + \$5,000

Councillor

Total 2006 Ward Electors X \$.85 + \$5,000

Maximum Campaign Expenses

No later than 10 days after Nomination Day, the Clerk shall provide a final notice to each Candidate of the Maximum Campaign Expenses for the Municipal Election for the period of Nomination Day to the end of the Campaign Period as follows:

Mayor

Total 2010 Electors X \$.85 + \$7,500

Deputy Mayor

Total 2010 Electors X \$.85 + \$5,000

Councillor

Total 2010 Ward Electors X \$.85 + \$5,000

The number of electors to be used in the “final” calculation is the higher of the number of electors on the Voters’ List (as of Nomination Day) from the 2006 and 2010 elections.

Filing Requirements

All candidates are required to file a Financial Statement using the prescribed form which is available at the Clerk’s Office. Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an Auditor’s Report with the Financial Statement.

Candidates whose campaign contributions exceed \$10,000 or whose total campaign contributions exceed \$10,000 are required to file an Auditor’s Report with the Financial Statement.

A Candidate shall file in person with the Clerk with whom the nomination was filed, a Financial Statement in the prescribed form for a regular election **on or before 2:00 p.m.** on the last Friday in March in the year following the regular election (**March 25, 2011**).

Even if a Candidate has withdrawn their nomination prior to 2:00 p.m. on Nomination Day, they are required to file a Financial Statement with the Clerk by March 25, 2011.



Financial Statements are required to be available to the public in electronic format. Please advise all your contributors of more than \$100 that their names and amount of contribution will be posted on the Township’s website.

Withdrawal of Nomination

Candidates may withdraw their nominations by delivering a written withdrawal to the Clerk **by 2:00 p.m.** on Nomination Day (**Friday, September 10, 2010**). Form EL19 for withdrawal of a nomination is available at the Clerk's Office.

If a Candidate submits an amended Nomination Form for an alternative office, the earlier nomination shall be deemed withdrawn at the time of the filing of the subsequent nomination.

A Nomination Form is not transferable – a person must file a separate Nomination Form for an office. The “old” Nomination Form is deemed to have been withdrawn at the time of filing of the second paper.

Campaign Contributions

For the purposes of the *Municipal Elections Act*, money, goods and services given to and accepted by or on behalf of a Candidate for their election campaign are contributions. The following rules apply in determining whether an amount is a contribution:

- an amount charged for admission to a fund-raising function;
- if goods and services are sold at a fund-raising function for more than their market value, the difference between the amount paid and market value;
- if goods and services used in a Candidate's election campaign are purchase for less than their market value, the difference between the amount paid and market value; and
- any unpaid but guaranteed balance in respect to a loan.

The following amounts are not contributions:

- value of services provided by voluntary unpaid labour;
- the value of services provided voluntarily, under the Candidate's direction, by an employee whose compensation from all sources for providing them does not exceed the compensation the employee would normally receive for the period the services are provided;
- an amount of \$10 or less that is donated at a fund-raising function; and
- the value of political advertising provided without charge on a broadcasting if:
 - it is provided in accordance with the *Municipal Elections Act*, and
 - it is provided equally to all Candidates for office.

Contributions to a Candidate's Campaign by one individual - maximum of \$750. One individual cannot contribute over \$5,000 to multiple Candidates for a Municipal Election.



There are penalties and fines applicable to Candidates and contributors who exceed the maximum contributions under the *Municipal Elections Act*. It is the Candidates' and contributors' responsibility to ensure that the maximum contributions are not exceeded for the 2010 Municipal Election.

Campaign Expenses

Costs incurred for goods or services by or on behalf of a Candidate wholly or partly for use in their election campaign are expenses. The following amounts are expenses:

- the replacement value of goods retained by the Candidate from any previous election and used in the current election;
- the value of contributions of goods and services;
- audit and accounting fees;
- interest on loans;
- cost of holding fund-raising functions;
- cost of holding parties and making other expressions of appreciation after the close of the vote;
- expenses relating to a recount;
- expenses relating to proceedings for controverted elections;
- expenses relating to a compliance audit;
- expenses that are incurred by a Candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate; and
- the nomination fee.

Candidates are required to retain all receipts from their expenses for a period of four (4) years following the Municipal Election.



Campaign Surplus

Where a Candidate's Financial Statement indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust.

The Candidate may refund their own contributions or the contributions of their spouse after the campaign ends but before filing the Financial Statement.

Once all of the campaign periods are expired, including extensions, recounts or audits, the surplus shall be returned by the Candidate and retained by the municipality.

Candidate Filing Default

A Candidate is in default of the filing requirements of the Act if:

- the Candidate fails to file a Financial Statement by March 25, 2011, or
- the Financial Statement filed by the Candidate shows a surplus and the candidate fails to pay the amount required to the Clerk by March 25, 2011, or
- the Financial Statement shows on its face that the Candidate has incurred expenses exceeding what is permitted.



In the case of these defaults:

- ✓ the Candidate forfeits any office to which they were elected and the office shall be deemed to be vacant; and
- ✓ until the next regular election has taken place, the Candidate is ineligible to be elected or appointed to any office to which the *Municipal Elections Act* applies.

These penalties apply immediately – there is no longer a grace period before the penalty takes place that would allow the default to be eliminated.

