

Appendix 1: Campaign Financial Statements Submissions Policy

Policy Number:	ELEC-01
Sub-Topic:	Campaign Financial Statements Submissions
Topic:	Municipal Elections
Applies to:	Candidates, Registered Third Party Advertisers

1. Purpose

This policy defines the practice to be followed by candidates and registered third party advertisers in submitting a campaign financial statement to the Clerk. Its purpose includes the facilitation of the review of contributions required pursuant to subsections 88.34(1) and 88.36(1) of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended (the “Act”).

2. Authority

- 2.1 Subsection 12(1) of the Act gives the Clerk the authority to provide for any matter or procedure that:
 - 2.1.1 Is not otherwise provided for in provincial legislation and regulations; and,
 - 2.1.2 In the Clerk’s opinion, is necessary or desirable for conducting the election.
- 2.2 Clause 88.22(1)(g) of the Act provides that a candidate is required to keep records of: the receipts issued for every contribution; the value of every contribution; whether a contribution is in the form of money, goods or services; and, the contributor’s name and address.
- 2.3 Section 88.25 of the Act provides that a candidate is required to file a financial statement (and an auditor’s report where required by the Act) in the prescribed form(s) that reflects the candidate’s election campaign finances.
- 2.4 Clause 88.26(1)(g) of the Act provides that a registered third party advertiser is required to keep records of: the receipts issued for every contribution; the value of every contribution; whether a contribution is in the form of money, goods or services; and, the contributor’s name and address.

- 2.5 Section 88.29 of the Act provides that a registered third party advertiser is required to file a financial statement (and an auditor’s report where required by the Act) in the prescribed form(s) that reflects the registered third party advertiser’s election campaign finances.
- 2.6 Subsection 88.34(1) of the Act provides that the Clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9 of the Act.
- 2.7 Subsection 88.36(1) of the Act provides that the Clerk shall review the contributions reported on the financial statements submitted by a registered third party advertiser under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13 of the Act.

3. Definitions

In this policy,

“Act”	means the Municipal Elections Act, 1996, S.O. 1996,c.32, as amended.
“campaign financial statement”	means the form prescribed by the Government of Ontario that a candidate or registered third party advertiser is required to use to report the candidate’s or registered third party advertiser’s election campaign finances.
“candidate”	means an individual for election to an office on a municipal council who has submitted a nomination form that has been accepted or certified by the Clerk, and includes a candidate who withdrew his or her nomination in accordance with the Act.
“Clerk”	means the Town Clerk/Returning Officer and includes his/her designate(s).
“electronic record of contributions form”	means the digital form(s) provided by the Clerk to a candidate or registered third party advertiser for the purpose of tracking contributions greater than \$100.00.

“initial filing date”

means the date by which all candidates and all registered third party advertisers are required to file a campaign financial form with the Clerk, and includes the date on which a candidate or registered third party advertiser may file a campaign financial statement and pay a late filing fee. For the purpose of the 2022 Municipal Election, the initial campaign financial filing date is on or before 2:00 PM March 31, 2023, or no later than 2:00 PM on May 1, 2023 provided that the candidate or registered third party advertiser pays the late filing fee of \$500.

“registered third party advertiser”

means an individual, corporation or trade union that has registered with the Clerk pursuant to Section 88.6 of the Act.

“supplementary campaign financial statement”

means the campaign financial statement which a candidate or registered third party advertiser is required to file with the Clerk by the supplementary filing date, because they have extended their campaign due to a deficit.

“supplementary filing date”

means the date on which a candidate or registered third party advertiser, who has extended their campaign in accordance with the Act, is required to file a supplementary campaign financial statement with the Clerk, and includes the date on which a candidate or registered third party advertiser may file a supplementary campaign financial statement and pay a late filing fee. For the purpose of the 2022 Municipal Election, the supplementary filing date is on or before 2:00 PM September 29, 2023, or no later than 2:00 PM on October 30, 2023, provided that the candidate or registered third party advertiser pays the late filing fee of \$500.

4. Policy

- 4.1. It is the sole responsibility of a candidate or a registered third party advertiser to comply with the Act, including but not limited to complying with the following rules pertaining to the election campaign:
 - 4.1.1. Accurately tracking all campaign contributions and expenses; and,
 - 4.1.2. Filing an accurate campaign financial statement and, where required, supplementary campaign financial statement.
- 4.2. In accordance with the Act, a candidate or a registered third party advertiser is required to file a campaign financial statement, in the prescribed form, by the initial filing date.
- 4.3. In accordance with the Act, a candidate or a registered third party advertiser who has extended their campaign is required to file a supplementary campaign financial statement by the supplementary filing date.
- 4.4. In accordance with the Act, and as required by the prescribed campaign financial statement, a candidate or registered third party advertiser is required to publicly report any contributions greater than \$100.00 (\$100.01 and above) on the campaign financial statement.
- 4.5. The Clerk will provide every candidate or registered third party advertiser an electronic record of contributions form. The electronic record of contributions form will permit a candidate or registered third party advertiser to record and report financial contributions and contributions of goods and services greater than \$100.00 (\$100.01 and above) on the campaign financial statement.
- 4.6. A candidate or registered third party advertiser is required to track all financial contributions and contributions of goods and services greater than \$100.00 (\$100.01 and above) on the electronic record of contributions form.
- 4.7. A candidate or a registered third party advertiser shall file with the Clerk, by the initial filing date, a copy of the campaign financial statement.

- 4.8. In addition to the requirements of subsection 4.7 of this Policy, a candidate or a registered third party advertiser shall be required to file with the Clerk an accurate digital copy of the completed electronic record of contributions form. The digital copy filed must be identical to the information provided by the candidate or a registered third party advertiser in the campaign financial statement submitted to the Clerk.
- 4.9. A candidate, or a registered third party advertiser, who has extended their campaign in accordance with the Act, shall file with the Clerk a copy of the supplementary campaign financial statement by the supplementary filing date.
- 4.10. In addition to the requirements of subsection 4.9 of this Policy, a candidate or a registered third party advertiser shall be required to file with the Clerk an accurate digital copy of the completed electronic record of contributions form. The digital copy filed must be identical to the information provided by the candidate or a registered third party advertiser in the supplementary campaign financial statement submitted to the Clerk.
- 4.11. The Clerk may use the campaign financial statement and/or digital completed electronic record of contributions form filed by a candidate or a registered third party advertiser to fulfill the requirements of section 88.34 and section 88.36 of the Act.
- 4.12. The Clerk may appoint one or more persons to assist the Clerk in fulfilling the requirements of section 88.34 and section 88.36 of the Act.

Cross-References

2022 Municipal Election Guide and Information for Candidates
Municipal Elections Act, 1996, S.O. 1996, c.32, as amended

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Details

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