



The Corporation of the Township of Brock
1 Cameron Street E., P.O. Box 10 Cannington, ON L0E 1E0

Municipal Election - 2022

Third Party Advertisers' Handbook

Updated April 27, 2022

This handbook has been prepared by the Township of Brock Clerk's Department to assist you, as a third party advertiser, in the upcoming Municipal Election. It includes information on legislative requirements, key dates, procedures regarding registration, election expenses, and qualification requirements.

This document is available in alternate formats upon request.
Please contact the Clerk's Department at 705-432-2355

This Guide has been prepared for registered Third Party Advertisers' in the upcoming municipal election. The contents of this document are intended only as a guide to certain relevant information and it not meant to cover all information required by a third party advertiser in a municipal election. Registered Third Party Advertisers should refer directly to the *Municipal Elections Act, 1996* for specific provisions and additional details. The Act is available from Publications Ontario (1-800-668-9938), or online at www.e-laws.gov.on.ca.

Candidates should also refer to the Ontario Municipal Elections Guide, published by the Ontario Ministry of Municipal Affairs in 2022. This guide is available at the following website: <https://www.ontario.ca/page/municipal-elections>

As the campaign progresses, registered Third Party Advertisers' will receive additional information from the Clerk's Office. Therefore, it is imperative that you notify the Clerk of any address and other contact information changes.

Clerk's Department staff will be pleased to assist you with any questions you may have concerning the municipal election. Please contact our office at one of the numbers listed on the following pages or through email.

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Introductions

Clerk's Department Election Resource Staff

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Municipal Office Business Hours – Monday through Friday, 8:30 a.m. – 4:30 p.m.

Municipal Elections Webpage: <https://www.townshipofbrock.ca/en/municipal-office/elections.aspx>

Key Dates

This is a schedule of important dates relating to third party advertisers' campaign. If there are any changes to the dates, you will be notified by the Clerk.

Third Party Advertiser Information Session Wednesday April 13, 2022 at 7:00 p.m.	Presentation from the Ministry of Municipal Affairs on general election rules and procedures to be held at Regional Headquarters, 605 Rossland Road East, Whitby, Meeting Room LL-C Video recording link: https://vimeo.com/699514924
Third Party Advertiser Information Session Wednesday April 20, 2022 at 7:00 p.m.	Presentation from the Ministry of Municipal Affairs on general election rules and procedures to be held at the Uxbridge Seniors Centre, 75 Marietta Street, Uxbridge

<p>Third Party Advertiser Registration</p> <p>Monday May 2, 2022, to Friday August 19, 2022 – 9:00 a.m. – 2:00 p.m.</p>	<p>Third party advertisers may register as a third party advertiser at any time when the Clerk’s office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.). Registrations must be filed in person. Appointments are encouraged</p>
<p>Campaign Period</p> <p>Monday May 2, 2022 to December 31, 2022</p>	<p>The campaign period begins on May 2, 2022, or whenever a third party advertiser files a notice of registration, whichever is later, and ends on December 31, 2022 unless the third party advertiser continues their campaign after December 31, 2022 to erase a deficit.</p>
<p>Certificate of Maximum Campaign Spending Limits</p> <p>Monday September 26, 2022</p>	<p>The Clerk to provide the certificate of maximum campaign spending limits.</p>
<p>Election Day</p> <p>Monday, October 24, 2022</p>	
<p>Official Results</p> <p>Tuesday, October 25, 2022 – Friday, October 28, 2022</p>	<p>The Clerk will publicly declare to be elected, the candidate having the highest number of votes for each office, as soon as possible after Election Day.</p>
<p>End of Campaign Period</p> <p>Tuesday January 3, 2023</p>	<p>The end of the campaign period is Tuesday, January 3, 2023 unless the third party advertiser is continuing their campaign to erase a deficit. Third party advertisers may not raise funds or incur expenditures beyond this date, unless they have a deficit and have notified the Clerk of the extension to the campaign period.</p>
<p>Notification to the Clerk of a Deficit and Continuation of Campaign Period</p> <p>Tuesday January 3, 2023</p>	<p>If a third party advertiser has a deficit on January 3, 2023 and wishes to continue fundraising to eliminate the deficit, the third party advertiser shall notify the Clerk on the prescribed form on or before December 31, 2022. Failure to do so will mean that the campaign period ends on Tuesday January 3, 2023.</p>
<p>Notice of Penalties to Third Party Advertisers</p>	<p>Clerk to provide written notice to registered third party advertisers.</p>

Wednesday, March 1, 2023	
Deadline for Filing of Financial Statements Thursday March 30, 2023 at 2:00 p.m.	This is the final date by which all third party advertisers must file their financial statements by 2:00 p.m.
Filing of Financial Statement 30 Day Grace Period Monday, May 1, 2023 at 2:00 p.m.	Third party advertisers can file their financial statement by May 1, 2023 at 2:00 p.m. provided they pay a \$500 late filing fee. A third party advertiser who fails to file a financial statement or apply for an extension and does not pay a \$500 late filing fee is subject to penalties.
Clerk’s Report Tuesday, May 2, 2023	The Clerk will release a public report indicating whether each third party advertiser has filed a financial statement and any violations of financial limits.
Deadline for Filing of Supplementary Financial Statements Friday, September 29, 2023 at 2:00 p.m.	This is the final date by which all third party advertisers must file their supplementary financial statements by 2:00 p.m.
Clerk’s Report Monday, October 30, 2023	The Clerk will release a public report indicating whether third party advertisers who requested an extension filed a supplementary financial statement and any violations of financial limits.

Definitions

“Fund-raising function” means an event or activity held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements.

“Registered Third Party” means an individual, corporation or trade union that is registered as a third party advertiser with the Clerk of the Township of Brock.

“Third Party Advertisement” means an advertisement in any broadcast, print, electronic or similar medium that has a purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot. It does not include the following:

- An advertisement by or under the direction of a candidate;
- Where there are no expenses incurred by the person/entity in relation to the advertisement; and,

- When given or transmitted to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

Vote By Mail & Centralized Scanner/Tabulators Procedures and Rules

The use of an alternate form of voting is authorized by section 42 of the Municipal Elections Act, 1996, as amended, and adopted by by-law. In addition, the Clerk is required to prepare detailed procedures to accommodate this method of election which are prepared and maintains the spirit of the Act. **These procedures, approved by the Municipal Clerk, shall be available to the public by June 1, 2022 and provided to each candidate. Amendments to such procedures, if required, are prepared and approved at the sole discretion of the Clerk and not subject to Council approval.**

Registration Procedures

Third party advertisers must be qualified on the day they file their registration.

Qualification

You may register as a third party advertiser provided you meet the following qualifications:

- An individual who is normally a resident of Ontario;
- A corporation that carries on a business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario.

Restrictions

The following are restricted from registering as a third party advertiser:

- A candidate whose nomination has been filed under section 33 of the Municipal Elections Act;
- A federal political party registered under the Canada Elections Act (Canada) 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.

Registration Form

Registrations may be accepted commencing on May 2, 2022 until Friday, October 21, 2022 at such hours as the Clerk's department is open. A third party advertiser shall be

registered prior to placing any advertisements as well as raising campaign funds or incurring expenses.

A notice of registration may only be filed with the Clerk of a local municipality. A third party advertiser or agent of the third party advertiser must file the registration form in person. A person who is filing a third party registration on behalf of a corporation or a trade union must provide written authorization, satisfactory to the Clerk, that they are authorized to act on their behalf.

If an agent is filing the registration form on behalf of a third party advertiser, the third party advertiser's agent must be provided with written authorization from the third party advertiser to submit the registration form sworn before a commissioner. The agent must also provide a copy of the third party advertiser's identification (if an individual), as well as providing their own identification. If the written authorization from the third party advertiser is not commissioned prior to filing, the Clerk **will not** accept the documentation.

Faxed and electronic nominations cannot be accepted, as an original signature is required on registration forms.

Certificate of Registration Notice

The Clerk will review each notice of registration and, if satisfied that the individual, corporation or trade union is qualified, will certify the registration. Should the Clerk determine that notice of registration does not qualify, the notice will be rejected.

Advertisements

Timing

Third Party Advertisements may only be placed after the third party advertiser has registered with the Clerk and ends at the close of voting on Voting Day – 8:00 p.m.

Mandatory Information

All advertisements placed must include the following information:

- The name of the registered third party advertiser;
- The municipality where the registered third party is registered;
- A telephone number, mailing address or email address at which the third party advertiser may be contacted regarding the advertisement.

Mandatory Information for Publisher/Broadcaster, etc.

The following information must be provided to the publisher and/or broadcaster in writing:

- The name of the registered third party advertiser;
- The name, address, and telephone number of the individual who deals with the publisher/broadcaster under the direction of the third party advertiser; and,
- The municipality where the third party is registered.

Obligations to Publishers/Broadcasters

The publisher and/or broadcaster must maintain the following information for a period of four (4) years after the date the advertisement appears and shall allow the public to inspect such records during normal business hours:

- The name of the registered third party advertiser;
- The name, address, and telephone number of the individual who deals with the publisher/broadcaster under the direction of the third party advertiser;
- The municipality where the third party is registered;
- A copy of the advertisement or the means of reproducing it for inspection; and,
- A statement of the charge made for its appearance.

Use of Corporate Resources

The Municipal Elections Act, S.O. 1996, as amended, prohibits a municipality from making a contribution to a registered third party. The Act also prohibits the registered third party, or someone acting on the registered third party's behalf, from accepting a contribution from a person who is not entitled to make a contribution. Since contributions may take the form of money, goods, or services, any use by a registered third party of the municipality's resources for the election campaign would be viewed as a contribution and, therefore, a violation of the Act. Information made available to the public on the municipality's website does not constitute a contribution to a registered third party. This information may include the phone number and email address provided by the registered third party on their nomination form, as well as a hyperlink to the registered third party's website.

As per the [Township of Brock Use of Corporate Resource Policy](#) (Section 5)

- No person shall use any Township Resource for Campaigning or any election-related activity, during a Campaign Period.
- Township Facilities shall not be used for any Campaign related purposes unless the Candidate or Registered Third Party has paid the market value rental rate and any campaigning is limited to the rented space. Under no circumstances will the rental fee be waived for any Campaigning.
- Any event whereby an organizer has a permit to rent, or a lease agreement with the Township, for a Township Facility and sublets rentable booth/space to

Candidates or Registered Third Parties, is permitted. Subject to the rentable booth/space being made available, without bias, to all Candidates or Registered Third Parties.

- The Township's voice mail system shall not be used to record any partisan election-related messages and the computer network and related information technology systems shall not be used to distribute partisan election-related correspondence or any other election campaign related material.
- Candidates or Registered Third Parties may only undertake Campaigning or election-related activities at Township Facilities provided they have paid full-marketrental fees and rates for use of such facilities.
- No Candidate, Registered Third Party, or person under the direction of either, shall use the services of Township Staff for any Campaigning, or any election-related activities, during hours in which Township staff are at work.
- Photographs produced for and owned by the Township shall not be used for campaigning.
- The Township's logo, crest, coat of arms, slogan, brand, etc. may not be printed or distributed on any election materials or included on any election Campaign related website, domain or social media site, except in the case of a link to the Township's website to obtain information about the municipal election process.
- Constituent information (including email and mailing addresses) collected by Members of Council as part of their constituent communications shall not be used for election related purposes.
- Political involvement and activity by Staff is governed by the Township's Employee Code of Conduct No. AP21, or as amended.
- Political involvement and activity by Members of Council is governed by the Township's Council Code of Conduct By-Law No. 2843-2019-AP, or as amended.

Campaign Finances

The *Municipal Elections Act, 1996* imposes limitations on the expenses for registered third party advertisers in municipal elections and imposes requirements on the registered third party to report the contributions received and the funds expended. The registered third party should become familiar with these provisions.

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also review the Campaign Financial Statement (appended) that you will be

required to file to make sure that you are keeping records of all the information that must be included on the Statement.

You are required to keep all of your campaign financial records until November 15, 2026 when the next council takes office.

You must keep the following records:

- the receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (Remember to issue receipts to yourself for any contributions you make if you are an individual)
- 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 separate fundraising event or activity
- the monies received at a fundraising event or activity by donations of \$25 or more
- the terms of any loan received from a bank or other recognized lending institution

Campaign period

You are only allowed to accept contributions or incur campaign expenses during your campaign period.

Your campaign begins on the day you file your registration.

In most cases, your campaign will end on January 3, 2023. Exceptions are if you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions;
- you no longer have a deficit; or
- June 30, 2023

Bank account

Once you have filed your registration form, you are required to open a separate bank account for your campaign. Even if you are planning a very small campaign, you are not permitted to use your personal bank account for campaign finances.

All contributions – including contributions you make yourself (if you are an individual) – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what an average person would be charged is considered to be a contribution.

Example:

Your order for campaign signs would normally cost \$500, but the vendor agrees to sell them to you for \$300. You must record a contribution of \$200 in goods or services from the vendor. If a professional who would normally charge for a service gives you that service for free, the value of the service (i.e. what an average person would pay for it) is considered to be a contribution.

If you sell goods at a fundraising event for more than their market value, the difference between what the person paid you and what they would have normally paid for the item is considered to be a contribution if the amount is over \$25.00.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (i.e. what it would cost you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse (in the case of an individual) guarantees your campaign loan, and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor. Note that loans may only be guaranteed by the registered third party.

Things that are deemed not to be contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you.

The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the Broadcasting Act (Canada) is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution in Ontario, the amount of the loan is not considered to be a contribution.

When you can receive contributions

You can only accept contributions after you have filed your registration form, and you cannot accept contributions after your campaign period has ended. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must return it to the Clerk.

Who can make a contribution

You can accept contributions from:

- individuals who normally reside in Ontario;
- a corporation that carries on business in Ontario;
- a trade union that holds bargaining rights for employees in Ontario;
- in the case of an individual, yourself and your spouse;
- the registered third party itself.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Ineligible contributors

The following are not allowed to make contributions to registered third party advertiser campaigns:

- 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
- the Crown in right of Canada or Ontario and a municipality or a school board.

Contribution limits

There is a \$1,200 limit that applies to each contributor who contributes to the campaign. If a contributor makes more than one contribution (e.g. contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200. The maximum total amount that a contributor can give to registered third party advertisers in the same electoral jurisdiction is \$5,000.

These limits do not apply if the contribution is made by the registered third party itself, and if the registered third party is an individual, by his or her spouse provided the overall

spending limit is not exceeded.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order, or by a method that clearly shows where the funds came from.

Registered third party advertisers are required to inform contributors of contribution limits and should consider including on their receipts the contribution limits as noted above.

Contribution receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date, and the value. If the contribution was in goods or services, you must determine the value of the goods or services and issue a receipt for the full value. Registered third party advertisers should consider including the contribution limits on the bottom of the receipts.

If you receive a cheque from a joint personal account, the receipt must be issued only to the person who signed the cheque. The contribution can only come from one person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal and school board campaigns cannot be claimed against provincial or federal income taxes.

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the Act as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must return it to the Clerk.

Contributions should be returned or paid to the Clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (e.g. someone who doesn't live in Ontario)
- greater than the \$1200 individual limit or the \$5,000 total limit
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraising events and activities can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to the event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

If your ticket price is more than \$100, you must include these contributions in Table 1 on your campaign financial statement. If your ticket price is less than \$100 and a person who buys a ticket makes other contributions totalling more than \$100 (including the cost of the ticket), you must record these contributions – including the cost of the ticket.

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution if the amount is over \$25.00.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution, but must still be recorded on your campaign financial statement as “revenue not deemed a contribution”.

If you host a party or make other expressions of appreciation after the close of voting, the spending limit is ten percent (10%) of your maximum spending limit as issued by the Clerk on September 26, 2022.

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs on your behalf) during your campaign.

You can only incur expenses during your campaign period.

Goods and services that are contributed to your campaign are also expenses. They

should be treated as if the contributor gave you money and you went out and purchased the goods and services – you must record both the contribution and the expense.

If you are given a special discount on a good or service that you are purchasing for your campaign, you should record the expense as if you were not given the discount (since the value of the discount is considered to be a contribution of the good or service to your campaign).

Preliminary Maximum Permitted Expenses

Position	Maximum Amount	Maximum Amount for Parties, etc. after voting day	Maximum contributions to a candidate’s own election campaign
Third Party Advertiser	\$ 5,490.60	\$ 549.06	Not applicable

Spending Limit

There are limits on the amount a registered third party advertiser may spend on expenses during the period commencing on the date the third party advertiser is registered under Section 88.6 of the Act and ending at the close of polls on voting day. The limits on campaign expenses are based on a formula that corresponds to the number of electors entitled to vote for which the third party advertiser is registered.

The formal certificate of maximum campaign spending limits will be provided to all third party advertisers on **September 26, 2022**.

Types of Expenses

The following are deemed to be expenses under the Act:

- replacement value of goods retained 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 fundraising function
- cost of holding parties and other expressions of appreciation after the close of voting
- expenses related to a compliance audit
- expenses incurred by a registered third party who is an individual with a disability that are directly related to the disability and would not have been incurred if not for the election
- cost of third party advertisements

The cost of holding fundraising functions does not include costs related to promotional materials in which the soliciting of contributions is minimal.

The following expenses are not subject to the spending limit:

- audit and accounting fees
- expenses related to holding a fundraising function
- expenses related to parties and other expressions of appreciation after the close of voting (subject to limits explained below)
- expenses relating to a compliance audit
- expenses incurred by an individual with a disability that are directly related to the third party advertiser's disability and would not have been incurred if not for the election

When the spending limit applies

Your spending limit covers expenses that you incur between the time of registration and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit except for parties or other expressions of appreciation.

Note: If you incur an expense before voting day, but do not pay for it until after voting day, it would still be subject to the spending limit.

Campaign inventory

If you registered in the last election (not applicable for 2018) and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal/corporate property. If you wish to store materials such as signs for use in another election, any costs related to storage are personal/corporate costs, not campaign expenses.

A note to accountants: the value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

Spending Limits for Parties After the Close of Voting

Expenses related to parties and other expressions of appreciation after the close of voting are not subject to the spending limit established for the election campaign.

However, the Act now contains a maximum spending limit for this item which is equal to 10% of the overall spending limit established for the campaign.

Campaign Financial Statement

It is your responsibility as a registered third party advertiser to file a **complete** and **accurate** financial statement **on time**.

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

If you have a bookkeeper or accountant to complete the financial statement for you, you are still responsible for ensuring that it is complete, accurate, and filed on time.

If you filed a registration form, you must file a financial statement.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses, you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than \$10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the Clerk.

Once filed, should you discover an error in the submitted financial statement, you may withdraw the statement and submit a corrected statement prior to the filing deadline.

If you think that you will be unable to file your financial statement by the deadline, you may apply to the Superior Court of Justice for an extension before **March 30, 2023**.

If you do not file the financial statement or apply for an extension by the deadline, you may file it by **2 p.m. on May 1, 2023** provided you pay a **late filing fee of \$500**.

If, at **2 p.m. on May 1, 2023**, you have not given the clerk your financial statement or written notice that you have applied to the court for an extension, you will be ineligible to register as a third party advertiser until after the next regular election has taken place (2022).

Extended campaigns

Your campaign period ends on Monday, January 3, 2023. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the Clerk using the Notice of Extension of Campaign form on or before January 3, 2023. Your campaign may be

extended until June 30, 2023.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until January 3, 2023 (due at 2 p.m. on March 31, 2023)
- a supplementary financial statement which includes the information from your primary statement and adds financial information from your extended campaign (due at 2 p.m. on September 29, 2023)

Surplus and Deficit

If your campaign ends with a surplus you can withdraw the value of contributions that you and your spouse made from the surplus **ONLY** if you registered as an individual third party advertiser. If you still have a surplus once you have withdrawn your contributions, the surplus remaining must be returned to the Clerk. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit. You are **not** allowed to carry forward this deficit to your next campaign if you register as a third party advertiser in a subsequent election. The campaign deficit exists on paper. You are still obligated to pay any vendors that you owe money to.

Auditor's Report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the *Public Accounting Act, 2004*. Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Clerk's Report/Compliance Audit Committee

The Clerk will prepare a report addressing whether each registered third party advertiser has complied with the requirement to submit a financial statement and shall make the report available to the public as soon as possible after **May 1, 2023**.

In addition, the Clerk also has the responsibility to review the source of all contributions to ensure that no contributor has exceeded the \$1200 spending limit for each Third Party Advertiser and the contributor has not exceeded the aggregate spending limit of \$5000 for all registered Third Party Advertisers in the same electoral jurisdiction. In the event of an apparent contravention the Clerk shall prepare a report for each contributor and shall forward same to the Compliance Audit Committee. The Compliance Audit Committee

shall consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Compliance & Enforcement

Automatic penalties

There are three contraventions of the Act where penalties apply automatically:

1. if you fail to file a financial statement or apply to the court for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the Clerk when you file your financial statement

The penalty is that you become ineligible to register as a third party advertiser until **after** the 2026 election.

Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances even if you fail to submit a financial statement by the deadline. The application must be in writing, and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the Clerk who conducted the election within 90 days of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You 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, they will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you 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 you actually contravened 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.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000 (individual) and \$50,000 (corporation or trade union)
- ineligibility to register as a third party advertiser until after the next general election (2022)
- up to six months in prison

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Prior to Voting Day, the Clerk shall provide each registered third party a notice advising of penalties related to election campaign finances and the date the financial statement is required.

Third Party Advertiser financial statements are deemed to be public documents and will be posted on the Township's website in their entirety. The documents will be available to the public for inspection until the next term of Council takes office after the next election (2022).

Election Signs

Election Act Provisions

Candidates are guaranteed access to dwelling units within apartments, condominiums, non-profit housing, and gated communities between the hours of 9 a.m. to 9 p.m. for campaigning purposes. Tenants may post signage within their dwelling units. Landlords may prohibit the display of election signs within common areas of the premises.

By-law Number 3114-2022

The Township of Brock passed [By-law Number 3114-2022](#) on April 25, 2022. Below are highlights from the by-law. Please ensure to read the full by-law for the complete Election requirements.

- Election signs shall not be erected until thirty six (36) days prior to Voting Day **(September 18, 2022)**;
- Any Candidate or Registered Third Party Sign removed in contravention of this By-law will be notified in order to make arrangement to pick up the Signs and will

- be subject to pay \$20 per sign when the Candidate or Registered Third Party, picks them up. Otherwise, they will be disposed of 30 days after the election;
- Upon direction from the Clerk's Office, Township staff is authorized to remove any sign that does not comply with the provisions of the by-law. The Clerk's decision in this regard is final;
 - Signs must be removed within 72 hours after midnight on voting day (**October 27, 2022**);
 - Signs cannot be animated, illuminated, have flashing lights, or simulate a traffic control device;
 - Signs cannot be affixed to public property, Canada Post Mailboxes, public utility poles, trees, stones or other natural objects or on boundary fences located on public property;
 - Signs cannot impede pedestrian or vehicular traffic or municipal maintenance operations;
 - The municipality's logo, crest, coat of arms, tag-line, or seal cannot be used in whole or in part;
 - Signs that are on or within a vehicle (including vehicle wraps) and visible to the outside or are on a vehicle itself are prohibited in a voting place and voting assistance centres;
 - Election signs are prohibited within public parks and the road allowance fronting the park, daylighting triangles, bridges, overpasses, medians, islands, central boulevards, or sidewalks.

Special Provisions for Registered Third Parties

- Signs erected by Registered Third Parties must include the name of the Registered Third Party, the municipality where the Third Party is registered, and a telephone number, mailing or email address where the Third Party may be contacted.

In addition, the placement of elections signs on property owned by the Ministry of Transportation, Ontario is governed by rules and regulations separate from the Township of Brock and permits may be required from the respective agency.

Please also note that the Township of Brock will **NOT** enforce alleged infractions related to signage placed on property owned by the Ministry of Transportation, Ontario.