

Excerpt from the *Municipal Elections Act* - Election Campaign Finances

Contributions

66.(1) For the purposes of this Act, money, goods and services given to and accepted by or on behalf of a person for his or her election campaign are contributions. 1996, c. 32, Sched., s. 66 (1).

Additional rules

(2) Without restricting the generality of subsection (1), the following rules apply in determining whether an amount is a contribution:

1. The following amounts are contributions:

- i. an amount charged for admission to a fund-raising function,
- ii. 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,
- iii. 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
- iv. any unpaid but guaranteed balance in respect of a loan under section 75.

2. The following amounts are not contributions:

- i. the value of services provided by voluntary unpaid labour,
- ii. the value of services provided voluntarily, under the person'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,
- iii. an amount of \$10 or less that is donated at a fund-raising function,
- iv. the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada), if,
 - A. it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - B. it is provided equally to all candidates for office on the particular council or local board,
- v. the amount of a loan under section 75. 1996, c. 32, Sched., s. 66 (2).

Value of goods and services

(3)The value of goods and services provided as a contribution is,

(a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;

(b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time. 1996, c. 32, Sched., s. 66 (3).

No penalty

(4)No employer shall impose any penalty on an employee who refuses to provide services voluntarily as described in subparagraph ii of paragraph 2 of subsection (2). 1996, c. 32, Sched., s. 66 (4).

Expenses

67.(1)For the purposes of this Act, costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign are expenses. 1996, c. 32, Sched., s. 67 (1).

Additional rules

(2)Without restricting the generality of subsection (1), the following amounts are expenses:

1. The replacement value of goods retained by the person from any previous election and used in the current election.
2. The value of contributions of goods and services.
3. Audit and accounting fees.
4. Interest on loans under section 75.
5. The cost of holding fund-raising functions.
6. The cost of holding parties and making other expressions of appreciation after the close of voting.
7. Expenses relating to a recount.
8. Expenses relating to proceedings under section 83 (controverted elections).

8.1 Expenses relating to a compliance audit.

8.2 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.

9. The nomination filing fee referred to in section 33. 1996, c. 32, Sched., s. 67 (2); 2009, c. 33, Sched. 21, s. 8 (28).

Same

(2.1) For greater certainty, the cost of holding fund-raising functions under paragraph 5 of subsection (2) does not include costs related to,

(a) events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or

(b) promotional materials in which the soliciting of contributions is incidental. 2009, c. 33, Sched. 21, s. 8 (29).

Same

(3) The expenses described in paragraphs 7, 8 and 8.1 of subsection (2) include expenses relating to recounts and proceedings under section 81 (compliance audit) and section 83 (controverted elections) from a previous election for an office on the same council or local board, if the expenses were incurred after the person's election campaign period for that office in the previous election ended under subparagraph ii of paragraph 4 or subparagraph ii of paragraph 5 of subsection 68 (1). 1996, c. 32, Sched., s. 67 (3); 2009, c. 33, Sched. 21, s. 8 (30).

Election campaign period

68.(1) For the purposes of this Act, a candidate's election campaign period for an office shall be determined in accordance with the following rules:

1. The election campaign period begins on the day he or she files a nomination for the office under section 33.

2. The election campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

3. Despite rule 2, the election campaign period ends,

i. on the day the nomination is withdrawn under section 36 or deemed to be withdrawn under subsection 29 (2), or

ii. on nomination day, if the nomination is rejected under section 35.

4. Despite rules 2 and 3, if the candidate has a deficit at the time the election campaign period would otherwise end and the candidate notifies the clerk in writing on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of,

i. the following June 30, in the case of a regular election,

i.1 the end of the six-month period following the 60th day after voting day, in the case of a by-election,

ii. the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the deficit was incurred,

iii. the day the candidate notifies the clerk in writing that he or she will not accept further contributions, and

iv. the day A equals the total of B and C , where,

A = any further contributions,

B = the expenses incurred during the extension of the election campaign period,

C = the amount of the candidate's deficit at the start of the extension of the election campaign period.

5. If, after the election campaign period ends under rule 2, 3 or 4, the candidate incurs expenses relating to a recount or to a proceeding under section 81 (compliance audit) or section 83 (controverted elections) and the candidate notifies the clerk in writing, the campaign period is deemed to have recommenced, subject to subsection (2), and to have run continuously from the date of nomination until the earliest of,

i. the day the total of A and B equal the total of C and D , where,

A = any amount released to the candidate under subsection 79 (7),

B = any further contributions,

C = the expenses incurred after the election campaign period recommences,

D = the amount of the candidate's deficit, if any, before the election campaign period recommenced,

ii. the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the expenses referred to in subparagraph i were incurred,

iii. the day the candidate notifies the clerk in writing that he or she will not accept further contributions,

iv. the following June 30, in the case of a regular election, and

v. the end of the six-month period following the 60th day after voting day, in the case of a by-election. 1996, c. 32, Sched., s. 68 (1); 2000, c. 5, s. 33; 2002, c. 17, Sched. D, s. 25; 2009, c. 33, Sched. 21, s. 8 (31-33).

Same

(2) An election campaign period that has ended under subparagraph ii of paragraph 4 or subparagraph ii of paragraph 5 of subsection (1) cannot recommence under paragraph 5. 1996, c. 32, Sched., s. 68 (2).

Multiple and combined campaigns

(3) The following rules apply if a person is a candidate, at different times in the same election, for more than one office on the same council or local board:

1. The person's campaigns for offices for which the election is conducted by general vote shall be deemed to be one campaign for the last office for which he or she is nominated, but the election campaign period begins on the day of the first nomination.

2. Each campaign for an office for which the election is conducted by ward is a separate campaign. 1996, c. 32, Sched., s. 68 (3).

Duties of candidate

69. (1) A candidate shall ensure that,

(a) one or more campaign accounts are opened at a financial institution, exclusively for the purposes of the election campaign and in the name of the candidate's election campaign;

(b) all contributions of money are deposited into the campaign accounts;

(c) all payments for expenses, except for a nomination filing fee, are made from the campaign accounts;

(d) contributions of goods or services are valued;

- (e) receipts are issued for every contribution and obtained for every expense;
- (f) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
- (g) records are kept of every expense including the receipts obtained for each expense;
- (h) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (i) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$10 or less;
- (j) records are kept of any loan and its terms under section 75;
 - (j.1) the records described in clauses (f), (g), (h), (i) and (j) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (k) financial filings are made in accordance with sections 78 and 79.1;
- (l) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions on behalf of the candidate;
- (m) a contribution of money made or received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (n) a contribution not returned to the contributor under clause (m) is paid to the clerk with whom the candidate's nomination was filed; and
- (o) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed. 1996, c. 32, Sched., s. 69 (1); 2002, c. 17, Sched. D, s. 26; 2009, c. 33, Sched. 21, s. 8 (34).

Contributions paid to clerk

- (2) Contributions paid to the clerk under clause (1) (n) or (o) become the property of the local municipality. 1996, c. 32, Sched., s. 69 (2).

Contributions only after nomination

70. (1) A contribution shall not be made to or accepted by or on behalf of a person unless he or she is a candidate. 1996, c. 32, Sched., s. 70 (1).

Only during election campaign period

(2) A contribution shall not be made to or accepted by or on behalf of a candidate outside his or her election campaign period. 1996, c. 32, Sched., s. 70 (2).

Who may contribute

(3) Only the following may make contributions:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.
4. Subject to subsection (5), the candidate and his or her spouse. 1996, c. 32, Sched., s. 70 (3); 1999, c. 6, s. 43 (4); 2005, c. 5, s. 46 (4).

Same

(4) For greater certainty, and without limiting the generality of subsection (3), the following shall not make a contribution:

1. 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.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
3. The Crown in right of Canada or Ontario, a municipality or local board. 1996, c. 32, Sched., s. 70 (4); 2002, c. 17, Sched. D, s. 27.

Non-resident candidate, spouse

(5) If not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign. 1996, c. 32, Sched., s. 70 (5); 1999, c. 6, s. 43 (5); 2005, c. 5, s. 46 (5).

Who may accept contribution

(6) A contribution may be accepted only by a candidate or an individual acting under the candidate's direction. 1996, c. 32, Sched., s. 70 (6).

Contributors

(7) A contribution may be accepted only from a person or entity that is entitled to make a contribution. 1996, c. 32, Sched., s. 70 (7).

Cash

(8) A contribution of money in cash that exceeds \$25 shall not be made to or accepted by or on behalf of a candidate. 1996, c. 32, Sched., s. 70 (8).

Contributions re City of Toronto

70.1 (1) The City of Toronto may by by-law prohibit a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario from making a contribution to or for any candidate for an office on city council. 2006, c. 11, Sched. B, s. 10.

Same

(2) A by-law passed under subsection (1) prevails over subsection 70 (3). 2006, c. 11, Sched. B, s. 10.

Same

(3) A by-law passed under subsection (1) applies with respect to an election if the by-law is passed before the first day on which nominations for an office on city council can be filed for the election. 2006, c. 11, Sched. B, s. 10.

Notice

(4) The clerk shall give notice of a by-law passed under subsection (1) at the same time and in the same manner as notice is given under section 32. 2006, c. 11, Sched. B, s. 10.

Restriction on contributions, candidate for mayor

(5) Despite subsections 71 (1) and (2), for the purposes of those subsections, the maximum total contribution a contributor may make to a candidate for the office of mayor of the City of Toronto is \$2,500. 2006, c. 11, Sched. B, s. 10; 2006, c. 32, Sched. D, s. 11.

Maximum, each candidate

71. (1) A contributor shall not make contributions exceeding a total of \$750 to any one candidate in an election. 1996, c. 32, Sched., s. 71 (1).

More than one office

(2) If a person is a candidate for more than one office, a contributor's total contributions to him or her in respect of all the offices shall not exceed \$750. 1996, c. 32, Sched., s. 71 (2).

Multiple candidates

(2.1) A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board. 2009, c. 33, Sched. 21, s. 8 (35).

Exception, candidates and spouses

(3) Subsections (1), (2) and (2.1) do not apply to contributions made to a candidate's own election campaign by the candidate or his or her spouse. 1996, c. 32, Sched., s. 71 (3); 1999, c. 6, s. 43 (6); 2005, c. 5, s. 46 (6); 2009, c. 33, Sched. 21, s. 8 (36).

Associated corporations

72. For the purposes of sections 66 to 82, corporations that are associated with one another under section 256 of the Income Tax Act (Canada) shall be deemed to be a single corporation. 1996, c. 32, Sched., s. 72.

Restrictions re fund-raising functions

73. A fund-raising function shall not be held,

(a) for a person who is not a candidate; or

(b) outside the candidate's election campaign period. 1996, c. 32, Sched., s. 73.

Restriction: use of own money

74. (1) A contributor shall not make a contribution of money that does not belong to the contributor. 1996, c. 32, Sched., s. 74 (1).

Exception, will

(2) Subsection (1) does not apply to the personal representative of a deceased person, whose will directs that a contribution be made to a named candidate out of the funds of the estate. 1996, c. 32, Sched., s. 74 (2).

Campaign account loan

75. (1) A candidate and his or her spouse may obtain a loan from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. 1996, c. 32, Sched., s. 75 (1); 1999, c. 6, s. 43 (7); 2005, c. 5, s. 46 (7).

Who may guarantee

(2) No person other than the candidate and the spouse shall guarantee the loan. 1996, c. 32, Sched., s. 75 (2); 1999, c. 6, s. 43 (8); 2005, c. 5, s. 46 (8).

Expenses

76. (1) An expense shall not be incurred by or on behalf of a person unless he or she is a candidate. 1996, c. 32, Sched., s. 76 (1).

Only during election campaign period

(2) An expense shall not be incurred by or on behalf of a candidate outside his or her election campaign period. 1996, c. 32, Sched., s. 76 (2).

Who may incur expense

(3) An expense may only be incurred by a candidate or an individual acting under the candidate's direction. 1996, c. 32, Sched., s. 76 (3).

Maximum amount

(4) During the period that begins on the day a candidate is nominated under section 33 and ends on voting day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula. 1996, c. 32, Sched., s. 76 (4).

Prescribed formula

(4.1) The prescribed formula must be written so that the amount calculated under it varies based on the number of electors entitled to vote for the office for which the candidate is nominated. 2009, c. 33, Sched. 21, s. 8 (37).

Exception

(5) Subsection (4) does not apply in respect of expenses described in paragraphs 3 and 5 to 8.2 of subsection 67 (2). 1996, c. 32, Sched., s. 76 (5); 2009, c. 33, Sched. 21, s. 8 (38).

Number of electors

(6) For the purpose of subsection (4), the number of electors is the greater of,

(a) the number determined from the voters' list from the previous election, as it existed on nomination day of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day; and

(b) the number determined from the voters' list for the current election, as it exists on nomination day of the current election, adjusted for applications under sections 24 and 25 that are approved as of that day. 2009, c. 33, Sched. 21, s. 8 (39).

Duty of clerk

(7) Within 10 days after nomination day, the clerk shall,

(a) calculate the maximum permitted by subsection (4) for each office for which nominations were filed with him or her; and

(b) give a certificate of the applicable maximum to each candidate. 1996, c. 32, Sched., s. 76 (7).

Clerk's calculation final

(8) The clerk's calculation is final. 1996, c. 32, Sched., s. 76 (8).

Filing dates and reporting periods

77. For the purposes of documents to be filed under section 78,

(a) the filing date is,

(i) in the case of a regular election, the last Friday in March following the election, and

(ii) in the case of a by-election, 60 days after voting day;

(b) the supplementary filing date is the last Friday in September; and

(c) the supplementary reporting period is,

(i) in the case of a regular election, the six-month period following the year of the election, and

(ii) in the case of a by-election, the six-month period following the 60th day after voting day. 2009, c. 33, Sched. 21, s. 8 (40).

Financial statement and auditor's report

78. (1) On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances;

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day. 1996, c. 32, Sched., s. 78 (1); 2000, c. 5, s. 35 (1); 2002, c. 17, Sched. D, s. 29 (1); 2009, c. 33, Sched. 21, s. 8 (41).

Supplementary financial statement and auditor's report

- (2) If the candidate's election campaign period continues during all or part of the supplementary reporting period, he or she shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 1996, c. 32, Sched., s. 78 (2); 2002, c. 17, Sched. D, s. 29 (2); 2009, c. 33, Sched. 21, s. 8 (42).

Supplementary report

- (3) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1) and in any previous supplementary statement or report under subsection (2), as the case may be, updated to reflect the changes to the candidate's election campaign finances during the supplementary reporting period. 2000, c. 5, s. 35 (2).

Auditor

- (4) An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004. 1996, c. 32, Sched., s. 78 (4); 2004, c. 8, s. 46.

Exception re auditor's report

- (5) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 1996, c. 32, Sched., s. 78 (5).

Notice by clerk

- (6) At least 30 days before the filing date, the clerk shall give every candidate whose nomination was filed with him or her notice, by registered mail,

- (a) of all the filing requirements of this section; and

- (b) of the penalties set out in subsections 80 (2) and 92 (5). 2009, c. 33, Sched. 21, s. 8 (43).

Deemed time of receipt

(6.1) The notice is deemed to have been received on the fifth day after mailing. 2009, c. 33, Sched. 21, s. 8 (43).

Electronic filing

(7) The council of a local municipality may pass a by-law authorizing electronic filing under this section subject to such conditions and limits as are set out in the by-law. 2002, c. 17, Sched. D, s. 29 (4).

Surplus and deficit

79. (1) A candidate has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true. 2009, c. 33, Sched. 21, s. 8 (44).

Total credits

(2) For the purposes of subsection (1), the total credits are the sum of,

(a) the candidate's contributions under section 66;

(b) any amounts of \$10 or less that were donated at fund-raising functions;

(c) interest earned on campaign accounts; and

(d) revenue from the sale of election materials. 2009, c. 33, Sched. 21, s. 8 (44).

Total debits

(3) For the purposes of subsection (1), the total debits are the sum of,

(a) the candidate's expenses under section 67; and

(b) any deficit from a previous election campaign of the candidate if that campaign,

(i) related to an office on the same council or local board as the present campaign, and

(ii) was in the previous regular election or a subsequent by-election. 2009, c. 33, Sched. 21, s. 8 (44).

Surplus paid to clerk

(4) If the candidate's financial statement or supplementary financial statement shows a surplus and the election campaign period has ended at the time the statement is filed, he or she shall, when the statement is filed, pay the surplus to the clerk with whom the candidate's nomination was filed, reduced by the amount of any refund under subsection (6). 2009, c. 33, Sched. 21, s. 8 (44).

Surplus held in trust by clerk

(5) The clerk shall hold the amount paid under subsection (4) in trust for the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Refund

(6) If a candidate who has a surplus or his or her spouse has made contributions to the election campaign, the candidate may, after the election campaign period ends but before filing the financial statement or supplementary financial statement, as the case may be, refund to himself or herself or to the spouse, as the case may be, an amount that does not exceed the lesser of,

- (a) the relevant contributions;
- (b) the surplus. 2009, c. 33, Sched. 21, s. 8 (44).

Release of amount if campaign recommences

(7) If the candidate's election campaign period recommences under rule 5 of subsection 68 (1), the clerk shall pay the amount held in trust to the candidate, with interest. 2009, c. 33, Sched. 21, s. 8 (44).

Amount to become property of municipality or local board

(8) The amount becomes the property of the municipality or local board, as the case may be, when all of the following conditions are satisfied:

1. The campaign period has ended under rule 1, 2, 3 or 4 of subsection 68 (1).
2. It is no longer possible to recommence the campaign period under rule 5 of subsection 68 (1).
3. No recount or proceeding under section 81 (compliance audit) or section 83 (controverted elections) has been commenced.
4. The period for commencing a recount or a proceeding under section 81 or 83 has expired. 2009, c. 33, Sched. 21, s. 8 (44).

Transition, 2010 regular election and earlier

(9) Clause (2) (e) and subsections (8), (9) and (10), as they read immediately before the re-enactment of this section by subsection 8 (44) of Schedule 21 to the Good Government Act, 2009, continue to apply with respect to the 2010 regular election and with respect to any by-election that takes place before the 2010 regular election. 2009, c. 33, Sched. 21, s. 8 (44).

Return of surplus for subsequent expenses

79.1 (1) This section applies if all of the following circumstances exist:

1. A candidate has paid a surplus to the clerk under subsection 79 (4).
2. The campaign period has ended under rule 2, 3 or 4 of subsection 68 (1).
3. It is no longer possible to recommence the campaign period under rule 5 of subsection 68 (1).
4. The candidate subsequently incurs expenses relating to a recount or a proceeding under section 81 (compliance audit) or section 83 (controverted elections). 2009, c. 33, Sched. 21, s. 8 (44).

Return of surplus

(2) If the candidate notifies the clerk in writing that the candidate is incurring subsequent expenses relating to a recount or to a proceeding under section 81 or 83, the clerk shall return the amount of the surplus, with interest, to the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Effect of return of surplus

(3) If the surplus is returned to the candidate, the candidate is permitted to incur expenses relating to a recount or to a proceeding under section 81 or 83 but no other expenses may be incurred by the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Reporting periods

(4) The candidate's first reporting period under this section begins on the day after the surplus is returned to the candidate and ends 90 days later, and each successive period of 90 days is a further reporting period. 2009, c. 33, Sched. 21, s. 8 (44).

Financial statements

(5) For each reporting period, the candidate shall file with the clerk with whom the nomination was filed a financial statement in the prescribed form reflecting the candidate's expenses for the reporting period, and the financial statement must be filed no later than 2 p.m. on the 10th day after the end of the reporting period. 2009, c. 33, Sched. 21, s. 8 (44).

Final financial statement

(6) If, during a reporting period, the amount of surplus is reduced to zero or any remaining surplus is no longer required by the candidate for expenses relating to a

recount or to a proceeding under section 81 or 83, the candidate shall file a final financial statement. 2009, c. 33, Sched. 21, s. 8 (44).

Repayment of remaining surplus

(7) If the final financial statement indicates that there is any remaining surplus, the candidate shall pay the remaining surplus to the clerk when the financial statement is filed. 2009, c. 33, Sched. 21, s. 8 (44).

Remaining surplus held in trust by clerk

(8) The clerk shall hold the amount of the remaining surplus in trust for the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Release of amount if another recount, etc.

(9) If, after the candidate pays the remaining surplus to the clerk, another recount or proceeding under section 81 or 83 commences, subsections (2) to (8) apply, with necessary modifications, with respect to the subsequent recount or proceeding. 2009, c. 33, Sched. 21, s. 8 (44).

Amount to become property of municipality or local board

(10) The amount of the remaining surplus becomes the property of the municipality or local board, as the case may be, when the recount or proceeding under section 81 or 83 is finally determined and the period for commencing any other recount or proceeding under section 81 or 83 has expired. 2009, c. 33, Sched. 21, s. 8 (44).

Additional penalties

80. (1) A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

(a) if he or she fails to file a document as required under section 78 or 79.1 by the relevant date;

(b) if a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by subsection 79 (4) to the clerk by the relevant date;

(c) if a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or

(d) if a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1 (7) by the relevant date. 2009, c. 33, Sched. 21, s. 8 (44).

Same

(2) In the case of a default described in subsection (1),

(a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and

(b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies. 2009, c. 33, Sched. 21, s. 8 (44).

Notice of default

(3) In the case of a default described in subsection (1), the clerk shall notify the candidate and the council or board in writing that the default has occurred. 2009, c. 33, Sched. 21, s. 8 (44).

Application to court

(4) The candidate may, before the last day for filing a document under section 78 or 79.1, apply to the Ontario Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, 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. 2009, c. 33, Sched. 21, s. 8 (44).

Notice to clerk

(5) If a candidate makes an application under subsection (4), the candidate shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 78 or 79.1 that the application has been made. 2009, c. 33, Sched. 21, s. 8 (44).

Effect of extension

(6) If the court grants an extension under subsection (4), the penalties set out in subsection (2) apply only if the candidate has not filed the document before the end of the extension. 2009, c. 33, Sched. 21, s. 8 (44).

Compliance audit

Application

81. (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election

campaign finances may apply for a compliance audit of the candidate's election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office; and it shall be in writing and shall set out the reasons for the elector's belief. 2009, c. 33, Sched. 21, s. 8 (44).

Deadline

(3) The application must be made within 90 days after the latest of,

(a) the filing date under section 78;

(b) the candidate's supplementary filing date, if any, under section 78;

(c) the filing date for the final financial statement under section 79.1; or

(d) the date on which the candidate's extension, if any, under subsection 80 (4) expires. 2009, c. 33, Sched. 21, s. 8 (44).

Application to be forwarded to committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee established under section 81.1 and provide a copy of the application to the council or local board. 2009, c. 33, Sched. 21, s. 8 (44).

Decision

(5) Within 30 days after receiving the application, the committee shall consider the application and decide whether it should be granted or rejected. 2009, c. 33, Sched. 21, s. 8 (44).

Appeal

(6) The decision of the committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the committee could have made. 2009, c. 33, Sched. 21, s. 8 (44).

Appointment of auditor

(7) If the committee decides under subsection (5) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Same

(8) Only auditors licensed under the Public Accounting Act, 2004 or prescribed persons are eligible to be appointed under subsection (7). 2009, c. 33, Sched. 21, s. 8 (44).

Duty of auditor

(9) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Who receives report

(10) The auditor shall submit the report to,

(a) the candidate;

(b) the council or local board, as the case may be;

(c) the clerk with whom the candidate filed his or her nomination;

(d) the secretary of the local board, if applicable; and

(e) the applicant. 2009, c. 33, Sched. 21, s. 8 (44).

Report to be forwarded to committee

(11) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2009, c. 33, Sched. 21, s. 8 (44).

Powers of auditor

(12) For the purpose of the audit, the auditor,

(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and

(b) has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the audit as if it were an inquiry under that Act. 2009, c. 33, Sched. 21, s. 8 (44).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed and the following substituted:

(b) has the powers set out in section 33 of the Public Inquiries Act, 2009 and section 33 applies to the audit.

See: 2009, c. 33, Sched. 21, ss. 8 (45), 13 (2).

Costs

(13) The municipality or local board shall pay the auditor's costs of performing the audit. 2009, c. 33, Sched. 21, s. 8 (44).

Power of committee

(14) The committee shall consider the report within 30 days after receiving it and may,

(a) if the report concludes that the candidate appears to have contravened a provision of this Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;

(b) if the report concludes that the candidate does not appear to have contravened a provision of this Act relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application. 2009, c. 33, Sched. 21, s. 8 (44).

Recovery of costs

(15) If the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application, the council or local board is entitled to recover the auditor's costs from the applicant. 2009, c. 33, Sched. 21, s. 8 (44).

Immunity

(16) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (7) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2009, c. 33, Sched. 21, s. 8 (44).

Saving provision

(17) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Compliance audit committee

81.1 (1) A council or local board shall, before October 1 of an election year, establish a committee for the purposes of section 81. 2009, c. 33, Sched. 21, s. 8 (44).

Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

(a) employees or officers of the municipality or local board;

(b) members of the council or local board; or

(c) any persons who are candidates in the election for which the committee is established. 2009, c. 33, Sched. 21, s. 8 (44).

Term of office

(3) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2009, c. 33, Sched. 21, s. 8 (44).

Role of clerk or secretary

(4) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2009, c. 33, Sched. 21, s. 8 (44).

Costs

(5) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2009, c. 33, Sched. 21, s. 8 (44).

By-law re contribution rebates

82. (1) A municipality may, by by-law, provide for the payment of rebates to individuals, corporations or trade unions who made contributions to candidates for office on the municipal council. 1996, c. 32, Sched., s. 82 (1); 2002, c. 17, Sched. D, s. 33 (1).

Same, resolution

(2) A local board may, by resolution, provide for the payment of rebates to individuals, corporations or trade unions who made contributions to candidates for office on the local board. 1996, c. 32, Sched., s. 82 (2); 2002, c. 17, Sched. D, s. 33 (2).

Same

(3) The by-law or resolution shall establish the conditions under which an individual, corporation or trade union is entitled to a rebate. 1996, c. 32, Sched., s. 82 (3); 2002, c. 17, Sched. D, s. 33 (3).

Same

(4) The by-law or resolution may provide for the payment of different amounts to different individuals, corporations or trade unions on any basis. 1996, c. 32, Sched., s. 82 (4); 2002, c. 17, Sched. D, s. 33 (4).

(5) Repealed: 2009, c. 33, Sched. 21, s. 8 (46).

Application, registration under s. 39.1

82.1 (1) Subject to subsection (2), the following provisions apply to an individual, corporation or trade union that is registered under section 39.1:

1. Section 66.
2. Subsection 67 (1), and subsection 67 (2), except paragraph 9.
3. Subsection 68 (1), except subparagraph 4 ii, and subsection 68 (2).
4. Sections 69 and 70.
5. Subsections 71 (1) and (3).
6. Sections 72 to 78.
7. Subsections 79 (1) and (2), subsection 79 (3), except clause (b), and subsections 79 (4) to (7).
8. Section 81.
9. Subsections 92 (1) to (4). 2009, c. 33, Sched. 21, s. 8 (47).

Modifications

(2) In the provisions referred to in subsection (1),

(a) a reference to a candidate shall be read as a reference to an individual, corporation or trade union registered under section 39.1;

(b) a reference to nomination shall be read as a reference to registration under section 39.1;

(c) a reference to a person shall be read as a reference to an individual, corporation or trade union;

(d) subparagraph B of subparagraph 66 (2) 2 iv shall be read as follows:

B. it is provided equally to all individuals, corporations or trade unions registered under section 39.1 with respect to a particular question;

(e) paragraphs 1 and 3 of subsection 68 (1) shall be read as follows:

1. The election campaign period begins on the day the individual, corporation or trade union files a notice of registration under section 39.1.

3. Despite rule 2, the election campaign period ends on the day the by-law authorizing the question is repealed in accordance with clause 8.1 (1) (c) or the day the notice of registration is rejected under subsection 39.1 (5);

(f) subsection 71 (1) shall be read as follows:

(1) A contributor shall not make contributions exceeding a total of \$750 to any one individual, corporation or trade union registered under section 39.1 with respect to a particular question;

(g) subsection 79 (5) shall be read as follows:

(5) The surplus becomes the property of the municipality.

(h) subsection 92 (1) shall be read as if the reference to "sections 70 to 76" was a reference to sections "69 to 79". 2000, c. 5, s. 38; 2009, c. 33, Sched. 21, s. 8 (48).