

Notice of Financial Filing Requirements & Penalties

Municipal Elections Act, 1996, sections 88.25, 88.30, 92(1)

Financial Statement – Auditor's Report (Form 4)

All candidates *must* complete a primary financial statement. The [Financial Statement – Auditor's Report \(Form 4\)](#) requires you to report all campaign financial activity including expenses, contributions, and inventory, if applicable.

Sections to be completed

- If you did not raise or spend any money on your campaign aside from the nomination fee, complete Boxes A and B only.
- If you raised or spent any money on your campaign, complete Boxes A, B, C, D, Schedule 1 and, if applicable, Schedule 2.

Deadlines for the Financial Statement(s)

The deadline for filing your financial statement(s) with the City Clerk is as follows:

1. Monday, May 1, 2017 by 2 p.m. for the **primary financial statement**. This statement reflects your campaign financial activity for the primary campaign period.
2. Wednesday, November 1, 2017 by 2 p.m. for the **supplementary financial statement**. This statement includes financial information from both your primary and supplementary campaign period.

Surplus

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the City Clerk when you file your financial statement.

Penalties for Late Filing

Failure to file your financial statement means you cannot run in any municipal election in the Province of Ontario, or be appointed to an office, until after the 2018 municipal election. If you miss the filing deadline of **2 p.m., May 1, 2017 or November 1, 2017**, you may still file your statement up to 30 days later without penalty, provided you pay a \$500 late filing fee.

Auditor's Report

An auditor's report, completed by an auditor licensed under the *Public Accounting Act, 2004*, must be attached to the financial statement at the time of filing, if you

- Received contributions or incurred expenses greater than \$10,000 or
- Are participating in the City's contribution rebate program

Financial Statements must be commissioned

All financial statements must be commissioned by a qualified person. A Commissioner for taking affidavits is available free of charge at the Election Services office.

Faxed or scanned documents will not be accepted.

Location for filing

Financial statements must be filed with the Election Services office, at 89 Northline Road, Monday to Friday, 8:30 a.m. to 4:30 p.m., excluding statutory holidays.

The [Financial Statement – Auditor's Report \(Form 4\)](#) is a public document. Your financial statement will be posted on the City's website, including the list of the names and addresses of all contributors who contributed over \$100 to your campaign.

For more details of financial reporting requirements and penalties for non-compliance refer to the [Municipal Elections Act, 1996](#) (MEA) and the [Candidate's Guide](#).

Campaign Period

The [Financial Statement – Auditor's Report \(Form 4\)](#) requires you to report your election campaign finances during the campaign period.

Primary Campaign Period

Your primary campaign begins on the date you filed your Nomination Paper and ends on Thursday, March 30, 2017. This applies to all candidates unless you withdrew your nomination or filed your financial statement before the campaign period ended.

Supplementary Campaign Period

If you have extended your campaign by filing a [Notice of Extension of Campaign Period \(Form 6\)](#) with the Election Services office, your campaign will be extended until October 2, 2017. See details below.

Notice of Extension of Campaign Period (Form 6)

If you wish to extend your campaign period beyond March 30, 2017 to erase a deficit, you must file a [Notice of Extension of Campaign Period \(Form 6\)](#) in person **by 4:30 p.m., Thursday, March 30, 2017** at the Election Services office, 89 Northline Road.

Failure to file Form 6 will mean your campaign period ends on March 30, 2017 and you will not be able to raise additional funds to eliminate the deficit.

If you extend your campaign, you must file **two** financial statements: a primary financial statement and a supplementary financial statement.

Extending the Filing Deadline(s) by Applying to the Superior Court of Justice

If you require an extension to file your financial statement, you must apply to the [Superior Court of Justice](#) (SCJ) prior to the last day for filing. The SCJ may grant an extension of up to 90 days. If the SCJ approves your extension, you must provide the Election Services office (89 Northline Road) with the order by **2 p.m. on the last day for filing** (see Key Dates on page 2).

Contribution Rebate Program

[City of Toronto By-law 1208-2016](#) authorizes the payment of rebates to individuals who contributed to candidates in the Councillor ward 42 by-election. If you are participating in the City's contribution rebate program you must submit the following documents in order for your contributors to receive a contribution rebate:

- Auditor's Report provided by a licensed auditor under the *Public Accounting Act, 2004*
- **Photocopies** of all campaign expense invoices – original invoices are not accepted.
- Pink copies of all contribution rebate receipts (if not using the Electronic Financial Filing System)

These documents must be attached to the financial statement at the time of filing. Documents submitted after the financial statement is filed will not be accepted.

Penalties

The *Municipal Elections Act, 1996* requires you to file a financial statement with the City Clerk by the deadline. Failure to comply means that you are subject to the penalties outlined below, in addition to any other penalty that may be imposed under the *MEA*.

Effect of default by candidate

88.23 (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 the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- (b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31(4) to the clerk by the relevant date;
- (c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

Penalties

88.23 (2)

Subject to subsection (7), 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.

Offences by candidate

92 (1)

A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this *Act*, is subject to the penalties described in subsection 88.23(2)

- (a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- (b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.