

1980

c 134 Election Finances Reform Act

Ontario

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CHAPTER 134

Election Finances Reform Act

1.—(1) In this Act,

Interpre-
tation

- (a) “broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada); R.S.C. 1970,
c. B-11
- (b) “by-election” means an election other than a general election;
- (c) “campaign period” means the period commencing with the issue of a writ for an election and terminating four months after polling day;
- (d) “candidate” means,
- (i) a person who is duly nominated as a candidate for an electoral district in accordance with the *Election Act*, R.S.O. 1980,
c. 133
 - (ii) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
 - (iii) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself to be an independent candidate at the election in the electoral district;
- (e) “Commission” means the Commission on Election Contributions and Expenses;
- (f) “constituency association” in an electoral district means the association or organization endorsed by a

registered party as the official association of that party in the electoral district;

- (g) "contribution" does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for a political party, constituency association or candidate without compensation from the political party, constituency association or candidate;
- (h) "election" means an election to elect a member or members to serve in the Assembly;
- (i) "general election" means an election in respect of which election writs are issued for all electoral districts;
- (j) "outdoor advertising facilities" means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;
- (k) "person" includes a candidate but does not include a corporation or trade union;
- (l) "polling day" means the day fixed under the *Election Act* for holding the poll at an election;
- (m) "registered candidate" means a candidate registered under this Act;
- (n) "registered constituency association" means a constituency association registered under this Act;
- (o) "registered party" means a political party registered under this Act;
- (p) "revised list of voters" means the revised list of voters certified by the returning officer or an assistant revising officer under the *Election Act*;
- (q) "trade union" means a trade union as defined by the *Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply;
- (r) "year" means calendar year.

R.S.O. 1980,
c. 133

R.S.O. 1980,
c. 228
R.S.C. 1970,
c. L-1

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Act.

Associated
corporations
R.S.C. 1952,
c. 148

(3) This Act does not apply to campaigns and conventions carried on or held in relation to the leadership of any registered party or in relation to contested constituency nominations for endorsement of official party candidates.

Leadership
campaigns
and
contested
constituency
nominations

(4) This Act does not apply to,

Existing
funds in
trust

(a) funds held in trust at 3.00 o'clock in the afternoon of the 13th day of February, 1975; and

(b) funds raised before the expiration of thirty days after the 13th day of February, 1975 by a fund-raising function organized before that day that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

(c) within sixty days after the 2nd day of May, 1975, report in writing to the Commission the existence of such trust and the total amount of the funds therein;

(d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by the *Trustee Act*;

R.S.O. 1980,
c. 512

(e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause (d);

(f) file with the Commission on or before the 30th day of April in the year 1976 and in each year thereafter a report of the expenditures from the trust during the previous year and his declaration that he has complied with the provisions of clauses (d) and (e); and

(g) when the trust is terminated, forthwith notify the Commission thereof.

Year
1975

(5) For the purposes of this Act, the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the 31st day of December, 1975 shall be deemed to have been the calendar year 1975. 1975, c. 12, s. 1.

COMMISSION ON ELECTION
CONTRIBUTIONS AND EXPENSES

Commission
continued

2.—(1) The commission known as the Commission on Election Contributions and Expenses is continued and shall be composed of,

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of not more than ten years.

Vice-
chairman

(2) The members of the Commission shall elect one of the members appointed under clause (1) (a) as vice-chairman to serve as such for not more than two years.

Absence of
chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

Members not
to hold
office with
or contribute
to party

(6) Members of the Commission shall not, during their term of office, be members of the Assembly or candidates at an election or hold office in any political party or constituency association or make contributions to any political party or constituency association.

(7) Any member of the Commission may be reappointed ^{Reappointment} for one additional term.

(8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council. 1975, c. 12, s. 2. ^{Remuneration of members}

3.—(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act. ^{Staff}

(2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act. 1975, c. 12, s. 3. ^{Office accommodation and supplies}

4.—(1) The Commission, in addition to its other powers and duties under this Act, shall, ^{Powers and duties}

(a) assist political parties, constituency associations and candidates registered under this Act in the preparation of returns required under this Act;

(b) ensure that every registered constituency association and registered candidate has appropriate auditing services in order to properly comply with this Act;

(c) examine all financial returns filed with the Commission;

(d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties and constituency associations and of registered candidates in relation to election campaigns;

(e) reimburse candidates for election expenses in accordance with section 45;

(f) recommend any amendments to this Act that the Commission considers advisable;

(g) report to the Attorney General any apparent contravention of this Act;

(h) prescribe forms and the contents thereof for use under this Act and provide for their use;

- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines as it considers necessary for the guidance of auditors and political parties, constituency associations and candidates and any of the officers thereof; and
- (k) publish a summary of each candidate's election receipts, expenses and subsidy in a newspaper having a general circulation in the electoral district in which he was a candidate.

Annual
report

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1975, c. 12, s. 4.

Powers of
Commission
under
R.S.O. 1980,
c. 411

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or examination as if it were an inquiry under that Act. 1975, c. 12, s. 5.

Powers of
inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of his authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association or candidate relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents. 1975, c. 12, s. 6.

Information

7. Such information with respect to the affairs of a registered party or registered constituency association that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party or constituency association within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine. 1975, c. 12, s. 7.

Expenditures
of
Commission

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable out of moneys appropriated therefor by the Legislature. 1975, c. 12, s. 8, *revised*.

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. 1975, c. 12, s. 9. Audit

REGISTRATION

10.—(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. 1975, c. 83, s. 1. Registration
of parties

(2) Any political party that,

Qualifications
for
registration

(a) held a minimum of four seats in the Assembly following the most recent election;

(b) nominated candidates in at least 50 per cent of the electoral districts in the most recent general election;

(c) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or

(d) at any time other than during a campaign period provides the Commission with the names, addresses and signatures of 10,000 persons who,

(i) are eligible to vote in an election, and

(ii) attest to the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application
for
registration

(a) the full name of the political party;

(b) the political party name or abbreviation to be shown in any election documents;

(c) the name of the leader of the political party;

(d) the address of the place or places where records of the political party are maintained and of the place to which communications may be addressed;

- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause (h); and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of
political
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where in the opinion of the Commission the name or the abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party.

Variation
of register

(6) Where any of the information referred to in clauses (3) (a) to (i) is altered, the registered party shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of political parties accordingly. 1975, c. 12, s. 10 (2-6).

11.—(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act. 1975, c. 83, s. 2. Registration
of
constituency
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out, Application
for
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;
- (b) the address of the place or places where records of the constituency association are maintained and of the place to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause (f); and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and, Registration
by
Commission

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or

- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of register

(4) Where any of the information referred to in clauses (2) (a) to (g) is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly. 1975, c. 12, s. 11 (2-4).

Application
of
registration
provisions
to certain
parties

12. Sections 10 and 11 do not apply to any political party or its constituency associations, except the political parties and their constituency associations that are deemed by section 13 to be registered under this Act, until the date named in a notice published by the Commission in *The Ontario Gazette* as the first day upon which applications for registration of political parties and constituency associations will be received for filing by the Commission. 1975, c. 12, s. 12.

Certain
political
parties and
constituency
associations
deemed
registered

13.—(1) Every political party that is qualified under clause 10 (2) (a) to be registered under this Act shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975 and each constituency association of such political party shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975.

Application
required

(2) When a political party or a constituency association referred to in subsection (1) or (5) receives a request in writing from the Commission to file an application for registration under this Act, it shall immediately comply with such request and when the political party or constituency association becomes registered as the result of the application therefor, subsection (1) ceases to apply to it.

Receipt of
contributions
before
registration
following
application

(3) Where contributions are received by or on behalf of a political party or constituency association referred to in subsection (1), during the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the day it becomes registered as a result of an application therefor under subsection (2), notwithstanding any other provision of this Act, the political party and constituency association shall cause each contribution accepted by it to be recorded as to amount and source and deposited in an account in a chartered bank, trust company or other institution that is lawfully entitled to accept deposits and shall issue receipts therefor in accordance with this Act within a reasonable time after it becomes registered as the result of an application therefor under subsection (2).

(4) Any constituency association referred to in subsection (1) that by reason of *The Representation Act, 1975*,

Constituency associations abolished or replaced by changes in electoral districts
1975, c. 13

(a) ceases to exist, shall be deemed never to have been registered under subsection (1); or

(b) is replaced by another constituency association, such other constituency association shall be deemed to be an association referred to in subsection (1).

(5) Any new constituency association endorsed by a political party referred to in subsection (1) that was formed by reason of *The Representation Act, 1975* and that does not replace a constituency association referred to in subsection (1) shall be deemed to be registered under this Act on the date of its formation. 1975, c. 12, s. 13.

New constituency association

14.—(1) The Commission may deregister,

(a) a registered party on an application therefor by the registered party; or

Deregistration of parties and constituency associations, on application

(b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

(2) Where the chief financial officer of a registered party or registered constituency association fails to comply with section 42 or 43, the Commission may deregister the registered party or constituency association, as the case may be.

For non-compliance with certain provisions of Act

(3) Where under subsection (2) the Commission proposes to deregister,

Notice of proposal to deregister party or association

(a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or

(b) a constituency association, it shall send by registered mail notice of its proposal with written reasons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

Review

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection (3), an opportunity to make representation to the Commission and following a review of the proposal the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall,

(a) where the proposed deregistration involves a political party, notify it in writing; and

(b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

Party and
associations
thereof
deregistered

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered.

Reregistra-
tion

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43, it may not apply for registration until the financial statements as required by section 42 or 43 together with the auditor's report thereon as required by subsection 41 (4) that were not filed have been filed with the Commission.

Disposition
of funds
upon
deregistration

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act. 1975, c. 12, s. 14.

Registration
of candidate

15.—(1) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsection 10 (1) and subsection 11 (1), no political party or association or organization thereof acting on behalf of

such person, shall accept contributions for the candidacy of such person at an election or for an election campaign of such person unless such person is a candidate registered under this Act. 1975, c. 83, s. 3.

(2) The Commission shall maintain a register of candidates in relation to each election held after the 2nd day of May, 1975 and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

Application
for
registration

(a) that he,

- (i) has been duly nominated in accordance with the *Election Act* in the electoral district of R.S.O. 1980,
c. 133
- (ii) has not been duly nominated in accordance with the *Election Act* but has been nominated by the constituency association of _____ and has enclosed with his application a statement to that effect attested to by the chief financial officer of the association, or
- (iii) has not been duly nominated in accordance with the *Election Act* but, after the issue of a writ for an election in an electoral district, has declared himself an independent candidate at the election in the electoral district of _____ ;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution that

is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and

- (h) the names of the persons responsible for each depository referred to in clause (g).

Effective
date of
registration

- (3) A candidate who files an application under subsection (2),

- (a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and
- (b) after the issue of a writ for an election shall be deemed to be registered on and after the day following the day of filing.

Mailing of
application
deemed
filing

- (4) An application under subsection (2) may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the second day after it is mailed.

Deregistra-
tion where
candidacy
withdrawn
R.S.O. 1980,
c. 133

- (5) Where a registered candidate who was duly nominated in accordance with the *Election Act* withdraws his candidacy in accordance with that Act or a person who becomes registered before becoming so nominated does not become nominated as a candidate in accordance with the *Election Act*, he shall so notify the Commission in writing and the Commission shall delete his name from the register of candidates. 1975, c. 12, s. 15 (2-5).

Inspection
of informa-
tion on
file with
Commission

- 16.**—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Extracts

- (2) Any person may take extracts from the documents referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine. 1975, c. 12, s. 16.

CONTRIBUTIONS

Contributors
and how
contribu-
tions to
be made

- 17.**—(1) Contributions to political parties, constituency associations and candidates registered under this Act may be made only by persons individually, corporations and trade unions.

How con-
tributions
of money
to be made

- (2) Moneys contributed to political parties, constituency associations and candidates registered under this Act in

amounts in excess of \$10 shall be made only by a cheque having the name of the contributor legibly printed thereon signed by the contributor and drawn on an account in the contributor's name or by a money order signed by the contributor.

(3) All moneys accepted by or on behalf of a political party, constituency association or candidate registered under this Act shall be paid into the appropriate depository on record with the Commission. 1975, c. 12, s. 17.

Depositing
of con-
tributions

18. Any anonymous contribution received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but shall be returned to the contributor if the contributor's identity can be established, and if the contributor's identity cannot be established, the contribution shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act. 1975, c. 12, s. 18.

Anonymous
contribu-
tions

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses (a) and (b) and shall not exceed,

Limitation
on con-
tributions

(a) in any year,

(i) \$2,000 to each registered party, and

(ii) \$500 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$2,000 to constituency associations of each registered party; and

(b) in any campaign period in addition to contributions authorized under clause (a),

(i) \$2,000 in relation to the election in such period to each registered party, and

(ii) \$500 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an aggregate of \$2,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause (1) (b).

By-elections

Candidate's
funds
deemed
contribu-
tion

(3) Any moneys to be used for a political campaign by a candidate out of his own funds shall be deemed to be a contribution for the purposes of this Act and shall be paid into a depository on record with the Commission. 1975, c. 12, s. 19.

Contributor
to contribute
only funds
belonging
to him

20.—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association or candidate registered under this Act funds not actually belonging to him or it or any funds that have been given or furnished to him or it by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof.

Prohibition
to accept
contribu-
tions
contrary to
subsection (1)

(2) No political party, constituency association or candidate registered under this Act, and no person on its or his behalf shall solicit or knowingly accept any contribution contrary to the provisions of subsection (1).

Return of
contribu-
tion

(3) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association or candidate for whom he acts was made contrary to subsection (1), he shall, within thirty days after learning that the contribution was made contrary to subsection (1), return the contribution or an amount equal to the sum contributed. 1975, c. 12, s. 20.

Funds from
federal
parties
1973-74,
c. 51 (Can.)

21. No political party, constituency association or candidate registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission. 1975, c. 12, s. 21.

Value of
goods and
services

22.—(1) The value of goods and services, other than those that are not contributions under clause 1 (1) (g), provided to a political party, constituency association or candidate registered under this Act shall be,

(a) where the contributor is in the business of supplying such goods or services, the lowest amount charged

by him or it for an equivalent amount of the same goods and services at or about the time and in the market area in which the goods or services are provided; and

- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing the same goods on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are provided.

(2) Only,

Amount
over \$100
considered
contribu-
tions

- (a) a contribution of goods or services having a value of more than \$100; and
- (b) contributions of goods or services from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate have a value of more than \$100,

shall be considered as a contribution for the purposes of this Act.

(3) Where goods or services are provided to a political party, constituency association or candidate registered under this Act for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value shall, subject to subsection (2), be a contribution for the purposes of this Act.

Where goods
or services
provided for
price less
than value
determined
under subs. (1)

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publication or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

Advertising
as con-
tribution

- (a) in the case of any single such advertisement or publication is more than \$100; and

- (b) in the case of any such advertisements and publications from a single source published in any year, excluding any campaign period or part thereof in that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered as a contribution for the purposes of this Act to the political party or candidate with whose knowledge and consent the advertising was done.

Identification

(2) No person, corporation, trade union or registered party or constituency association shall cause any political advertisement to be published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he or it furnishes to the publisher of the advertisement his or its identification, in writing, together with the identification, in writing, of any person, corporation or trade union or registered party or constituency association sponsoring the political advertisement.

Inspection of publisher's records

(3) Any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to him in connection therewith and shall permit the public to inspect such records during normal office hours.

Political advertisement

(4) For the purposes of subsections (2) and (3), "political advertisement" means any matter promoting or opposing any registered party or the election of any registered candidate but does not include any *bona fide* news stories (including interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication the publication of which works are not paid for by or on behalf of any political party, constituency association or candidate). 1975, c. 12, s. 23.

Fund-raising events

24.—(1) In this section, "fund-raising function" includes suppers, dances, garden parties and any other social function held for the purpose of raising funds for the political party, constituency association or candidate registered under this Act by whom or on whose behalf the function is held.

Income to be reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held.

(3) Where an individual charge by the sale of tickets or otherwise is made for a fund-raising function, half of the charge shall be allowed for expenses and, where the amount of the other half of the charge exceeds \$10, such amount shall be considered a contribution to the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held, provided that where the individual charge is \$50 or more the amount allowed for expenses shall be \$25 and the amount of the charge in excess of \$25 shall be considered a contribution.

When part of individual charge considered contribution

(4) Except as provided in subsection (3), funds raised by a fund-raising function shall be considered not to be contributions for the purposes of this Act. 1975, c. 12, s. 24.

Funds raised

25. Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$5 and the amounts so given shall be considered not to be contributions for the purpose of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be. 1975, c. 12, s. 25.

Collection of moneys at meetings

26. Every political party, constituency association or candidate registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted. 1975, c. 12, s. 26.

Receipts

27.—(1) Any contribution to a political party, constituency association or candidate registered under this Act made through any unincorporated association or organization, except a trade union, shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

Group contributions

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act. 1975, c. 12, s. 27.

Application of Act to amounts making up contribution

28. A registered party, and any of its constituency associations or official candidates registered under this Act may transfer to or accept funds, goods and services from each other and all such funds, goods and services accepted by such political party, constituency association or candidate shall be

Transfer of funds, etc., among parties, constituency associations and candidates

considered not to be contributions for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission. 1975, c. 12, s. 28.

Parties,
etc., not
to receive
contribu-
tions in
excess of
limitations

29.—(1) No political party, constituency association or candidate registered under this Act and no person on its or his behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Return of
contribu-
tion

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts in excess of the limits imposed by this Act, he shall, within thirty days after learning thereof, return the amount of the contribution that is in excess of the limits. 1975, c. 12, s. 29.

Contribu-
tions
prohibited
from outside
Ontario and
to persons,
etc., outside
Ontario

30.—(1) No political party, constituency association or candidate registered under this Act shall, directly or indirectly,

(a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or

(b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act except that "during an election" as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal party.

1973-74,
c. 14 (Can.)

1973-74,
c. 51 (Can.)

Return of
contribution

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts from any person normally resident outside Ontario or from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act, he shall, within thirty days after learning thereof, return the contribution or an amount equal to the sum contributed. 1975, c. 12, s. 30.

Annual
membership
fees

31. An annual membership fee paid for membership in a political party or in a constituency association of such party

or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$10 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be. 1975, c. 12, s. 31.

32. Contributions of not more than 10 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union. 1975, c. 12, s. 32.

Trade
unions
check-off

33. No contribution shall be accepted by a registered candidate otherwise than through his chief financial officer or other person on record with the Commission as authorized to accept contributions. 1975, c. 12, s. 33.

Who may
accept
contribu-
tions for
candidate

34.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, and every political party and constituency association that is deemed by section 13 to be registered under this Act, within 30 days after the 2nd day of May, 1975, shall appoint a chief financial officer.

Chief
financial
officer,
of party or
association

(2) Every candidate shall appoint a chief financial officer for the purposes of this Act.

of
candidate

(3) Where a chief financial officer appointed under subsection (1) or (2) ceases for any reason to hold office as such, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.

Idem

(4) The chief financial officer of a political party, constituency association and candidate registered under this Act in relation to the affairs of the party, constituency association or candidate who appointed him, shall be responsible for ensuring that,

Responsi-
bilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;

- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42 and 43 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act. 1975, c. 12, s. 34.

Recording
of con-
tributions

35.—(1) Where any person, on behalf of a political party, constituency association or candidate registered under this Act accepts in any year,

- (a) a single contribution in excess of \$10; or
- (b) contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$10,

the chief financial officer shall record all such contributions and in the case of a single contribution of more than \$100 and contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$100, the name and address of the contributor.

Recording of
contribu-
tions for
election
campaign to
be separate
from annual
contribu-
tions

(2) All contributions referred to in subsection (1) accepted on behalf of a political party, constituency association or candidate registered under this Act during a campaign period in any year shall be recorded separately from other contributions accepted during that year.

Returns

(3) Every political party, constituency association and candidate registered under this Act shall file with the Commission,

- (a) within the period during which a financial statement must be filed relating to a campaign period, a return setting out all the information required to be recorded under subsections (1) and (2) by the political party, constituency association or candidate relating to the campaign period; and
- (b) within the period during which an annual financial statement must be filed, a return setting out all the information required to be recorded under subsection (1), excluding the information required to be included in a return under clause (a). 1975, c. 12, s. 35.

BORROWING

36. A political party, constituency association or candidate registered under this Act may borrow from any chartered bank or other recognized lending institution provided that all such loans and the terms thereof are recorded by the political party, constituency association or candidate and reported by it or him to the Commission. 1975, c. 12, s. 36.

Borrowing
by parties,
etc.

LOANS

37.—(1) No person, corporation, trade union, or unincorporated association or organization shall sign, co-sign or provide collateral responsibility for any loan, monetary obligation or indebtedness on behalf or in the interest of any political party, constituency association or candidate registered under this Act.

Guarantee
of loans
to parties,
etc.,
prohibited

(2) No political party, constituency association or candidate registered under this Act shall receive any contribution from any person, corporation, trade union, or unincorporated association or organization in the form of a loan other than from a registered party or registered constituency association.

Parties,
etc., not
to accept
loans

(3) Subsections (1) and (2) do not apply to a guarantee of a loan referred to in section 36. 1975, c. 12, s. 37.

Exception

CAMPAIGN ADVERTISING

38.—(1) No political party, constituency association or candidate registered under this Act and no person acting with its or his knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of
campaign
advertising
limited

- (a)** advertise on the facilities of any broadcasting undertaking; or
- (b)** procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

Exceptions

(2) Subsection (1) does not apply,

- (a) to advertising of public meetings in constituencies;
- (b) to announcing constituency headquarters locations;
- (c) to announcing services for voters by constituency associations respecting enumeration and revision of lists of voters; or
- (d) to any other matter respecting administrative functions of constituency associations,

provided that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission. 1975, c. 12, s. 38 (1, 2).

Extension of period of campaign advertising

(3) Nothing contained in subsection (1) shall prohibit the procuring for publication, causing to be published or consenting to the publication of an advertisement referred to therein on the day before polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day before polling day. 1977, c. 2, s. 1.

Rates to be charged to parties, constituency associations and candidates for broadcasting time and advertising space

(4) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by him or it for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for an advertisement in a periodical publication published or disbursed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by him or it for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or disbursed and made public in that period. 1975, c. 12, s. 38 (3).

Limitation on advertising costs

39. The total expenses incurred for advertising by a political party, constituency association or candidate registered under this Act, including advertising done by any

person, corporation or trade union with the knowledge and consent of the political party, constituency association or candidate, by the use of time on the facilities of any broadcasting undertaking or by publishing in any newspaper, magazine or other periodical publication or by display through the use of any outdoor advertising facility shall not, during the period referred to in subsection 38 (1) exceed,

- (a) in the case of a registered party in relation to a general election, the aggregate amount determined by multiplying 25 cents by the number of names appearing on all of the revised lists of voters at the election for the electoral districts in which there is an official candidate of the party;
- (b) in the case of a registered party in relation to a by-election in an electoral district, the amount determined by multiplying 50 cents by the number of names appearing on the revised list of voters for the electoral district; and
- (c) in the case of,
 - (i) a registered constituency association of a registered party and the official candidate of such party in an electoral district, or
 - (ii) an independent candidate in an electoral district,

the amount determined by multiplying 25 cents by the number of names appearing on the revised list of voters for the electoral district. 1975, c. 12, s. 39.

FOUNDATION

40.—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and, Establishment of foundation

- (a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under the *Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by the *Trustee Act*; 1980-81, c. 40
R.S.O. 1980, cc. 249, 512

- (b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the income from investments referred to in clause (a); and
- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

Foundation
funds not
contribu-
tions

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds. 1975, c. 12, s. 40.

AUDITORS

Appointment
of auditor,
by party or
constituency
association

R.S.O. 1980,
c. 405

41.—(1) Every candidate, at the time of appointment of his chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under the *Public Accountancy Act* or a firm whose partners are licensed under that Act.

Idem

(2) Where an auditor appointed under subsection (1) ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection (1) or becomes ineligible as provided in subsection (3), the candidate, party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under the *Public Accountancy Act* or firm whose partners are licensed under that Act,

Persons not
eligible

(3) No returning officer, deputy returning officer or election clerk and no candidate, official agent or chief financial officer of a candidate or chief financial officer of a registered party or constituency association shall act as the auditor for a candidate or registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an auditor for a candidate or registered party or constituency association.

Auditor's
report

(4) The auditor appointed under subsection (1) or (2) shall make a report to the chief financial officer of a candidate, political party or constituency association that appointed him in respect of the financial statements, as required by sections 42 and 43, and shall make such

examination as will enable him to state in his report whether in his opinion the financial statement presents fairly the information contained in the accounting records on which the financial statement is based.

(5) An auditor, in his report under subsection (4), shall make such statements as he considers necessary in any case where, ^{Where statement required}

(a) he has not received from the chief financial officer all the information and explanation that he has required; or

(b) proper accounting records have not been kept by the chief financial officer so far as appears from his examination.

(6) An auditor appointed under subsection (1) or (2) shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, political party or constituency association that appointed him and is entitled to require from his or its chief financial officer such information and explanation as in his opinion may be necessary to enable him to report as required by subsection (4). ^{Right of access}

(7) The Commission shall subsidize the cost of auditors' services for constituency associations and candidates by paying, ^{Audit subsidy}

(a) to the auditor of each constituency association in respect of an audit for the association under section 42 and under section 43, the lesser of \$250 and the amount of the auditor's account to the association; and

(b) to the auditor of a candidate in respect of an audit for the candidate under section 43, the lesser of \$500 and the amount of the auditor's account to the candidate. 1975, c. 12, s. 41.

AUDIT

42.—(1) The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in the year 1976 and in each year thereafter, file with the Commission financial statements of assets and liabilities and of receipts and expenses for the previous year of the political party or constituency association for which he acts, excluding cam- ^{Annual filing of financial statement and report}

paigned receipts and expenses relating to an election during a campaign period, together with the auditor's report thereon as required by subsection 41 (4).

Where
registration
within four
months of
end of year

(2) Where a political party or constituency association becomes registered under this Act within the last four months of any year, the financial statement filed with its application for registration shall be deemed compliance with subsection (1) in relation to that year. 1975, c. 12, s. 42.

Campaign
period
filing of
financial
statement
and report

43.—(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement of receipts and expenses of the political party, constituency association or candidate for which he acts relating to the election during the campaign period, together with the auditor's report thereon as required by subsection 41 (4).

By-elections

(2) In relation to a by-election, subsection (1) applies only to registered parties and constituency associations that received contributions or made expenditures in relation to such by-election and to registered candidates at such by-election.

Candidate

(3) In this section, "candidate" means a person who is duly nominated as a candidate at an election in accordance with the *Election Act*. 1975, c. 12, s. 43.

R.S.O. 1980,
c. 133

Failure of
candidate
not elected
to file
statement
and report

44.—(1) Where the chief financial officer of a registered candidate who is not declared elected fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the candidate, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or his chief financial officer has filed such financial statement and the auditor's report thereon with the Commission.

Failure
of elected
candidate
to file
statement
and report

(2) Where the chief financial officer of a registered candidate who is elected as a member of the Assembly fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the Commission shall notify the Speaker who shall inform the Assembly and if the Assembly finds no mitigating reason for non-compliance, the member may not resume his seat in the Assembly until he or his chief financial officer has filed such statement and the auditor's report thereon with the Commission and the Commission has so notified the Speaker, and, in addition,

the member is liable to any other penalty that may be imposed under any Act.

(3) Where a member or his chief financial officer fails to file a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly under subsection (2), the Speaker shall so inform the Assembly and the seat of the member shall thereby be vacated and the Speaker shall address his warrant under his hand and seal to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall issue accordingly. 1975, c. 12, s. 44.

Vacation
of seat

PUBLIC FUNDING OF CANDIDATE EXPENSES

45.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of his campaign expenses for the campaign period as shown on his financial statement of receipts and expenses filed with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), or the amount that is the aggregate of 16 cents for each of the first 25,000 voters in his electoral district and 14 cents for each voter in excess of 25,000 in his electoral district.

Reimburse-
ment of
election
expenses

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act*, the amount determined under subsection (1) shall be increased by \$2,500.

Idem

R.S.O. 1980,
c. 450

(3) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless he or his chief financial officer has filed a financial statement of receipts and expenses as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statement meets the requirements of this Act.

No reim-
bursement
unless
financial
statement
and report
filed

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection (1), the moneys payable to his chief financial officer shall be first applied to discharge the debts creating the deficit.

Moneys to
be applied
to discharge
debts of
candidate

Surplus in
candidate's
account

(5) Any surplus, determined by taking into account in the financial statement of an official candidate for a registered party the moneys paid to the candidate's chief financial officer under this section, shall be paid over to one or more registered parties or registered constituency associations.

Voter

(6) In this section "voter" in an electoral district means a person whose name appears on the revised list of voters for that electoral district. 1975, c. 12, s. 45.

FORMS

Form

46. All applications, returns, statements, balance sheets, and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission. 1975, c. 12, s. 46.

OFFENCES

Offence
by chief
financial
officer

47.—(1) The chief financial officer of a political party, constituency association or candidate registered under this Act who contravenes section 42 or 43 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Offence by
party or
constituency
association

(2) Where any contravention of this Act that is an offence by virtue of subsection (1) is committed by a chief financial officer of a political party, constituency association or candidate registered under this Act, the political party or constituency association or candidate for which the chief financial officer acts is guilty of an offence and on conviction is liable,

(a) in the case of a registered party, to a fine of not more than \$2,000; and

(b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1,000. 1975, c. 12, s. 47.

Offence by
corporation
or union

48. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1975, c. 12, s. 48.

General
offence

49. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. 1975, c. 12, s. 49.

50. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination. 1975, c. 12, s. 50.

Offence for obstructing investigation

51. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act. 1975, c. 12, s. 51.

Offence for false statement

52. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions. 1975, c. 12, s. 52.

Offence for false information

53.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person.

Style of prosecution of party, constituency association or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union. 1975, c. 12, s. 53.

Vicarious responsibility

54. No prosecution shall be instituted under this Act without the consent of the Commission. 1975, c. 12, s. 54.

Consent of Commission

