1988

c 33 Municipal Elections Statute Law Amendment Act, 1988 (No. 2)

Ontario
CHAPTER 33

An Act to amend the Municipal Elections Act and the Municipal Act

Assented to June 8th, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Elections Act, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

14a. No corporation is eligible to vote in any election.

2. Subsection 25 (6) of the said Act is repealed and the following substituted therefor:

(6) Every registered candidate, as defined in section 121 or section 138, is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election.

3. Subsection 46 (1) of the said Act is amended by inserting after “electors” in the fourth line “allows easy access to persons who have a physical disability or a mobility impairment”.

4. Section 52 of the said Act is amended by striking out “11” in the second line and inserting in lieu thereof “10”.

5.—(1) Subsection 66 (1) of the said Act is amended by inserting after “day” in the third line “and on the Thursday immediately before polling day”.

(2) Subsection 66 (3) of the said Act is amended by striking out “9” in the first line and inserting in lieu thereof “10”.

(3) Subsection 66 (4) of the said Act is amended by inserting after “necessary” in the second line “shall select locations that allow easy access to persons who have a physical disability or a mobility impairment”.

Corporation not eligible to vote
Registered candidate entitled to copies
6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 9, is repealed and the following substituted therefor:

(1) Any person whose name is entered in the polling list for a polling subdivision or who has obtained a certificate under section 33 may vote by proxy in the polling subdivision.

7. Section 82 of the said Act is repealed.

8. Section 83 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 37, section 14, is repealed and the following substituted therefor:

RECOUNTS

83.—(1) The clerk of every municipality, at the same time as the clerk appoints officials under section 4, may appoint a person as recount officer.

(2) No person who is a candidate or who is less than eighteen years of age shall be appointed a recount officer.

(3) A recount officer shall, before performing any duties, take the oath in the prescribed form.

9. Sections 84, 85, 86, 87 and 88 of the said Act are repealed and the following substituted therefor:

84.—(1) If a recount officer is not appointed under subsection 83 (1), subject to subsections (2) to (5), the clerk of a municipality is the recount officer for elections within the municipality or any part of it.

(2) The clerk of the area municipality with the greatest number of electors is the recount officer for the election of the chairman of a regional municipality.

(3) The clerk of the municipality in which a police village is located is the recount officer for the election of the trustees of the police village.

(4) If the police village is located in two or more municipalities, the clerk of the municipality having the largest number of electors in the police village is the recount officer for the election of the trustees.

(5) The returning officers of municipalities that hold elections for school trustees under the Education Act are recount officers for the election of the school trustees.
(6) Where the recount officer of a municipality has participated in the actual counting of the ballots for a polling subdivision in an election or, for any reason, is unable to conduct a recount arising as a result of the election, the recount officer shall immediately appoint a person to act as the recount officer for that election who is not disqualified under subsection 83 (2).

(7) A person need not be appointed under subsection (6) if the recount does not involve the examining and counting of ballots for the polling subdivision in respect of which the recount officer participated in the actual counting of the ballots.

85.—(1) The recount officer is responsible for the proper preparation for and conduct of a recount in the election and, for this purpose, shall direct the training of persons appointed under this section and supervise their work.

(2) The recount officer may appoint assistant recount officers and may provide for such clerical and other assistance as is necessary to conduct a recount.

(3) No person shall be appointed under this section who,

(a) is a candidate;

(b) is less than eighteen years of age; or

(c) has participated in the actual counting of the ballots for a polling subdivision in the election.

(4) Clause (3) (c) does not apply if the recount does not involve the examining and counting of ballots for the polling subdivision in respect of which the person who is to be appointed an assistant recount officer participated in the actual counting of the ballots.

(5) The recount officer may in writing delegate to the assistant recount officers such rights and duties in relation to the preparation for and conduct of a recount as the recount officer considers necessary, but such delegation does not preclude the continued exercise of those rights and performance of those duties by the recount officer.

(6) The recount officer may appoint persons to aid in maintaining peace and order at the recount.

(7) Every recount officer, assistant recount officer, scrutineer and any other person authorized to attend and serve at a
recount shall, before performing any duties, take the oath in the prescribed form.

(8) The recount officer may administer any oath required in relation to a recount, and assistant recount officers may administer any such oath except an oath to be taken by the recount officer.

(9) The municipality shall pay to persons appointed under this section reasonable remuneration and the expenses incurred in attending the recount, but if the recount has been held at the request of a school board or a local board or at the request of a candidate for election to a school board or local board, the school board or local board, as the case may be, shall pay the remuneration and expenses.

(10) The expenses under subsection (9) shall be paid out only upon presentation of a certificate signed by the clerk of the municipality verifying the amount payable.

86.—(1) If,

(a) two or more candidates nominated for the same office have an equal number of votes and both or all of the candidates cannot be declared elected to the office; or

(b) the votes for the affirmative and negative on a by-law or question are equal,

the recount officer shall, after the tied vote has been publicly announced, immediately appoint a time and place to hold a recount of the votes cast for those candidates or on the by-law or question.

(2) The time appointed by the recount officer for a recount under subsection (1) shall be no later than seven days after the declaration of the results of the election under subsection 79 (2) or 79 (3).

86a.—(1) If the number of votes separating a candidate who was not declared elected and a candidate who was declared elected or, for an office to which more than one person may be elected, who was declared elected with the least number of votes, is less than one half of one vote for each polling subdivision in the election for that office, or less than ten votes, whichever is greater, the results shall be included in the statement required under subsection 79 (2) or 79 (3).
(2) If subsection (1) applies and if a candidate who was not declared elected so requests in writing, the recount officer shall hold a recount.

(3) A request for a recount under subsection (2) shall be made to the recount officer not later than seven days after the declaration of the results of the election under subsection 79 (2) or 79 (3).

(4) Upon receiving a request for a recount under this section, the recount officer shall appoint a time and place for the recount.

(5) The time appointed by the recount officer for a recount under subsection (4) shall be no earlier than ten days and no later than twenty days after the request for the recount is received.

86b.—(1) Following an election for the members of the council of a municipality, regional municipality or metropolitan municipality or of a school board or of a local board, where a recount of the votes for the office or for the affirmative or negative on any by-law or question is considered to be in the public interest, the council, school board or local board, as the case may be, may pass a resolution requiring the recount officer to hold a recount.

(2) A resolution for a recount under subsection (1) shall be passed no later than thirty days after the declaration of the results of the election under subsection 79 (2) or 79 (3).

(3) If a resolution for a recount is passed under subsection (1) within the time period set out in subsection (2), the recount officer shall appoint a time and place for the recount.

(4) The time appointed by the recount officer for a recount shall be no earlier than ten days and no later than twenty days after the passing of the resolution under subsection (1).

87.—(1) If, in any election, an elector has reasonable grounds for believing that,

(a) the votes have been improperly counted or any ballot has been improperly rejected;

(b) an incorrect statement of the number of votes for any candidate or for or against any by-law or question has been made; or

(c) the votes have been improperly added up,
the elector may apply to a judge of the District Court of the county or district in which the municipality or part thereof or the administrative or head office of the school board or local board is situate for a determination whether a recount should be held.

(2) An application for a recount under subsection (1) shall be commenced no later than thirty days after the declaration of the results of the election under subsection 79 (2) or 79 (3) and shall be accompanied by,

(a) an affidavit or affidavits setting out the grounds for the recount and the facts in support of those grounds; and

(b) a deposit in the sum of $100 as security for the costs in connection with the application.

(3) An affidavit under clause (2) (a) shall be confined to facts within the personal knowledge of the person making the affidavit or to other evidence that this person could give if testifying as a witness in court.

(4) A deposit under clause (2) (b) shall be in the form of cash or in the form of a money order or certified cheque made payable to the local registrar of the District Court, or in any combination thereof.

(5) Copies of the notice of application, the application for a recount and affidavits in support of the application shall be served by the applicant,

(a) where the application concerns an election to office, upon each candidate for that office; and

(b) upon the recount officer.

(6) The judge, if satisfied that there are sufficient grounds for a recount, shall order that a recount be held by the recount officer and may determine which ballot boxes, if any, shall be opened for the purpose of the recount.

(7) If the judge has ordered a recount, the judge shall immediately notify the recount officer in writing and the recount officer shall appoint a time and place to hold the recount.

(8) The time appointed by the recount officer for a recount shall be no earlier than ten days and no later than twenty days
following the date the recount officer receives the notice from the judge.

(9) The costs with respect to a recount conducted under this section are in the discretion of the judge ordering the recount who may order by whom, to whom and in what manner the costs shall be paid.

88.—(1) The recount officer shall give at least six days notice in writing of the time and place of the recount to,

(a) the candidate who requested the recount, the council or school board or local board which passed the resolution for the recount, or the elector who applied to the judge for the recount, as the case may be;

(b) the candidates for the office which is the subject of the recount;

(c) if the recount officer is not the returning officer of the municipality, the returning officer of the municipality; and

(d) if the recount concerns the election of chairman of a regional municipality, the trustees of a police village or the members of a school board, the clerk of any other municipality who was the returning officer for the vote to be recorded in that clerk's municipality.

(2) The recount officer shall attend the recount and bring the ballot boxes and all documents relating to the election.

(3) If the recount officer is not the returning officer of the municipality, the returning officer of the municipality, or a person appointed by the returning officer, shall attend the recount and bring the ballot boxes and all documents relating to the election.

(4) If the recount concerns the election of chairman of a regional municipality or of trustees of a police village or of members of a school board, the clerk of any other municipality who was the returning officer for the vote to be recorded in that clerk's municipality, or a person appointed by the clerk, shall attend the recount and bring the ballot boxes and all documents relating to the election.

(5) Each candidate for an office to which the recount relates and the elector, if any, who applied for the recount are entitled to be present and to be represented by counsel and to
have present a scrutineer appointed for that purpose, and, where the recount relates to a by-law or question, such persons as the council may appoint as scrutineers are entitled to be present, but no other person, except with the permission of the recount officer, is entitled to be present at the recount.

(6) Subsections 4 (8) and (10) and sections 6 and 7 apply with necessary modifications to scrutineers appointed under subsection (5).

88a.—(1) If a recount relates to the election of a candidate, the recount shall be of the votes cast,

(a) where subsection 86 (1) applies, for the two or more candidates who have an equal number of votes;

(b) where subsection 86a (1) applies, for the candidate declared elected when only one is to be elected or, in the case of an office to which more than one is to be elected, for the candidate who received the lowest number of votes of those declared elected and for the defeated candidate or candidates who received enough votes for the same office to fall within the margin of votes prescribed by that subsection; and

(c) in all other cases, for the candidate declared elected when only one is to be elected or, in the case of an office to which more than one is to be elected, for the candidate who received the lowest number of votes of those declared elected by the returning officer and for the defeated candidate who received the highest number of votes for the same office.

(2) Notwithstanding subsection (1), the recount officer may conduct a recount of the votes cast for any other candidate whose election or right to any other office may be affected by the recount conducted under subsection (1).

88b.—(1) At the time and place appointed for the recount, and in the presence of those persons who are entitled to be present and who have attended, the recount officer shall add the votes from the statements returned to the returning officer by the deputy returning officers, or shall count the ballots received by the returning officer from the deputy returning officers and the number of votes counted at the election, or both, as the recount officer considers appropriate, and for this purpose shall open the sealed envelopes containing,
(a) the ballots that were not objected to and were counted;

(b) the ballots that were objected to but were counted;

(c) the rejected ballots;

(d) the cancelled ballots;

(e) the ballots that were used but were unmarked;

(f) the declined ballots; and

(g) the unused ballots.

(2) Subject to sections 88c and 88d, the recount officer, in conducting the recount, shall determine the validity of ballots, and shall verify or correct the statement of the vote for each polling subdivision.

88c.—(1) A candidate, a representative of the candidate or a scrutineer who objects to the validity of a ballot or to the counting of votes in any ballot may request that the recount officer make an application to a judge of the District Court for an order determining the validity of the ballot.

(2) If the recount officer fails to make an application within five days of a request being made under subsection (1), the party making the request may apply directly to a judge of the District Court.

(3) No hearing under subsection (1) shall be held until the recount officer has complied with subsection 88b (2).

(4) If an application is made under subsection (1), the recount officer shall,

(a) write the number of the polling subdivision on the back of and initial any disputed ballots that are the subject of the application and seal them in a separate envelope clearly marked so as to indicate its contents;

(b) give at least six days notice in writing of the time and place of the hearing of the application to the parties to the recount; and

(c) make suitable arrangements for the safekeeping of any ballots that are not the subject of the appli-
cation and any documents relating to the election that are not relevant to the application.

(5) The recount officer shall attend the hearing of the application and bring the envelope containing the disputed ballots that are the subject of the application and any documents relating to the election that are relevant to the application.

(6) The judge, in the presence of the persons entitled to be present at the recount and who have attended the hearing, shall determine the validity of the ballot or to the counting of votes in any ballot and for this purpose shall open the sealed envelope containing the disputed ballots.

(7) If a party to the application requests the judge to do so, the judge shall initial any ballots the validity of which, notwithstanding any order to the contrary made by the judge under this section, is disputed by the party and seal the disputed ballots in a separate envelope clearly marked so as to indicate its contents.

(8) Upon completion of the hearing, the judge shall make an order determining the validity of the ballot and shall,

(a) advise the persons present of the order;

(b) except as provided by subsection (7), seal the disputed ballots in their original envelope; and

(c) return the envelope referred to in clause (b), along with any documents relating to the election that were examined during the course of the hearing, to the custody of the recount officer.

(9) The judge shall give a certified copy of the order to the recount officer unless, within five days following the hearing, the judge receives a notice of appeal under section 88j.

(10) Upon receipt of the judge’s order, the recount officer shall complete the recount.

(11) Subject to subsection (12), the costs of the application shall be borne by the municipality, school board or local board to which the recount relates.

(12) If the judge finds that any objection is frivolous or vexatious, the judge may order that the costs of the application be paid by the person who made the objection.
(13) Upon the expiry of the time for appeal from a decision of the judge, if no appeal has been taken, the judge shall return the envelope described in subsection (7) to the custody of the recount officer.

88d. Notwithstanding section 88c, if a party to the recount requests the recount officer to do so, the recount officer shall write the number of the polling subdivision on the back of and initial any disputed ballots and seal them in a separate envelope clearly marked so as to indicate its contents.

88e.—(1) Upon completion of the recount, the recount officer shall,

(a) announce the result to the persons present at the recount; and

(b) except as provided in section 88d, seal the ballots in their original envelopes and the original statements in a separate envelope clearly marked so as to indicate its contents.

(2) The recount officer shall certify in writing the result of the recount, unless, within five days following the completion of the recount, the recount officer receives a notice of appeal under section 88j.

(3) Following certification of the result of the recount, the returning officer shall declare the candidate or candidates, as the case may be, having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question, as applicable.

88f.—(1) In the case of a tied vote for candidates for any office for which one person only is to be elected, or for which the holding of any other office is to be determined as a result of a recount, the successful candidate shall be determined by lot conducted by the recount officer.

(2) The lot shall be conducted by placing the names of the candidates on equal size pieces of paper in a box, and the name drawn by the recount officer shall be the successful candidate.

88g. The costs of the recount, unless otherwise ordered by a judge, shall be borne by the municipality, school board or local board to which the recount relates.

88h.—(1) Upon the expiry of the time for appeal from a decision of the recount officer, if no appeal has been taken, Where no appeal, envelope to be returned

Distinguishing disputed ballots

Procedure on completion of recount

Certification by recount officer

Declaration of result by returning officer after recount, etc.

Tied votes

Method of conducting lot

Costs of recount

If no appeal, envelopes to be returned
the recount officer shall return the envelopes described in section 88d and clause 88e (1) (b) to the custody of the appropriate clerk or returning officer.

(2) If an appeal is taken from the decision of the recount officer on the recount, the recount officer shall return the envelopes of ballots and the original statements of the vote described in clause 88e (1) (b) that are not required for the appeal to the custody of the appropriate clerk or returning officer.

88i.—(1) A candidate declared elected is entitled to sit on the council, school board or local board notwithstanding that a request or application for a recount has been filed or a resolution for a recount has been passed, but where the recount determines that some other person was elected, that other person is, notwithstanding that an appeal is pending, entitled to sit and vote until the appeal is disposed of.

(2) A decision of a council, school board or local board reached with the participation of a member who is subsequently declared not to be entitled to sit on the council, school board or local board is not affected by that participation.

APPEAL FROM DECISION OF JUDGE OR RECOUNT OFFICER

88j.—(1) Any party may appeal to the Divisional Court from the decision of the judge on the application or of the recount officer on the recount, as the case may be, by giving written notice not more than five days following the completion of the hearing or the recount to the other parties concerned and to the judge or the recount officer and the notice may limit the appeal to specified disputed ballots.

(2) The notice shall be served upon the other parties personally or upon the solicitor who acted for the party or in the manner that the judge of the Divisional Court may direct.

(3) The judge or recount officer shall forward to the Registrar of the Supreme Court by registered mail,

(a) the notice of appeal;

(b) a certificate showing the findings of the judge or recount officer on the ballots or statements in dispute;

(c) if the appeal is limited to specified disputed ballots, the ballots or statements of the vote that are the
subject of the appeal in the envelopes described in subsection 88c (7) and section 88d; and

(d) if the appeal is not limited, all of the ballots, in the envelopes referred to in clause 88c (8) (b) or 88e (1) (b).

(4) The judge or recount officer shall await the result of the appeal before preparing the certificate under subsection 88c (9) or 88e (2).

(5) The judge or recount officer shall, upon request, allow each party to make a copy of the order or certificate, as the case may be, before it is forwarded to the Registrar.

(6) On receipt of the ballots, notice and statement, the Registrar shall immediately obtain an appointment from the Divisional Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

(7) One judge of the Divisional Court shall determine the objection pertaining to, or count again, the ballots or such of them as are the subject of appeal, or review the re-addition, as the case may be, and shall immediately certify in writing the decision of the court to the judge of the District Court or to the recount officer.

(8) The judge or recount officer, in compliance with the decision of the Divisional Court, shall certify the result without delay.

10. Subsection 103 (2) of the said Act is repealed.

11. Section 121 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 37, section 25 and amended by 1985, chapter 4, section 10, is repealed.

12. The said Act is further amended by adding thereto the following Parts:

PART II

121.—(1) In this Part,

“campaign expense” means an expense incurred for goods or services in relation to an election by or on behalf of a registered candidate for use in whole or in part for the purpose of the election of the registered candidate at the next election including the value of goods held in inventory, fees or expenses for services for any registered candidate and con-
tributions of goods and services to the registered candidate, but does not include,

(a) audit and accounting fees,

(b) interest on loans under section 127,

(c) an expense incurred in holding a fund-raising function referred to in section 126,

(d) an expense incurred for victory parties held and appreciation notices published after polling day,

(e) an expense relating to a recount in respect of the election, and

(f) an expense relating to an action commenced under section 106;

“campaign period” means the period commencing on,

(a) in the case of a regular election, the 1st day of January of an election year, or

(b) in the case of a new election, the day on which,

(i) an order to hold a new election is given in any judicial proceedings,

(ii) the council of the municipality passes a by-law to hold a new election,

(iii) the clerk receives from the secretary of a school board notice that a new election is required, or

(iv) an order to hold a new election is given by the Minister under the Municipal Act,

and ending,

(c) in the case of a regular election, on the 31st day of March in the year following the election year, or

(d) in the case of a new election, 135 days after polling day;

“contribution” means a contribution made to a registered candidate or representative of a registered candidate for pur-
poses of the election of the registered candidate at the next election, but does not include,

(a) any goods produced for a registered candidate by voluntary unpaid labour, and

(b) any service voluntarily performed for a registered candidate by an individual if the individual does not receive from any person or trade union, under an arrangement with the individual’s employer, compensation in excess of what the individual would normally receive during the period the service was performed;

“municipality” means a city, town, village, police village, township, regional municipality or metropolitan municipality;

“registered candidate” means a candidate registered under section 122;

“trade union” means a trade union as defined in the Labour Relations Act or the Canada Labour Code that holds bargaining rights for employees in Ontario to whom those Acts apply and includes any central, regional or district labour council in Ontario.

(2) Where a corporation is associated with another corporation under section 256 of the Income Tax Act (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the Income Tax Act (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Part.

REGISTRATION

122.—(1) Every person who proposes to be a candidate shall, no earlier than the 1st day of January of the election year and no later than nomination day, file with the clerk of the municipality who is responsible for the conduct of the election a notice of registration in the prescribed form.

(2) In the case of a new election, the notice of registration referred to in subsection (1) shall be filed with the clerk no earlier than the day on which,

(a) an order to hold a new election is given in any judicial proceedings;
(b) the council of the municipality passes a by-law to hold a new election;

(c) the clerk receives from the secretary of the school board notice that a new election is required; or

(d) an order to hold a new election is given by the Minister under the *Municipal Act*,

and no later than nomination day.

(3) A person who files a notice of registration under subsection (1) becomes a registered candidate on the day of filing.

(4) No person and no individual, corporation or trade union acting on behalf of any person shall solicit or accept contributions for the purposes of the election of that person at the next election at any time unless the person is a registered candidate.

(5) The clerk shall keep a register of every person who has filed a notice of registration under subsection (1) setting out,

(a) the date that the registered candidate is duly nominated under section 36;

(b) the name of the municipality in which the election is to be held or which is responsible for the conduct of the election;

(c) the full name and address of the registered candidate;

(d) the address of the place or places in the municipality or locality where records of the registered candidate are maintained and of the place in the municipality or locality to which communications may be addressed;

(e) the full names and addresses of the auditor and the chief financial officer, if any, of the registered candidate;

(f) the full names and addresses of all persons authorized by the registered candidate to accept contributions;

(g) the name and address of every chartered bank, trust company or other financial institution in Ontario
that is used by or on behalf of the registered candidate for the deposit of any contributions;

(h) the full names and addresses of the persons, if any, responsible for making the deposits referred to in clause (g); and

(i) the date of registration.

(6) A notice of registration under subsection (1) may be filed with the clerk by registered mail in which case it shall be deemed to be filed on the day it is mailed.

(7) The campaign period with respect to a registered candidate shall be deemed to expire,

(a) where the nomination is withdrawn, on the day of the withdrawal;

(b) where a nomination paper is not filed or the nomination is rejected by the clerk, on nomination day;

(c) where the election is by acclamation, on the day of acclamation; and

(d) where the registered candidate dies, on the day of death,

and the registered candidate or the chief financial officer shall file with the clerk the statement referred to in section 132.

(8) If the information referred to in subsection (5) is altered, the registered candidate shall immediately notify the clerk in writing of the alteration and, upon receipt of the notice, the clerk shall vary the register accordingly.

CHIEF FINANCIAL OFFICERS

123.—(1) Every person who proposes to be a candidate may appoint a chief financial officer before or after filing the notice of registration with the clerk.

(2) If the chief financial officer ceases to hold office, the registered candidate shall immediately appoint another chief financial officer and shall immediately give notice in writing to the clerk of the full name and address of the new chief financial officer.

(3) The chief financial officer shall be responsible for ensuring that,
(a) proper records are kept of all receipts and expenses;
(b) contributions are placed in the appropriate accounts;
(c) proper receipts are completed;
(d) the financial statements required under section 132 and the auditor's report on the statements are filed with the clerk;
(e) contributions consisting of goods or services are valued and recorded; and
(f) proper direction is given to persons authorized to incur expenses.

(4) If a registered candidate has not appointed a chief financial officer, the registered candidate is responsible for the duties set out in subsection (3).

CONTRIBUTIONS

124.—(1) Contributions to registered candidates may be made only by individuals, corporations and trade unions and may be made only during the campaign period.

(2) No registered candidate and no individual, corporation or trade union acting on behalf of the registered candidate shall solicit or accept contributions at any time other than during the campaign period.

(3) Money contributions to registered candidates in amounts in excess of $25 shall only be made by,

(a) a cheque having the name of the contributor legibly printed on it and drawn on an account in the contributor's name;

(b) a money order signed by the contributor; or

(c) in the case of money contributions by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed on it.

(4) All moneys accepted by or on behalf of a registered candidate shall be paid into an account registered with the clerk under subsection 122 (5).
(5) If the registered candidate or the chief financial officer learns that any contribution received by or on behalf of the registered candidate was made or received in contravention of this Part, the registered candidate or the chief financial officer shall, within thirty days after so learning and upon obtaining the contributor's copy of the receipt issued under section 125 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

(6) Any contributions not returned to the contributor under subsection (5) or any anonymous contribution received by a registered candidate shall not be used or spent, but shall be paid over to the clerk and become part of the general funds of the municipality.

(7) No individual, corporation or trade union shall make a contribution in money, goods and services to any registered candidate which in total exceeds $750 in value during any campaign period.

(8) Any moneys used for an election campaign by a registered candidate out of the registered candidate’s own funds or those of the spouse of the registered candidate shall be considered to be a contribution for the purposes of this section, but the limit on the total amount of contributions established under subsection (7) does not apply in respect of those funds.

(9) Every registered candidate shall submit to the clerk at the same time as the financial statement is filed under section 132, a statement in writing setting out campaign expenses paid or to be paid out of the registered candidate’s own funds or those of the spouse of the registered candidate, together with all receipts and claims for those expenses.

125.—(1) No individual, corporation or trade union shall contribute to any registered candidate funds not actually belonging to that individual, corporation or trade union.

(2) Subsection (1) does not apply to the personal representative of the estate of a person who has died leaving a will where the deceased person has directed in the will that the personal representative make a contribution to a named registered candidate out of the funds of the estate.

(3) No registered candidate and no individual, corporation or trade union on behalf of the registered candidate shall solicit or accept any contribution contrary to subsection (1).

(4) No registered candidate shall accept funds from,
(a) a federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by such federal political party; or

(b) a provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act, 1986*.

**Receipts**

(5) A registered candidate shall issue receipts for every contribution accepted.

(6) A contribution to a registered candidate made through an unincorporated association, except a trade union, shall be recorded by the unincorporated association as to the individual sources and the amounts making up the contribution.

(7) The amounts making up a contribution under subsection (6) that are attributable to an individual, corporation or trade union are contributions of that individual, corporation or trade union for the purposes of subsection 124 (7).

(8) No registered candidate and no individual, corporation or trade union acting on behalf of the registered candidate shall solicit or accept any contributions in excess of the limits imposed under subsection 124 (7).

(9) No registered candidate shall directly or indirectly solicit or accept contributions from,

(a) an individual normally resident outside Ontario;

(b) a corporation that does not carry on business in Ontario; or

(c) a trade union other than a trade union as defined in this Part.

(10) Contributions of not more than 15 cents per month by a member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from an individual for the purpose of section 124 and this section, but any amount contributed to a registered candidate shall be deemed to be a contribution from the trade union.

(11) Every registered candidate shall keep a record of all contributions in excess of $25 or having a value in excess of $25, whether in the form of money, goods or services, and in the case of a single contribution in excess of $100, or contribu-
tions from a single source that in the aggregate exceed $100, the name and address of the contributor.

126.—(1) In this section, “fund-raising function” means events or activities held for the purpose of raising funds for the registered candidate by whom or on whose behalf the function is held.

(2) A fund-raising function held by or on behalf of a registered candidate shall be held only during the campaign period.

(3) The gross income from a fund-raising function shall be recorded and reported to the clerk by the registered candidate or the chief financial officer.

(4) If a charge is made for a fund-raising function by the sale of tickets or otherwise, any portion of this charge, up to a maximum of $25, may, at the option of the registered candidate, be considered not to be a contribution.

(5) Any amount paid for goods or services offered for sale at a fund-raising function in excess of current market value shall be considered a contribution.

(6) If a meeting is held on behalf of or in relation to the affairs of a registered candidate and 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 $10 and the amounts so given shall be considered not to be contributions, but the gross amount collected shall be recorded and reported to the clerk by the registered candidate or the chief financial officer.

BORROWING

127.—(1) A registered candidate may borrow from any chartered bank or other recognized lending institution in Ontario, if the loan and its terms, including the name of any guarantor of a loan, are recorded by the registered candidate and reported to the clerk in the financial statement filed under subsection 132 (1).

(2) No registered candidate shall receive a loan from any individual, corporation, trade union or unincorporated association, other than from a chartered bank or other recognized lending institution as set out in subsection (1).
Guarantee of loan to registered candidates prohibited

128.—(1) Subject to subsection (2), no individual, corporation, trade union or unincorporated association shall sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any registered candidate.

(2) An individual, corporation or trade union that is eligible to make a contribution may guarantee any loan referred to in subsection 127 (1).

Guarantee as contribution

129.—(1) The campaign expenses of a registered candidate shall be incurred only under the direction of the registered candidate by persons authorized by the registered candidate.

(2) Every person authorized to incur a campaign expense shall, upon request, show a certificate, in the prescribed form, signed by the registered candidate as proof of the authority.

(3) Every registered candidate shall keep a record of all campaign expenses.

Limitation on campaign expenses

(4) The total campaign expenses incurred by a registered candidate in an election for the office of head of council of a municipality and any individual, corporation, trade union or unincorporated association acting on behalf of that registered candidate during the period commencing with the date of registration and ending on polling day shall not exceed the aggregate amount of $5,500 plus $0.50 per elector.

Idem

(5) Subject to subsection (6), the total campaign expenses incurred by a registered candidate in an election for the office of,

(a) member of council, other than head of council, of a municipality;

(b) member of council of a regional municipality if this office is required to be filled by the vote of the electors of an area municipality; or
(c) member of a school board or of a local board whose members are to be elected at elections required to be conducted by the same officers and in the same manner as elections of members of the council of a municipality,

and any individual, corporation, trade union or unincorporated association acting on behalf of the registered candidate during the period commencing with the date of registration and ending on polling day in the election shall not exceed the amount of $3,500 plus $0.50 per elector.

(6) If the municipality or the school board or local board jurisdiction is divided into wards and the election is for an office to represent the electors of one or more of the wards, the number of electors to be used in the calculation of the maximum amount of total campaign expenses that may be incurred by a registered candidate for the office shall be the total number of electors in the ward or wards, as the case may be.

(7) For the purpose of this section, the number of electors in a municipality or a school board or local board jurisdiction or a ward of the municipality or the school board or local board jurisdiction shall be determined by the clerk on the basis of information obtained from the polling list.

(8) After determining the number of electors under subsection (7), the clerk shall calculate, for each office, the maximum amount of campaign expenses that may be incurred by a registered candidate under subsection (4), (5) or (6), as applicable, certify this amount in the prescribed form and, no later than ten days after nomination day, deliver or send by registered mail a copy of the certificate to each registered candidate for the office.

(9) Certification of the maximum amount of total campaign expenses that may be incurred by a registered candidate for the office by the clerk under subsection (8) shall be conclusive evidence of that fact and shall not be open to challenge.

130.—(1) Every individual, corporation or trade union that has any claim for payment in relation to a campaign expense shall submit the claim after polling day to the registered candidate who incurred the expense,

(a) in the case of a regular election, no later than the 31st day of March in the year following the election year; or
(b) in the case of a new election, no later than 135 days after polling day.

(2) Every payment of a campaign expense shall be made by the registered candidate or the chief financial officer who incurred or on whose behalf the campaign expense was incurred and, except where the campaign expense is less than $25, a receipt shall be obtained setting out the particulars and proof of payment.

(3) Payment of any campaign expense shall be made by cheque drawn on an account registered with the clerk under subsection 122 (5).

(4) If the registered candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, that claim shall be considered to be a disputed claim.

**AUDITORS**

131.—(1) If contributions received by a registered candidate exceed $10,000 or expenses incurred by the registered candidate exceed $10,000 during the campaign period, the registered candidate shall appoint an auditor licensed under the Public Accountancy Act and shall immediately inform the clerk of the full name and address of the auditor.

(2) The auditor shall make a report to the registered candidate or the chief financial officer of the registered candidate who appointed the auditor in respect of the financial statements, as required by section 132, and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report on them in accordance with generally accepted auditing standards.

(3) If an auditor appointed under subsection (1) ceases to hold office, ceases to be qualified under subsection (1) or becomes ineligible under subsection (4), the candidate shall immediately appoint another auditor licensed under the Public Accountancy Act and shall immediately notify the clerk of the full name and address of the auditor.

(4) No election official and no registered candidate or chief financial officer of a registered candidate shall act as the auditor for the candidate, but nothing in this subsection makes ineligible the partners with whom or the firm with which this person is associated from acting as an auditor for the registered candidate.

(5) If,
(a) the auditor has not received from the registered candidate or the chief financial officer all the information and explanation that is required to make the report; or

(b) proper accounting records have not been kept by the registered candidate or the chief financial officer,

the auditor shall make a statement to that effect in the report made under subsection (2).

(6) An auditor appointed under subsection (1) shall have access at all reasonable times to the records, documents, books, accounts and vouchers of the registered candidate.

(7) The registered candidate or the chief financial officer shall provide such information and explanation as is necessary to enable the auditor to make the report under subsection (2).

**STATEMENTS, REPORTS AND STATUTORY DECLARATIONS**

132.—(1) Subject to subsections (3) and (4), every registered candidate shall file with the clerk who was the returning officer in the election a financial statement and auditor's report in the prescribed form which shall contain,

(a) all income received and expenses incurred in the campaign period;

(b) a list of contributions in the form of goods or services and the value of them received by or on behalf of the registered candidate during the campaign period;

(c) the name, address and contribution of each individual, corporation or trade union that made a contribution, whether in the form of money, goods or services, if the contribution was more than $100; and

(d) a list of campaign expenses, paid and outstanding, incurred in a campaign period and a statement of disputed claims.

(2) The financial statement and auditor's report under subsection (1) shall be filed,
(a) in the case of a regular election, no later than the 30th day of June in the year following the election year; or

(b) in the case of a new election, no later than 225 days after polling day.

Where report sufficient

Where statutory declaration sufficient

Clerk to prepare statement

(a) the information received under this section; and

(b) the name of the registered candidate, if any, who failed to file a statement, report or declaration under this section,

and submit the statement to the council of the municipality, school board or local board, as the case may be.

Demand to candidate to file

(6) After the time prescribed for making full disclosure under subsection (1) has expired, the clerk shall immediately send by registered mail or deliver to a registered candidate who has failed to file a statement, report or declaration, a notice in the prescribed form demanding that the registered candidate file a statement, report or declaration within thirty days from the date of the notice.

(7) The notice under subsection (6) shall state that the registered candidate, if elected, shall forfeit the office and that the registered candidate, whether elected or not elected, shall be ineligible to hold any office up to and including the next regular election if the registered candidate fails to file the
statement, report or declaration within thirty days of the date of the notice.

(8) The clerk shall post a notice of non-compliance in the prescribed form in two conspicuous places in the municipality and, where there is a newspaper having general circulation in the municipality, by publishing the notice in such newspaper.

(9) After the thirty day period for the filing of a statement, report or declaration has expired, the clerk shall immediately prepare a supplementary statement in the prescribed form disclosing,

(a) any additional information received under this section; and

(b) the name of the registered candidate, if any, who failed to file a statement, report or declaration under this section, within the thirty day period allowed by subsection (6),

and submit the statement to the council of the municipality, school board or local board, as the case may be.

133.—(1) If a registered candidate,

(a) fails to file a financial statement, a report or statutory declaration as required by section 132 within thirty days of the date of the notice sent under subsection 132 (6);

(b) files a financial statement, a report or statutory declaration as required by section 132 that is either incorrect or does not comply with section 132 and fails to file a correction statement, report or declaration, as the case may be, within thirty days from the date that the clerk files the statement under subsection 132 (5); or

(c) incurs campaign expenses in excess of the amount permitted under section 129,

the registered candidate, in addition to any other penalty, is ineligible to be elected a member of the council, school board or local board or to hold office as a member thereof or to hold any other office in the municipality up to and including the next regular election.

(2) If a registered candidate who is declared elected, fails to file the documents referred to in clause (1) (a) or (b) or has
exceeded the amount referred to in clause (1) (c), the clerk shall within five days of the default notify in writing the registered candidate and the council, school board or local board, as the case may be, to which the registered candidate was elected and the office to which the registered candidate was elected shall be deemed vacant and the registered candidate shall forfeit the office.

(3) If the office to which a registered candidate was elected subsequently becomes vacant and the registered candidate has forfeited the office under subsection (2), the registered candidate, in addition to any other penalty, is ineligible to be elected a member of the council, school board or local board or to hold office as a member thereof or to hold any other office in the municipality up to and including the next regular election.

ACCESS TO DOCUMENTS

134.—(1) Documents, financial statements, reports and declarations filed with the clerk under this Part are public records and may be inspected by any person upon request at the office of the clerk during normal office hours.

(2) Any person may make extracts from the statements, reports or declarations referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the clerk charges for the preparation of copies of other documents.

(3) No individual, corporation or trade union shall use any of the information contained in any document filed with the clerk under this Part for the purposes of commercial solicitation.

(4) This section applies to a statement prepared by the clerk that is required to be submitted to the council of the municipality, the school board or local board under subsection 132 (5) or (9).

OFFENCES

135.—(1) A corporation or trade union that contravenes any of sections 122 to 134 is guilty of an offence and on conviction is liable to a fine of not more than $10,000.

(2) An individual who contravenes any of sections 122 to 134, except subsection 124 (7), is guilty of an offence and on conviction is liable to a fine of not more than $1,000.
(3) If the total campaign expenses incurred by a registered candidate or any individual, corporation or trade union acting on behalf of the candidate during the campaign period exceeds the amount determined under section 129 for the office subject to election, the candidate, in addition to the fine set out in subsection (2), is liable to a fine equal to the amount by which the total campaign expenses of the candidate exceeded the amount determined under section 129.

136. No prosecution shall be instituted for a contravention of any of sections 122 to 134 more than one year after the facts upon which the prosecution is based first came to the knowledge of the informant.

137.—(1) No person shall obstruct a person making an investigation or examination under this Act or withhold or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

(2) No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the clerk under section 132 or 133.

PART III

138.—(1) In this Part,

“broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada);

“campaign expense” means an expense incurred for goods or services in relation to an election by or on behalf of a registered candidate for use in whole or in part for the purpose of the election of the registered candidate at the next election including the value of goods held in inventory, fees or expenses for services for any registered candidate and contributions of goods and services to the registered candidate but not including,

(a) auditor's and accounting fees,

(b) interest on loans authorized under section 162,

(c) an expense incurred in holding a fund-raising function referred to in section 153,

(d) an expense incurred for victory parties and appreciation notices published after polling day,
(e) an expense relating to a recount in respect of the election,

(f) an expense relating to an action commenced under section 106, and

(g) other expenses not of partisan value that are set out in guidelines provided by the Commission;

"campaign period" means the period commencing on,

(a) in the case of a regular election, the 1st day of January of an election year, or

(b) in the case of a new election, the day on which,

   (i) an order to hold a new election is given in any judicial proceedings,

   (ii) the council of the municipality passes a by-law to hold a new election,

   (iii) the clerk receives from the secretary of a school board notice that a new election is required, or

   (iv) an order to hold a new election is given by the Minister under the Municipal Act,

and ending,

(c) in the case of a regular election, on the 31st day of March in the year following the election year, or

(d) in the case of a new election, 135 days after polling day;

"Commission" means the Commission on Election Finances established by the Election Finances Act, 1986;

"contribution" means a contribution made to a representative of a registered candidate but does not include,

(a) any goods produced for a registered candidate by voluntary unpaid labour,

(b) any service voluntarily performed for a candidate by an individual if the individual does not receive from any person or trade union, under an arrangement with the individual's employer, compensation in
excess of what the individual would receive during the period the service was performed, and

(c) any moneys, goods or services solicited by or donated to a registered candidate for purposes other than those set out in subsection 143 (3);

"municipality" means a city, town, village, police village, township, regional municipality or metropolitan municipality;

"news reporting done in good faith" means interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication or broadcast on the facilities of any broadcasting undertaking without charge to any candidate registered under this Part;

"outdoor advertising facilities" means outdoor facilities provided by any person that is in the business of providing these facilities on a commercial basis for advertising purposes but does not include radio, television, newspaper, magazine or other periodical publications;

"registered candidate" means a candidate registered under section 143;

"trade union" has the same meaning as in Part II.

(2) Where a corporation is associated with another corporation under section 256 of the Income Tax Act (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the Income Tax Act (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Part.

APPLICATION

139.—(1) Notwithstanding Part II, the council of a municipality may pass a by-law to have this Part apply to elections for the office of member of council including the head of the council of the municipality.

(2) If a by-law is passed under subsection (1), this Part applies to the election of members of council.

(3) Where the council of a regional municipality or metropolitan municipality passes a by-law under subsection (1), the clerk of the regional or metropolitan municipality shall send a copy of the by-law to the Commission and to the clerk of any
area municipality who is responsible for the conduct of any election to the council of the regional or metropolitan municipality.

(4) Where the council of a municipality, other than a regional or metropolitan municipality, passes a by-law under subsection (1), the clerk of the municipality shall send a copy of the by-law to the Commission.

140.—(1) Notwithstanding Part II, where members of a school board are to be elected at elections to be conducted by the same officers and in the same manner as elections of members of the council of a municipality, the school board may pass a resolution to have this Part apply to elections of members of the board.

(2) If a resolution is passed under subsection (1), this Part applies to elections of members of the board.

(3) Where a school board passes a resolution under subsection (1), the secretary of the board shall send a copy of the resolution to the Commission and to the clerk of the municipality who is responsible for the conduct of the elections of the board.

141.—(1) Notwithstanding Part II, where members of a local board are to be elected at elections to be conducted by the same officers and in the same manner as elections of members of the council of a municipality, the local board may pass a resolution to have this Part apply to elections of members of the board.

(2) If a resolution is passed under subsection (1), this Part applies to elections of the board.

(3) Where a local board passes a resolution under subsection (1), the secretary of the local board shall send a copy of the resolution to the Commission and to the clerk of the municipality who is responsible for the conduct of the elections of the board.

142. A by-law under section 139 or a resolution under section 140 or 141 shall be passed prior to the 1st day of January of an election year and, once passed, shall remain in force until repealed by a by-law of the council of the municipality or by a resolution of the school board or the local board, as the case may be, but no such repealing by-law or resolution shall be passed or take effect in an election year.
REGISTRATION

143.—(1) Where the council of a municipality passes a by-law under section 139 or a school board or local board passes a resolution under section 140 or 141, every person seeking election to office on the council, school board or local board, as the case may be, shall, no earlier than the 1st day of January of the election year and no later than nomination day, file with the Commission an application for registration under this Part.

(2) In the case of a new election, the application for registration referred to in subsection (1) shall be filed with the Commission no earlier than the day on which,

(a) an order to hold a new election is given in any judicial proceedings;
(b) the council of the municipality passes a by-law to hold a new election;
(c) the clerk receives from the secretary of a school board notice that a new election is required; or
(d) an order to hold a new election is given by the Minister under the Municipal Act,

and not later than nomination day.

(3) No person and no individual, corporation or trade union acting on behalf of any person shall solicit or accept contributions for the purposes of the election of that person at the next election at any time unless the person is a registered candidate.

(4) The Commission shall maintain a register of candidates in relation to each election and shall register in it any candidate who files an application for registration with the Commission setting out,

(a) that the person,

(i) has been duly nominated for election to office in accordance with this Act and whose nomination is certified by the clerk, or

(ii) has not been so nominated but proposes to become so;
(b) the name of the office for which the candidate has been or proposes to be nominated;

(c) the name of the municipality in which the election is to be held or which is responsible for the conduct of the election;

(d) the full name and address of the registered candidate;

(e) the address of the place or places in the municipality or locality where records of the registered candidate are maintained and of the place in the municipality or locality to which communications may be addressed;

(f) the full names and addresses of the auditor and the chief financial officer of the registered candidate;

(g) the full name and addresses of all persons authorized by the registered candidate to accept contributions;

(h) the name and address of every chartered bank, trust company or other financial institution in Ontario that is used by or on behalf of the registered candidate for the deposit of any contributions;

(i) the full names and addresses of the persons responsible for making the deposits referred to in clause (h).

(5) A registered candidate who files an application under subsection (4) shall be deemed to be registered on the day of filing.

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

(7) The campaign period with respect to a registered candidate shall be deemed to expire,

(a) where the nomination is withdrawn, on the day of the withdrawal;

(b) where a nomination paper is not filed or the nomination is rejected by the clerk, on nomination day;
(c) where the election is by acclamation, on the day of acclamation; and

(d) where the registered candidate dies, on the day of death,

and the chief financial officer for that registered candidate shall file with the Commission the statement referred to in section 169 and at the same time file a copy of it with the clerk.

(8) If the information referred to in clauses (4) (d) to (i) is altered, the candidate shall immediately notify the Commission in writing of the alteration, and, upon receipt of the notice, the Commission shall vary the register accordingly.

144.—(1) After registering a candidate under subsection 143 (4), the Commission shall notify in writing the clerk of the municipality who is responsible for the conduct of the election and indicate to the clerk,

(a) the full name and address of the registered candidate; and

(b) the name of the office for which the registered candidate has been, or will be nominated.

(2) The clerk shall maintain a list of all registered candidates and the office for which the registered candidate has been, or will be, nominated.

(3) Where the full name and address of a registered candidate is varied by the Commission under subsection 143 (8), the Commission shall immediately notify the clerk in writing of the variation, and, upon receipt of the notice, the clerk shall vary the list of registered candidates accordingly.

CHIEF FINANCIAL OFFICERS

145.—(1) Every person who is applying for registration under this Part, before filing an application with the Commission, shall appoint a chief financial officer.

(2) Where the chief financial officer ceases to hold office, the registered candidate shall immediately appoint another chief financial officer and shall immediately give notice in writing to the Commission of the full name and address of the new chief financial officer.
Duties of chief financial officer

(3) The chief financial officer shall be responsible for ensuring that,

(a) proper records are kept of all receipts and expenses;

(b) contributions are placed in a depository on record with the Commission;

(c) proper receipts are completed and dealt with in accordance with this Part;

(d) the financial statements as required by section 169 together with the auditor's report on those statements, are filed with the Commission in accordance with this Part;

(e) contributions consisting of goods or services are valued and recorded in accordance with this Part; and

(f) proper direction is given to persons authorized to incur expenses.

CONTRIBUTIONS

Contributions

146.—(1) Contributions to registered candidates may be made by individuals, corporations and trade unions only during the campaign period.

(2) Money contributions to registered candidates in amounts in excess of $25 shall be made only by,

(a) a cheque having the name of the contributor legibly printed or typed on it and drawn on an account in the contributor's name;

(b) a money order signed by the contributor; or

(c) in the case of money contributions by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed on it.

(3) All moneys accepted by or on behalf of a registered candidate shall be paid into an account on record with the Commission.

147.—(1) If the chief financial officer learns that any contribution received by or on behalf of the registered candidate was made or received in contravention of this Part, the chief financial officer shall, within thirty days after so learning and
upon obtaining the contributor’s copy of the receipt issued under section 155 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

(2) Any contributions not returned to the contributor in accordance with subsection (1) or any anonymous contribution received by a registered candidate shall not be used or spent, but shall be paid over to the Commission and become part of the general funds of the Commission to be used by the Commission in carrying out its responsibilities under this or any other Act.

**148.**—(1) No individual, corporation or trade union shall make a contribution in money, goods and services to a registered candidate which in total exceeds $750 in value during any campaign period.

(2) Any moneys used for an election campaign by a registered candidate out of the candidate’s own funds or those of the spouse of the registered candidate shall be considered to be a contribution for the purposes of this Part, but the limit on the total amount or value of contributions established under subsection (1) does not apply in respect of those funds.

(3) Every registered candidate shall submit to the chief financial officer a statement in writing setting out all campaign expenses paid or to be paid out of the registered candidate’s own funds or those of the spouse of the candidate, together with all receipts and claims for those expenses, within six months after polling day.

**149.**—(1) Subject to section 159, no individual, corporation or trade union shall contribute to any registered candidate funds not actually belonging to the individual, corporation or trade union.

(2) Subsection (1) does not apply to the personal representative of the estate of a person who has died leaving a will where the deceased person has directed in the will that the personal representative make a contribution to a named registered candidate out of the funds of the estate.

(3) No registered candidate and no individual, corporation or trade union on behalf of the candidate, shall solicit or accept any contribution contrary to subsection (1).

**150.** No registered candidate shall accept funds from,

(a) a federal political party registered under the *Canada Elections Act* or any federal constituency association...
or candidate at a federal election endorsed by such federal political party;

(b) a provincial political party, constituency association, candidate or leadership contestant registered under the Election Finances Act, 1986.

151.—(1) The value of goods and services provided as a contribution to a registered candidate is,

(a) where the contributor is in the business of supplying these goods and services, the lowest amount charged by the contributor for an equivalent amount of similar goods and services at or about the time and in the same market area;

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

(2) Goods or services having a total value of $100 or less may, at the option of the individual, corporation or trade union providing these goods or services, be considered not to be a contribution for the purposes of this Part.

(3) Where goods or services are provided to a registered candidate 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 that value shall, subject to subsection (2), be a contribution for the purpose of this Part.

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

(a) in the case of any single advertisement, is more than $100; and
(b) in the case of any advertisements from a single service broadcast or published in any campaign period, in total exceeds $100,

this amount shall be considered to be a contribution and, if done during the campaign period, a campaign expense of the candidate with whose knowledge and consent the political advertising was done.

(2) Notwithstanding subsection (1), where political advertising is provided on the facilities of any broadcasting undertaking without charge to registered candidates in a particular municipality or school board or local board jurisdiction in accordance with the Broadcasting Act (Canada) and the regulations made and guidelines issued thereunder, such political broadcasts shall not be considered a contribution or a campaign expense.

(3) No individual, corporation or trade union shall cause any political advertisement to be broadcast on the facilities of any broadcasting undertaking or published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless the broadcaster or publisher of the political advertisement is furnished with the identification, in writing, of the individual, corporation or trade union sponsoring the political advertisement.

(4) A broadcaster who broadcasts or a publisher who publishes a political advertisement shall maintain records for a period of two years after the date of the broadcast or publication setting out the advertisement, the charge for it and any material relating to identification furnished to the broadcaster or publisher in connection with the advertisement and shall permit the public to inspect these records during normal office hours.

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the individual, corporation or trade union sponsoring the political advertising.

(6) In this section, “political advertisement” and “political advertising” mean any matter promoting or opposing the election of any registered candidate for which a fee is paid, but does not include any news reporting done in good faith.

153.—(1) In this section, “fund-raising function” means events or activities held for the purpose of raising funds for the registered candidate by whom or on whose behalf the function is held.
(2) A fund-raising function held by or on behalf of a registered candidate shall be held only during the campaign period.

(3) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the registered candidate who held the function or on whose behalf the function was held.

(4) Where a charge by the sale of tickets or otherwise is made for a fund-raising function, all or any portion of this charge, up to a maximum of $25, may, at the option of the registered candidate by whom or on whose behalf the function was held, be considered not to be a contribution for the purposes of this Part.

(5) Any amount paid for goods or services offered for sale at a fund-raising function in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial basis in the same market area shall be considered a contribution.

154.—(1) Where, at a meeting held on behalf of a registered candidate, money is given in response to a general collection of money solicited, no amount shall be given anonymously by any person in excess of $10.

(2) The amounts given under subsection (1) shall be considered not to be contributions but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer.

155.—(1) Every registered candidate shall issue or cause to be issued receipts in the form prescribed by the Commission for every contribution accepted.

(2) A receipt prescribed by the Commission under subsection (1) shall provide, on its face, for the acknowledgment of the contribution accepted by or on behalf of the registered candidate and, on its back, for an application to the clerk of the municipality who was responsible for conducting the election for a tax credit that the contributor is eligible to receive under this Part on account of the contribution.

156.—(1) Any contribution to a registered candidate made through any unincorporated association, except a trade union, shall be recorded by the unincorporated association as to the individual sources and the amounts making up the contribution.
(2) The amounts making up a contribution under subsection (1) that are attributable to any individual, corporation or trade union are contributions of that individual, corporation or trade union.

157. No registered candidate and no individual, corporation or trade union on behalf of the candidate shall solicit or accept any contributions in excess of the limits imposed by this Part.

158. No registered candidate shall directly or indirectly solicit or accept contributions from,

(a) any individual normally resident outside Ontario;

(b) any corporation that does not carry on business in Ontario; or

(c) a trade union other than a trade union as defined in this Part.

159. Contributions of not more than 15 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from an individual for the purpose of this Part, but any amounts contributed to a registered candidate from these funds shall be considered to be a contribution from the trade union.

160. No contribution shall be accepted by a registered candidate except through the chief financial officer or other person on record with the Commission as authorized to accept contributions.

161. Every registered candidate shall keep a record of all contributions in excess of $25, whether in the form of money, goods or services, and in the case of a single contribution in excess of $100, or contributions from a single source that in the aggregate exceed $100, the name and address of the contributor.

BORROWING

162.—(1) A registered candidate may borrow from any chartered bank or other recognized lending institution in Ontario, if the loan and its terms, including the name of any guarantor of a loan, are recorded by the candidate and reported to the Commission.
(2) No registered candidate shall receive a loan from any individual, corporation, trade union or unincorporated association, other than from a chartered bank or other recognized lending institution as set out in subsection (1).

**LOAN GUARANTEE**

**163.**—(1) Subject to subsection (2), no individual, corporation, trade union or unincorporated association shall sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any registered candidate.

(2) An individual, corporation or trade union that is eligible to make a contribution under this Part may guarantee any loan referred to in subsection 162 (1).

(3) A guarantee or a payment made by a guarantor in respect of a loan referred to in subsection 162 (1) is considered to be a contribution under section 148.

**CAMPAIGN ADVERTISING**

**164.**—(1) No registered candidate and no individual, corporation or trade union acting with the candidate's knowledge and consent shall, except during the period of twenty-eight days immediately preceding the day before polling day,

(a) advertise on the facilities of any broadcasting undertaking; or

(b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purposes of promoting or opposing the election of a registered candidate.

(2) No individual or corporation shall, during the period prescribed in subsection (1), broadcast on the facilities of any broadcasting undertaking or publish in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities an advertisement promoting or opposing the election of a registered candidate on behalf of any registered candidate or any individual, corporation or trade union acting with the candidate's knowledge or consent.

(3) Subsections (1) and (2) do not apply to,
(a) advertising public meetings in the municipality or
the jurisdiction of the school board or local board,
as the case may be;

(b) announcing the location of the campaign headquar-
ters of a candidate;

(c) advertising for volunteer campaign workers;

(d) announcing services for electors by candidates
respecting the revision of the preliminary list and
additions to the polling list;

(e) announcing services for electors on polling day; or

(f) any other matter respecting administrative functions
of a candidate's campaign headquarters,

if the advertisements, announcements and other matters are
done in accordance with the guidelines of the Commission.

(4) Nothing contained in subsection (1) prohibits news
reporting done in good faith during the period referred to in
subsection (1) or the procuring for publication or the publish-
ing of,

(a) an advertisement referred to in subsection (1) on
the day immediately preceding polling day in a
newspaper which is published in the municipality or
in the jurisdiction of the school board or local
board, as the case may be, not more frequently than
once a week if the day of regular publication falls
on the day immediately preceding polling day; or

(b) an advertisement referred to in subsection (1) on
the day immediately preceding polling day and on
polling day through the use of any outdoor advertis-
ing facility.

(5) Nothing in subsection (1) prohibits the broadcasting on
the facilities of a broadcasting undertaking of news reporting
done in good faith in accordance with the Broadcasting Act
(Canada) and the regulations made and guidelines published
thereunder during the period referred to in subsection (1).

(6) No individual or corporation shall,

(a) charge a registered candidate, or any person acting
with the candidate's knowledge and consent, a rate
for broadcasting time on any broadcasting undertak-
ing in the period beginning on the twenty-eighth 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 the individual or corporation 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 candidate, or any person acting with the candidate's knowledge and consent, a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by the individual or corporation for an equivalent amount of advertising space in the same issue of the periodical or in any issue published or distributed and made public in that period.

CAMPAIGN EXPENSES

165.—(1) The campaign expenses of a registered candidate shall be incurred only under the direction of the chief financial officer of the candidate by persons authorized by the chief financial officer.

(2) Every person authorized to incur a campaign expense by a chief financial officer under subsection (1) shall, upon request, show a certificate, in the form prescribed by the Commission, signed by the chief financial officer as proof of the authority.

166.—(1) The total campaign expenses incurred by a registered candidate in an election for the office of head of council of a municipality and any individual, corporation or trade union acting on behalf of that registered candidate during the period commencing with the date of registration and ending on polling day shall not exceed $5,500, plus $0.50 per elector.

(2) Subject to subsection (3), the total campaign expenses incurred by a registered candidate in an election for the office of,

(a) member of council, other than head of council, of a municipality;

(b) member of council of a regional municipality where this office is required to be filled by the vote of the electors of an area municipality;
(c) member of a school board if the members are to be elected at elections conducted by the same officers and in the same manner as elections of members of the council of a municipality; or

(d) member of a local board if the members are to be elected at elections conducted by the same officers and in the same manner as elections of members of the council of a municipality,

and any individual, corporation or trade union acting on behalf of that candidate during the period commencing with the date of registration and ending on polling day shall not exceed $3,500, plus $0.50 per elector.

(3) Where the municipality, school board or local board jurisdiction is divided into wards and the election is for an office to represent the electors of one or more of those wards, the number of electors to be used in the calculation of the maximum amount of total campaign expenses that may be incurred by or on behalf of a registered candidate for the office shall be the total number of electors in the ward or wards, as the case may be.

(4) For the purposes of this section, the number of electors in a municipality or a school board or local board jurisdiction or a ward of the municipality or the school board or local board jurisdiction shall be determined by the clerk on the basis of information obtained from the polling list.

(5) After determining the number of electors under subsection (4), the clerk shall calculate, for each office, the maximum amount of total campaign expenses that may be incurred by or on behalf of a registered candidate for an office under subsection (1) or (2), and certify this amount in the prescribed form and, no later than ten days after nomination day, deliver or cause to be delivered personally or send or cause to be sent by registered mail a copy of the certificate to each registered candidate for the office and to the Commission.

(6) Certification of the maximum amount of total campaign expenses that may be incurred by or on behalf of a registered candidate for the office by the clerk under subsection (5) is conclusive evidence of the fact.

167.—(1) Every individual who or corporation or trade union which has any claim for payment in relation to a campaign expense shall submit the claim to the chief financial officer of the registered candidate who incurred the expense,
(a) in the case of a regular election, no later than the 31st day of March in the year following the election year; or

(b) in the case of a new election, no later than 135 days after polling day.

(2) Every payment of a campaign expense shall be made by the chief financial officer of the registered candidate who incurred the campaign expense and, except where the campaign expense is less than $25, the chief financial officer shall set out the particulars of payment.

(3) Where the chief financial officer of a registered candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, that claim shall be considered to be a disputed claim.

AUDITORS

168.—(1) Every candidate, at the time of appointing a chief financial officer, shall appoint an auditor licensed under the Public Accountancy Act and shall immediately notify the Commission of the full name and address of the auditor.

(2) If an auditor appointed under subsection (1) ceases to hold office, ceases to be qualified under subsection (1) or becomes ineligible under subsection (3), the candidate shall immediately appoint another auditor licensed under the Public Accountancy Act and shall immediately notify the Commission of the full name and address of the auditor.

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

(4) The auditor shall make a report to the chief financial officer of the registered candidate who appointed the auditor in respect of the financial statements, as required by section 169, and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report on them in accordance with generally accepted auditing standards.

(5) If,
(a) the auditor has not received from the chief financial officer all the information and explanation that is required; or

(b) proper accounting records have not been kept by the chief financial officer so far as appears from the auditor's examination,

the auditor shall make a statement to that effect in the report made under subsection (4).

(6) An auditor shall have access at all reasonable times to the records, documents, books, accounts and vouchers of the registered candidate.

(7) The chief financial officer of the candidate shall provide such information and explanation as is necessary to enable the auditor to make the report under subsection (4).

FINANCIAL STATEMENTS

169.—(1) The chief financial officer of every registered candidate shall file with the Commission,

(a) a financial statement setting out,

   (i) all income received and expenses incurred in the campaign period,

   (ii) all campaign expenses, paid and outstanding, incurred in a campaign period and a statement of all disputed claims, and

   (iii) all information required to be recorded under section 161 that relates to the campaign period; and

(b) the auditor's report on the financial statement.

(2) The financial statement and auditor's report under subsection (1) shall be filed,

(a) in the case of a regular election, no later than the 30th day of June in the year following the election year; or

(b) in the case of a new election, no later than 225 days after polling day.
(3) The chief financial officer shall, at the time of filing with the Commission, file a copy of the financial statement and the auditor's report referred to under subsection (1) with the clerk of the municipality who was responsible for the conduct of the election for which the registered candidate was registered.

(4) After the time for the filing of a financial statement and auditor's report has expired, the Commission shall immediately prepare a statement disclosing,

(a) the information received under this section; and

(b) the name of the registered candidate, if any, who failed to file a statement or report under this section,

and submit the statement to the council of the municipality, school board or local board, as the case may be.

(5) After the time for the filing of the financial statement and auditor's report has expired, the Commission shall immediately send by registered mail or deliver to a registered candidate who has failed to file a statement and report, a notice in the form prescribed by the Commission demanding that the registered candidate file a financial statement and auditor's report within thirty days from the date of the notice.

(6) The notice under subsection (5) shall state that the registered candidate, if elected, shall forfeit the office and that the registered candidate, whether elected or not, is ineligible to hold any office up to and including the next regular election if the registered candidate fails to file the financial statement and auditor's report within thirty days of the date of the notice.

(7) The Commission shall publish the notice under subsection (5) in a newspaper having general circulation in the municipality.

(8) After the thirty day period for the filing of a statement and report has expired, the Commission shall immediately prepare a supplementary statement disclosing,

(a) any additional information received under this section; and

(b) the name of the registered candidate, if any, who failed to file a financial statement and auditor's
report within the thirty day period allowed under subsection (5),

and submit the statement to the council of the municipality, school board or local board, as the case may be.

SURPLUS

170.—(1) Where the financial statement of a registered candidate filed under section 169 shows a surplus, the surplus shall be immediately paid over to the clerk who was responsible for the conduct of the election who shall hold it in trust for the registered candidate for use in whole or in part by the registered candidate in the next regular election.

(2) The clerk shall not release the surplus held in trust for a candidate under subsection (1) to the candidate for use in whole or in part in the next regular election until the clerk has been notified by the Commission under section 143 that the candidate has become registered under this Part for that election.

(3) Where the candidate for whose benefit the surplus is held in trust under subsection (1) becomes registered under this Part for a new election that precedes the next regular election, the clerk, upon being so notified by the Commission, shall release the surplus to the candidate for use in whole or in part in that new election.

(4) No surplus shall be released under subsection (2) or (3) to the registered candidate for whose benefit it is held in trust under subsection (1) where the office for which the candidate has been, or will be, nominated in the election is not on the same council, school board or local board, as the case may be, as the office in respect of which the surplus was produced.

(5) Where the candidate for whose benefit the surplus is held in trust under subsection (1),

(a) notifies the clerk in writing that the candidate does not intend to seek nomination;

(b) fails to be nominated;

(c) is ineligible to be nominated; or

(d) fails to become registered,
in the next regular election, the surplus shall be paid into the general funds of the municipality, school board or local board, as the case may be.

(6) Upon the repeal of any by-law passed under section 139 or any resolution passed under section 140 or 141, any surplus held by the clerk under this section shall be paid into the general funds of the municipality, school board or local board, as the case may be.

171.—(1) If a registered candidate,

(a) fails to file a financial statement and auditor's report within thirty days of the date of the notice sent under subsection 169 (5);

(b) files a financial statement and auditor's report that is either incorrect or does not comply with section 169 and fails to file a correction statement and report within thirty days from the date that the Commission files the statement under subsection 169 (5); or

(c) incurs campaign expenses in excess of the amount permitted under section 166,

the registered candidate, in addition to any other penalty, is ineligible to be elected a member of the council, school board or local board or to hold office as a member thereof or to hold any other office in the municipality up to and including the next regular election.

(2) If a registered candidate who is declared elected, fails to file the documents referred to in clause (1) (a) or (b) or has exceeded the amount referred to in clause (1) (c), the Commission shall within five days of the default notify in writing the registered candidate and the council, school board or local board, as the case may be, to which the registered candidate was elected and the office to which the registered candidate was elected shall be deemed vacant and the registered candidate shall forfeit the office.

(3) If the office to which a registered candidate was elected subsequently becomes vacant and the registered candidate has forfeited the office under subsection (2), the registered candidate, in addition to any other penalty, is ineligible to be elected a member of the council, school board or local board or to hold office as a member thereof or to hold any other office in the municipality up to and including the next regular election.
172.—(1) Where the financial statement of a registered candidate who is not declared elected shows a surplus and the chief financial officer of the candidate fails to pay over the surplus to the clerk as required by section 170, the candidate, in addition to any other penalty, is ineligible to be nominated as a candidate in any subsequent election relating to any office for a period up to and including the next regular election, unless before that subsequent election the candidate or the chief financial officer has paid over the surplus to the clerk.

(2) Where,

(a) a registered candidate is declared elected;

(b) the financial statement of the candidate shows a surplus; and

(c) the chief financial officer of the candidate fails to pay over the surplus to the clerk as required by section 170,

the Commission shall notify in writing the candidate and the council, school board or local board, as the case may be, to which the candidate was elected and the office to which the candidate was elected shall be immediately declared vacant and, in addition, the candidate is liable to any other penalty that may be imposed under this Act.

(3) Where the office to which a registered candidate was declared elected is subsequently declared vacant under subsection (2), the candidate, in addition to any other penalty, is ineligible to be nominated as a candidate in any subsequent election relating to any office for a period up to and including the next regular election, unless prior to that subsequent election the candidate or the chief financial officer has paid over the surplus to the clerk.

TAX CREDIT

173.—(1) Every individual who and every corporation or trade union which made a contribution to a candidate registered under this Part during the campaign period of an election may within one year of polling day apply, in the form prescribed by the Commission, to the clerk of the municipality who was responsible for conducting the election to receive a tax credit.

(2) The tax credit which a contributor is eligible to receive under subsection (1) is an amount equal to,
(a) 75 per cent of the total amount contributed by the contributor to all candidates if the amount contributed does not exceed $100;

(b) $75 plus 50 per cent of the amount by which the total amount contributed by the contributor to all candidates exceeds $100 and does not exceed $400; or

(c) the lesser of,

(i) $225 plus 33 1/3 per cent of the amount by which the total amount contributed by the contributor to all candidates exceeds $400 if the total amount contributed exceeds $400, and

(ii) $350,

if payment of each amount that is included in the total amount contributed by the contributor to all registered candidates is proven by receipts in the form prescribed by the Commission that are signed by a recorded agent of the candidate.

Reduction of tax credits

(3) A tax credit under subsection (2),

(a) shall first be applied by the clerk to reduce any arrears in taxes or other debts then owing to the municipality by the contributor; and

(b) may be applied to offset current taxes, at the request of the contributor.

Payment of rebates

(4) Where the contributor does not owe any taxes or other debts to the municipality or does not make the request under clause (3) (b), the clerk shall pay to the contributor an amount equal to the amount of the tax credit which the contributor is eligible to receive under subsection (2).

Recovery of tax credit

(5) Where the contribution upon which the application for a tax credit under subsection (1) is based was made to a registered candidate in an election for the office of chairman or member of the council of a regional or metropolitan municipality, the clerk shall recover the amount of the tax credit provided to any contributor under subsection (3) or (4) from the regional or metropolitan municipality by billing the regional or metropolitan municipality for that amount.

Recovery of tax credit from school board

(6) Where the contribution upon which the application for a tax credit under subsection (1) is based was made to a reg-
istered candidate in a school board election, the clerk shall recover the amount of the tax credit provided to any contributor under subsection (3) or (4) from the school board by billing the school board for that amount.

(7) Where the contribution upon which the application for a tax credit under subsection (1) is based was made to a registered candidate in a local board election, the clerk shall recover the amount of the tax credit provided to any contributor under subsection (3) or (4) from the local board by billing the local board for that amount.

(8) No tax credit shall be provided to a contributor under subsection (3) or (4) until the Commission has notified the clerk in writing that all of the financial statements and auditor’s reports filed with it by the chief financial officers of the registered candidates in the election as required by section 169 have been examined.

(9) Tax credits shall be issued to contributors only during the one-year period following receipt of the notice given by the Commission under subsection (8).

(10) No tax credit shall be provided to a contributor under subsection (3) or (4) for a contribution to a registered candidate where the chief financial officer of the candidate has failed to file the financial statement and auditor’s report required by section 169 or where the financial statement and auditor’s report of the candidate have been found by the Commission to be unsatisfactory.

(11) In this section, “tax credit” includes a rebate of contributions.

**ACCESS TO DOCUMENTS**

174.—(1) Documents filed with the Commission or the clerk of a municipality under this Part are public records and may be inspected by any person upon request at the office of the Commission or of the clerk during normal office hours.

(2) Any person may make extracts from the documents referred to in subsection (1) and is entitled to copies of the documents upon payment for the preparation of the copies at such rate as the Commission may determine or at such rate as the clerk charges for the preparation of copies of other documents.

(3) No individual, corporation or trade union shall use any of the information contained in any document filed with the
Commission or the clerk under this Part for the purpose of commercial solicitation.

**FORMS**

**Form** 175. All applications, returns, statements and other documents to be filed with the Commission shall be filed in the form prescribed by the Commission.

**POWERS AND DUTIES OF COMMISSION**

176. Except as otherwise provided in this Part, the provisions of the *Election Finances Act, 1986* relating to the powers and duties of the Commission apply with necessary modifications to the Commission in the administration of this Part.

**OFFENCES**

177.—(1) The chief financial officer of a registered candidate who contravenes section 169 is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

(2) Where any contravention of this Part that is an offence by virtue of subsection (1) is committed by a chief financial officer of a registered candidate, the candidate for which the chief financial officer acts is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

178. Where the total campaign expenses incurred by a registered candidate and any individual, corporation or trade union acting on behalf of the candidate during the campaign period exceeds the amount determined under section 166 for the office subject to election, the registered candidate is guilty of an offence and on conviction is liable to a fine of not more than $1,000 plus the amount by which the total campaign expenses of the candidate exceeded the amount determined under section 166.

179. Where the financial statement of a registered candidate shows a surplus and the surplus is not paid over to the clerk as required by section 170, the candidate is guilty of an offence and on conviction is liable to a fine of not more than $1,000 plus the amount of the surplus.

180. Every corporation or trade union that contravenes any of sections 143 to 174 is guilty of an offence and on conviction is liable to a fine of not more than $10,000.
181. Every individual who contravenes any of sections 143 to 174, except subsection 148 (1), is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

182. No person shall obstruct a person making an investigation or examination under this Part or withhold, conceal or destroy or alter any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

183. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Part.

184. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

185.—(1) A prosecution for an offence under this Part may be instituted against a trade union in the name of the trade union and, for the purposes of any prosecution, the trade union shall be deemed to be a person.

(2) Any act or thing done or omitted by an officer or agent of a trade union within the scope of the officer’s or agent’s authority on behalf of the trade union shall be deemed to be an act or thing done or omitted by the trade union.

186. No prosecution shall be instituted under this Part without the consent of the Commission and no prosecution shall be instituted more than one year after the facts upon which the prosecution is based first came to the knowledge of the Commission.

13. Section 37 of the Municipal Act, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by inserting after “qualified” in the first line “to be elected or”.

14. Section 38 of the said Act is amended by adding thereto the following subsection:

(1a) A member of council who ceases to hold the qualifications required under clause 37 (a) is disqualified from holding the office of member of council.

15.—(1) For the purpose of the 1988 regular elections, the campaign period commences on the day this Act comes into force.

(2) For the purpose of the 1988 regular elections, a municipality, school board or local board may pass a by-law or reso-
olution to have Part III apply to the election if the by-law or resolution is passed within sixty days after the coming into force of this Act.

16.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on the 1st day of January, 1991.

17. The short title of this Act is the Municipal Elections Statute Law Amendment Act, 1988 (No. 2).