

Date: 2023-05-10

Subject: **2022 Municipal Election – Clerk’s Review of Registered Third Party Advertiser Campaign Contributions**

Contact: Shauna Danton, Coordinator, Elections and Special Projects, City Clerk’s Office

Report Number: Legislative Services-2023-550

Recommendations:

That the report from Shauna Danton, Coordinator, Elections and Special Projects, City Clerk’s Office, dated May 10, 2023, to the Compliance Audit Committee meeting of June 27 2023, re: **2022 Municipal Election – Clerk’s Review of Registered Third Party Advertiser Campaign Contributions**, be received.

Overview:

- **The *Municipal Elections Act, 1996 (MEA)* requires all registered third party advertisers for the 2022 Municipal and School Board Election to file their financial statement and auditor’s report (Form 8) with the Clerk.**
- **The MEA requires the Clerk to review the contributions reported on each submitted financial statement and prepare a separate report on each contributor who appears to have over-contributed. The report must be forwarded to the Compliance Audit Committee.**
- **This report concludes that there are no contributors to registered third party advertisers in Brampton, who appear to have exceeded the contribution limits.**

Background:

As legislated by the *Municipal Elections Act, 1996* (MEA), the 2022 Municipal and School Board Election was held on Monday, October 24, 2022.

Registrations Filed by Third Party Advertisers

During the registration period, five (5) third party advertisers filed their papers to advertise in the City of Brampton during the 2022 municipal election campaign period, including four (4) corporation third party advertisers and one (1) individual third party advertiser.

No third parties withdrew their registration.

Contribution Limits

During the campaign period, registered third parties could receive contributions from individuals who are residents of Ontario, corporations carrying on business in Ontario, and trade unions that hold bargaining rights for employees in Ontario.

Section 88.13 of the MEA established the following contribution limits for the 2022 Municipal and School Board Election:

- \$1,200 contribution limit to one third party advertiser
- \$5,000 combined contribution limit to two or more third parties registered in the same municipality

After the campaign period, all registered third party advertisers were required to complete and file their Financial Statement – Auditor’s Report – Third Party – Form 8 with the City Clerk’s Office, as required by Section 88.29 of the MEA. On the financial statement, registered third party advertisers were required to document contributors that had contributed more than \$100 to their campaign.

Subsection 88.36(1) of the MEA requires the Clerk to review the contributions reported on each financial statement submitted by a registered third party advertiser to determine whether any contributor appears to have exceeded any of the contribution limits. The Clerk must prepare a report of any apparent over-contributions [ss. 88.36(2)] and forward the report to the Compliance Audit Committee for consideration [ss. 88.36(4)]. A separate report is required for each apparent over-contribution [ss. 88.36(3)].

The report will be considered at a meeting of the Committee, which must decide whether to commence a legal proceeding against a contributor for an apparent contravention [s. 88.36(5)]. Notice of the meeting is given to the contributor, the applicable third party advertiser and the public [ss. 88.36(6)].

Current Situation:

Five (5) financial statements for registered third party advertisers were submitted to the Clerk's Office before the filing deadline of Friday, March 31, 2023, 2 pm, or during the grace period for filing (deadline of Monday, May 1, 2023, 2 pm).

The contributions reported on each financial statement were reviewed and entered into a spreadsheet that tracked contributions by contributor's name and address, as well as the amount contributed.

The Clerk's review of contributions on each submitted financial statement concluded that no contributors to registered third party advertisers appear to have exceeded the contribution limits.

Corporate Implications:

Financial Implications:

Costs associated with the function of the Compliance Audit Committee are funded through the Council-approved City Clerk's Office budget.

Other Implications:

There are no other direct implications from this report.

Term of Council Priorities:

This report achieves the priority of a Well-Run City by facilitating the review of the Clerk's reports prepared for the Compliance Audit Committee in compliance with prevailing legislation.

Conclusion:

This report fulfills the Clerk's responsibilities under the *Municipal Elections Act, 1996*, for the administration of certain post-election matters.

Authored by:

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