



# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	City Manager's Office - Office of the City Clerk	<b>REPORT NO.</b>	R 83/2019
<b>DATE PREPARED</b>	05/01/2019	<b>FILE NO.</b>	
<b>MEETING DATE</b>	05/13/2019 (mm/dd/yyyy)		
<b>SUBJECT</b>	Compliance Report - Candidates' Financial Statements		

## RECOMMENDATION

For information only.

## EXECUTIVE SUMMARY

The *Municipal Elections Act, 1996* (referred to as “the Act”) requires the Clerk to provide a report as soon as possible after April 30<sup>th</sup> in electronic format stating whether candidates (for City Council and School Boards) complied with s. 88.25 of the Act. The report will include the identities of all candidates in default of filing their financial statement by the legislated filing deadline.

## DISCUSSION

All prescribed forms and timelines associated with the 2018 Municipal & School Board Elections were provided for each candidate on a USB thumb drive at registration. All candidates were asked to provide their campaign email addresses for communication purposes between candidates, the Office of the City Clerk, and the Election Office. All candidates provided valid email addresses that were confirmed by Election Office administration.

The filing date and deadline for the 2018 Municipal & School Board Elections was on or before 2:00 p.m. on Friday, March 29<sup>th</sup>, 2019. As required by the Office of the City Clerk, all candidates were sent notice of their obligations by email on Tuesday, October 30, 2018 and Monday, February 25, 2019.

In reference to the duties of candidates, the Act states:

### Filing date

**88.30** (1) The filing date for documents that are to be filed under section 88.25 or 88.29 is the following:

1. In the case of a regular election, the last Friday in March following the election.

**Candidates' financial statements, etc.**

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

- (a) in the case of a regular election, as of December 31 in the year of the election;

**Effect of default by candidate**

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

- (a) if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- (b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- (c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 60.

**Penalties**

(2) Subject to subsection (7), in the case of a default described in subsection (1),

- (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies. 2016, c. 15, s. 60.

In reference to the duties of the Clerk, the Act states:

**Clerk's report re filing requirements**

(4) The clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25. 2016, c. 15, s. 60.

**Same**

(5) The report mentioned in subsection (4) shall be made available on a website or in another electronic format as soon as possible after,

- (a) April 30 in the year following a regular election;

101 candidates registered for the 2018 Municipal & School Board Elections.

1. 89 candidates complied with the Act and filed their financial statements by the legislated deadline of March 29, 2019;
2. one (1) candidate applied to the Ontario Superior Court of Justice for an extension to file their financial statement, and was granted a 30-day extension;
3. 3 candidates filed their financial statements within 30 days after the March 29, 2019 deadline with a late filing fee of \$500; and
4. 8 candidates failed to meet their obligations under the Act.

As outlined in the table below, the following eight (8) candidates failed to meet their obligations under the *Municipal Elections Act, 1996* and are ineligible to be elected or appointed to any office until after the 2022 Municipal & School Board Elections:

LAST NAME	FIRST NAME	NOMINATED FOR:	WARD or SCHOOL BOARD	ELECTED	FILING FEE
Chookomolin	Ronald	Mayor		NO	\$200
Gamble	Jim	Mayor		NO	\$200
Lankinen	Derek W.	Councillor	At Large	NO	\$100
DeGagné	Robert	Trustee	Thunder Bay Catholic District School Board	NO	\$100
Stadey	Jim	Councillor	At Large	NO	\$100
McCraw	Charmaine	Councillor	At Large	NO	\$100
Schoor	Wolfgang	Mayor		NO	\$200
Gunn	Richard	Councillor	Neebing	NO	\$100

### ***FINANCIAL IMPLICATION***

#### **Refund**

**34** A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on the filing date in accordance with that subsection. 2016, c. 15, s. 26.

The above-noted candidates were in default of the Act, and forfeited the refund of their nomination filing fee. Approximately \$1,300 became the property of the municipality.

#### **Cessation of penalty**

**88.23(9)** The penalties set out in subsection (2) for a default described in clause (1) (a) do not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under section 88.25 or 88.32 and pays the clerk a late filing fee of \$500. 2016, c. 15, s. 60.

As of this report, the following candidates filed their financial statements within 30 days after the March 29, 2019 deadline with a late filing fee of \$500:

1. Kevin Cernjul, Candidate for Mayor
2. Ashley Nurmela, Candidate for McKellar Ward Councillor
3. Lori Paras, Candidate for Councillor At Large

The fees of \$1,500 became the property of the municipality.

**CONCLUSION**

It is concluded that, as required by ss.88.23 (4, 5) of the Act, the identities of all candidates who did not comply with the Act and are in default be submitted to City Council for information purposes.

Furthermore, until the next regular municipal election has taken place in 2022, the eight (8) candidates listed in the above-noted table are ineligible to be elected or appointed to any office to which the Act applies.

**BACKGROUND**

The Act requires that the Clerk shall make available a public report setting out all candidates in an election and indicating whether each candidate complied with the Act.

**REFERENCE MATERIAL ATTACHED:**

None.

**PREPARED BY: LINDA DOUGLAS, ELECTION COORDINATOR**

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Norm Gale, City Manager	May 6, 2019