

Third Party Advertiser Financial Filing Compliance



11/3/2023

Clerk's Report



www.brampton.ca/BramptonVotes

BramptonVotes@brampton.ca, 311 or 905.874.2000

Introduction

Under the *Municipal Elections Act, 1996* (MEA), all third party advertisers in the 2022 Municipal and School Board Election are required to file their Financial Statement – Auditor's Report – Form 8 with the City Clerk by the filing deadline.

Third party advertisers who withdrew their registration are also required to file.

Third party advertisers who fail to file their statement by the filing deadline may avoid automatic penalties if they file their statement during a 30-day grace period and provide the municipality with a \$500 late filing fee.

Third party advertiser financial statements are posted on www.brampton.ca/bramptonvotes as they are filed and may be removed at the end of the compliance audit period.

The MEA requires the City Clerk to prepare a report indicating which third party advertisers complied with the filing requirements.

The MEA states the following:

Third party advertisers' financial statements, etc.

Section 88.29 (1) On or before 2 p.m. on the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements,

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

(b) in the case of a by-election, as of the 45th day after voting day.
2016, c. 15, s. 61.

Section 88.29 (3) If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 2016, c. 15, s. 61.

Auditor

Section 88.29 (5) An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004. 2016, c. 15, s. 61.

Exception re auditor's report

Section 88.29 (6) No auditor's report is required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000. 2016, c. 15, s. 61.

Documents filed after filing date

Section 88.29 (10) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1). 2016, c. 15, s. 61.

Effect of default by registered third party

Section 88.27 (1) Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
- (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party 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 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 61.

Offences re. Campaign Finances

Section 92 (4) A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27(1)

Report by clerk

Section 88.29 (11) As soon as possible after April 30 in the year following a regular election or 75 days after voting day in a by-election, the clerk shall make available to the public on a website or in another electronic format a list of all registered third parties for the election along with an indication of whether each has filed a financial statement and auditor's report under subsection (1). 2016, c. 15, s. 61.

Cessation of penalty

Section 88.27 (6) The penalty set out in subsection (1) for a default described in clause (1) (a) does 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 registered third party files the relevant document as required under section 88.29 or 88.32 and pays the clerk a late filing fee of \$500. 2016, c. 15, s. 61.

The following report details each third party advertiser's compliance with the filing requirements.

Third party advertisers who filed before the Filing Deadline

The following third party advertisers filed their Financial Statement – Auditor's Report – Form 8 before the filing deadline of Friday, March 31, 2023, at 2 pm:

Type	Name
Corporation	14397193 Canada Inc.
Corporation	Brampton Forward Inc.
Corporation	Campaign Life Coalition
Individual	Bruce Marshall

Third party advertisers who filed During the Grace Period

The following third party advertiser filed their Financial Statement – Auditor's Report – Form 8 during the grace period, before the deadline of Monday, May 1, 2023, at 2 pm:

Type	Name
Corporation	1000282678 Ontario Inc.

Third party advertisers who did not file their Financial Statement

- Nil

Third party advertisers who filed during the Supplementary Grace Period

The following third party advertiser with an extended campaign period filed their supplementary Financial Statement – Auditor's Report – Form 8 during the grace period, before the deadline of Monday, October 30, 2023, at 2 pm.

Type	Name
Corporation	1000282678 Ontario Inc.