

DATE: May 21, 2019
REPORT NO: RFI-C-08-2019
SUBJECT: Notice of Default – 2018 Municipal Election Campaign - Financial Statement
CONTACT: Joanne Scime, Clerk

OVERVIEW:

This report is to provide information to Members of Council regarding Notice of Default by one individual who was a candidate in the 2018 Municipal Election, and did not file their Election Campaign Financial Statement by the legislated deadline date and time.

RECOMMENDATION:

That, Report RFI-C-08-2019 dated May 21, 2019 regarding the “Notice of Default – 2018 Municipal Election Campaign - Financial Statement”; be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Not applicable to this report.

BACKGROUND:

Section 88.25 of the Municipal Elections Act provides, in part, that all candidates, both successful and unsuccessful, must file with the Clerk of the municipality, an Election Campaign Financial Statement (and auditors report if contributions or expenses are equal or more than \$10,000) on or before 2:00 pm on Friday March 29, 2019.

The Municipal Elections Act was recently amended and now provides that should a candidate fail to file their financial statement and auditor’s statement, if applicable, by the relevant date (being March 29, 2019), the penalties set out in subsection (2), as noted below, do not take effect if, no later than 2 p.m. on the day that is 30 days (April 29, 2019) 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.

A candidate may, before the last day for filing a document under Section 88.23 or 88.32, apply to the Superior Court of Justice, under Section 88.23 (6) to extend the time for filing a financial statement; although, the penalties will take effect if the candidate’s application is denied. The Clerk was not advised of any extensions granted by the Superior Court of Justice.

Candidates who do not file a financial statement are subject to the following provisions and penalties (refer to Subsections (a) and (b) of Section 88.23(2)):

- (i) the candidate forfeits any office to which he/she was elected and the office shall be deemed to be vacant; and,
- (ii) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act, 1996 applies.

CURRENT SITUATION:

One candidate from the 2018 Municipal Election failed to file their financial statement by the legislated deadline date and time as noted above.

The name of the candidate is as follows:

Name:	Office:
Edward Woods	Councillor Ward 1

For transparency, the candidate did file his financial statement by email prior to the 2:00 p.m. deadline on April 29th, 2019 but as it was not accompanied by the \$500 late filing fee, the candidate is still in default.

“Notice of Default” has been sent to the above noted candidate, which advised that he will not receive refund of his \$100 nomination fee nor will he be able to run in the next election.

FINANCIAL IMPLICATIONS:

There are no financial implications.

INTER-DEPARTMENTAL COMMENTS:

Not applicable to this report.

CONCLUSION:

The above noted candidate will not be permitted to run in the 2022 Municipal Election; however, will be permitted to run in subsequent elections.

Respectfully prepared by:

Approved by:



Joanne Scime, Clerk



Bev Hendry, CAO

“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”