



CITY CLERK'S REPORT

2022 MUNICIPAL ELECTION FILING REQUIREMENTS

Under the *Municipal Elections Act, 1996* (the 'Act') the Clerk is required to make public the following information:

- As per Section 88.23 (3)(c) of the Act in the case of a default of a candidate described in Section 88.23(1) of the Act, the clerk shall, make available to the public the name of the candidate and a description of the nature of the default.
- As per Section 88.23 (4) of Act 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 of the Act.
- As per Section 88.27 (2) of the Act the Clerk in the case of a default of a registered third party described in Section 88.27(1) of the Act, the clerk shall, make available to the public the name of the registered third party and a description of the nature of the default.
- As per Section 88.29 (11) of the Act 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 Section 88.29(1).

The authority and duty of the Clerk to report non-compliance with the Act of a candidate is limited to defaults described in section 88.23(1) of the Act, which provides:

“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.”

Similarly, the authority and duty of the Clerk to report non-compliance with the Act of a registered third party is limited to defaults described in section 88.27(1) of the Act, which provides:

“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.

Any non-compliance with the Act that falls outside of the scope of Section 88.23(1) and 88.27(1) of the Act may be the subject of an Application by an elector through the Election Compliance Audit application process.

In accordance with the obligations of the Clerk, Appendix "A" outlines the status of financial filings by each candidate and each registered third party and associated compliance or non-compliance in accordance with Sections 88.23 (3)(c) and (4), 88.27(2) and 88.29(11) of the Act. This has been provided in a chart format.

Appendix "B" provides a condensed list of candidate's and third-party advertiser compliance with the Act and default information in an accessible, condensed format.

For additional formats, please contact the Office of the City Clerk at 905-546-2424 x4408 or clerk@hamilton.ca .

All Candidate and Registered Third-Party Advertiser Financial Submissions are available for viewing on the City of Hamilton's website at the following location: <https://www.hamilton.ca/city-council/municipal-election/election-finances>

Submitted by:
Andrea Holland
City Clerk

Attachments: **Appendix 'A'**- Candidate and Registered Third-Party Advertiser Compliance reported pursuant to Section 88.23(3)(c) and (4), 88.27(2) & 88.29(11)
Appendix 'B' – Candidate and Registered Third-Party Advertiser Compliance reported pursuant to Section 88.23(3)(c) and (4), 88.27(2) & 88.29(11) – Condensed Format.