

# Campaign Finances

# Disclaimer

- This information is provided by the Ministry of Municipal Affairs and Housing for convenience only.
- The information herein should not be considered legal advice. These slides are not meant to replace provincial legislation. For more specific information, please refer to the relevant legislation and regulations which can be found online at <https://www.ontario.ca/laws>.
- Since local facts and circumstances vary, users should obtain their own legal and professional advice when specific issues arise.
- Please note that some terms referred to on the following slides may not be terms from the *Municipal Elections Act, 1996* but are terms that are commonly referred to in the context of municipal elections and are provided for general information and ease of understanding only.

# Contributions

- Candidates and third-party advertisers who accept contributions of money or incur expenses must open a bank account used exclusively for their election or advertising campaign
  - A contribution includes money, goods or services
  - Contributions to candidates from trade unions and corporations are prohibited in municipal elections
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- Municipalities and local boards must establish rules and procedures regarding the use of municipal or board resources during the campaign period
  - Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution



# Contributions (Continued)

## Candidates

Can accept contributions from:

- individuals who are normally resident in Ontario
- the candidate and their spouse

## Third Party Advertisers

Can accept contributions from:

- individuals normally resident in Ontario
- trade unions that hold bargaining rights for employees in Ontario
- corporations that carry on business in Ontario.

- Corporations are deemed to be a single corporation if one of the corporations controls the others, directly or indirectly, or if all the corporations are owned or controlled by the same person or group of persons either directly or indirectly.

# Contributions (Continued)

- Candidates and third party advertisers cannot accept contributions from:

- ✗ a federal political party, constituency association or registered candidate in a federal election
- ✗ a provincial political party, constituency association or registered candidate or leadership contestant
- ✗ federal or a provincial government
- ✗ a municipality
- ✗ a school board
- ✗ a business or group that is not a corporation



- Only third party advertisers can accept contributions from corporations and trade unions

# Contributions (Continued)

- Contributions over \$25 may be by cheque or money order or by a method that clearly shows where the funds originated
- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution
- Donations under \$25 at fundraising events are not contributions
- Ticket price of fundraiser is a contribution
- Receipts must be issued for each contribution and should include the name and address of the contributor and the amount and date of the contribution
- No anonymous contributions except for pass the hat collections (limited to \$25)

# Contribution Limits



- Limit on contributions to any one candidate or third party advertiser is \$1,200
- Contributor limits:
  - An aggregate total of \$5,000 to any number of candidates for office on the same council
  - An aggregate total of \$5,000 to any number of third party advertisers registered in the same municipality
  - Applies to any size of contribution or combination of money, goods and services
- Candidates and third party advertisers must inform contributors of these limits

# Self-Funding Limits

- There is a limit on the amount that a candidate for a municipal council can make to their own campaign
  - This limit also applies to contributions made by the candidate's spouse
- This limit is based on the number of electors voting for the office, to a maximum of \$25,000 per candidate:
  - \$7,500 + \$0.20 per elector for head of council
  - \$5,000 + \$0.20 per elector for other council offices
- These contributions must be deposited into the campaign account, a receipt provided, and the contributions reported on the financial statement



# Borrowing



- Loans can only be borrowed from a bank or other recognized lending institution in Ontario and must be directed into the campaign account
- Loans may only be guaranteed by the candidate or their spouse
- Generally, the same borrowing rules apply to third-party advertisers

# Campaign Expenses

- For the purposes of the *Municipal Elections Act, 1996*, the following are considered campaign expenses:

## Candidates

- costs incurred for goods or services by or under the direction of a candidate wholly or partly for use in their election campaign are expenses

## Third Party Advertisers

- costs incurred by or under the direction of a registered third-party advertiser for goods or services for use wholly or partly in relation to third-party advertisements that appear during an election in a municipality are expenses

# Campaign Expenses (Continued)



- A campaign expense includes:
  - ✓ any expense incurred for goods and services in relation to an election
  - ✓ the replacement value of any goods held in inventory from a previous election
  - ✓ the equivalent value of any contribution of goods and services for use in whole or in part

# Spending Limits

- Ontario Regulation 101/97
- The clerk's calculation of the spending limit is final



## General Spending Limit

- Head of council: \$7500 + 85 cents per elector
- All other offices: \$5000 + 85 cents per elector

## Spending Limit After Voting Day for Parties, Expressions of Appreciation, Gifts, Etc.

- 10% of the general spending limit

# Spending Limits (Continued)

- The clerk will provide both candidates and third-party advertisers with two certificates:

Preliminary Estimate	Final Amount
<ul style="list-style-type: none"><li>• Provided at the time of nomination (candidate) or registration (third party advertiser).</li><li>• Based on the previous year's voters list</li></ul>	<ul style="list-style-type: none"><li>• Provided by the clerk on or before September 30 of the election year.</li><li>• Based on the most current voters' list after corrections.</li></ul>

- The higher of the two amounts is the spending limit

# Expenses Not Subject to The Spending Limits

- Expenses that are not subject to the general campaign spending limit include:

- holding a fundraising event or activity
- expenses related to a recount \*
- expenses incurred by a candidate with a disability that are directly related to the disability and would not have been incurred if not for the election
- audit and accounting fees
- expenses related to a compliance audit
- expenses related to a court action for a controverted election \*

\* Expenses related to a recount and controverted elections do not apply to third party advertisers)

# Campaign Finance Rules

- Campaign finance rules can be found in the *Municipal Elections Act, 1996*

## Candidates

- Sections 88.8 to 88.11 and 88.15 to 88.20

## Third Party Advertisers

- Sections 88.12 to 88.19, 88.21

- Bank account must be opened for election campaign purposes prior to spending money or accepting contributions
  - The account must be exclusive to the election/advertising campaign
- All contributions of money must be deposited into the campaign account

# Campaign Finance – Record Keeping

- Accurate record keeping is a legislated requirement.
- Candidates and third-party advertisers must keep records of:
  - receipts issued for every contribution
  - value of every contribution
  - whether contribution is in form of money, goods or services
  - contributor's name and address
  - every expense including the receipts obtained for each expense
- Campaign finance records for the 2026 election must be retained until the next elected council/local board (2030) board has been sworn in



# Campaign Finance – Record Keeping (Continued)



- As a best practice, candidates and third-party advertisers should:
  - ensure that receipts are stored in a secure place
  - have a multi-part receipt (one for contributor, one for candidate to keep).
  - make sure that receipts are sequentially numbered
  - consider including contribution limits on the receipt
  - have the bank provide monthly statements and cancelled cheques for the account
  - produce duplicate deposit slips for every deposit
  - maintain a petty cash fund

# Campaign Advertisements

- Candidates and third-party advertisers cannot cause an election campaign advertisement to appear unless they provide the following information to the broadcaster or publisher in writing:
  - the name of the candidate/registered third-party advertiser
  - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third-party advertiser
  - the third-party advertiser must also include the name of the municipality where the third-party advertiser is registered.
- No broadcaster or publisher shall cause a campaign or third-party advertisement to appear unless this information has been provided
- The period during which third party advertisements can appear is May 1, 2026 until the close of voting on voting day on October 26 2026



# Campaign Advertisements (Continued)



- The broadcaster or publisher of a third-party or candidate advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:
  - the name of the candidate/registered third-party advertiser
  - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third-party advertiser
  - a copy of the advertisement, or the means of reproducing it for inspection.
  - a statement of the charge made for its appearance.

# Financial Statement

- Candidates and third-party advertisers must file their financial statement on or before 2:00 pm Tuesday March 30, 2027
- If a candidate or third-party advertiser feels that they will not meet the deadline, they may apply to the courts for an extension prior to the March 30, 2027 deadline



# Financial Statement (continued)

- Candidates can close their campaign and file their financial statement after voting day until December 31, 2026
- Third party advertisers can close their campaign and file their financial statement after early withdrawal or at any time after voting day up to December 31, 2026
- Clerks are required to make public by April 30, 2027 a report (on a website or in another electronic format) setting out all candidates and indicating whether each candidate complied with the filing requirements
- The clerk shall as soon as possible after April 30, 2027 make a list of all registered third party advertisers available to the public and the list must indicate whether each has filed the required financial statement and auditor's report.
- Clerks can determine conditions and limits regarding electronic filing of financial statements

# Financial Statement (continued)



- All contributions must be reported.
- The names of contributors who contribute more than \$100 must be reported on the financial statement.
- The clerk is required to make financial statements available to the public for viewing on a website or in an electronic format free of charge.
- Financial statements must include an auditor's report if expenses or contributions exceed \$10,000.

# Financial Statement (Continued)

- The candidate's nomination fee is refundable only if the financial statement is filed on time
- A candidate or third-party advertiser who misses the filing deadline may file within the 30-day grace period, provided a \$500 late filing fee is paid to the municipality
- A candidate or third-party advertiser may resubmit a financial statement to correct an error up until the filing deadline



# Campaign Surplus



- Entire amount of a campaign surplus must be paid to the clerk.
- A candidate or third-party advertiser is entitled to a refund of any contributions they (or their spouse, if an individual) made to the campaign before the filing of the financial statement and the payment of the surplus to the clerk.
- The clerk holds the surplus monies in trust for the candidate or third-party advertiser in the event of a compliance audit.
- If there is no compliance audit, the surplus becomes the property of the municipality or school board.