



Town of Ajax
2018 Municipal Election

Registered Third Party
Advertiser Guide

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1.0 INTRODUCTION

This guide has been prepared for registered third party advertisers (RTPA) in the 2018 Municipal Election for the Town of Ajax. Although the content of this document highlights many of the electoral processes involved in the upcoming election, RTPAs are urged to refer directly to the *Municipal Elections Act, 1996, as amended* (hereinafter referred to as the *MEA*) (available at www.e-laws.gov.on.ca) in order to fully understand all legislative requirements. It is imperative that RTPAs satisfy themselves, through their own determination, or with the assistance of legal counsel, of the various legal and financial requirements relating to their activities.

Over the course of the next few months, RTPAs will be receiving information periodically from Election Staff, therefore, it is important that your current contact information is on file with the Town Clerk (including a valid e-mail address). Updates and pertinent information will also be made available via the Town's website at www.ajax.ca. If you have any questions or concerns please do not hesitate to contact one of the numbers provided below.

Regardless of the outcome of the election, we hope that it proves to be a worthwhile and enjoyable experience.



Nicole Cooper
Town Clerk/Returning Officer

2.0 CONTACT INFORMATION

Town of Ajax
2018 Municipal Election
Returning Office

Town Hall
65 Harwood Ave. S
Ajax, ON L1S 2H9
election@ajax.ca
905-619-2529 x 8683

Nicole Cooper, Town Clerk/Returning Officer
nicole.cooper@ajax.ca

905-619-2529 x 3336

Alexander Harras, Deputy Clerk/Deputy Returning Officer
alexander.harras@ajax.ca

905-619-2529 x 3342

Brenda Kriz, Election Support
brenda.kriz@ajax.ca

905-619-2529 x 3343

Sarah Moore, Election Support
sarah.moore@ajax.ca

905-619-2529 x 3347

Lorraine Billings, Election Support
lorraine.billings@ajax.ca

905-619-2529 x 3314

3.0 SCHEDULE OF KEY DATES

Registration Period: May 1, 2018 – October 19, 2018

Registrations for third party advertisers may be filed between Monday and Friday, 8:30 a.m. to 4:30 p.m. at Town Hall (excluding statutory holidays).

Campaign Period: When Registration is Filed - December 31, 2018

The RTPA campaign period begins whenever an RTPA submits their registration, and ends on December 31, 2018

Certificate of Maximum RTPA Spending Limits: Nomination Filing

The Clerk will provide preliminary notice of the maximum RTPA spending limits to all RTPAs that have registered. This limit is calculated using the number of electors appearing on the voters' list as of nomination day in the 2014 Municipal Election. On September 24, 2018 the Town Clerk will determine a final limit by applying the above noted formula to the number of voters appearing on the voters' list as of September 15, 2018. The greater of the two limits shall apply.

Voting Period: October 15, 2018 – October 22, 2018

Online and telephone voting will be available from 10:00 a.m. on October 15, 2018, and will be available 24 hours a day until the close of polls at 8:00 p.m. on October 22, 2018. In-person Voter Assistance Centres (VACs) will be made available between October 18 and October 22.

Final Day of Voting Period: October 22, 2018

Votes will be accepted through the online and telephone voting system, either in person at a Voter Assistance Centre or by an internet connected device or by telephone, until 8:00 p.m. on October 22, 2018. Voters in line at a physical location prior to 8:00 p.m. will be allowed to vote; no electors that arrive at a Voter Assistance Centre after 8:00 p.m. will be allowed to vote. Users cannot log into the online or telephone voting system after 8:00 p.m. on October 22, 2018; users already logged in before 8:00 p.m. will have until 8:05 p.m. to complete and submit their ballot.

Official Results: Declared as Soon as Possible

The Clerk typically declares unofficial results following the generation of results report(s) from the voting system, shortly after the close of the voting period. Official results are typically posted by the Wednesday following voting day (October 24, 2018).

End of Campaign Period: December 31, 2018

This is the last day an RTPA can raise funds for their campaign unless an extension is filed with the Clerk.

Notification to Extend a Campaign Period: December 31, 2018

Last day for RTPAs to provide notification, using the prescribed form, in order to extend their campaign in order to reduce a deficit.

Deadline for Filing Financial Statements: March 29, 2019

RTPAs must file their financial statements in person at the Clerk's Office by no later than 2:00 p.m. Penalties will apply immediately following March 29 if a financial statement has not been submitted. Before March 29, 2019 but after December 31, 2018, RTPAs may

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apply to the Superior Court of Justice to request an extension of the time to file their financial statement. The Court may grant an extension of no more than 90 days.

If an RTPA has failed to file the required documents by March 29, has not been granted an extension and is therefore subject to penalties, they may submit all of the necessary documentation up to 30 days after the deadline, provided that they pay a late filing fee of \$500 to the Clerk, at which point the penalties will cease. The \$500 late filing fee is the property of the municipality and will not be refunded under any circumstances.

Deadline for Compliance Audit Requests: June 27, 2019

Last day for a compliance audit request to be made with respect to financial statement that was submitted by the March 29, 2019 deadline. If an RTPA has submitted their financial statement during the late filing period along with the necessary late filing period fee, compliance audit requests may be submitted up to 90 days after the date on which the RTPA submitted their financial statement.

End of Supplementary Reporting Period: June 30, 2019

A 6-month supplementary reporting period is permitted only if an RTPA has submitted proper notification to extend their campaign by December 31, 2018.

Deadline for Filing Financial Statements for the Supplementary Reporting Period: September 27, 2019

RTPAs who extended their campaign must file their financial statements in person at the Clerk's Office by no later than 2:00 p.m. Penalties will apply immediately following September 27 if a financial statement and auditor's report (if required) has not been submitted.

Deadline for Compliance Audit Requests for Supplementary Reporting Period: December 26, 2019

Last day for a compliance audit request to come forward with respect to a reporting period that ended on June 30, 2019.

4.0 GENERAL INFORMATION & RTPA QUALIFICATIONS

4.1 Offices for Election

Eligible electors in the Town of Ajax may vote for the following candidates to serve a four year term effective December, 2018 until November, 2022:

- Mayor
- Regional Councillor, Ward 1
- Regional Councillor, Ward 2
- Regional Councillor, Ward 3
- Local Councillor, Ward 1
- Local Councillor, Ward 2
- Local Councillor, Ward 3
- Regional Chair – Durham Regional Council
- 2 Trustees, Durham District School Board

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- 2 Trustees, Durham Catholic District School Board
- Trustee, Conseil scolaire Viamonde
- Trustee, Conseil scolaire Catholique MonAvenir

4.2 Questions and Bylaws on the Ballot

There are no questions or by-laws on the ballot for the 2018 Municipal Election. Therefore, persons, corporations or trade unions may only register to promote or oppose a candidate in this election.

4.3 Who May Register

The qualifications for registering as a Third Party Advertiser are set out in the *Municipal Elections Act*. The following persons and entities are qualified to register as a Third Party Advertiser in the 2018 Municipal Election for Ajax:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.

For the purposes of the *Municipal Elections Act*, two or more corporations are deemed to be a single corporation if one of the corporations controls the other(s), either directly or indirectly, or if all of the corporations are owned or controlled by the same person or group of persons, either directly or indirectly. Therefore, if two or more corporations with the same controlling corporation or group of owners attempts to register as third parties, only the controlling corporation will be granted a registration and the right to advertise during the election (refer to section 1(3) of the *Municipal Elections Act*).

4.4 Who is Ineligible for Registration

The following persons and entities are not eligible to file a notice of registration:

1. A candidate in the election whose nomination has been filed.
2. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
3. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
4. The Crown in right of Canada or Ontario, a municipality or local board.

4.5 Who Does Not Need to Register

Individuals or entities that **do not incur costs or raise funds** during their campaign do not need to register. Generally speaking, this is applicable to free communications via the internet and social media platforms. If web and social media advertisements will incur costs, or if funds are raised during the campaign period to pay for such costs, registration is necessary.

Individuals and entities that intend to advertise during a municipal election regarding matters of public policy (e.g. special interest groups) **do not need to register**. Registration

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is only required if the advertisement pertains to support or opposition for a candidate or question/by-law on the ballot.

4.6 Advertising before, during, and after the Restricted Period

The rules described in the *Municipal Elections Act*, 1996, and outlined herein shall apply to the activities of third party advertisers during the “Restricted Period” of a campaign. According to the Act, the restricted period “begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party in relation to the election and ends at the close of voting on voting day” (refer to section 88.4 (2) of the Act). For the 2018 Municipal Election, the Restricted Period is from 8:30 a.m. on May 1, 2018, until the close of polls at 8:00 p.m. on October 22, 2018.

Advertisements published or disseminated before or after the restricted period are not subject to the rules set out in the Act or described in this guide. Neither the Act nor the Town of Ajax restricts or regulates the actions, activities, or financial transactions of any individual, corporation or trade union outside of the restricted period as those acts pertain to third party advertising for an election.

5.0 REGISTRATION

5.1 Timing

Registration begins on **Tuesday, May 1, 2018**, and may be submitted up to the Friday before Voting Day, on **Friday, October 19, 2018**. Registrations may be filed between the hours of 8:30 a.m. and 4:30 p.m. at the Clerk’s Office, Town Hall, 65 Harwood Avenue South.

5.2 Process

RTPAs must submit the prescribed registration form. By signature of the prescribed form, an individual or entity declares that he or she is legally qualified to act as a registered third party advertiser as of the date on which the form is filed. It is the responsibility of the RTPA to satisfy themselves that they are qualified to be registered. All RTPAs will be asked to present relevant identification to validate their qualification. An individual or entity will not be permitted to register without such identification.

The individual or entity or their agent must file the registration form in the Clerk’s Office in person. Faxed registration forms will not be accepted, as an original signature is required. When an RTPA files their registration, they will be requested to complete an RTPA Information and FOI Release Form at the same time. This form is used to collect information for publication to the Town’s website.

5.3 Registration for Regional Chair Races

Third Party Advertisers that support or oppose a regional chair candidate or question/by-law on the ballot posited by the Region of Durham, must register separately in each lower-tier municipality that they intend to advertise within. RTPAs will have a separate expense limit in each municipality based on the number of electors within the municipality that they intend to advertise. Each registration will require corresponding submission of financial

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statements for contributions and expenses to each municipality after the campaign period has concluded.

For example, if an RTPA intends to support a candidate for regional chair by advertising in Ajax, Whitby, and Pickering, they must register in each of those municipalities separately, and will be issued separate expense limits by each municipality for advertisements within their boundaries. The RTPA will be required to submit financial statements for their campaign activities to each municipality in which they registered, reflecting their campaign expenses and contributions within that municipality.

6.0 ADVERTISING

6.1 General Requirements

All third party advertisements **must** contain at minimum the following information:

1. The name of the registered third party advertiser;
2. The municipality where the registered third party is registered; and
3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

This applies to any third party advertisement published during the election, regardless of format, including but not limited to Election signs, radio, newspaper, or television advertisements, social media and web content. However, Section 1(2) of the Act provides that an advertisement is not considered to be a third party advertisement if no expenses are incurred by the person or entity that has caused it to be published. Therefore, if an advertisement is published by the third party advertiser to a social media platform or website and does not incur any expense to do so, the advertisement is not required to include the above noted information.

Pursuant to section 88.6 (6) of the *Municipal Elections Act, 1996*, **third party advertisements shall not be under the direction of a candidate who has filed their nomination**. RTPAs and election candidates should not coordinate their activities and are expected to operate independently from one another.

6.2 Election Signs

Municipal election signs are governed and controlled by Town of Ajax Election Sign By-law, and Durham Region Temporary Sign By-law, as may be amended from time to time. Town of Ajax By-law staff will, at their discretion, enforce provisions contained therein. Where an election sign has been erected or displayed in contravention of these provisions, an Officer may remove the sign immediately without notice. RTPAs are strongly urged to review these by-laws as they relate to election signs prior to posting election signs within the Town.

The following are general restrictions which apply to **all** Election signs:

- The RTPA whose name appears on the registration form shall be ultimately responsible for the erection or display of the Election sign, and its compliance with applicable laws.

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- Election signs are only permitted beginning on the first Tuesday after Labour Day (September 4, 2018) until voting day (October 22, 2018) and must be removed within 48 hours of the close of voting.
- An Election sign shall not be permitted within 25 metres of another election sign for the same candidate along Town roads, and within 500m of another election sign for the same candidate along Regional Roads.
- No portable sign shall be used for the purposes of an Election sign.
- Every person using rebar or any type of reinforcing steel or metal, shall ensure that all ends, not including the end inserted into the ground, has safety caps securely covering the ends of the steel or metal; and that it is not inserted into the ground, on any Town road allowance, deeper than 40cm.
- An Election sign shall not be placed:
 - on any centre median or traffic island;
 - within 25 metres of any property line of a voting location

Refer to the Town of Ajax Election Sign By-law #005-2018 and the Region of Durham's Temporary Sign By-law for details regarding permitted locations, size, distancing and setbacks for election signs in Ajax.

Signs erected contrary to the Municipal and Regional Sign By-laws may be removed without notice. For further clarification, contact the Legislative and Information Services Department, By-law Services, (905) 619-2529, extension 3370.

6.3 Print & Broadcast Advertising

A registered third party advertiser must provide the following information to a broadcaster or publisher in writing before the broadcaster or publisher can run the requested advertisement:

1. The name of the registered third party.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party.
3. The municipality where the third party advertiser is registered.

No broadcaster or publisher shall cause a third party advertisement to appear if the information set out above has not been provided.

The broadcaster or publisher of a third party 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:

1. The mandatory information to be provided to the broadcaster or publisher (as described above).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for the advertisement's appearance.

6.4 Web & Social Media Advertising

An advertisement in relation to an election is not considered a third party advertisement if it incurs no expense for its production and publication. This is generally applicable to free web and social media advertising (e.g. posts on Facebook, Twitter, or other web and social media platforms are not considered third party advertisements, unless the content posted to these platforms incurred expenses for their production or publication). Registration as a third party advertiser is therefore not necessary if the only means of advertising to be engaged is communication through social media platforms (assuming no expenses are incurred to do so).

Web and social media advertising that does incur costs will require registration as a third party advertiser, and sections 6.1 and 6.3 of this guide apply in such cases.

7.0 FINANCIAL RESPONSIBILITIES

7.1 General

The following section provides an overview of the various financial responsibilities of RTPAs, however, as noted earlier, all RTPAs are urged to refer directly to the *Municipal Elections Act, 1996* (www.e-laws.gov.on.ca) in order to fully determine the legislative requirements regarding their financial responsibilities. The onus of responsibility is on RTPAs to satisfy themselves, through their own determination, or with professional assistance, of the various legal and financial requirements relating to their activities. The Town Clerk and/or Election Staff may assist by pointing RTPAs to pertinent provisions within the *MEA*, but are not obliged to interpret the provisions of the *MEA* regarding these matters.

7.2 Contributions

Pursuant to Section 88.15 (2) of the *MEA*, money, goods and services given to RTPA's for use in their campaign are contributions, including money, goods and services that the RTPA gives themselves. Contributions include:

- An amount charged for admission to a fund-raising function
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17.

7.3 Goods & Services Donated and Deemed not to be Contributions

The following are deemed **not** to be contributions:

- The value of services provided by voluntary unpaid labour.

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- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17.
- For a person referred to in subsection (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada), if,
 - it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - it is provided equally to all candidates for office on the particular council or local board.

7.4 Timing of Contributions

Contributions can be solicited by or accepted on behalf of an RTPA, if the RTPA has registered with the municipality where they intend to publish advertisements. During the restricted period, contributions may only be accepted during an RTPA's campaign period (the time at which the registration is filed up until December 31, 2018, barring any applications to extend to the campaign period by the RTPA). Any contributions received outside the campaign period during the restricted period that cannot be returned to the contributor (including any anonymous contributions) must be turned over to the Town Clerk. Contributions received by individuals, corporations or trade unions outside of the restricted period are not subject to the provisions of the Act. RTPAs must make reasonable efforts to satisfy themselves that a contributor is entitled to make contributions.

7.5 Eligible Contributors

Pursuant to Section 88.12 (3) of the *MEA*, only the following may make contributions to RTPAs:

- An individual who is normally a resident in Ontario;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The RTPA and, if the RTPA is registered by an individual, the individual's spouse (subject to Section 88.12 (5) of the *MEA*, if the spouse of an individual who is registered as an RTPA is not normally a resident in Ontario, the spouse may make contributions only to the RTPA's campaign)

7.6 Contribution Limits

Pursuant to Section 88.13 (1) of the *MEA*, a contributor shall not make contributions exceeding a total of **\$1,200** to any one RTPA in an election. In addition to this, a contributor shall not make contributions exceeding a total of **\$5,000** to multiple RTPAs registered in the same municipality. It is also important to note that cash contributions over \$25 are not to be accepted by or on behalf of an RTPA – any contribution that exceeds \$25 shall be

contributed in a manner that associates the contributor's name and account with the payment or by a money order signed by the contributor (Section 88.12 (8) of the *MEA*).

7.7 Ineligible Contributors

Pursuant to Section 88.12 (4) of the *MEA*, the following shall **not** contribute to an RTPA:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate in a federal election
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*
- The Crown in right of Canada or Ontario, a municipality or local board

7.8 Contribution Refunds

Where an RTPA learns that a contribution has been made or accepted in contravention to any provision of the *MEA*, the RTPA must immediately return the contribution. If this is not possible, any such contribution should be remitted to the Town Clerk. The following are examples of a contribution which must be returned or paid to the Town Clerk:

- Issued/received outside an RTPA's campaign period during the restricted period
- Issued/received from anonymous sources (except for cash donations less than \$25)
- Issued/received from ineligible sources (e.g. individuals not residents of Ontario)
- Issued/received in excess of the \$1,200 or \$5000 per contributor limits
- Issued/received a cash contribution in excess of \$25
- Issued/received from funds not belonging to the contributor

7.9 Contribution Disclosure

Notice of all contributions received by the RTPA must be submitted to the Town Clerk upon completion of their campaign period, in the prescribed form and manner, as a part of their financial statement.

7.10 Frequently Asked Questions Regarding Campaign Contributions

How can contributions of cash be made?

Cash contributions may only be accepted up to \$25.

What is the definition of contributions of goods and services?

All contributions of goods or services the RTPA receives, except those listed in 88.15 (4) of the *MEA*, are considered contributions and should be supported by an invoice from the contributor of the good or service. The contribution must be recorded just as if it were money. If part of the agreed upon fee for the purchase of a good or service is considered by a supplier to be a contribution, the supplier should render an account for the total amount and indicate on the statement of account the amount which they consider a contribution. If a supplier charges the RTPA less than the market value for the purchase of a good or service, the difference between the amount charged and the market value is a contribution. If suppliers of goods or services are not paid or have agreed not to accept payment, such non-payment will constitute a contribution of a good or service and must be receipted as such.

Who can accept contributions?

Only the RTPA and those persons authorized by the RTPA to raise funds on behalf of their campaign can accept contributions. Contributions can only be accepted during the campaign period during the restricted period and only from a person or entity entitled to make a contribution.

How are anonymous contributions handled?

An anonymous contribution cannot be accepted during the restricted period. The only exception to this rule is a donation received at a fund-raising function held on behalf of an RTPA (e.g. "pass-the-hat" donations). Each of these donations must be \$25 or less. However, the total revenue from any such donation source must be reported as part of the RTPA's financial statement. Any anonymous contribution received that cannot be returned must be paid to the Town Clerk.

7.11 Fundraising

Fundraising activities may be held for an RTPA and are subject to rules established in the MEA if occurring during the restricted period. The *MEA* defines a fund-raising function as "an event or activity held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements". An account of all revenues and expenses generated from each fundraising function must be included in an RTPA's financial statement. The price of admission to a fundraising function and/or any amount paid for a good or service (offered for sale in excess of fair market value) is to be considered and treated as a campaign contribution. Section 88.19 (4) provides that a fundraising function does not include costs related to:

- Events or activities that are organized for the purpose of promoting public awareness of a candidate and at which the soliciting of contributions is incidental
- Promotional materials in which the soliciting of contributions is incidental

7.12 Expenses

Any costs incurred for goods or services by or on behalf of an RTPA are considered expenses. (Sections 88.19 of the *MEA* can be referenced for further information). Most expenses are subject to a maximum campaign expense limit, however under Section 88.21 (8) of the *MEA* the following expenses are exempt from counting towards an RTPA's expense limit:

- Audit and accounting fees
- The cost of holding fund-raising functions
- The cost of holding parties and making other expressions of appreciation after the close of voting
- Expenses relating to a compliance audit
- Expenses that are incurred by an RTPA with a disability directly related to the disability and that would not have been incurred but for the election to which the expenses relate.

7.13 Maximum Expense Limits

The spending limit for an RTPA's campaign is calculated based on the number of electors who are eligible to vote in the municipality. The formula to calculate the limit is:

- \$5,000 plus \$0.05 per elector

Upon registration, each RTPA will be given an estimate of their expense limit. This estimate will be based on the number of electors in the last election. On September 24, 2018, following publication of the interim list of changes to the voters' list, each RTPA will be issued a final expense limit which is based on the number of electors on the voters' list for the current election.

If the expense limit estimate received by the RTPA upon filing their registration is higher than the final expense limit received in September, then the estimate becomes the official expense limit.

The RTPA Preliminary expense limit for Ajax is:

\$8,723.20

7.14 Expense Limits for Parties and other Expressions of Appreciation

Expenses incurred after voting day related to parties and other expressions of appreciation for an RTPA's volunteers and workers are permitted under the *MEA*, but are subject to a maximum limit of 10% of the applicable expense limit.

**The RTPA Preliminary Expense Limit for post-election parties
and expressions of appreciation is:**

\$872.32

7.15 Campaign Inventory

Expenses include the value of any goods held in inventory by an RTPA from a previous campaign for use in an election campaign period (Section 88.19 of the *MEA* can be referenced for further information). The inventory of reusable campaign materials remaining on hand at the end of a campaign becomes the property of the RTPA and must be valued and reported as closing inventory on their financial statement.

7.16 Extension of Campaign Deadline

The 2018 Municipal Election campaign period ends on December 31, 2018. Pursuant to Section 88.28 3. of the *MEA*, if an RTPA decides to extend their campaign for the purposes of paying down a deficit, they must notify the Town Clerk using the prescribed form by 4:30 p.m. on December 31, 2018. If the notice of campaign extension is received by this time, an RTPA's campaign may be extended for a period up to an additional six months (ending no later than June 30, 2019). The RTPA's campaign period is deemed to have run continuously from the date of the filing of nomination until the end date specified in section 88.28 of the *MEA*.

It is important to fully reference Section 88.28 of the *MEA*, as there are various conditions not identified in the above section which may be applicable to an RTPA's campaign period and/or their submission deadline.

7.17 Financial Statements and Disclosure

It is the responsibility of the RTPA to file a complete and accurate financial statement **in person at Town Hall** by the deadline applicable to their respective campaign. All RTPAs for the 2018 Municipal Election must disclose their contributions and expenses, using the prescribed form, no later than 2:00 p.m. on March 29, 2019.

The prescribed form for use in the submission of an RTPA's financial statement will be made available to all RTPA's by the Town Clerk. An auditor's report shall accompany an RTPA's financial statement and be prepared by an auditor licensed under the *Public Accounting Act, 2004*, if required. No auditor's report is required if the total contributions received and total expenses incurred in an RTPA's campaign, up to the end of the relevant period, are each equal to or less than \$10,000.

At least 30 days prior to the filing date, the Town Clerk will give notice to every RTPA of the date in which they are required to file as well as with respect to any penalties that may be associated with non-compliance.

RTPA's financial statements (and auditor's report, if applicable) are deemed to be public documents and will be posted to the Town's website in their entirety. The documents will be available to the public until the new council takes office following the next regular election.

In the event of a campaign that was extended to June 30, 2019 pursuant to Section 88.28 3. of the *MEA*, the financial statement must be submitted no later than 2:00 p.m. on September 27, 2019.

If an extension to a filing deadline is required, it must be sought from the court prior to the regular or supplementary filing deadline (whichever is applicable). The court cannot extend the filing deadline by more than 90 days. If the financial statement is not filed by the deadline and no extension through the courts has been sought and obtained, the penalties (i.e. not entitled to register as a third party advertiser in the next election) are to take effect immediately (Section 88.27 of the *MEA* can be referenced for further information related to penalties associated with failure to meet financial filing requirements).

If an RTPA notifies the Clerk of an extension to their campaign, they are still required to submit a financial statement by March 29, 2019 to account for all expenses related to their campaign period up to December 31, 2018. Additionally, they must also file a supplementary financial statement by September 27, 2019 accounting for all expenses related to their campaign period up to June 30, 2019. The supplementary statement is to cover the entire campaign period, updated to reflect changes to the RTPA's election campaign finances during the extended campaign period.

7.18 Campaign Surplus and Deficits

Pursuant to Section 88.31 of the *MEA*, an RTPA has a surplus if total credits exceed the total debits, and a deficit if the reverse is true. If an RTPA's financial statement or

supplementary financial statement shows a surplus and the campaign period has ended at the time the statement is filed, they shall pay the surplus to the Town Clerk in trust (reduced by the amount of any refund owed – see below).

An RTPA who has a surplus and has made a contribution to their campaign and/or their spouse has made a contribution may, after the campaign period ends but before filing the financial statement or supplementary financial statement, refund to themselves or their spouse an amount that does not exceed the lesser of the relevant contribution(s) and the surplus.

If an RTPA's campaign reconvenes due to reasons provided for by various sections in the *MEA* (i.e. recount, compliance audit, controverted election), the amount held in trust by the Town Clerk shall be paid to the RTPA with interest. However, when a campaign has ended and it is no longer possible to recommence the campaign period due to a recount, compliance audit or controverted election, the surplus becomes the property of the municipality.

7.21 Record Keeping/Accounting System

Consulting with an auditor (specifically one with experience in campaign financing) on an election campaign accounting system is advisable. This will ensure that an RTPA's record keeping and accounting procedures are followed in a satisfactory manner, allowing any necessary audits to be carried out at minimal cost. The auditor is required to examine and to report as to whether the financial statement presents fairly the information contained in the accounting records on which the financial statement is based. Further information regarding campaign accounting requirements can be found in the *MEA*.

7.22 Compliance Audits

As per Section 88.37 of the *MEA*, a Compliance Audit Committee will be constituted for the purpose of addressing applications requesting an audit of an RTPA's financial statement, and to review a report prepared by the Town Clerk identifying any suspected instances of over-contributions by campaign contributors. The Committee's term will be equal to that of the elected Council. The central role of the Committee will be to review applications and grant or reject audit requests, and to receive and review the aforementioned Clerk's report on over-contributions. Where an audit request is approved by the Committee, the Committee will appoint an auditor to review the matter, and the Committee will decide whether legal proceedings shall be commenced after reviewing the findings of the auditor.

This information is provided in respect to the Town's Compliance Audit Committee for offices on Municipal Council and campaign activities of RTPA's. School Boards are also required to establish a Compliance Audit Committee in regard to Trustee candidates, which are subject to some but not all of the provisions outlined above. Please refer to applicable legislation for more information.

7.23 Penalties

Pursuant to section 88.27 (2) of the *MEA*, RTPAs that fail to file their financial statement by the relevant deadline, fail to pay a surplus to the Town Clerk as indicated on their financial statement, incur expenses in excess of their permitted amount, and/or fail to pay

a surplus after incurring subsequent expenses, shall be in default and issued a notice of default by the Town Clerk.

All RTPAs found in default are not entitled to register as an RTPA in relation to a subsequent election in the municipality until after the next regular election has taken place.

RTPAs may apply to the Superior Court of Justice to extend the time for filing their financial statement. If the court is satisfied that there are mitigating circumstances justifying a later date for filing, the court may grant an extension of time to file the necessary documents, and such extension shall not exceed 90 days. Additionally, the penalties resulting from default shall cease to apply if, within 30 days of the original filing deadline, the RTPA submits the relevant documentation and pays the Town Clerk a late filing fee of \$500. The late filing fee is the property of the municipality and shall not be returned.

8.0 ACCESSIBILITY

8.1 Accessibility Provisions within the Municipal Elections Act

Pursuant to Section 12.1 of the *MEA*, the Town Clerk shall have regard to the needs of electors and candidates with disabilities. The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day. As mandated by Section 45(2) of the *MEA*, all voting places must be accessible to electors with disabilities. Within 90 days after voting day, the Town Clerk shall submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

8.2 Accessible Voting Methods

The provision of internet and telephone voting options greatly enhances the accessibility of Ajax elections. With the procured internet and telephone voting system, each screen in the voting process has been designed using basic language, simple graphics, and high contrast; additionally, the program is compatible with screen-reading technology and other assistive devices. Electronic voting also enables persons with mobility challenges or other disabilities to vote from the comfort of their home where accessible assistive devices may already be set up, eliminating the need for travel. Further accessibility considerations are documented in the Accessible Ajax 2018 Municipal Election Accessibility Plan.

8.3 Accessibility Resources for Candidates

Candidates must also have regard to the needs of electors with disabilities. Campaign offices, election materials and canvassing should all be reviewed in order ensure that they are accessible to all electors, including those with disabilities.

The Town of Ajax also has numerous materials to educate town staff, local businesses and the general public about accessibility. For more information on the provision of service to persons with disabilities, please visit:

<http://www.ajax.ca/en/livinginajax/accessibleajax.asp>