Candidate and Third Party Advertiser Information Session
2026 Municipal Election

Niagara Region
November 19, 2026

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- The slides 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.

Overview

- Campaign finances
- Compliance audit
- Recounts
- Resources



Campaign Finances

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



- 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	Spending Limit After Voting Day for Parties, Expressions of Appreciation, Gifts, Etc.
• Head of council: $7500 + 85 cents per elector • All other offices: $5000 + 85 cents per elector	• 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
• Provided at the time of nomination (candidate) or registration (third party advertiser). • Based on the previous year's voters list	• Provided by the clerk on or before September 30 of the election year. • Based on the most current voters' list after corrections.

- 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)

Third Party Advertiser Spending Limits

- General spending limit
  - Formula: $5,000 plus $0.05 per elector, to a maximum of $25,000
  - Based on the number of electors entitled to vote in the election
- Separate spending limit for parties and other expressions of appreciation after voting day
  - Set at 10% of the general spending limit
  - Consistent with the spending limit in place for candidates



Campaign Finance Rules

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

Candidates	Third Party Advertisers
• Sections 88.8 to 88.11 and 88.15 to 88.20	• 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.

Compliance and Enforcement

Compliance Audit

- Every council and school board must establish a compliance audit committee
- Eligible elector may apply for a compliance audit of your campaign finances
  - Applications must be submitted to the clerk within 90 days of the campaign financial statement filing deadline
- Committee will
  - Consider the application
  - Decide whether to grant or reject the application
- A person may commence legal action on their own in court

Compliance Audit – If Granted

- Committee appoints an auditor if it grants the application
  - Auditor is entitled to have access to all of the financial records related to the campaign
  - Auditor will produce a report
- Committee meets to consider auditor's report and decide whether to commence legal action
- Only a court can decide if candidate contravened the Act and apply penalties

Automatic Penalties

Any of the following contraventions

1. Failing to file a financial statement by end of the 30-day grace period or fail to apply to the court for an extension before March 30, 2027
2. Exceeding spending limit
3. Fail to turn over a surplus to the clerk when you file financial statement

Results in

Automatic Penalties

1. Forfeiture of office if elected
2. Become ineligible to run or be appointed to fill a vacancy until after the 2030 election

Other Penalties

- If convicted of an offence under the *Municipal Elections Act*, you may be subject to following penalties:
  - A fine of up to $25,000
  - Ineligibility to vote or run in next general election
  - Up to 6 months in prison
  - Forfeiture of elected office, if the judge finds that you committed the offence knowingly



- If convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit

Key Dates and Resources

Key Dates

Key Date	Activity
May 1, 2026	Opening of nominations/registration as third-party advertiser
August 21, 2026	Nomination Day
October 23, 2026	Last day for third-party advertisers to register
October 26, 2026	Voting day
December 31, 2026	Candidate and Third-party advertiser campaign periods end
March 30, 2027	Campaign financial statement filing deadline

Resources

- Legislation
  - *Municipal Elections Act, 1996*
  - *Municipal Act, 2001*
  - *Municipal Conflict of Interest Act*
  - *Education Act*

- Municipal Election Guides
  - *2026 Election guides*
  - *Municipal councillor's guide*
  - *Municipal World*



Questions



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