



# **Municipality of Lakeshore**

## **2022 Municipal Election**

**Clerk's Report**  
pursuant to sections  
88.23(4), 88.34 and  
88.36 of the  
*Municipal Elections*  
*Act, 1996*

## Introduction

This report has been prepared in accordance with sections 88.23(4), 88.34 and 88.36 of the *Municipal Elections Act, 1996*, S.O. 1996, Sched. 32.

### Part #1 – Filing Financial Statements

Section 88.23(4) of the *Municipal Elections Act, 1996*, S.O. 1996, Sched. 32, requires the Clerk to prepare a report relating to the following:

#### Clerk's report re filing requirements

(4) 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.

#### Same

(5) The report mentioned in subsection (4) shall be made available on a website or in another electronic format as soon as possible after,

(a) April 30 in the year following a regular election; and

(b) 90 days after voting day in a by-election.

Under section 88.25(1) of the Act, all candidates who filed a nomination must also file a financial statement and auditor's report (if applicable), each in the prescribed form, reflecting the candidate's election campaign finances as of December 31<sup>st</sup> in the year of the election.

The filing date for documents that are to be filed under section 88.25 is the last Friday in March following the election. For the 2022 election, the filing deadline was March 31, 2023 at 2:00 PM.

At the time of filing their nomination paper, all candidates were provided the financial statement form as well as a copy of the Province of Ontario's "2022 Candidates' Guide – Ontario municipal council and school board elections" which provided guidance relating to campaign spending and contributions. It is the responsibility of each candidate to ensure their financial statement is complete and accurate, and filed by the filing deadline.

In addition, and in accordance with section 88.25(9) of the Act, the Clerk provided notice of the following:

1. All the filing requirements of this section.
2. The candidate's entitlement to receive a refund of the nomination filing fee if he or she meets the requirements of section 34.
3. The penalties set out in subsections 88.23 (2) and 92 (1).

This notice was sent by email as well as registered mail to all candidates on February 28, 2023.

The following table indicates whether each candidate complied with section 88.25 of the Act.

<b>Candidate</b>	<b>Office</b>	<b>Submitted financial statement by March 31, 2023 at 2:00 PM in compliance with section 88.25 of the Act</b>
Tracey Bailey	Mayor	Yes
Tom Bain	Mayor	Yes
Dave Monk	Deputy Mayor	Yes
Kirk Walstedt	Deputy Mayor	Yes
Ryan McNamara	Councillor - Ward 1	Yes
Nick Panasuik	Councillor - Ward 1	Yes
Paddy Byrne	Councillor - Ward 2	Yes
Michael Hoffman	Councillor - Ward 2	Yes
Giovanni Butera	Councillor - Ward 3	Yes
Kelsey Santarossa	Councillor - Ward 3	Yes
Mohamed Seddik	Councillor - Ward 3	Yes
Jennifer Alderson	Councillor - Ward 4	Yes
Sarah Aubin	Councillor - Ward 4	No
John Kerr	Councillor - Ward 4	Yes
Ian Ruston	Councillor - Ward 5	Yes
Steve Anhorn	Councillor - Ward 5	Yes
Tim McDermott	Councillor - Ward 5	Yes
David Cecile	Councillor - Ward 6	No
David Larue	Councillor - Ward 6	No
Larissa Vogler	Councillor - Ward 6	Yes

<b>Candidate</b>	<b>Office</b>	<b>Submitted financial statement by March 31, 2023 at 2:00 PM in compliance with section 88.25 of the Act</b>
Paddy Byrne (withdrawn)	Councillor - Ward 6	Yes
Tammy Mailloux (withdrawn)	Councillor - Ward 6	Yes
Connie Buckler	Trustee – Greater Essex County District School Board	Yes
Chris Lanman	Trustee – Greater Essex County District School Board	Yes
Cynthia Burk	Trustee – Windsor Essex Catholic District School Board	Yes
Lisa Soulliere	Trustee – Windsor Essex Catholic District School Board	Yes
Doris Sauve	Trustee - Conseil scolaire providence - Area 5	Yes
Paul Lachance	Trustee - Conseil scolaire providence - Area 7	Yes

## Part #2 – Contributions to Candidates

Section 88.34 of the *Municipal Elections Act, 1996*, S.O. 1996, Sched. 32, requires the Clerk to review contributions to candidates.

Section 88.15 of the Act defines campaign contributions as money, goods and services that are given to and accepted by a candidate for use in their campaign, or given to and accepted by another person who is acting under the candidate's direction, including money and goods that a candidate or their spouse contributes to their own campaign.

### Review of contributions to candidates

**88.34(1)** The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9.

### Report, contributions to candidates for council

**(2)** As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.

### Same

**(3)** The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

### Same

**(4)** The clerk shall forward each report prepared under subsection (2) to the compliance audit committee.

### **Report, contributions to candidates for a local board**

**(5)** As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor's total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board.

### **Same**

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

### **Same**

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee.

In reviewing the contributions listed on the financial statements filed by each candidate, the Clerk reviewed whether any of the contribution limits under section 88.9 of the Act appeared to have been exceeded:

### **Maximum contributions to candidates**

**88.9 (1)** A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

### **More than one office**

**(2)** If a person is a candidate for more than one office, a contributor's total contributions to him or her in respect of all the offices shall not exceed "\$1,200.

### **Exception, mayor of City of Toronto**

**(3)** Despite subsections (1) and (2), for the purposes of those subsections the maximum total contribution that a contributor may make to a candidate for the office of mayor of the City of Toronto is \$2,500.

### **Multiple candidates**

**(4)** A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.

### **Exception, candidates and spouses**

**(5)** This section does not apply to contributions made to a candidate's own election campaign by the candidate or his or her spouse.

### **Maximum contributions to a candidate's own election campaign**

**88.9.1 (1)** A candidate for an office on a council and his or her spouse shall not make contributions to the candidate's own election campaign that, combined, exceed an amount equal to the lesser of,

(a) the amount calculated by adding,

(i) in the case of a candidate for the office of head of council of a municipality, \$7,500 plus 20 cents for each elector entitled to vote for the office, or

(ii) in the case of a candidate for an office on a council of a municipality other than the office of head of council, \$5,000 plus 20 cents for each elector entitled to vote for the office; and

(b) \$25,000.

The Clerk compared the contributions per contributor to the single candidate limit (\$1,200 per candidate), the contributions per contributor for 2 or more candidates (\$5,000 total) and the contributions made by the candidate or their spouse to their own campaign to the self-contribution limits.

After reviewing the financial statements, the Clerk did not identify any contributors who appeared to have exceeded the contribution limits as outlined in section 88.9 of the Act.

### **Part #3 – Contributions by Registered Third Party**

Section 88.36 of the *Municipal Elections Act, 1996*, S.O. 1996, Sched. 32, requires the Clerk to review contributions by a registered third party under section 88.29 of the Act.

A registered third party is defined under the Act as an individual, corporation or trade union that is registered under section 88.6 of the Act.

There were no registered third parties for the 2022 election.

Reported by:

*KristenDNewman*

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Kristen Newman, Clerk

May 2, 2023