

Type of Decision									
Meeting Date	Friday, May 20, 2011				Report Date	Wednesday, May 18, 2011			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction		Information Only		X	Type of Meeting	X	Open		Closed
REPORT TITLE									
Extended Deadline for Filing Financial Documents Report - 20/05/11/703									

SUBJECT: Information on the extension of filing of financial election documents.

RECOMMENDATION: That each member of Council ensure that they have correctly completed and submitted the Form 4 election financial statements to my office by June 24, 2011 at 2 p.m. Although I have yet to see a copy of the judge's order, I have been advised verbally by Mr. Sheppard's office that the filing deadline has been extended for all 5 council members.

BACKGROUND/EXECUTIVE SUMMARY:

**It is the responsibility of the candidate to ensure the accuracy of the information contained within the report, not the Clerk or any other staff member. Please DO NOT sign the form unless in my presence, (or Ruth's as Deputy Clerk in my absence.) The deadline for filing as per the judge's order is 90 days from March 25, 2011 which falls on June 24, 2011 at 2:00 p.m.**

According to the Municipal Election's Act and as I am sure you are all aware...

#### **Financial statement and auditor's report**

**78. (1)** On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day. 1996, c. 32, Sched., s. 78 (1); 2000, c. 5, s. 35 (1); 2002, c. 17, Sched. D, s. 29 (1); 2009, c. 33, Sched. 21, s. 8 (41).

#### **Additional penalties**

**80. (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 he or she fails to file a document as required under section 78 or 79.1 by the relevant date;
- (b) if a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by subsection 79 (4) to the clerk by the relevant date;

- (c) if a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or
- (d) if a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1 (7) by the relevant date. 2009, c. 33, Sched. 21, s. 8 (44).

**Same**

- (2) In the case of a default described in subsection (1),
  - (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
  - (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies. 2009, c. 33, Sched. 21, s. 8 (44).

**Notice of default**

- (3) In the case of a default described in subsection (1), the clerk shall notify the candidate and the council or board in writing that the default has occurred. 2009, c. 33, Sched. 21, s. 8 (44).

FINANCIAL CONSIDERATIONS:

Others Consulted:

Approved and Recommended by the Clerk

Melinda Reith,  
Municipal Clerk

*Melinda Reith*