



Clerk’s Report under section 88.23(4) of the Municipal Elections Act, 1996, as amended.

Background

Section 88.23 of the Municipal Elections Act, 1996, as amended, (“the Act”) states:

Clerk’s Report re filing requirements, section 88.23

(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. 2016, c. 15, s. 60.

(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;

Cessation of penalty

(9) The penalties set out in subsection (2) for a default described in clause (1) (a) do not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under section 88.25 or 88.32 and pays the clerk a late filing fee of \$500. 2016, c. 15, s. 60.

Section 88.25 provides in part:

Candidates’ financial statements, etc.

88.25 (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. 2016, c. 15, s. 60.

Exception re auditor's report

(8) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 2016, c. 15, s. 60.

Documents filed after filing date

(12) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1). 2016, c. 15, s. 60.

The penalties for non-compliance are provided under section 88.23(2) as follows:

Penalties

- (2) Subject to subsection (7), 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. 2016, c. 15, s. 60.

Analysis

Two candidates in the 2022 City of Stratford Municipal Election did not file a candidate financial statement by the deadline as required in section 88.25 of the Act and are in default:

1. Pascal D'Astous
2. Daniel Nedecki

The following is the list of all candidates, indicating whether each candidate complied with section 88.25, as required by Section 88.23(4) of the Act:

Candidate for the Office of Mayor

Candidate Name	Compliance with Section 88.25
Martin Ritsma	Compliant
Robert Ritz	Compliant
Kathy Vassilakos	Compliant

Candidate for the Office of Councillor

Candidate Name	Compliance with Section 88.25
Brad Beatty	Compliant
Lesley Biehn	Compliant
Taylor Briscoe	Compliant
Jo-Dee Burbach	Compliant
Lisa Cloutier	Compliant
Pascal D'Astous	Not Compliant
Jason Davis	Compliant
Ryan Doyle	Compliant
Tom Drake	Compliant
Tim Forster	Compliant
Dave Gaffney	Compliant
Bonnie Henderson	Compliant
Mark Hunter	Compliant
Alan Kasperski	Compliant
Geoff Krauter	Compliant
Kevin Kruchkywich	Compliant
John Lewis	Compliant
James Montgomery	Compliant
Ian Morton	Compliant
Daniel Nedecki	Not Compliant
Harj Nijjar	Compliant
Jobyna Powath	Compliant
Don Robinson	Compliant
Rob Russell	Compliant
Cody Sebben	Compliant
Robb Williamson	Compliant
Ken Wood	Compliant
Geza Wordofa	Compliant

Avon Maitland District School Board Trustee

Candidate Name	Compliance with Section 88.25
Michael Bannerman	Compliant
Deepika Mishra	Compliant
Andrew Mugford	Compliant
Bruce Whitaker	Compliant

Huron-Perth Catholic District School Board Trustee

Candidate Name	Compliance with Section 88.25
Tina Doherty	Compliant

Dated: May 3, 2023