

2021 Edmonton Election Non Compliance in Relation to Campaign Disclosure Statements

RECOMMENDATION

That the March 14, 2022, Office of the City Clerk report OCC01131, be received for information.

Report Purpose

Information only.

As required by the *Local Authorities Election Act (LAEA)*, the Returning Officer is informing City Council of nominated Candidates from the 2021 Edmonton Election that have failed to file their Campaign Disclosure Statement by March 11, 2022.

Executive Summary

- As per the *Local Authorities Election Act (LAEA)*, all nominated Candidates in a general election, even if they withdrew or were acclaimed, must submit a complete Campaign Disclosure Statement by the filing deadline of March 1, 2022.
- If nominated candidates fail to submit as per the requirements of the LAEA by this deadline a late filing fee of \$500 is applied which is payable to the local jurisdiction.
- Nominated candidates who fail to submit 10 days after the filing deadline shall have their name listed in a report to be transmitted to Council and made public upon that transmission as per the LAEA.
- This report outlines these legislative requirements and a list of all nominated municipal candidates that have failed to file their campaign disclosures within the legislated timeline. Nominated candidates for the Edmonton Public School District and Edmonton Separate Catholic School Division are not included in this report as they have a separate governing body.

REPORT

The *Local Authorities Election Act (LAEA)* outlines the requirements for campaign finance and disclosures of nominated candidates in municipal elections. Section 147.4(1) of the *LAEA* requires

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that all nominated candidates file a Campaign Disclosure and Financial Statement by the filing deadline. This disclosure is required to be made in the prescribed form, and as per Section 147.4(1) of the *LAEA* must be submitted along with an itemized expense report. In addition, Section 147.4(2) of the *LAEA* states candidates who incurred campaign expenses or received contributions of \$50,000 or more must file a review engagement as defined in the *Chartered Professional Accountants Act*. For the 2021 Edmonton Election, the filing deadline was March 1, 2022.

As per Section 147.7 of the *LAEA*, candidates who fail to file by this deadline automatically owe a late filing fee of \$500. Sections 147.7 and 147.8(a) of the *LAEA* state that candidates who fail to file 10 days after the filing deadline has passed shall have their name listed in a report to be transmitted to City Council and that report shall be made public. If a candidate's name appears in this report, they are ineligible to become a nominated candidate for a period of up to eight years for not filing a statement or three years following the day of disclosure statement filing as per Section 22(1.2) of the *LAEA*.

Edmonton Elections made the filing deadline and the requirement to submit a disclosure statement publicly available before the Campaign Period began. This was done through a Candidate Virtual Information Session held on December 10, 2020, and this information has also been outlined on Edmonton Elections Website.

In November 2021, Edmonton Elections published a guide for candidates on how to complete the disclosure form, as well as necessary attachments and supporting documents. At this same time, Edmonton Elections sent a reminder of these deadlines and requirements via the Edmonton Elections candidate newsletter, and directed them to the support tools provided on the website.

Edmonton Elections then sent email reminders directly to all nominated candidates via the personal contact information on file in December 2021, January 2022 and on a weekly basis in February 2022. The Returning Officer sent a formal letter via email to all nominated candidates whose disclosures were still pending on February 24 outlining the consequences of not filing.

After the filing deadline, Edmonton Elections sent an email to candidates who had failed to file to inform them of the late filing fee and again outline the implications of not filing by March 11, 2022. Edmonton Elections made phone calls to all candidates that it had not received any communication from on March 8, 2022.

The nominated candidates included in Attachment 1 did not file their disclosure statements before 11:59 pm on March 11th, 2022, as required in Section 147.4 of the *LAEA*.

GBA+

All nominated candidates in the 2021 Edmonton Election are impacted by these deadlines. However, some candidates may have had less access to resources or increased challenges in running in the election due to their social location due to gender, race, social class, age, ability, religion, sexual orientation, geographic location, and other identity factors.

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Edmonton Elections had five guiding principles in the 2021 Edmonton Election : Accessible, Inclusive, Equitable, Ethical and Safe. In accordance with the Accessible, Inclusive, Equitable and Ethical principles, Edmonton Elections worked hard to ensure both aspiring and nominated candidates had access to the information they needed to run in the 2021 Edmonton Election.

As noted above, Edmonton Elections made an intentional effort to ensure that all aspiring and nominated candidates were aware of the campaign finance and disclosure rules outlined in the *LAEA*.

ATTACHMENT

1. Candidates that have failed to file Campaign Disclosure Statements by Legislated Deadline (2021 Municipal Election)