



Municipal Election Compliance Audit Committee

Meeting Date: August 1, 2023

FROM: Clerk's Department

DATE: July 7, 2023

SUBJECT: Application for a compliance audit of a Candidate's 2022 regular election campaign finances

RECOMMENDATION:

That the Municipal Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2022 regular election campaign of Candidate Nav Nanda for Town & Regional Councillor Ward 7 be granted or rejected.

KEY FACTS:

The following are key points for consideration with respect to this item:

- This report provides information regarding an application submitted for a compliance audit of a candidate's election campaign finances.
- The 30-day timeline for the Committee to consider and decide on this matter expires on Monday, August 7, 2023.

FINANCIAL IMPLICATIONS:

All costs associated with a compliance audit would be funded from the Election Expense Reserve Fund.

BACKGROUND:

The *Municipal Elections Act, 1996, S.O. 1996, c. 32 (Act)* regulates municipal and school board elections in Ontario and outlines the deadlines, responsibilities, and penalties for all registered candidates and third parties with respect to campaign finances. Pursuant to section 88.29, all candidates are obligated to file a financial statement and auditor's report, as required, using the prescribed form. Once received by the Clerk's office, these statements are posted publicly to the election website. In order to complete a financial statement, candidates are required to provide details regarding their expenses and campaign contributions.

In accordance with section 88.33 of the Act, an eligible voter who believes on reasonable grounds that a candidate has contravened a provision of the Act relating to campaign finances may apply for a compliance audit of the candidate's election campaign finances. This section of the Act requires the Clerk to forward the application to the Committee within ten days of receipt. The Committee must then consider the application and determine whether it should be granted or rejected within thirty days. The process for the Committee to hear the application is set out in section 88.33 of the Act.

On June 29, 2023, Gobinder Randhawa submitted an application for a compliance audit of Ward 7 Town & Regional Councillor candidate Nav Nanda's campaign finances. The application and supporting materials are appended to this report.

NEXT STEPS:

The Committee will hear from both the Applicant and the Candidate, ask questions, consider the submissions of each party, and will by way of resolution, make the decision to grant or reject the compliance audit application. The Committee is required to make their decision within thirty days of the Committee's receipt of the application, which is no later than August 7, 2023 (*as the 30-day mark falls on Sunday, August 6, 2023*).

Should the Committee decide to grant the application, the Committee must then appoint an auditor who will conduct an audit of the candidate's campaign finances to determine whether they have complied with the provisions of the Act. If it is found that there has been a violation, the auditor will prepare a report outlining any apparent contravention(s) by the candidate.

The report will be provided to the Clerk, Applicant, Candidate, and members of the Committee. If the report concludes that the candidate appears to have breached the campaign finance provisions of the Act, the Committee is then required to decide whether to commence legal proceedings against the candidate for the apparent contravention within thirty days.

All decisions of the Committee and reasons for the decision will be provided to the parties involved.

APPENDICES:

Appendix A – Compliance Application Request
Appendix B – Financial Statement of Nav Nanda

Prepared by:
Andrea Coyne, Manager, Elections, Policy, Print Services

Submitted by:
Vicki Tytaneck, Town Clerk