



Municipal Election Compliance Audit Committee

Meeting Date: September 27, 2023

FROM: Clerk's Department

DATE: August 23, 2023

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

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 Julia Hanna, Mayoral Candidate, 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.
- An application for a compliance audit of Mayoral Candidate Julia Hanna's campaign finances was received on July 28, 2023.
- A meeting of the Municipal Election Compliance Audit Committee was scheduled for August 29, 2023 to consider this request.
- A request for adjournment of the August 29, 2023 meeting to consider the application for a compliance audit of the finances for the 2022 regular election campaign of Mayoral Candidate Julia Hanna for a later date in September was granted by the Committee on August 21, 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 July 28, 2023, Scott Barber submitted an application for a compliance audit of Mayoral Candidate Julia Hanna's campaign finances. The application and supporting materials are appended to this report.

On August 16, 2023, a written request was received from the Candidate's Counsel for a one-month adjournment of the meeting scheduled for August 29, 2023. The Applicant did not object to this request. A meeting was held August 21, 2023 for the committee to consider this adjournment request.

In accordance with section 21 of the *Statutory Powers Procedure Act*, the Committee granted the Candidate's request for an adjournment of the hearing scheduled for August 29, 2023 and the Town Clerk was directed to fix a date and time for the hearing of the Application in September 2023 (Minutes attached as Appendix A). The meeting was adjourned to September 27, 2023.

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.

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 Audit Committee meeting minutes of August 21, 2023

Appendix B – Compliance Application Request

Appendix C – Financial Statement of Julia Hanna

Prepared by:

Andrea Coyne, Manager, Elections, Policy, Print Services

Submitted by:

Vicki Tytaneck, Town Clerk