

# Memo

To: Mayor Burton and Members of Council  
From: Andrea Coyne, Manager, Elections, Policy, Print Services, Clerk's Department  
CC: Vicki Tytaneck, Town Clerk  
Date: June 24, 2024  
Subject: Compliance Audit Process under the Municipal Elections Act

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The purpose of this memo is to provide clarity to Council on the compliance audit process under the Municipal Elections Act, 1996 (Act). The compliance audit process allows electors who believe a candidate has violated election campaign finance provisions to apply for a compliance audit. The statutory compliance audit process applies to all candidates while running for office and who may or may not be elected as a member of municipal council.

Every municipality must establish a Compliance Audit Committee (CAC), an independent, statutory body whose responsibilities and powers are largely prescribed by the Act. As this process is entirely separate from the town's operations and administration, the Clerk's department and internal legal staff do not hold decision-making authority. External counsel is retained for any meetings scheduled of the Compliance Audit Committee to act as legal counsel for the Committee.

In accordance with the established [Terms of Reference](#) and [Administrative Practices and Procedures](#) for the CAC, the Clerk only provides administrative support to the Committee, including accepting compliance audit requests, facilitating compliance audit committee meetings, acting as a liaison with any auditor or legal counsel, and carrying out any other duties required under the Act to implement the committee's decisions.

When an elector submits a compliance audit application, the Clerk ensures the application is complete, that it is submitted by an elector who is entitled to vote, and forwards it to the CAC for consideration in accordance with the Committee's established [administrative practices and procedures](#) and the Act. There is ongoing [advocacy efforts](#) for the province to provide clarity on who may submit a compliance audit application and there is pending litigation on this matter to be dealt with by the Ontario Superior Court of Justice scheduled for the Fall.

All decisions related to the approval or denial of compliance audit applications are made solely by the CAC, with advice from external legal counsel. This separation from the Town ensures the process remains impartial and independent from the municipality, maintaining the integrity of the compliance audit process.

If you have further questions, please don't hesitate to contact me.  
Andrea Coyne