

NOTICE OF DECISION

CITY OF GREATER SUDBURY ELECTION COMPLIANCE AUDIT COMMITTEE established pursuant to Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF an Application for a Compliance Audit pursuant to subsection 88.33(1) of the *Municipal Elections Act, 1996*;

AND IN THE MATTER OF a Meeting of the Election Compliance Audit Committee (the “Committee”), held Thursday, April 27, 2023.

PURPOSE

The Committee held a meeting on Thursday, April 27, 2023 at 9:30 a.m. to consider an Application for a Compliance Audit (the “Application”), submitted by Anastasia Rioux (the “Applicant”) with respect to the 2022 City of Greater Sudbury Municipal Election and the campaign finances of William (Bill) Leduc, Candidate for the office of Councillor Ward 11 (the “Candidate”).

The meeting was held in a hybrid format in accordance with the provisions of By-law 2023-1 of the Committee, being a By-law to Establish Procedural Rules for the Committee.

DECISION

On reviewing the documents and materials submitted by the Applicant and the Candidate, including the Candidate’s Form 4 Financial Statement and accompanying Auditor’s Report, filed March 23, 2023, and on hearing the oral submissions from the Applicant and the Candidate, and on hearing from City staff members requested by the Committee to provide information, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee to grant the Application in accordance with subsection 88.33(7) of the *Municipal Elections Act, 1996* and to order a compliance audit in accordance with subsection 88.33(10) of the *Municipal Elections Act, 1996*.

REASONS

The reasons for the decision are as follows:

1. The Applicant applied for a compliance audit of the election campaign finances of the Candidate in connection with his election campaign for the office of Councillor Ward 11 in the 2022 Municipal Election.
2. The Application alleged that the Candidate contravened the City’s By-law 2022-62 Use of Municipal Resources During an Election Campaign Period Policy (the “Use of Municipal Resources Policy”) on account of his involvement with and conduct at an event held on September 11, 2022, referred to as the Grandparents Day event, held at the Westmount Retirement Residence in the City (the “Event”). The

Application alleged that the Candidate used City resources at the Event for the purpose of his campaign, and was actively campaigning at the Event, in contravention of the Use of Municipal Resources Policy.

3. In his written submissions in response to the Application, the Candidate submitted that the Committee does not have the authority to consider violations unrelated to the campaign finances rules in the *Municipal Elections Act, 1996*.
4. The Committee is cognizant that it is not the role of the Committee to consider alleged violations of City policies. Rather, the Committee must look at whether there are reasonable grounds to believe there has been a contravention of a provision of the *Municipal Elections Act, 1996* relating to election campaign finances by the Candidate.
5. In this regard, the Committee finds that there is reason to believe the Candidate has contravened the campaign finance rules in respect of certain donations he made to the Event.
6. The Applicant provided a video taken during the Event, which depicts the Event emcee introducing the Candidate and "Team Leduc" before reading a proclamation. In the video, the emcee states "thank you so much for putting this together, Bill. All your food, all your prizes, compliments of Bill Leduc." This was highlighted by the Applicant in her oral submissions to the Committee. The Application also referred to a Facebook post by the Candidate where these prizes were promoted.
7. The Candidate was questioned about this video by members of the Committee. In response to those questions, the Candidate admitted to purchasing and donating prizes to the Event, including but not limited to a children's ride-on toy car. The Candidate admitted the cost of these prizes were paid out of his personal funds, not his election campaign funds. The Candidate further admitted that the cost of these prizes were not recorded as a campaign expense or a contribution to his election campaign in the Candidate's financial statement.
8. Photographs and videos provided to the Committee demonstrate that the Candidate did promote his candidacy at the Event. The Candidate took the position in his written response that he was not campaigning at the Event, and provided letters from individuals in attendance at the Event stating that they did not see the Candidate campaigning at the Event. However, the Candidate's submissions and the letters provided by the Candidate, framed in near-absolute terms, are not credible in light of the photographs and videos which clearly demonstrate the Candidate's election campaign materials being displayed at or in proximity to the Event.
9. The Applicant provided several photographs, taken from the Candidate's Facebook page, which showed the Candidate and several other individuals wearing a "Team Leduc" jacket at the Event. These jackets appeared in a

Facebook post made by the Candidate before the Event wherein the Candidate indicates the jackets are associated with his election campaign. The Candidate also confirmed during the meeting that these “Team Leduc” jackets were used for his campaign and were worn at the Event.

10. The Applicant also provided a photograph of the Candidate’s vehicle with a magnetic election sign parked on a grass area outside the driveway to property where the Event was held. The Candidate’s written response stated that his vehicle was not parked “on the property,” however when questioned by the Committee, the Candidate confirmed it was his vehicle depicted in the photograph.
11. The Applicant also provided a campaign video produced by the Candidate which depicts footage from the Event. In his oral submissions, the Candidate confirmed that he produced this video for his election campaign, and used footage from the Event in this video.
12. The collective weight of the photographs and videos, and the Candidate’s own admissions, demonstrates that the Candidate’s election campaign was to some extent promoted at the Event. The Committee is of the opinion that in these factual circumstances, the cost of the prizes donated to the Event by the Candidate was a campaign expense because they were used, in part, for the Candidate’s election campaign and the promotion of the Candidate’s candidacy.
13. On that basis, the Committee is of the opinion that there are reasonable grounds to believe that:
 - a. the Candidate failed to properly record all campaign expenses and campaign contributions in his financial statement, namely, the prizes he donated to the Event; and
 - b. the Candidate paid for campaign expenses from personal funds, not from his campaign bank account.
14. For those reasons, the Committee has decided to appoint an auditor to conduct a compliance audit of the election campaign finances of the Candidate in accordance with subsection 88.33(10) of the *Municipal Elections Act, 1996*.