

Application for an Election Compliance Audit of Candidate's Campaign Finances

Presented To: Election Compliance Committee

Meeting Date: April 27, 2023

Type: Managers' Reports

Prepared by: Danielle Derochie
Clerk's Services

Recommended by: General Manager of
Corporate Services

Report Summary

This report provides information regarding an application submitted for a compliance audit of a candidate's election campaign finances.

Financial Implications

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

Background

The *Municipal Elections Act, 1996 (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 City 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 both in section 88.33 of the Act and section 15 of the Election Compliance Audit Committee Procedure By-law.

On April 4, 2023, Anastasia Rioux submitted an Application for an Election Compliance Audit of Ward 11 candidate, Bill Leduc'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 May 15, 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.

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

Resources Cited

[*Municipal Elections Act, 1996, S.O. 1996, c. 32*](#)