

Huron East Administration

To: Mayor MacLellan and Members of Council
From: Jessica Rudy, Clerk
Date: August 9, 2022
Subject: Establishment of a Joint Municipal Election Compliance Audit Committee for the 2022 Municipal Election

Recommendation:

That the Council of the Municipality of Huron East authorize the Clerk to proceed with the establishment of a Joint Municipal Election Compliance Audit Committee in accordance with the *Municipal Elections Act, 1996*, and;

And That Council consider approval of a By-law to establish and appoint members to the Compliance Audit Committee for the Corporation of the Municipality of Huron East and to adopt the Terms of Reference.

Background:

Section 88.37 (1) of the Municipal Elections Act (MEA), 1996 states that every Council, before October 1 of an election year, shall establish a Municipal Compliance Audit Committee for the purposes of reviewing and hearing complaints regarding election campaign financing.

It was proposed following a meeting of the Huron County Election Working Group that a Joint Compliance Audit Committee be established to serve all member municipalities within the County of Huron as was done in the past three elections. The Compliance Audit Committee would serve the needs throughout the County should an audit application be received. Committee per diems and normal expenses would be paid by the host Municipality where an application for audit has been filed and host municipal staff would provide administrative support to the Committee. The term of the Committee is 4 years and will include any applications derived from the 2022 Municipal Election and any subsequent by-elections during the 2022-2026 term.

The powers and functions in accordance with Section 88 of the MEA include:

- Consider the compliance audit application received from an elector or clerk and decide whether it should be granted or rejected;
- If the application is granted, appoint an auditor;
- Receive the auditor's report;
- Consider the auditor's report and decide whether legal proceedings should be commenced within 30 days of receiving the auditor's report; and,

- Recover the costs of conducting the audit from the applicant if the auditor's report indicates there were no apparent contraventions and if there appears there were no reasonable grounds for the application.

Note: The committee composition cannot include Council members and must be established by October 1, 2022 in accordance with Section 88.37(1), (2) & (3).

Rationale for Establishing a Compliance Audit Committee:

All Candidates and Third Party Advertisers are required to file provincially prescribed financial statements with the Clerk detailing their campaign financing activities. An eligible elector who believes on reasonable grounds that a candidate/third party advertiser has contravened the *Act* relating to campaign finances may apply for a compliance audit of the candidate's/third party advertiser's election campaign finances. The application must be made in writing to the Clerk, including the reasons for the elector's belief that the candidate/third party advertiser has contravened the *Act* and must be made within 90 days after the filing date of the candidate's financial statements Section 88.33(3).

Compliance Audit Committee Composition:

Compliance audit committee members must possess an in-depth knowledge of the campaign finance rules of the *Act* so they can make independent decisions on the merits of the applications. As the committee will operate as a quasi-judicial committee, prior experience on a committee, task force or tribunal would be an asset.

The Committee shall be comprised of three members and one alternate member. Committee members will be appointed by Council in accordance with the established By-law and Terms of Reference. Specifically, the Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include a Chair and the Clerk shall act as Secretary to this Committee.

Advertisements for applications were placed on the area municipality websites and submissions were made to the Huron County Clerk. The Elections Working Group reviewed and discussed the four applications that were received.

The Working Group is seeking to appoint Jacquie Bishop, Nancy Michie and Tom Prout with Rhonda Fischer being appointed as the alternate member.

Please refer to Attachment A for the Compliance Audit Committee Terms of Reference.

Others Consulted:

The Huron County Elections Working Group was involved in the committee selection process and the writing of this report.

Financial Impacts:

Nil.

Attachments:

[Attachment A](#): Compliance Audit Committee Terms of Reference

Signatures:

Jessica Rudy, AMP, Clerk

Brad McRoberts, MPA, P. Eng., CAO