

2022-2026 Joint Compliance Audit Committee Procedures

1. Application Process

- a) All applications for a compliance audit under the *Municipal Elections Act* shall be submitted in writing to the applicable Municipalities' Clerk on the Application for a Compliance Audit form (Appendix 1).
- b) All applications shall contain the name, contact information and qualifying address of the applicant.
- c) All applications shall outline the reasons and background information they considered by the applicant when determining there was reasonable grounds to believe the candidate or registered third party advertiser contravened a provision of the *Municipal Elections Act* related to campaign finances.
- d) Upon receipt of the completed application, the applicable participating Municipalities' Clerk shall review the application and complete the date filed portion of the application, sign and email same to the County Clerk within two working days.
- e) The County Clerk shall provide the application along with a covering memo (informal notice) to the Committee members within 10 calendar days of the date filed. The memo shall request their availability to meet within 30 days of receipt of the application. Members shall respond within 48 hours by email and/or telephone.
- f) The County Clerk shall provide the application to the candidate or registered third party advertiser along with a covering memo (informal notice) within 10 calendar days of the date filed. The memo shall advise the candidate or registered third party advertiser they can provide written comments regarding the application to the County Clerk within 20 calendar days from the date on the memo for inclusion on the agenda.
- g) The County Clerk shall schedule a meeting of the Committee and prepare the related agenda with the meeting being held within 30 days after the date the Committee received the application (informal notice). The purpose of the meeting will be to determine whether to grant or reject the application.
- h) The County Clerk shall provide the meeting agenda to the applicable Participating Municipalities' Clerk for posting on their website 7 calendar days in advance of the meeting. In addition the County Clerk shall post the agenda on the County website 7 calendar days in advance of the meeting.
- i) The County Clerk shall provide notice of the meeting to the applicant, candidate, contributor or registered third party advertiser by email, telephone or by regular mail 7 calendar days in advance of the meeting.
- j) The Committee shall consider the application and decide whether it should be granted or rejected.

- k) The County Clerk shall provide notice of the decision of the Committee to the applicable Participating Municipalities' Clerk, applicant and candidate/registered third party advertiser including details regarding how to appeal.
- l) If the Committee rejects the application the decision of the Committee may be appealed to the Superior Court of Justice within 15 days of the decision.
- m) If the Committee grants the application, it shall forward all related documentation to the appointed auditor who will conduct a compliance audit of the candidate or registered third party advertisers' election campaign finances. The decision of the Committee may be appealed to the Superior Court of Justice within 15 days of the decision.
- n) The Auditor shall provide their Report to the applicable participating Municipalities' Clerk, County Clerk, applicant, candidate/registered third party advertiser and Committee members.
- o) The County Clerk shall date stamp the Report and provide it along with a covering memo (informal notice) to the Committee members within 10 days of the date filed. The memo shall request their availability to meet within 30 days of the date the report was received. Members shall respond within 48 hours by email and/or telephone.
- p) The County Clerk shall schedule a meeting of the Committee and prepare the related agenda with the meeting being held within 30 days of the date the report was received to determine whether to commence a legal proceeding.
- q) The County Clerk shall provide the meeting agenda to the applicable Participating Municipalities' Clerk for posting on their website 7 calendar days in advance of the meeting. In addition, the County Clerk shall post the agenda on the County website 7 calendar days in advance of the meeting.
- r) The County Clerk shall provide notice of the meeting to the applicant, candidate, contributor or registered third party advertiser by email, telephone or by regular mail 7 calendar days in advance of the meeting.
- s) If the Auditor's report concludes that the candidate/registered third party advertiser appears not to have contravened a provision of the Act the Committee will receive the report for information.
- t) If the Auditor's report concludes that the candidate/registered third party advertiser appears to have contravened a provision of the Act, the Committee shall decide whether to commence a legal proceeding against the candidate/registered third party advertiser.
- u) If the Committee agrees to commence a legal proceeding, they will appoint a Prosecutor. The County Clerk shall provide all related documentation to the Prosecutor.
- v) The County Clerk shall forward a notice of the Committee's decision to the applicable Participating Municipalities' Clerk, applicant and the candidate/registered third party advertiser.

2. Clerks Report Process for Contributors

- a) Should a participating Municipalities' Clerk prepare a report identifying a **contributor** to a candidate/registered third party advertiser that appears to have contravened any of the contribution limits, they shall forward the report to the County Clerk.
- b) The County Clerk shall provide the report along with a covering memo to the Committee members within 10 days of the date filed. The memo shall request their availability to meet within 30 days of receipt of the report(s). Members shall respond within 48 hours by email and/or telephone.
- c) The County Clerk shall provide the report to the contributor and the applicable candidate or registered third party advertiser along with a covering memo within 10 days of the date filed.
- d) The County Clerk shall schedule a meeting of the Committee and prepare the related agenda with the meeting being held within 30 days of the date the report was filed. The purpose of the meeting will be to determine whether to commence legal proceedings against a contributor for an apparent contravention.
- e) The County Clerk shall provide the meeting agenda to the applicable participating Municipalities' Clerk for posting on their website 7 calendar days in advance of the meeting. In addition, the County Clerk shall post the agenda on the County website 7 calendar days in advance of the meeting.
- f) The County Clerk shall provide notice of the meeting to the contributor and the applicable candidate/registered third party advertiser by email, telephone or by regular mail 7 calendar days in advance of the meeting.
- g) The Committee shall consider the report and decide whether to commence legal proceedings against a contributor for an apparent contravention.
- h) The County Clerk shall provide notice of the decision of the Committee to the applicable participating Municipalities' Clerk, contributor and candidate/registered third party advertiser.
- i) If the Committee decides to commence legal proceedings against a contributor, they will appoint a Prosecutor. The County Clerk shall provide all related documentation to the Prosecutor.

3. Committee Agendas

- a) Before each meeting, the County Clerk shall provide an agenda (Appendix 2) and applicable documents to each member of the Committee, applicant, candidate/registered third party advertiser, contributor and Participating Municipalities' Clerk.
- b) The agenda package shall include any written submissions made by the applicant, candidate or registered third party advertiser along with any reports from the Participating Municipalities' Clerk.

- c) The first matter of business on each agenda shall be the declaration of any conflict of interest.
- d) The Committee shall select a Chair for the term of office at their first meeting.
- e) The Committee shall by written motion at their first meeting, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the candidate or registered third parties' election campaign finances if required.

4. Committee Procedures When Application Received

a) Opening Statement

Where the agenda includes consideration of an Application, the Chair will read an opening statement (Appendix 3a) outlining the procedures and format of the Committee meeting.

b) Committee Agenda

Prior to consideration of an item on the Committee Agenda, the Chair will identify for those present the agenda item to be considered.

c) Applicant/Candidate Statements

If the agenda includes a consideration of an application, after reading the opening statement, the Chair will entertain any statements from the applicant, candidate/registered third party advertiser or their agent. Statements will provide an overview of their written submissions. The Committee members may, through the Chair, ask questions of the applicant, candidate/registered third party advertiser or their agent.

d) Committee Statements

Upon completion of the statements of the applicant, candidate/registered third party advertiser or their agent, the Chair will entertain any statements from the Committee members.

e) Committee Decision

The Committee will then deliberate the merits of the application and determine if the application shall be granted, rejected or if the matter requires deferral pending receipt of additional information. The Committee will have an opportunity to ask additional questions for clarification (if required). The deliberation may be conducted in private. The decision of the Committee shall be done by formal motion (Appendix 4).

5. Rules of Debate

- a) The Procedural by-law of the County shall apply. Where the Procedural by-law is silent Roberts Rules of Order shall apply.

6. Minutes

- a) The County Clerk shall prepare minutes of each meeting of the Committee.
- b) If the meeting includes the hearing of an application the meeting will be audio recorded and a transcript will be prepared following the meeting. The transcript will become part of the official minutes for the meeting.
- c) The County Clerk shall provide members with a copy of the minutes as soon as the minutes are available.
- d) The Committee members shall review minutes to confirm that the minutes reflect the Committee's actions.
- e) The Chair and the County Clerk shall sign the minutes once approved.
- f) The approved minutes will be posted on the County website and a copy provided to the Participating Municipalities' Clerk for posting on their website.

Appendix 1	Application for a Compliance Audit Form
Appendix 2	Agenda Template
Appendix 3A	Chair Script - Meeting Related to an Application
Appendix 3B	Chair Script - Meeting Related to a Clerk's Report
Appendix 4	Resolution Form

APPENDIX 1

APPLICATION FOR A COMPLIANCE AUDIT

TO THE CLERK OF
Municipality*

*Must relate to one of the following members of the Joint Compliance Audit Committee being the Township of Adjala-Tosorontio, Town of Bradford-West Gwillimbury, Township of Clearview, Town of Collingwood, Township of Essa, Town of Innisfil, Town of Midland, Town of New Tecumseth, City of Orillia, Township of Oro-Medonte, Town of Penetanguishene, Township of Ramara, Township of Severn, Township of Springwater, Township of Tay, Township of Tiny or Town of Wasaga Beach.

BY THE APPLICANT	
Name of applicant	
Mailing address	
Qualifying municipal address	
Phone number	E-mail

REQUESTING COMPLIANCE AUDIT OF ELECTION CAMPAIGN FINANCES OF	
Name of candidate or registered third party advertiser	
Candidate position	Municipality where they were registered

I, the undersigned applicant, an elector who is entitled to vote in an election, have reasonable grounds to believe that the above noted candidate or registered third party advertiser has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances.

The reasonable grounds are: (attach additional sheets if necessary)

I believe the facts and information submitted on this application to be true, and I hereby request a compliance audit of the candidate's election campaign finances.

Date **Signature of applicant**

INTERNAL USE ONLY	
Date filed	Signature of Clerk/Designate
Date of Committee Review	Application Number
Decision of Committee	

This form contains information collected and maintained specifically for the purpose of creating a record available to the general public and may be inspected by any person at the Clerk's Office at a time when the office is open pursuant to Subsection 88 (5) of the *Municipal Elections Act, 1996*.

APPENDIX 2

JOINT COMPLIANCE AUDIT COMMITTEE MEETING AGENDA

(Insert Date)

(Insert Meeting Location)

(Insert Start Time)

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Election of Chair (only at first meeting)
4. Opening Statement by the Chair
5. Appointment of Auditor(s) (only at first meeting)
6. Application(s) for Compliance Audit
 - i. Applicant (insert name) for a compliance audit of (insert candidate or registered third party advertisers name), candidate for (insert position), in the (insert municipality) - (attached documents would be the application and related financial statement)
 - ii. Presentation by the Application (insert name).
 - iii. Committee members may ask questions of the Applicant or their agent regarding their presentation.
 - iv. Presentation by the candidate/registered third party advertiser (insert name) or their agent.
 - v. Committee members may ask questions of the candidate/registered third party advertiser or their agent regarding their presentation.
 - vi. Committee members may make statement regarding the application before them.
 - vii. Committee consideration of application and decision
 - a. Deliberations may occur in private
 - b. Committee may ask additional questions for clarification (if required)
 - c. Decision of Committee
7. Clerk's Report

- i. Clerk's Report of (insert candidate or registered third party advertisers name), candidate for (insert position), in the (insert municipality) - (attached document would be the Clerks Report)
- ii. Presentation by the Clerk (insert name).
- iii. Statement by the (insert candidate or registered third party advertisers name).
- iv. Committee members may ask questions of the (insert candidate or registered third party advertisers name) regarding their statement.
- v. Statement by the Contributor (insert name).
- vi. Committee members may ask questions of the (insert contributors name) regarding their statement.
- vii. Committee members may make statement regarding the Clerk's report before them.
- viii. Committee consideration of application and decision
 - a. Deliberations may occur in private
 - b. Committee may ask additional questions for clarification (if required)
 - c. Decision of Committee

8. Adjournment

APPENDIX 3A

CHAIR SCRIPT

JOINT COMPLIANCE AUDIT COMMITTEE MEETING

Related to an Application

Opening Statement by the Chair

Welcome, to the Joint Compliance Audit Committee meeting of (insert date). This meeting has been called to an application/applications for a compliance audit by an elector with respect to election campaign finances of a candidates and/or registered third party advertiser within (insert municipality/municipalities) for the recent election.

This Committee is an administrative tribunal body created to apply provincially enacted laws related to municipal election campaign funding.

The format of the meeting will be as follows:

1. The applicant will be given an opportunity to provide an overview of their application through the Chair; and
2. The candidate/registered third party advertiser who is subject to the application, or their agent, will be given an opportunity to provide an overview of their response to the application or request for clarification through the Chair on the application; and
3. The members of the Committee will be given an opportunity to express their views on the application and to ask any clarifying questions of either the applicant or candidate/registered third party advertiser or their agent.

The Committee will then do one of three things:

- (1) Determine whether the application should be granted or rejected;
- (2) If granted, appoint an auditor to conduct a compliance audit of the candidate's/registered third party advertiser's election campaign finances for further consideration; or
- (3) Defer the matter pending receipt of additional information.

Applicant's Statement

Does the applicant have a statement or additional information to provide to the Committee in addition to the information submitted in their application?

Questions of the Committee

Do any members of the Committee have any questions for the applicant regarding the application before you?

Candidate's Registered Third Party Advertiser's Statement

Does the candidate/registered third party advertiser or their agent have a statement or additional information to provide to the Committee?

Questions of the Committee

Do any members of the Committee have any questions for the candidate/registered third party advertiser or their agent regarding the application before you?

Committee Statements

Do any members of the Committee have any questions for the candidate/registered third party advertiser or their agent regarding the application before you?

Committee Deliberations

- COMMITTEE DELIBERATIONS MAY OCCUR IN PRIVATE -

Committee Questions for Clarification (if required)

Do any members of the Committee have any additional questions for clarification on the application before you?

Committee Decision

-DECISION MADE BY THE COMMITTEE BY WAY OF A WRITTEN MOTION-

Adjournment

Ask for a mover and seconder to adjourn the meeting and read out the resolution inserting the time of adjournment.

APPENDIX 3B

CHAIR SCRIPT

JOINT COMPLIANCE AUDIT COMMITTEE MEETING

Related to a Clerk's Report

Opening Statement by the Chair

Welcome, to the Joint Compliance Audit Committee meeting of (insert date). This meeting has been called to consider a Clerks Report from the (insert municipality name) with respect to election campaign finances of a candidate/registered third party advertiser.

This Committee is an administrative tribunal body created to apply provincially enacted laws related to municipal election campaign funding.

The format of the meeting will be as follows:

1. The candidate/registered third party advertiser will be given an opportunity to respond to the Clerks Report through the Chair; and
2. The Contributor will be given an opportunity to respond to the Clerks Report through the Chair; and
3. The members of the Committee will be given an opportunity to express their views on the Clerks Report and to ask any clarifying questions of either the candidate/registered third party advertiser or the Contributor.

The Committee will then do one of three things:

- (1) Determine there is no apparent contravention against the Contributor and receive the Clerks Report;
- (2) Determine there is an apparent contravention and commence legal proceedings against the Contributor;
- (3) Defer the matter pending receipt of additional information.

Clerk's Report

Call on the Clerk from (insert municipality) to speak to their report.

Candidate's Statement

Does the Candidate have a statement or additional information to provide to the Committee?

Questions of the Committee

Do any members of the Committee have any questions for the Candidate regarding the Clerks Report before you?

Contributor's Statement

Does the Contributor have a statement or additional information to provide to the Committee?

Questions of the Committee

Do any members of the Committee have any questions for the Contributor regarding the Clerk's Report before you?

Committee Statements

Do any members of the Committee have any statements regarding the Clerk's Report before you?

Committee Deliberations

- COMMITTEE DELIBERATIONS MAY OCCUR IN PRIVATE -

Committee Questions for Clarification (if required)

Do any members of the Committee have any additional questions for clarification on the Clerk's Report before you?

Committee Decision

-DECISION MADE BY THE COMMITTEE BY WAY OF A WRITTEN MOTION-

Adjournment

Ask for a mover and seconder to adjourn the meeting and read out the resolution inserting the time of adjournment.

APPENDIX 4 RESOLUTION FORM

<p style="text-align: center;">JOINT COMPLIANCE AUDIT COMMITTEE Application No. XXXXX</p> <p>MOVED BY _____</p> <p>SECONDED BY _____</p>	<p>Motion No.: 2022-XXXX</p> <p>Date: _____</p> <p>CARRIED _____ WITHDRAWN _____ DEFEATED _____ DEFERRED _____</p>
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That

_____ (Insert Member Name), Chair	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	_____ (Insert Member Name)	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
_____ (Insert Member Name)	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	_____ (Insert Member Name)	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
_____ (Insert Member Name)	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>			