

Application for an ELECTION COMPLIANCE AUDIT

What steps do I take if I have a concern about a candidate's election campaign finances?

1. Contact the Municipal Clerk and see if they are able to provide further information that answers your questions or concern.
2. If you believe that a candidate's election campaign finances contravened the *Municipal Elections Act*, submit an application to the Municipal Clerk for a compliance audit. See **How Do I Apply for a Compliance Audit?** Below.

What is a compliance audit?

A compliance audit is an audit of a candidate's election campaign finances and their compliance with the provisions of the *Municipal Elections Act, 1996* related to election campaign finances.

What is the Election Compliance Audit Committee?

The *Municipal Elections Act, 1996* as amended requires that every municipality form an Election Compliance Audit Committee on or before October 1 of an election year for the purposes of section 81.

The Election Compliance Audit Committee will have three members and does not include employees or officers of the municipality or local board, members of the council or local board, or any persons who are candidates in the election for which the committee is established. The committee has the same term of office as the council.

The powers and functions of the Committee are set out in the *Municipal Elections Act, 1996 Section 81*. The Committee will:

- Consider compliance audit applications received and decide whether each application should be granted or rejected (MEA, S.81(1))
Timeline: within 30 days after receiving the application (s.81(5)).
- If the application is granted, appoint an Auditor to conduct a compliance audit of the candidate's election campaign finances.
- Receive the auditor's report (s.81(10)).
- Consider the auditor's report and decide whether legal proceedings should be commenced or make a finding whether there were reasonable grounds for the application.
Timeline: within 30 days of receipt of the auditor's report (s.81(14)).
- Recommend to the Municipality of Port Hope Council whether or not to pursue the recovery of the costs of conducting the compliance audit from the applicant if the auditor's report indicates there were no apparent contraventions and if it appears there was no reasonable ground for application (s.81(15)).

How Do I Apply for a Compliance Audit?

1. Print an Application for a Compliance Audit form from the Municipal website www.porthope.ca or pick up an application from the Clerk's Department, 56 Queen Street or submit a written application for a compliance audit and deliver your written information to the Municipal Clerk, within 90 days of the candidate's filing date. The elections page on www.porthope.ca provides information about the filing date for each candidate.
2. Your application must include:
 - Notice that you are eligible to vote as an elector in the Municipality of Port Hope's municipal elections
 - Your name and contact information, including mailing address, telephone number and email address (if applicable)
 - Name of the candidate whose election finances you are requesting a compliance audit for and the office they were running for in the election
 - The reasons that you believe indicate that the candidate has contravened the provisions of the *Municipal Elections Act, 1996* relating to municipal election campaign finances.
 - Any other relevant information
 - The date you submit the application to the Municipal Clerk
 - Your signature
3. Mail or deliver your request for a compliance audit in a sealed envelope marked "**PRIVATE AND CONFIDENTIAL**" to:

Municipal Clerk
Municipality of Port Hope
56 Queen St.
Port Hope, ON L1A 3Z9

What happens next?

In accordance with section 81(3) of the *Municipal Elections Act, 1996*, all applications must be received by the Municipal Clerk within 90 days after the latest of:

- a) The filing date under section 78;
- b) The candidate's supplementary filing date, if any, under section 78;
- c) The filing date for the final financial statement under section 79.1; or
- d) The date on which the candidate's extension, if any, under section 80(4) expires.

The Municipal Clerk will forward applications that are complete to the Election Compliance Audit Committee for consideration.

Within 10 days after receipt of the application	The Municipal Clerk will forward the application to the Election Compliance Audit Committee and provide a copy to each member of Council.
Within 30 days of receiving the application	The Election Compliance Audit Committee will consider the application and decide whether it should be granted or rejected.
If the committee decides to grant the application	<ol style="list-style-type: none"> 1. The Committee will appoint an Auditor to conduct a compliance audit of the candidate's election campaign finances. 2. the Auditor will promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of the <i>Municipal Elections Act</i> relating to election campaign finances and will prepare a report with the findings to be submitted to the candidate, Council, the Municipal Clerk and the applicant.
If the committee rejects the application	The Committee will direct the Clerk to send correspondence to the applicant conveying the Committee's decision. In Port Hope, the Municipal Clerk will also advise each member of Council about the Committee's decision by providing a copy of the correspondence sent to the applicant.
Within 10 days after receiving the auditor's report	The Municipal Clerk will forward the report to the Election Compliance Audit Committee.
Within 30 days of the Election Compliance Audit Committee receiving the auditor's report	<p>The Election Compliance Audit Committee will review the report and may:</p> <ol style="list-style-type: none"> a. If the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention, or b. If the report concludes that the candidate does not appear to have contravened a provisions of the Act relating to election campaign finances, make a finding as to whether or not there were reasonable grounds for the application.

What if the auditor's report finds that there was no apparent contravention of the Act?

Based on the auditor's report and if the committee finds that there were no reasonable grounds for the application, the Council is entitled to recover the auditor's costs from the applicant.

APPLICATION FOR AN ELECTION COMPLIANCE AUDIT

I am entitled under the *Municipal Elections Act, 1996*, as amended (MEA), to vote for members of Municipality of Port Hope Council.

Yes No

Name of Municipality:	Municipality of Port Hope
Your Name:	
Mailing Address:	
Postal Code:	
Telephone:	
E-mail Address (optional):	

I am applying for an election compliance audit of the campaign finances of:

Candidate Name: _____ Office: Councillor Ward ____ or
 Mayor

Please explain the reason that you believe that the candidate named above has contravened the *Municipal Elections Act, 1996* relating to municipal election campaign finances.

Section/Provision of MEA	Comments

Please add any other information that you feel is relevant.

If you have provided information on additional attached pages, please number the pages, attach to this application, and indicate the total number of pages of the application below.

Total number of pages of the application: _____

This application will be shared with the Election Compliance Audit Committee, the Auditor chosen to investigate this application (if applicable), the Municipal Clerk and Council. This information is collected under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56*, governing the collection, use and disclosure of personal information.

If this application is forwarded to an auditor and the auditor's report indicates that there was no apparent contravention and the Election Compliance Audit Committee finds there were no reasonable grounds for the application, the Council or local board is entitled to recover the auditor's costs from you.

By signing below, I confirm that the information provided in this application is complete and accurate to the best of my knowledge.

Date application submitted to Clerks Department

Your Signature

Clerks Department Use Only

Date Application Received: _____ (staff initial) _____

Completed application received by legislated deadline: Yes No Date: _____

Due Dates below:

10 days after receiving application, application forwarded to the Election Compliance Audit Committee and Council

(Date) delivered to Election Compliance Audit Committee (staff initials) _____

(Date) delivered to Council (if applicable) (staff initials) _____

Within 30 days of receiving the application, the Election Compliance Audit Committee will decide whether application will be granted or Rejected.

Application Granted Date: _____

Application Rejected Date: _____ (staff initials) _____

If application is granted, Election Compliance Audit Committee to Appoint an auditor to conduct audit of candidate's election campaign Finances.

Date Auditor appointed: _____

Auditor: _____ (staff initials) _____

Candidate, Council or local board, the Municipal Clerk, and the Applicant receive auditor's report.

Date: _____ (staff initials) _____

Within 10 days of receiving the auditor's report, the Municipal Clerk to forward report to the Election Compliance Audit Committee

_____ (staff initials) _____
Date delivered to Election Compliance Audit Committee

The Election Compliance Audit Committee will consider the auditor's report within 30 days of receiving it and may either:

Commence legal proceedings against the candidate

_____ (staff initials) _____
Date legal proceedings commenced

Make finding as to whether there was reasonable grounds for the application for a compliance audit

_____ (staff initials) _____
Date decision related to grounds for application made

If the report indicates that there was no apparent contravention and the Committee finds there were no reasonable grounds for the application, the committee will make a recommendation to council related to cost recovery of the auditor's cost.

Recommendation to Council to recover the Auditor's costs from the applicant.

Date: _____ (staff initials) _____

Recommendation to Council not to recover the Auditor's costs from the applicant.

Date of decision: _____ (staff initials) _____