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INFORMATION GUIDE TO AN APPLICATION FOR REQUEST FOR A COMPLIANCE AUDIT TO THE CONMEE, GILLIES, O'CONNOR JOINT AUDIT COMPLIANCE COMMITTEE

As per the Municipal Elections Act, 1996 you may make an application to have a candidate's campaign finances reviewed if you believe they have contravened the Municipal Elections Act. A copy of the Municipal Elections Act can be found at www.e-laws.gov.on.ca.

Completed Applications for a Compliance Audit must be submitted to the Clerk of the Township where the candidate in question conducted their campaign.

As per Section 81 (1), an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances.

As per Section 81(3), the application must be made within 90 days after the latest of

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

Once a completed application has been submitted to the Clerk, the Clerk must forward the application to the Audit Compliance Committee within 10 days (Section 81(4)).

Within 30 days after receiving the application, the Committee shall consider the application and decide whether it should be granted or rejected. [Section 81(5)]. The decision of the Committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made, and the court may make any decision the Committee could have made [Section 81(6)].

If the Committee decides under subsection (5) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. Section 81(12) of the Municipal Elections Act, 1996, states that the auditor shall have access, at all reasonable hours to all relevant books, papers, documents or things of the candidate, and has the powers of a commission under Part II of the Public Inquiries Act. The auditor shall promptly conduct such an audit and shall prepare a report outlining any apparent contravention by the candidate. The auditor shall submit the report to the candidate, the Council of the relevant Township, the Clerk of the relevant Township, the secretary of the local board if applicable, and the applicant.

Within 10 days of receiving the report, the Clerk shall forward the report to the Compliance Audit Committee. The Committee shall consider the report within 30 days after receiving it and may,

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- a) If the report concludes that the candidate appears to have contravened a provision of this Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
- b) If the report concludes that the candidate does not appear to have contravened a provision of this Act relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

Section 81(15) of the Municipal Elections Act provides that if the report indicates that there was no apparent contravention and the Committee finds there was no reasonable grounds for the application, the Council or local board is entitled to recover the auditor's costs from the applicant.