



essex

Kingsville  
ONTARIO



## Terms of Reference

### Joint Election Compliance Audit Committee

#### Name

This “Committee” shall be known as the “Joint Election Compliance Audit Committee”

#### Definitions

“Act” means the *Municipal Elections Act, 1996*, as amended.

“Applicant” means an elector who makes an Application pursuant to Section 88.33 of the Act.

“Application” means an Application for a compliance audit properly completed and submitted to the Clerk pursuant to Section 88.33(2) of the Act.

“Auditor” means a person appointed by the Joint Election Compliance Audit Committee, licensed under the *Public Accounting Act, 2004*, to conduct a compliance audit of a Candidate or Registered Third Party Advertiser financial statements.

“Candidate” means the candidate whose election campaign finances are the subject of an Application for a compliance audit.

“Clerk” means the Municipal Clerk of a Member Municipality, as appointed under Section 228 of the *Municipal Act, 2001*, or their designate.

“Member Municipality” refers to the participating municipalities which include the Town of Amherstburg, Town of Essex, Town of Kingsville, Municipality of Lakeshore, Town of Lasalle, and Town of Tecumseh.

“Registered Third Party Advertiser” means the individual, corporation, or trade union whose notice of registration has been certified by the Clerk and whose campaign finances are the subject of an Application for a compliance audit.

#### Mandate

The Committee shall operate in accordance with the powers and functions as outlined under Sections 88.33 to 88.37 of the Act. These functions include:

- a) Considering whether an Application for a compliance audit of a Candidate's election campaign finances or for a compliance audit of a Third Party Advertiser's campaign expenses should be granted or rejected;
- b) Appointing an Auditor if the Application is granted;
- c) Receiving and considering the Auditor's report and directing Administration whether legal proceedings should be commenced against the Candidate;
- d) Receiving and considering any reports from the Clerk identifying contributors to a Candidate and/or Registered Third Party Advertiser who appear to have contravened election contribution limits and directing Administration whether legal proceedings should be commenced against the Contributor; and,
- e) Issuing brief written reasons for all decisions made by the Committee.

### **Term**

The term of office of the Committee is the same as the term of office of the Council elected following the next regular election, in accordance with Section 88.37(5) of the Act. Should an Application extend beyond the term of office of Council, Committee Members shall continue to fulfill the mandate of the Committee until such time that a new Committee has been appointed.

### **Committee Composition and Member Qualifications**

The Committee shall be composed of five (5) members and one (1) alternate member from the public with demonstrated experience in one or more of the following areas:

- a) Accounting and Audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal Candidates;
- b) Legal – lawyers or other legal professionals;
- c) Academia – college or university professors with expertise in political science or local government administration;
- d) Municipal Governance and Elections – individuals with experience in government administration or experience and knowledge of the campaign financing rules of the Act.

Committee members shall not include:

- a) Employees or officers of a Member Municipality or their local boards;
- b) Members of Council or local boards in a Member Municipality;
- c) Any persons who are Candidates in the election for which the Committee is established; or
- d) Any persons who are associated with a Registered Third Party Advertiser in a Member Municipality during the election for which the Committee is established.

All applicants will be required to submit a completed application form outlining their qualifications and experience. The Clerks of the Member Municipalities shall review all applications and appoint members to the Committee. Committee members will be selected based on the following criteria:

- a) Demonstrated knowledge and understanding of municipal election campaign financing rules;
- b) Proven analytical and decision-making skills;
- c) Experience working on a committee, task force, or similar setting;
- d) Availability and willingness to attend meetings; and,
- e) Excellent oral and written communication skills.

### **Meetings**

The Committee will meet as needed, with meetings to be scheduled by the Clerk of the Member Municipality where an Application is received and in accordance with the requirements of the Act. The Clerk of the responding Member Municipality shall act as Recording Secretary to the Committee, with respect to the relevant Application.

The Clerk of the responding Member Municipality shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions, in accordance with Section 88.37(7) of the Act. Where the procedure is silent, the meeting shall be conducted in accordance with the Procedural By-Law of the responding Member Municipality.

All meetings of the Committee shall be open to the public, but the Committee may deliberate in private, pursuant to Section 88.36(6.1) of the Act.

### **Conflict of Interest**

Committee members shall comply with the *Municipal Conflict of Interest Act, 1990* and shall disclose the pecuniary interest to the Recording Secretary in advance of any Committee meeting, where possible, or absent themselves from Committee meetings for the duration of the discussion and voting with respect to such matter in which the Committee member has a conflict.

In the event a Committee member discloses a pecuniary interest in the Application in advance of the Committee meeting, the Committee member shall be replaced with the alternate Committee member.

To avoid possible conflicts of interest, all Committee members shall agree in writing that they will not work or volunteer for, or contribute to, any Candidate or Registered Third Party Advertiser in any capacity in an election which the Committee is established. Contravention of this requirement shall result in removal from the Committee.

## **Expenses**

Committee members shall be paid a per diem rate of \$150.00, plus mileage in accordance with the Canadian Revenue Agency's Directive on Travel.

Costs associated with training shall be shared equally among Member Municipalities. The responding Member Municipality shall pay all other costs related to the respective Application, including the retention of an Auditor or external legal counsel, if necessary, in accordance with Section 88.37(7) of the Act.