



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Laura Moy, Director Legislative Services & Clerk

Date to Council: March 22, 2022

Report Number: LCS-2022-11

Subject: 2022 Tecumseh Election Compliance Audit Committee

Recommendations

It is recommended:

That Report LCS-2022-11 entitled “2022 Tecumseh Election Compliance Audit Committee” **be received**;

And that the 2022 Tecumseh Election Compliance Audit Committee Terms of Reference, **be approved**;

And further that a Notice of Call for Applications **be advertised** for the Tecumseh Election Compliance Audit Committee;

And furthermore that applications **be considered** at the Regular Council Meeting on May 24, 2022.

Background

The *Municipal Elections Act, 1996*, (MEA) as amended, requires under Section 88.37(1), that every council establish a Compliance Audit Committee (CAC) on or before October 1st of an election year. The term of the CAC is the same as the Council that appointed them.

Section 88.33 of the MEA permits an elector who is entitled to vote in an election and who believes on reasonable grounds that a candidate, or a registered third party advertiser, has contravened a provision of the MEA relating to election campaign finances to apply for a compliance audit of a candidate's or registered third party's 2022 election campaign finances.

Comments

Compliance Audit Committee Composition

Sections 88.33 to 88.37 of the MEA outline the mandate of the CAC.

The CAC is typically comprised of not fewer than three (3) and not more than seven (7) members. The MEA restricts the following persons from being appointed:

- a) Employees or officers of the municipality;
- b) Members of Council;
- c) Any persons who are candidates in the election for which the CAC is established;
and
- d) Any persons who are registered third parties in the municipality in the election for which the committee is established.

Similar to the Town's 2018 Election Compliance Audit Committee structure, it is common for municipalities to choose to appoint members to their CAC with:

- an accounting or auditing background,
- legal expertise,
- academic education (such as college or university professors with expertise in political science or local government); and/or
- other individuals with knowledge of the MEA, due to the complexity of the election campaign finances.

Terms of Reference

The 2022 Tecumseh Election Compliance Audit Committee Terms of Reference (TOR) outlines the structure and functions of the CAC, appended as [Attachment 1](#).

As noted above, the term of office for the CAC is the same as the term of office of the Council that takes office following the next regular election. This term of office will commence November 15, 2022.

Members should have demonstrated knowledge and understanding of municipal election campaign finances; proven analytical and decision-making skills; experience working on a committee, task force or similar setting; and good oral and written communication skills.

The CAC will perform the duties relating to the compliance audit application process as outlined in the MEA, including:

- a) considering a compliance audit application received by an elector and deciding whether the application should be granted or rejected;
- b) appointing an Auditor, if the application is granted;
- c) receiving the Auditor's report;
- d) reviewing the Auditor's report and deciding whether legal proceedings should be commenced; and
- e) determining whether to recover the costs of conducting the compliance audit from the applicant, if the Auditor's report indicates there were no apparent contraventions and, if there were no reasonable grounds for the application.

Call for Applications

In keeping with the [Committee/Local Board Application and Appointment Policy No. 4](#) (Policy), a Notice of Call for Applications to the CAC will be posted on the Town's website and social media, advertised in the local media, and displayed on the Town's LED signs and posted in prominent locations in the Town's facilities.

Eligible persons wishing to be appointed to the CAC will be required to complete and submit a prescribed application form.

Consultations

None

Financial Implications

The cost of advertising and calling of Applications for the Committee is included in the 2022 Elections budget.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☒ News Release ☒ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.
Manager Committee & Community Services

Reviewed by:

Laura Moy, Dipl. M.M.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	2022 Election Compliance Audit Committee Terms of Reference