



## MEMO / NOTE DE SERVICE

To / Destinataire      Members of the Election Compliance  
Audit Committee

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From / Expéditeur      M. Rick O'Connor, CMO  
City Clerk

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Subject / Objet      Updates Regarding the 2020      Date: 23 March 2021  
Cumberland By-election – Application  
Deadlines for Compliance Audits and  
the City Clerk's Review of Contributions

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The purpose of this memorandum is to provide Members of the Election Compliance Audit Committee (the "ECAC") with information regarding the 2020 Cumberland By-election. More specifically, this memorandum provides an update regarding: (1) the relevant application deadlines for an elector to submit an application for compliance audit; and, (2) the City Clerk's review of contributions as required in accordance in Section 88.34 of the [Municipal Elections Act, 1996](#) (the "MEA"), as further described below.

### **Application Deadlines for Compliance Audits in the 2020 Cumberland By-Election**

As Members are aware, there are two 90-day periods in which an elector may submit an application for a compliance audit of the campaign finances of a candidate or a registered third party advertiser.

For the purposes of the 2020 Cumberland By-election, there were no registered third party advertisers, and as such, the application periods for compliance audits of a candidate's campaign finances are as follows:

#### **1. Primary Financial Statements**

For candidates who filed their primary financial statement prior to the filing deadline on December 21, 2020 at 2 p.m., the 90-day application period for an elector to apply for a compliance audit of a candidate's primary campaign finances began after 2 p.m. on December 21, 2020 and ended on March 22, 2021. This deadline has now passed and no applications for a compliance audit were received.

Notwithstanding the above, Candidate Yvette Ashiri, filed her primary financial statement during the 30-day grace period in accordance with Subsection 88.23(9) of the MEA, and as such, the

application period for a compliance audit on Candidate Yvette Ashiri's primary campaign finances began on January 20, 2021 and will end on April 21, 2021.

## **2. Supplementary Financial Statements**

In addition to the above, Candidate Yvette Ashiri extended her campaign in accordance with Subsection 88.24(4) of the MEA. Although Candidate Yvette Ashiri filed her supplementary financial statement on January 20, 2021, in accordance with Subsection 88.25(3), if an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing deadline on June 18, 2021 at 2 p.m. As such, the 90-day application period for an elector to apply for a compliance audit on Candidate Yvette Ashiri's supplementary campaign finances will begin after 2 p.m. on June 18, 2021 and will end on September 17, 2021.

### **City Clerk's Review of Contributions**

The MEA prescribes that the City Clerk is responsible for reviewing the financial statements submitted by candidates in the 2020 Cumberland By-election to determine whether any contributor appears to have exceeded the contribution limits established by the MEA. More specifically, in accordance with Section 88.34 of the MEA, if a candidate's financial statement(s) shows that a contributor gave more than \$1,200 to a single candidate or more than \$5,000 total to multiple candidates running in the 2020 By-election, I am required to report this to the ECAC who will consider whether or not to commence a legal proceeding against the contributor.

The requirement to review the contributions of registered third party advertisers under Section 88.36 of the MEA is not required as there were no registered third party advertisers for the 2020 Cumberland By-election.

In order to assist with me with fulfilling this statutory duty, the Elections Office will be issuing a Call-up on Standing Offer in the coming days for a licensed auditor who will complete the above-noted review.

At this time, the Elections Office expects the auditor's review to take place from April to July of 2021. Following the auditor's review, in accordance with Subsection 88.34(4), the City Clerk's reports will be submitted to the ECAC as required. The ECAC is required to consider these reports and decide whether to commence a legal proceeding against a contributor within 30 days of receipt.

Should the Elections Office receive any applications for compliance audits within the above-noted timeframes, or should the ECAC be required to consider reports from the City Clerk, Members of the ECAC will be advised accordingly.

I trust the above noted information is satisfactory. Should you have any additional questions, please do not hesitate to contact the Elections Office by telephone at 613-580-2660, or by email at [elections@ottawa.ca](mailto:elections@ottawa.ca).

M. Rick O'Connor, CMO | OMA  
City Clerk | Greffier municipal