

MEMO / NOTE DE SERVICE

To / Destinataire Members of the Election Compliance
Audit Committee

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

Subject / Objet Update on the Review of Contributions Date: 12 July 2021
to Candidates on Financial Statements
for the 2020 Cumberland By-election

The purpose of this memorandum is to advise Members of the Election Compliance Audit Committee (ECAC) that Raymond Chabot Grant Thornton (RCGT) has completed its review of the contributions to candidates as provided on preliminary and supplementary financial statements for the 2020 Cumberland By-election, and no contributors appear to have exceeded the contribution limits established by the *Municipal Elections Act, 1996* (the “MEA”). As such, the ECAC will not be required to consider any reports on this matter.

My Office received a report dated June 30, 2021 from Marco Perron, CEO & Partner of RCGT, confirming the above-noted information. This report is attached as Appendix A.

Background

As described in my previous memorandum to ECAC, dated March 23, 2021, and attached as Appendix B, 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.

In accordance with Section 88.34 of the MEA, if a candidate’s financial statement(s) shows that a contributor exceeded the prescribed contribution limits, it is required that this apparent contravention be reported 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 applicable in this instance as there were no registered third party advertisers for the 2020 Cumberland By-election.

Following an open request for submissions to the audit firms on the City of Ottawa's Standing Offer List, my Office retained the independent audit services of RCGT to assist with fulfilling the above-mentioned statutory duty.

Review of Contributions to Candidates

Under the MEA, candidates are required to file financial statements (*Financial Statement - Auditor's Report - Candidate (Form 4)*) with my Office in accordance with the relevant legislative deadlines. Once received, the contributions reported on the financial statements filed in accordance with the MEA are entered into a database which tracks contributions by the contributor's name and address, the date the contribution was made, as well as the value of the contribution.

On June 16, 2021, the Elections Office provided RCGT with an extract of information from this database containing the details provided on the preliminary and supplementary financial statements.

Contribution Limits

The MEA establishes two limits regarding contributions to candidates:

1. Subsection 88.9(1) of the MEA establishes a maximum contribution limit to any one candidate, and places the obligation on the contributor to comply with that limit, as follows:
 - *A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.*

2. Subsection 88.9(4) of the MEA establishes a cumulative contribution limit of \$5,000, and places the obligation on the contributor to comply with that limit, as follows:
 - *A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.*

Findings of the Review of Contributions to Candidates

Upon completing the review of contributions to candidates, RCGT has confirmed that:

- There are no contributors who appear to have exceeded the \$1,200 contribution limit to a single candidate for the office of Council, as established by Subsection 88.9(1) of the MEA.
- There are no contributors who appear to have exceeded the \$5,000 contribution limit to two (2) or more candidates for office on the same council, as established by Subsection 88.9(4) of the MEA.

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.

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