

# Election compliance audit application form

## Instructions

Under the [Municipal Elections Act, 1996](#) (the “MEA”), any eligible elector who believes that a candidate or registered third party advertiser has contravened the campaign finance rules in the statute may apply for a compliance audit of that party’s election campaign finances.

To apply for a compliance audit of a candidate for the office of Mayor or City Councillor, or a registered third-party advertiser:

1. Complete this form and the required fields marked with an asterisk ( \* ).
2. Submit this form and any supporting documents in person at the City of Ottawa’s [Elections Office](#) during regular business hours (Monday to Friday from 8:30 am to 4:30 pm).

The Elections Office must receive this form by the deadline(s) prescribed in Subsection 88.33(3) or Subsection 88.35(3) of the MEA.

All applications will be submitted to the Election Compliance Audit Committee for review in accordance with the MEA.

## Applicant information\*

First name:

Last name:

Full qualifying address (qualifying address in the City of Ottawa):

Mailing address (if different than qualifying address):

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Telephone:

Email:

## Candidate or registered third party advertiser details\*

Election compliance audit of the campaign finances of:

Candidate’s name: \_\_\_\_\_



Registered third party advertiser's name:

### Reasons for compliance audit\*

Indicate the reasons you believe that the candidate or registered third party has contravened the provisions of the MEA related to campaign finances. If known, identify what section(s) of the MEA you believe has been contravened. Additional documents may be attached to this application.

Please see attached pages for rationale, observations and evidence.

### Declaration\*

The definition of an "eligible elector" under Subsection 17(2) of the *Municipal Elections Act, 1996* is as follows:

A person is entitled to be an elector at an election held in a local municipality if, on voting day, they

- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- (b) are a Canadian citizen;
- (c) are at least 18 years old; and

(d) are not prohibited from voting under Subsection 17(3) or otherwise by law.

Accordingly, the following must be declared by the Applicant:

I, EDWARD PHILLIPS, being an eligible elector in the City of Ottawa, **HEREBY DECLARE** that I have reasonable grounds to believe that the candidate or registered third party referenced in this application has contravened a provision of the *Municipal Elections Act, 1996*, relating to election campaign finances, and I have set out the reasons for my belief in this application.

Redacted

		<u>June 28 / 23</u>
<b>Sig</b>	<b>licant</b>	<b>Date (yyyy/mm/dd)</b>

**For office use only**

Received by: Rhiannon Power Rhiannon Power

Date received: June 28, 2023

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, SO 1996, c 32, Schedule, sections 88.33(2) and/or 88.35(2). Personal information will be used by the City of Ottawa for the purposes of the application submitted for a compliance audit of the election campaign finances of a candidate or third party advertiser. Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, documents and materials filed with or prepared by the City Clerk or any other election official are public records and may be inspected by any person at the City Clerk's Office pursuant to Section 88(5) of the *Municipal Elections Act, 1996*, SO 1996, c 32, Schedule. Questions about this collection and use of your personal information may be directed to the Elections Office at 613-580-2660 or [elections@ottawa.ca](mailto:elections@ottawa.ca).



On reviewing the Form 8 Financial Statement of Horizon Ottawa, a Registered Third Party Advertiser in the 2022 Municipal Election, there are reasonable grounds to believe that Horizon Ottawa has contravened several of the campaign finance rules set out in the Municipal Elections Act, 1996. Horizon Ottawa has failed to properly account for the costs of a fundraising event that it held, and incurred expenses to plan and advertise this event before its campaign period commenced. Further, its soliciting of donations through its campaign gives rise to a credible doubt that Horizon Ottawa complied with its obligations with respect to accepting campaign contributions. The Elections Compliance Audit Committee should therefore order that an audit be conducted of Horizon Ottawa's campaign finances.

Horizon Ottawa was registered as a Third Party Advertiser on August 24, 2022. It filed its Form 8 Financial Statement on March 31, 2023. Sam Hersh, on behalf of Horizon Ottawa, swore a declaration that the Financial Statement was true and correct.

Under Schedule 2 – Fundraising Events and Activities, Horizon Ottawa did not include a single financial details of a fundraising event that it held.

On September 10, 2022, Horizon Ottawa held an event referred to as “Horizonfest: Music to Movement Build” at Strathcona Park, which included live music, vendors, and food and drinks. Various politicians and candidates in the 2022 election attended the event and made speeches, including Shawn Menard, Ariel Troster, Lori Stinson, Laura Shantz and Tessa Franklin. As per the description of the event on Horizon's Facebook page, the purpose of the event was to “mobilize and energize citizens around a common agenda of pushing Ottawa's city council in a more progressive direction.” However, the thrust of this event was to raise funding for Horizon Ottawa's campaign.

Horizonfest was widely promoted by Horizon Ottawa. In its advertisements, Horizon Ottawa noted that while the event was free, donations would be encouraged at the event. Horizon Ottawa also solicited donations through the Horizonfest Facebook event page, where it also stated that “It costs thousands of dollars to pay for equipment rentals, an audio technician, permits, musician fees and advertising for Horizonfest.”

Horizon Ottawa also accepted donations at Horizonfest, including through an anonymous donation jar. A reasonable elector of the City of Ottawa, in viewing all the surrounding circumstances, would have concluded that the event was truly a fundraiser. The event was held so that Horizon Ottawa could accept donations. Before and at the event, Horizon Ottawa was soliciting donation from attendees. An anonymous donation jar was circulated at the event for people to donate. Horizon Ottawa raised 22% of their total donors from this one day event. It seems incredibly high if it was not intended as a specific fundraiser. The material must have been produced before they registered. There must have been a cost to do this. Someone bought paper, ink, tape, etc and started to distribute this information weeks in advance of this event. Additional to this, attached you will see an excerpt confirming that they were advertising that you could donate \$2,500 or more which is in complete violation to the Elections Act.



Subsection 1(1) of the Municipal Elections Act, 1996 defines a fundraising event as “an event or activity...held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements.”

The Province’s 2022 Third Party Advertisers’ Guide states that fundraising functions are events or activities held for the primary purpose of raising money for a third party advertiser’s campaign. The Guide notes that if a third party advertiser creates advertising materials and solicits donations in that advertisement, this would not be a fundraising advertisement because the primary purpose would be to persuade voters to vote a certain way. However, this is not the case with Horizonfest. The primary purpose of the event was not to “persuade voters to vote a certain way.” Nor were the various promotions for Horizonfest, which were not made to persuade voters but rather to entice people to attend the fundraising event.

In relation to expenses and contributions associated with Horizonfest that were reported in the Financial Statement, Horizon Ottawa baldly states that it was “(not a fundraiser)”. This is not an acceptable approach to correctly classifying entries on a financial statement and does not obviate compliance with the campaign finance rules. Registered Third Parties and candidates could easily circumvent the campaign finance rules by simply declaring something is, or is not, a particular type of expense or contribution.

Horizon Ottawa’s Financial Statement records contributions from Horizonfest as a separate line item under Box C as income. In reviewing the table of monetary contributions provided in the Financial Statement, not a single contribution lines up with the date of the event, being September 10, 2022. In other words, this assumes that no contributor at the event made a donation of more than \$25 dollars, which, as per subsection 88.12(8), cannot be made in cash.

That being said, Horizon Ottawa did not put in place the proper measures to ensure that all contributions into an anonymous donation jar were less than \$25. The donation jar was open for any attendee to make a contribution into. This gives rise to an apparent contravention of the rules surrounding contributions.

Horizon Ottawa also contravened the campaign finance rules by getting a head start on campaigning. Subsection 88.21(1) of the Municipal Elections Act, 1996 provides that campaign expenses cannot be incurred by a third party advertiser unless and until they are duly registered. Further, subsection 88.21(2) provides that campaign expenses cannot be incurred outside the campaign period, which, for a registered third party advertiser, only begins once they are registered.

Horizon Ottawa only registered on August 24, 2022. However, before this date, Horizon Ottawa began incurring expenses to plan and promote Horizonfest in contravention of the campaign finance rules. For example, on August 12, 2022, Horizon Ottawa made a Twitter post advertising the Horizonfest, which states that admission was free but donations are welcomed. Horizon Ottawa would have used its resources and staff time

to make these social media posts and promote the event, and at a time when it was not permitted to do so. In another tweet(August 20, 2022) you can see in their photo that they were putting up posters for this event. This is a contravention of the Municipal Elections Act, 1996.

For all the reasons set out above, there are reasonable grounds to believe that Horizon Ottawa contravened the campaign finance rules in the Municipal Elections Act, 1996 by:

1. Failing to properly record fundraising expenses associated with Horizonfest;
2. Failing to ensure that it did not accept contributions of money in the amount of more than \$25 in cash, and in a manner that associates the contributor's name and address; and
3. Incurring expenses related to the promotion and organization of Horizonfest outside of its campaign period and before it became a registered third party advertiser.

As such, the Elections Compliance Audit Committee should grant this application and order an audit of Horizon Ottawa's campaign finances.





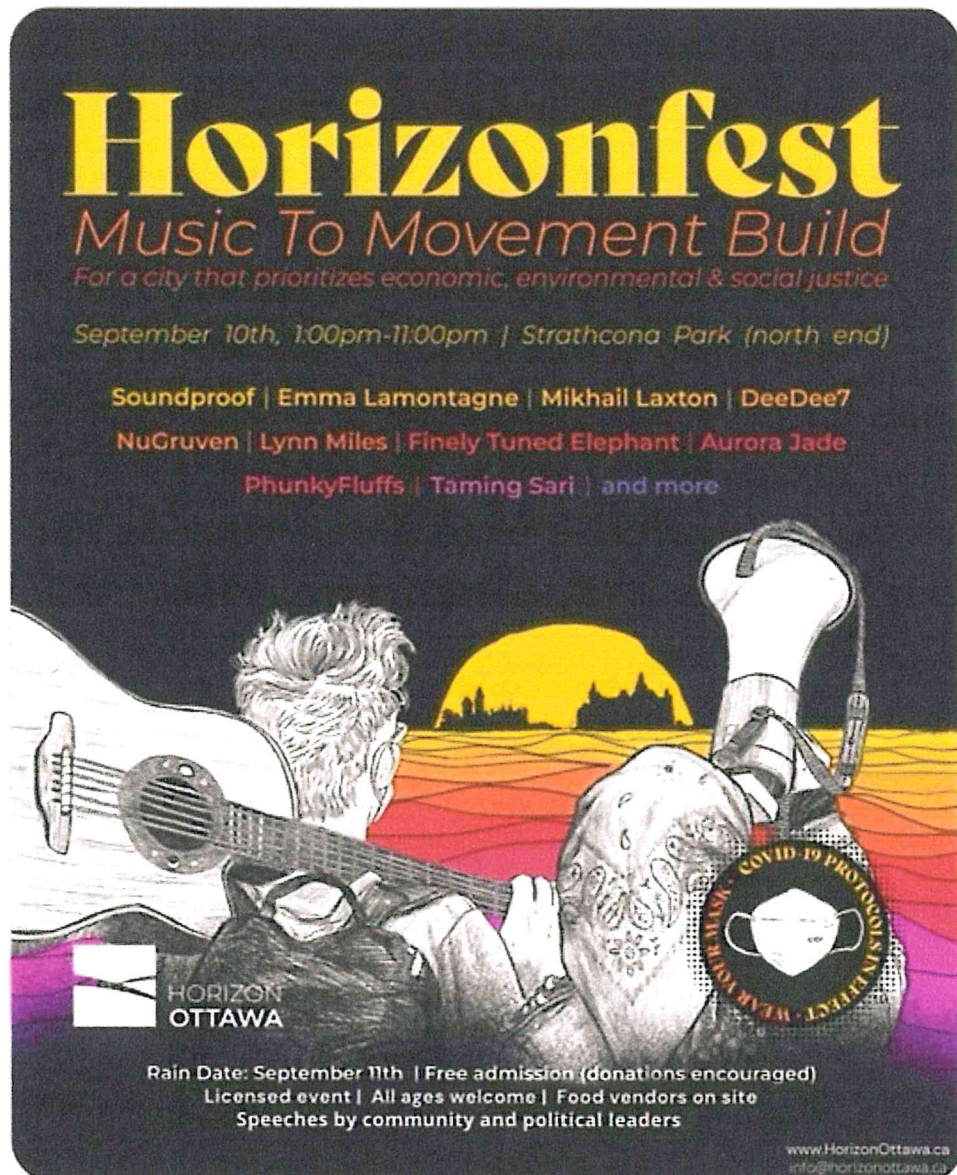
Shawn Menard Retweeted



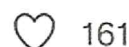
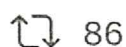
**Horizon Ottawa** @HorizonOttawa · Aug 12



We're proud to present HorizonFest, a free, one-day music festival, bringing together #Ottawa's music scene, local community orgs and residents with the purpose of showcasing organizing work and promoting our movement for a progressive city council ahead of Octobers election. 1/5



Emma Lamontagne and 5 others





Horizon Ottawa  
@HorizonOttawa



Exciting! Posters for #HorizonFest going up around #ottcity 🤗🤗

Join us on September 10th at Strathcona Park for a music festival mixing art and politics bringing our community together to show the power (and fun!) of local organizing!



6:02 AM · Aug 20, 2022 · Twitter Web App

6 Retweets 1 Quote Tweet 24 Likes



Checks can also be mailed to:

**Horizon Ottawa**  
202-1769 **St Laurent Boulevard**  
**Ottawa, Ontario**  
**K1G 3V4**

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## Amount

✓ One-timeMonthly

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\$25\$50\$100\$250

\$1000\$2500Other Amount

Pay with