

Document 9 - Election Compliance Audit Committee Terms of Reference

CITY OF OTTAWA ELECTION COMPLIANCE AUDIT COMMITTEE

TERMS OF REFERENCE

MANDATE

As prescribed by Section 88.37 of the *Municipal Elections Act, 1996* (the “Act”), Ottawa City Council has approved the establishment of the Election Compliance Audit Committee (the “Committee”).

The Committee is responsible for reviewing and making decisions on applications for municipal election campaign finance compliance audits and on reports from the City Clerk respecting apparent contraventions of contribution limits.

RESPONSIBILITIES

With respect to applications for a compliance audit of the campaign finances of a candidate for municipal council or a registered third party, the Election Compliance Audit Committee shall be responsible for:

1. Receiving and considering applications and determining whether the compliance audit should be granted or rejected. Applications to the Committee shall use a form prescribed by the City Clerk and be accompanied by a declaration confirming that the applicant:
 - is an eligible elector in the City of Ottawa; and
 - has reasonable grounds to believe that the candidate referenced in the application has contravened a provision of the *Act* relating to election campaign finances;
2. Appointing an auditor, if the compliance audit is granted;
3. Receiving the compliance audit report from the auditor; and
4. Reviewing the auditor’s report and, if the report concludes that the candidate or registered third party appears to have contravened a provision of the *Act* relating to campaign finances, deciding whether legal proceedings should be commenced against the candidate.

The Committee is required to consider and render a decision on applications for compliance audits and reports from an auditor within 30 days of receipt.

With respect to reports from the City Clerk regarding apparent contraventions of contribution limits, the Election Compliance Audit Committee shall be responsible for:

1. Receiving and considering report(s) from the City Clerk identifying each contributor to a candidate for office on council who appears to have contravened any of the contribution limits under Section 88.9 of the *Act*, and deciding whether to commence a legal proceeding against a contributor for an apparent contravention; and
2. Receiving and considering report(s) from the City Clerk identifying each contributor to a registered third party who appears to have contravened any of the contribution limits under Section 88.13 of the *Act*, and deciding whether to commence a legal proceeding against a contributor for an apparent contravention.

The Committee is required to consider and render a decision on reports from the City Clerk within 30 days of receipt.

With respect to receiving information related to election compliance matters, the Committee may receive:

1. Memoranda issued by the City Clerk to the Committee, including but not limited to a notice if no applications were received by the relevant application deadline, and the results of the City Clerk's review of contributions if no over-contributions were identified. Such communications may be listed on the agenda for the following meeting of Committee; and
2. Oral updates in open meeting, as required, in relation to matters that have been or are anticipated to be considered by the Committee during the 2022-2026 Term.

MEMBERSHIP

The Election Compliance Audit Committee will be comprised of five (5) members selected by the City Clerk, the Auditor General and the Integrity Commissioner. At least two (2) of the members shall be bilingual.

The following are not eligible to sit on the Election Compliance Audit Committee:

- Employees or officers of the City;
- Members of Council;
- Candidates of the municipal election for which the Committee is established;
or
- Registered Third Parties in the municipality in the election for which the Committee is established.

Members must have a thorough understanding of municipal campaign finance rules such as retired municipal clerks and managers of elections, auditors, accountants, and lawyers.

Three members will be required for quorum.

An individual is ineligible to be a member of the Committee if they prepare the financial statements of, or have any other formal relationship with, any candidate running for office on City Council or any Registered Third Party during the term for which the Committee has been established.

MEETINGS

The Election Compliance Audit Committee will meet as necessary for the purposes of reviewing an application for a compliance audit, a report from an auditor, or a report from the City Clerk regarding apparent contraventions of contribution limits set out in the *Act*. The Committee may also meet as necessary to organize and plan its work.

Meeting notices and agendas will be communicated through the City's website.

The format and location of the meetings will be communicated by the City Clerk. Where applicable, electronic participation may be conducted by way of telephone or other electronic means, following instructions provided by the City Clerk in order to ensure that the meeting may proceed in the most transparent and successful manner under the circumstances.

The Chair and Vice-Chair shall be elected at the Committee's first meeting.

Because the rules of procedural fairness require that both parties (applicant and candidate) have the opportunity to fully present evidence, Members of the Committee must be present throughout a hearing. A member of the Committee who arrives after a hearing has commenced will not be permitted to join the proceedings in progress.

TERM

Members of the Election Compliance Audit Committee shall serve the same term of office as the Council that takes office following a regular municipal election. Each new Committee shall be appointed by October 1 of a regular municipal election year.