



**City of Hamilton**  
**ELECTION COMPLIANCE AUDIT COMMITTEE**  
**AGENDA**

**Meeting #:** 23-001  
**Date:** May 11, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

Carrie McIntosh, Legislative Coordinator (905) 546-2424 ext. 2729

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**Pages**

1. OPENING STATEMENT
2. APPOINTMENT OF CHAIR AND VICE-CHAIR
3. APPROVAL OF AGENDA
4. DECLARATIONS OF INTEREST
5. ADOPTION OF MINUTES OF PREVIOUS MEETINGS
6. WRITTEN COMMUNICATIONS
7. DELEGATION REQUESTS
8. ITEMS FOR DISCUSSION
  - 8.1 CONSIDERATION OF AUDITOR'S REPORTS
  - 8.2 CONSIDERATION OF CLERK'S REPORTS
  - 8.3 CONSIDERATION OF APPLICATIONS
    - a. Pascale Marchand submitting an Application for Election Compliance Audit respecting the Campaign Finances of Cindy Kennedy, Candidate for City Councillor, Ward 4

- b. Cindy Kennedy - Form 4: Financial Statement 9
- c. Written Submission from Cindy Kennedy respecting an Application for Election Compliance Audit submitted by Pascale Marchand 16

**9. ADJOURNMENT**



Hamilton

## CITY OF HAMILTON

### APPLICATION FOR ELECTION COMPLIANCE AUDIT<sup>1</sup>

**Applicant Information:**
 First Name: Pascale Last Name: Marchand

 Mailing Address: [REDACTED]

 E-mail Address: [REDACTED] Phone Number: [REDACTED]

Identify the address and type of property that qualifies you as an elector in Hamilton:

301 Houghton Ave S, Hamilton, ON
**Requesting Compliance Audit of Election Campaign Finances of:**
 Name of Candidate: Cindy Kennedy

 Candidate for office of: Mayor  Councillor  Registered Third Party 

 Date of election for the office: October 24, 2022

I, the undersigned applicant:

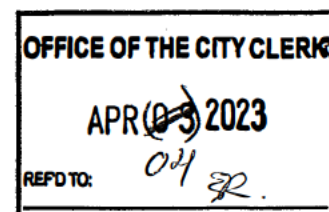
- 1) am an elector as defined under Section 17(2) of the *Municipal Elections Act, 1996*, namely a person who:
  - (a) resides in Hamilton or is the owner or tenant of land there, or the spouse of such owner or tenant;
  - (b) is a Canadian citizen;
  - (c) is at least 18 years old; and
  - (d) is not prohibited from voting under Section 17(3)<sup>2</sup> or otherwise by law.
- 2) have reasonable grounds for believing that the candidate or Registered Third Party has contravened the *Municipal Elections Act, 1996* relating to the candidate's or Registered Third Party election campaign finances.

 Which sections of the *Municipal Elections Act, 1996* relating to election campaign finances do you believe have been contravened?

Section 88.25 - Candidates' financial statements and section 92 (1) - Offences re campaign finances

What are the reasonable grounds for your belief? (Attach supporting documentation, if any)

The Financial Statement - Auditor's Report Candidate - Form 4 for the candidate indicates that the candidate "did not accept any contributions or incur any expenses." However, the candidate had lawn signs during the election campaign, which would constitute an expense for an election campaign, as per the *Municipal Elections Act* (88.19).

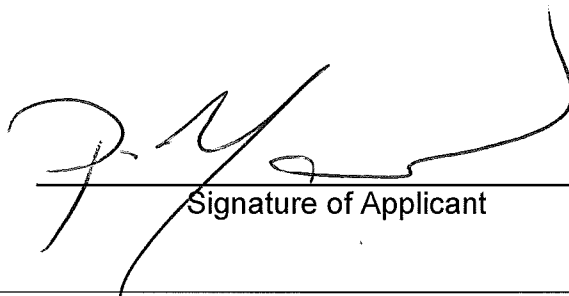


I, **Pascale Marchand**

, being an eligible elector in the City of Hamilton, believe the facts and information submitted above to be true, and I request a compliance audit of the candidate's or the Registered Third Party's election campaign finances.

**April 4, 2023**

Date



Signature of Applicant

This form contains information collected and maintained specifically for the purpose of creating a record available to the general public and may be inspected by any person at the Clerk's office at a time when the office is open. (Section 88(5) of the *Municipal Elections Act, 1996*).

<sup>1</sup>Section 88.33(3) and 88.35(3) of the *Municipal Elections Act, 1996*:

The application must be made within 90 days after the latest of,

- (a) the filing date under section 88.30;
- (b) the candidate's supplementary filing date, if any, under section 88.30;
- (c) the filing date for the final financial statement under section 88.30; or
- (d) the date on which the candidate's extension, if any, under subsection 88.23(6) and 88.27(3) expires.

<sup>2</sup>Section 17(3) of the *Municipal Elections Act, 1996*:

The following are prohibited from voting:

1. A person who is serving a sentence of imprisonment in a penal or correctional institution.
2. A corporation.
3. A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
4. A person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.



Sept. 10, 2022



**Financial Statement – Auditor's Report Candidate – Form 4**  
Municipal Elections Act, 1996 (Section 88.25)

**Instructions**

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be immediately paid to the clerk who is responsible for the conduct of the election.

For the campaign period from (day clerk received nomination) 

YYYY	MM	DD
2021	07	05

 to 

YYYY	MM	DD
2021	12	31

- Initial filing reflecting finances from start of campaign to December 31 (or 45 days after voting day in a by-election)
- Supplementary filing reflecting finances from start of campaign to end of extended campaign period

**Box A: Name of Candidate and Office**

Candidate's name as shown on the ballot

Last Name or Single Name

Given Name(s)

KENNEDY

CINDY LOUISE

Office for Which the Candidate Sought Election

Ward Name or Number (if any)

COUNCILOR

4

Municipality

HAMILTON

Spending Limit

Contribution Limit

General

Parties and Other Expressions of Appreciation

Contributions from Candidate and Spouse

\$ 28598.55

\$

\$

I did not accept any contributions or incur any expenses. (Complete Boxes A and B only)

**Box B: Declaration**

I, CINDY KENNEDY, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Cindy Kennedy  
Signature of Candidate

2023 01 03  
Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Candidate or Agent (if filed in person)	Signature of Clerk or Designate
2023/01/03	1:00PM	CK	<u>Tammy Reeves</u>

City of Hamilton  
JAN 03 2023  
Elections

**Box C: Statement of Campaign Income and Expenses**

**LOAN**

Name of bank or recognized lending institution

Amount borrowed  
\$

**INCOME**

Total amount of all contributions (from line 1A in Schedule 1)	+ \$	_____
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fundraising events not deemed a contribution (from Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
6. _____	+ \$	_____

**Total Campaign Income (Do not include loan)** = \$ \_\_\_\_\_ **C1**

**EXPENSES** (Note: Include the value of contributions of goods and services)

**1. Expenses subject to general spending limit**

Inventory from previous campaign used in this campaign (list details in Table 2 of Schedule 1)	+ \$	_____
Advertising	+ \$	_____
Brochures/flyers	+ \$	_____
Signs (including sign deposit)	+ \$	_____
Meetings hosted	+ \$	_____
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	_____
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	_____
Bank charges incurred until voting day	+ \$	_____
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
6. _____	+ \$	_____

**Total Expenses subject to general spending limit** = \$ \_\_\_\_\_ **C2**

**2. Expenses subject to spending limit for parties and other expressions of appreciation**

1. _____	+ \$	_____
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**ELECT**

**CINDY  
KENNEDY**

**WARD 4 • CITY COUNCILLOR**

**CINDY4THECITY.CA**

**CINDY  
KENNEDY**  
**WARD 4 • CITY COUNCILLOR**  
**CINDY4THECITY.CA**





Financial Statement – Auditor's Report Candidate – Form 4 Municipal Elections Act, 1996 (Section 88.25)

Instructions

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be immediately paid to the clerk who is responsible for the conduct of the election.

For the campaign period from (day clerk received nomination) 2021 07 05 to 2021 12 31

- Initial filing reflecting finances from start of campaign to December 31 (or 45 days after voting day in a by-election)
Supplementary filing reflecting finances from start of campaign to end of extended campaign period

Box A: Name of Candidate and Office

Candidate's name as shown on the ballot
Last Name or Single Name: KENNEDY
Given Name(s): CINDY LOUISE
Office for Which the Candidate Sought Election: COUNCILOR
Ward Name or Number (if any): 4
Municipality: HAMILTON
Spending Limit: General \$ 28598.55
Contribution Limit: Contributions from Candidate and Spouse \$

I did not accept any contributions or incur any expenses. (Complete Boxes A and B only)

Box B: Declaration

I, CINDY KENNEDY, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Signature of Candidate: Cindy Kennedy

Date (yyyy/mm/dd): 2023 01 03

Table with 4 columns: Date Filed (2023/01/03), Time Filed (1:00PM), Initial of Candidate or Agent (CK), Signature of Clerk or Designate (Tanny Reeves)

City of Hamilton
JAN 03 2023
Elections

**Box C: Statement of Campaign Income and Expenses**

**LOAN**

Name of bank or recognized lending institution

Amount borrowed  
\$

**INCOME**

Total amount of all contributions (from line 1A in Schedule 1)	+ \$	_____
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fundraising events not deemed a contribution (from Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
6. _____	+ \$	_____

**Total Campaign Income (Do not include loan)**

= \$ \_\_\_\_\_ **C1**

**EXPENSES** (Note: Include the value of contributions of goods and services)

**1. Expenses subject to general spending limit**

Inventory from previous campaign used in this campaign (list details in Table 2 of Schedule 1)	+ \$	_____
Advertising	+ \$	_____
Brochures/flyers	+ \$	_____
Signs (including sign deposit)	+ \$	_____
Meetings hosted	+ \$	_____
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	_____
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	_____
Bank charges incurred until voting day	+ \$	_____
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
6. _____	+ \$	_____

**Total Expenses subject to general spending limit**

= \$ \_\_\_\_\_ **C2**

**2. Expenses subject to spending limit for parties and other expressions of appreciation**

1. _____	+ \$	_____
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2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____
<b>Total Expenses subject to spending limit for parties and other expressions of appreciation</b>		= \$	<b>C3</b>

**3. Expenses not subject to spending limits**

Accounting and audit		+ \$	_____
Cost of fundraising events/activities (list details in Part IV of Schedule 2)		+ \$	_____
Office expenses incurred after voting day		+ \$	_____
Phone and/or internet expenses incurred after voting day		+ \$	_____
Salaries, benefits, honoraria, professional fees incurred after voting day		+ \$	_____
Bank charges incurred after voting day		+ \$	_____
Interest charged on loan after voting day		+ \$	_____
Expenses related to recount		+ \$	_____
Expenses related to controverted election		+ \$	_____
Expenses related to compliance audit		+ \$	_____
Expenses related to candidate's disability (provide full details)			
1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____
Other (provide full details)			
1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____
<b>Total Expenses not subject to spending limits</b>		= \$	<b>C4</b>

**Total Campaign Expenses (C2 + C3 + C4)** = \$ \_\_\_\_\_ **C5**

**Box D: Calculation of Surplus or Deficit**

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 – C5)		+ \$	_____	<b>D1</b>
If there is a surplus, deduct any refund of candidate's or spouse's contributions to the campaign		- \$	_____	
Surplus (or deficit) for the campaign		= \$	_____	<b>D2</b>

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who is responsible for the conduct of the election.

**Schedule 1 – Contributions**

**Part I – Summary of Contributions**

Contributions in money from candidate and spouse	+ \$	
Contributions in goods and services from candidate and spouse (include value listed in Table 1 and Table 2)	+ \$	
Total value of contributions not exceeding \$100 per contributor • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+ \$	
Total value of contributions exceeding \$100 per contributor (from line 1B; list details in Table 3 and Table 4) • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+ \$	
<b>Less:</b> Ineligible contributions paid or payable to the contributor Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	- \$	
	- \$	
<b>Total Amount of Contributions (record under Income in Box C)</b>	<b>= \$</b>	<b>1A</b>

**Part II – Contributions from candidate or spouse**

**Table 1: Contributions in goods or services**

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)
<b>Total</b>		

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign  
(Note: Value must be recorded as a contribution from the candidate and as an expense.)**

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value (\$)
<b>Total</b>				

Additional information is listed on separate supplementary attachment, if completed manually.

**Part III – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse**

**Table 3: Monetary contributions from individuals other than candidate or spouse**

Name	Full Address	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
<b>Total</b>				

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 4: Contributions in goods or services from individuals other than candidate or spouse**  
(Note: Must also be recorded as Expenses in Box C.)

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)
<b>Total</b>				

Additional information is listed on separate supplementary attachment, if completed manually.

**Total for Part III – Contributions exceeding \$100 per contributor**  
(Add totals from Table 3 and Table 4 and record the total in Part 1 – Summary of Contributions) \$ \_\_\_\_\_ 1B

**Schedule 2 – Fundraising Events and Activities**

Complete a separate schedule for each event or activity held.

 Additional schedule(s) attached, if completed manually.**Fundraising Event/Activity 1**

Description of fundraising event/activity \_\_\_\_\_

Date of event/activity (yyyy/mm/dd) \_\_\_\_\_

**Part I – Ticket revenue**

Admission charge (per person) \$ \_\_\_\_\_ 2A

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold x \_\_\_\_\_ 2B

**Total Part I (2A X 2B) (include in Part I of Schedule 1)** = \$ \_\_\_\_\_**Part II – Other revenue deemed a contribution**

Provide details (e.g., revenue from goods sold in excess of fair market value)

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

**Total Part II (include in Part I of Schedule 1)** = \$ \_\_\_\_\_**Part III – Other revenue not deemed a contribution**

Provide details (e.g., contribution of \$25 or less; goods or services sold for \$25 or less)

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

**Total Part III (include under Income in Box C)** = \$ \_\_\_\_\_**Part IV – Expenses related to fundraising event or activity**

Provide details

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

**Total Part IV Expenses (include under Expenses in Box C)** = \$ \_\_\_\_\_

**Auditor's Report – Municipal Elections Act, 1996 (Section 88.25)**

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality			Date (yyyy/mm/dd)
<b>Contact Information</b>			
Last Name or Single Name		Given Name(s)	Licence Number
Address			
Suite/Unit Number	Street Number	Street Name	
Municipality		Province	Postal Code
Telephone Number		Email Address	

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.25 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.



**From:** [REDACTED]  
**To:** [McIntosh, Carrie](#)  
**Subject:** Re: Notice of Meeting  
**Date:** Tuesday, May 2, 2023 7:46:39 PM  
**Attachments:** [image001.png](#)

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To Whom It May Concern

I am writing this email in regards to my Election Campaign Finances

As per the picture that Pascal Marchand submitted showing a Slow Down Children at play sign with a ballon on it (not quite sure why she felt the need to take the picture of it that day but it does prove that she obviously had other motives) yes I did have a meet and greet the candidate on the day of the Crown Point Community Garage Sale

On this day I rented a bouncy castle for the children at my own cost and had free water and popcorn for people in attendance

I had friends that sold their belongings at the sale but I myself did not ...my sole purpose was to talk to neighbours regarding my campaign

I did have a raffle table where I purchased all items that were available so any monies(which were minimal as the day was not about making money it was raising awareness about and my campaign)that I made went to those costs

If I knew that I would have had to include these people on this I would have included each 2.00 ticket on this form

This was the one and only event that I had and the costs that I incurred were far greater than the monetary value that I received as you see it wasn't about raising money it was raising awareness to who I am and my vision for what I wanted to do as councillor

I am very concerned that Pascal Marchand has some grudge against me as like I said she did take a picture the day of the garage sale of my sign and am very confused as to why she would have done that and now this.

I have nothing to hide and in my opinion this is just a huge waste of taxpayers money

I can understand if I had the amount of signs as some of the other candidates or was endorsed by businesses or people but I had one event ..a community garage sale for the kids and people in the community

I am not sure how you want me to prove this information as I have thrown away the raffle stubs but I guess I could put a post on Facebook in the crown point community asking anyone if they bought a ticket for my raffle sale but I think that is about as logical as this whole process is

To me this whole thing is a huge waste of time and money and I'm not sure what the outcome will be but I do hope you and the people that will decide the fate of this realize that I did not run for council as an opportunity to make money I did it for the sole purpose of trying to make things better for my community but I guess some people will always see the worst in others even when they have no idea about them

One other thing, I ran for school trustee in two other elections and never raised a dime for those campaigns either and never had anyone question my finance or my integrity

Thank you

Cindy Kennedy

On Tue, Apr 25, 2023 at 1:31 PM McIntosh, Carrie <[Carrie.McIntosh@hamilton.ca](mailto:Carrie.McIntosh@hamilton.ca)> wrote:

Good afternoon Cindy Kennedy,

Please find attached a Notice of Meeting of the Election Compliance Audit Committee respecting the Election Campaign Finances of Cindy Kennedy, Candidate, Ward 4.

**Carrie McIntosh** (she/her)

Legislative Coordinator

Corporate Services

City Clerk, City of Hamilton

(905) 546-2424 Ext.2729

