

Election compliance Audit Committee 2018-2022– Terms of Reference

Responsibilities

The Election Compliance Audit Committee shall be responsible for:

Part 1

1. Receiving and considering an application for a compliance audit and determining whether the compliance audit should be granted or rejected;
2. Prepare brief written reasons for the decision to grant or reject the compliance audit and provide same to the candidate or registered third party, the Clerk of the municipality and the applicant;
3. Applications to the Committee shall use a form prescribed by the City Clerk and be accompanied by a declaration confirming that the applicant:
 - (a) is an eligible elector in the City of Hamilton;
 - (b) has reasonable grounds to believe that the candidate or registered third party referenced in the application has contravened a provision of the Act relating to election campaign finances;
4. Appointing an auditor, if the compliance audit is granted;
5. Receiving the compliance audit report from the auditor;
6. Reviewing the auditor's report and if the report finds a contravention appears to have occurred, deciding whether legal proceedings should be commenced against the candidate or registered third party;
7. Prepare brief written reasons for the decision whether or not to commence legal proceedings and provide same to the candidate or registered third party, the Clerk of the municipality and the applicant;
8. The Committee is required to review applications for compliance audits and reports from an auditor within 30 days of receipt.

Part 2

1. Within 30 days after receiving a report prepared by the Clerk identifying each contributor to a candidate or registered third party who appears to have contravened any contribution limits set out under section 88.9 or 88.13 of the Act, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention of the contribution limits;
2. Prepare brief written reasons for the decision whether or not to commence a legal proceeding and provide same to the contributor and the Clerk of the municipality.

Reporting Protocols

Following its consideration of an auditor's report, or the report of the Clerk with respect to contribution limits, the Committee shall provide a report to Council outlining its findings and any recommendation for further action. The Committee shall provide notice of its intent to submit a report to Council one meeting in advance.

Membership

The Election Compliance Audit Committee will be comprised of four (4) members selected by the Election Compliance Audit Committee - Selection Committee.

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

- employees or officers of the municipality or local board;
- members of the council or local board;
- candidates in the election for which the committee is established; or
- persons who are registered third parties in the municipality in the election for which the committee is established.

Members must have a thorough understanding of the campaign finance rules (i.e. auditors, accountants, lawyers, etc.).

Three members will be required for quorum.

An individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of any candidate running for office on City Council during the term for which the Committee has been established or for any registered third party.

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 Clerk with respect to contribution limits. The Committee may also meet as necessary to organize and plan its work.

Meetings of the Election Compliance Audit Committee shall be open to the public, but the committee may deliberate in private in accordance with 88.33(5.1), 88.34(9.1) and 88.36(6.1) of the Act. Meeting notices and agendas will be communicated through the City's website.

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

Because the rules of "natural justice" require that both parties (applicant and candidate or registered third party) 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 before October 1 of an election year.