




CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Office of the City Clerk

TO:	Chair and Members of the Election Compliance Audit Committee
COMMITTEE DATE:	November 23, 2023
SUBJECT/REPORT NO:	Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the <i>Municipal Elections Act</i> – Sergio Manchia (FCS23072(a))(City Wide) **Updated to reflect filing of Supplementary financial statements.
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tammy Reeves, Elections Coordinator, (905) 546-2424 Ext. 3017 Aine Leadbetter, Manager Elections, Print and Mail (905) 546-2424 Ext. 2753
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk
SIGNATURE:	

As per Section 88.34 (1) of the *Municipal Elections Act, 1996* (the 'Act') the Clerk has reviewed the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributors appear to have exceeded any of the contribution limits under section 88.9.

As per Section 88.34 (2) of the Act, the Clerk is required to prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under Section 88.9, Maximum contributions to candidates:

- a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election (Section 88.9 (1))
- and 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 (Section 88.9 (4))

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As per Section 88.15 (1) for the purposes of the Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the direction of the candidate, are contributions.

The Clerk's review of contributions reported on the financial statements submitted by candidates following the initial filing date determined that Sergio Manchia (the "Contributor") appeared to have contravened the maximum contribution to two or more candidates for office on the same council, as per Section 88.9(4) of the Act. Report FCS23072, Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the *Municipal Elections Act* –Sergio Manchia dated June 16, 2023, is attached as Appendix "A" to this Report.

Following the meeting of the Election Compliance Audit Committee held on June 16, 2023, the Committee issued its decision respecting Report FCS23072 on June 23, 2023. The Committee found that the commencement of legal proceedings was warranted and that it was in the public interest to commence legal proceedings against the Contributor who had exceeded the contribution limits without reasonable explanation. The prosecution of this matter has been referred to a prosecutor in accordance with the Committee's decision. The Decision of the Election Compliance Audit Committee Decision respecting Sergio Manchia dated June 23, 2023 is attached as Appendix "B" to this Report. On October 31, 2023 a charge of "making contributions exceeding a total of \$5,000 to any two or more candidates for office on the Council of the City of Hamilton with respect to the 2022 municipal elections contrary to subsection 88.9(4) of the *Municipal Elections Act*," was laid against Sergio Manchia.

As a result of the Clerk's review of contributions reported on the financial statements submitted by candidates following the supplementary filing date, the Clerk has identified an increase in the total amount of contributions made by the Contributor as initially reported in Report FCS23072 and which has already been the subject of a decision by the Committee to commence legal proceedings. The additional contribution made by the Contributor during the Supplementary Reporting Period is as reflected below:

CONTRIBUTOR'S LAST NAME	CONTRIBUTOR'S FIRST NAME	AMOUNT RECEIVED DURING SUPPLEMENTARY REPORTING PERIOD	CANDIDATES NAME
Manchia	Sergio	\$450.00	Andrea Horwath
TOTAL CONTRIBUTIONS		\$5750.00**	

****The Total Contributions reflected above includes contributions of the Contributor reported in FCS23072 and FCS23072(a).**

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The Clerk as per Section 88.34 (4) of the Act shall forward each report prepared under Section 88.34 (2) to the compliance audit committee.

As per Section 88.34 (8) Within 30 days after receiving the report prepared by the Clerk under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Reasonable notice of the meetings of the compliance audit committee shall be given to the contributor, the applicable candidate(s) and the public (Section 88.34 (9)).

The compliance audit committee's decision with respect to Section 88.34 (8) and a brief written reason(s) for the decision shall be given to the contributor and to the Clerk (Section 88.34 (11)).

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS23072(a)– Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the *Municipal Elections Act* –Sergio Manchia (FCS23072) (City Wide)

Appendix "B" to Report FCS23072(a)– Decision of the Election Compliance Audit Committee Decision respecting Sergio Manchia