



Municipal Elections Compliance Audit Committee

Board Received: September 24, 2018 Review Date: June of an election year

Context

Under the Municipal Elections Act, 1996, as amended, a Municipal Elections Compliance Audit Committee (MECAC) must be established by October 1st in an election year.

This function may be organized and implemented by the City of Brantford in collaboration with the County of Brant, Haldimand County and Norfolk County and the members of the City of Brantford MECAC can also serve in this capacity for concerns brought forward regarding school board trustee candidates. In the event that some applicants for the City of Brantford MECAC opt out of performing this function for the school board, it is incumbent on Grand Erie to form its own MECAC.

Additional Information

The terms of office for this committee is four years beginning on December 1, 2018. The powers and functions of MECAC are set out in subsections 88.33 through 88.36 of the Municipal Elections Act, 1996. The requirements of the Grand Erie MECAC are as follows:

MECAC will be required to:

1. review and consider a compliance audit application submitted by an elector and decide whether it should be granted or rejected;
2. if the application is granted, appoint an auditor to conduct a compliance audit;
3. receive the auditor's report;
4. consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the Municipal Elections Act, 1996, as amended, relating to election campaign finances, the committee may commence legal proceedings against the candidate for the apparent contravention
5. review and consider any reports prepared by the Clerk pursuant to subsection 88.34 or 88.36 of the Act.

In accordance with the Act, Subsection 88.37(2), membership shall not include:

1. employees or officers of the municipality or local school board;
2. members of the council or local school board;
3. any persons who are Candidates in the election for which the committee is established; or
4. any persons who are registered third parties in the municipality in the election for which the committee is established.

In addition to the legislated restrictions established for the composition of this committee, in order to avoid a conflict of interest, an individual shall be deemed ineligible to be a member of the committee if the individual:

1. gives financial advice or prepares the financial statements of a candidate in an election for which the committee is established;
2. is a family member or employee of a candidate in an election for which the committee is established, or any person connected to a candidate through an employment, contractual, business or partnership relationship; or

3. is a volunteer or seeks employment to assist any candidate in the election for which the committee is established.

MECAC is a quasi-judicial body and does not report to the Board.

Reference Documents

- Grand Erie Municipal Compliance Audit Committee Terms of Reference
- *Municipal Elections Act, 1996*

Municipal Elections Compliance Audit Committee Terms of Reference

1.0 Mandate

- 1.1 The powers and functions of MECAC are set out in subsections 88.33 through 88.36 of the *Municipal Elections Act, 1996*, as amended (Act). MECAC is a quasi-judicial body and does not report to the Board. MECAC will be required to:
- (a) review and consider a compliance audit application submitted by an elector and decide whether it should be granted or rejected;
 - (b) if the application is granted, appoint an auditor to conduct a compliance audit;
 - (c) receive the auditor's report;
 - (d) consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the Municipal Elections Act, 1996, as amended, relating to election campaign finances, the committee may commence legal proceedings against the candidate for the apparent contravention;
 - (e) review and consider any reports prepared by the Clerk pursuant to subsection 88.34 or 88.36 of the Act;
 - (f) in the case where the Clerk's report identifies that a contributor has contravened the Act as described in subsection 88.34 or 88.36, the committee may commence legal proceedings against the contributor for the apparent contravention.

2.0 Committee Composition

- 2.1 MECAC will consist of 3 (three) members.
- 2.2 In accordance with the Act, Subsection 88.37(2), membership shall not include:
- (a) employees or officers of the municipality or local board;
 - (b) members of the council or local board;
 - (c) any persons who are Candidates in the election for which the committee is established; or
 - (d) any persons who are registered third parties in the municipality in the election for which the committee is established.

- 2.3 In addition to the legislated restrictions established for the composition of this committee, in order to avoid a conflict of interest, an individual shall be deemed ineligible to be a member of the committee if the individual:
- (a) gives financial advice or prepares the financial statements of a candidate in an election for which the committee is established;
 - (b) is a family member or employee of a candidate in an election for which the committee is established, or any person connected to a candidate through an employment, contractual, business or partnership relationship; or
 - (c) is a volunteer or seeks employment to assist any candidate in the election for which the committee is established.
- 2.4 The Superintendent of Business and Director of Education, as Secretary to the Board will meet to review the applications and to recommend committee membership. The names will be put forward to the Board for approval to the committee.

3.0 Term of the Committee

- 3.1 The term of MECAC shall be equivalent to the term of Trustees.

4.0 Committee Operating Procedures

- 4.1 MECAC will meet as needed, with meetings scheduled by the Superintendent of Business or his/her designate when a municipal election compliance audit application is received.
- 4.2 Members of the MECAC shall be paid a per diem rate of \$150 plus the applicable mileage rate as set by the Grand Erie District School Board. The mileage rate shall be applied from the member's home to the Board office location and return trip.
- 4.3 Expenses related to each meeting will be paid by the Board.

5.0 Role of the Board

- 5.1 Appoint MECAC committee members.