

Date: 2023-05-10

Subject: **2022 Municipal and School Board Election – Clerk’s Review of Campaign Contributions – Robert Davis**

Contact: Roger Wilson, Lottery Licensing Clerk, City Clerk’s Office, Legislative Services

Report Number: Legislative Services-2023-555

Recommendations:

1. That the report from Roger Wilson, Lottery Licensing Clerk, City Clerk’s Office, Legislative Services, dated May 10, 2023, to the Compliance Audit Committee meeting of June 29, 2023 re: **2022 Municipal and School Board Election – Clerk’s Review of Campaign Contributions – Robert Davis**, be received.

Overview:

- **The *Municipal Elections Act, 1996 (MEA)* requires all candidates for Council in the 2022 Municipal and School Board Election to file their financial statement and auditor’s report (Form 4) with the Clerk.**
- **The MEA requires the Clerk to review the contributions reported on each submitted financial statement and prepare a separate report on each contributor who appears to have over-contributed. The report must be forwarded to the Compliance Audit Committee.**
- **This report details an apparent over-contribution by a contributor to a candidate for Council.**
- **This report achieves the Council Term priority of a Well-Run City by ensuring compliance with provincial legislation relating to the municipal election.**

Background:

As legislated by the *Municipal Elections Act, 1996* (MEA), the 2022 Municipal and School Board Election was held on Monday, October 24, 2022.

During the nomination period, 75 candidates filed their papers to run for office on Council. Four (4) Council candidates withdrew their nomination before the legislated deadline.

During the campaign period, candidates could receive contributions from individuals who are residents of Ontario.

Section 88.9 of the MEA established the following contribution limits for the 2022 Municipal and School Board Election:

- \$1,200 contribution limit to one candidate
- \$5,000 combined contribution limit to two or more candidates for office on the same Council

After the campaign period, all candidates (including those who withdrew their nomination) were required to complete and file their Financial Statement – Auditor's Report – Form 4 with the City Clerk's Office, as required by Section 88.25 of the MEA. On the financial statement, candidates were required to document contributors that had contributed more than \$100 to their campaign.

Subsection 88.34(1) of the MEA requires the Clerk to review the contributions reported on each financial statement submitted by a candidate to determine whether any contributor appears to have exceeded any of the contribution limits. The Clerk must prepare a report of any apparent over-contributions [ss. 88.34(2)] and forward the report to the Compliance Audit Committee for consideration [ss. 88.34(4)]. A separate report is required for each apparent over-contribution [ss. 88.34(3)].

The report will be considered at a meeting of the Committee, which must decide whether to commence a legal proceeding against a contributor for an apparent contravention [ss. 88.34(8)]. Notice of the meeting is given to the contributor, the applicable candidate and the public [ss. 88.34(9)].

Candidates for Council also have a limit on how much they and their spouse can contribute to their own campaign, however this contribution limit is not part of the Clerk's review [ss. 88.9.1(8)].

Current Situation:

Seventy-three (73) financial statements for Council candidates were submitted to the Clerk's Office before the filing deadline of Friday, March 31, 2023, 2 pm, or during the grace period for filing (deadline of Monday, May 1, 2023, 2 pm).

The contributions reported on each financial statement were reviewed and entered into a spreadsheet that tracked contributions by contributor's name and address, as well as the amount contributed.

The following information details a contributor who appears to have exceeded the maximum contribution limit under Section 88.9(1):

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

In accordance with Section 88.15 (1), goods and services given to a candidate for their election campaign are contributions.

Contributor Name:	Robert Davis
Contributor Address:	1194 Royal York Rd, Etobicoke
Amount Contributed in Goods or Services :	Election signs valued at \$1,200.41
Date(s) Contributed:	2022/09/28
Candidate who Received the Contribution:	Cody Vatcher Candidate for City Councillor, Wards 2, 6

The above details are extracted from the publicly available financial statement submitted by the candidate. Financial statements filed pursuant to the *Municipal Elections Act, 1996*, are public records under the MEA [s. 88(5)].

Corporate Implications:

Financial Implications:

Costs associated with the function of the Compliance Audit Committee are funded through the Council-approved City Clerk's Office budget.

Other Implications:

There are no other direct implications from this report.

Term of Council Priorities:

This report achieves the priority of a Well-Run City by ensuring compliance with provincial legislation relating to the municipal election.

Conclusion:

This report fulfills the Clerk's responsibilities under the *Municipal Elections Act, 1996*, for the administration of certain post-election matters.

Authored by:

Reviewed by:

Roger Wilson, Lottery Licensing
Clerk, City Clerk's Office

Shawnica Hans, Program Manager,
Elections, and Peter Fay, City Clerk

Approved by:

Approved by:

Paul Morrison, Acting Commissioner,
Legislative Services

Marlon Kallideen, Chief Administrative
Officer

Attachments:

- Candidate Financial Statement
 - Cody Vatcher