

COMPLIANCE AUDIT COMMITTEE REPORT

DATE: Thursday, June 06, 2019

WARD(S): ALL

**TITLE: CLERK'S REPORT ON CONTRIBUTIONS TO CANDIDATES –
ADAM STARKMAN**

FROM:

Todd Coles, City Clerk / Returning Officer

ACTION: DECISION

Purpose

The report included as Attachment 1 has been submitted to the Compliance Audit Committee for their consideration as required by section 88.34 of the *Municipal Elections Act, 1996* (the Act).

Recommendations

1. That the Compliance Audit Committee consider the report included as Attachment 1 and decide whether to commence a legal proceeding against the contributor noted in the report for an apparent contravention.

Background

Section 88.34(1), (2), (3) and (4) set out the requirements for the Clerk in respect to reviewing and reporting on contributions to candidates which appear to have exceeded the contribution limits set out in section 88.9 of the Act:

Review of contributions to candidates

88.34 (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall 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 and,

- (a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- (b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council. 2016, c. 15, s. 64.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 64.

The report included as Attachment 1 constitutes a report prepared and submitted in accordance with section 88.34(4).

Previous Reports/Authority

[Joint Compliance Audit Committee for the 2018-2022 Term of Council, Item No. 6, Report No. 10, Committee of the Whole, March 20, 2018](#)

Analysis and Options

The Compliance Audit Committee is required to render a decision regarding the findings of the report as set out in section 88.34(8) of the Act:

Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 64.

The options available to the Committee are:

1. Commence legal proceeding against the contributor for an apparent contravention; or
2. Not to commence legal proceeding against the contributor for an apparently contravention.

Financial Impact

The costs associated with the Compliance Audit Committee are funded by the City of Vaughan's Election Reserve.

Broader Regional Impacts/Considerations

There are no regional impacts or considerations associated with this report.

Conclusion

The decision of the Committee and brief written reasons for the decision shall be given to the contributor and the City Clerk as required by section 88.34(11).

For more information, please contact: Evan Read, Manager, Elections and Special Projects, Extension 8241

Attachments

1. Clerk's Report on Contributions to Candidates – Adam Starkman – 2018 Municipal Election, May 13, 2019

Prepared by

Evan Read, Manager, Elections and Special Projects, Extension 8241
Todd Coles, City Clerk / Returning Officer, Extension 8281