

# Election Compliance Audit Committee

Administrative Procedure

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<b>Topic:</b>	<b>Election Compliance Audit Committee</b>
<b>Status:</b>	<b>Active</b>
<b>Effective:</b>	January 2014
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<b>Review Date:</b>	September 2027
<b>Responsibility:</b>	Director of Education

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## Intended Purpose

In compliance with the Municipal Elections Act, 1996, S.O. 1996, the Halton District School Board (“HDSB”) must establish a Compliance Audit Committee to sit for the comparable length of term of office as trustees/councillors.

Subsection 88.37(1) of the Municipal Elections Act, 1996 requires that the HDSB establish a Compliance Audit Committee on or before October 1 in the year of an election. Subsection 88.37(6) requires the Secretary of the Halton District School Board to establish administrative practices and procedures for the Compliance Audit Committee.

This Administrative Procedure does not preclude the HDSB from entering into an agreement to form a Joint Compliance Audit Committee with coterminous School Board(s) and/or municipalities within the same geographic areas and jurisdiction as the HDSB.

## Administrative Practices and Procedures

### Mandate

The Halton District School Board’s Compliance Audit Committee has full delegation of the authority as outlined in the Municipal Elections Act, 1996, to address applications requesting an audit of a candidate’s election campaign finances. This authority includes, but is not limited to:

- review any written application(s) received by the secretary of the local board;
- grant or reject audit requests based on the application(s) review;
- where an audit is granted, appoint an auditor and review the resulting audit report; and/or

# Election Compliance Audit Committee

## Administrative Procedure

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- commence legal proceedings on the basis of an auditor's or clerk's report with respect to municipal campaign finances.

Any other responsibilities not clearly identified shall be in accordance with Sections 88.33 to 88.37 of the Municipal Elections Act, 1996.

### **Membership**

The Halton District School Board's Compliance Audit Committee shall be comprised of not fewer than three, and not more than seven members, and shall not include:

- A. employees or officers of the local board;
- B. members of the local board; or,
- C. any persons who are candidates in the election and/or by-election for which the committee is established.

The Compliance Audit Committee shall be composed of members with a knowledge and understanding of municipal election campaign financing rules.

To be considered by the Selection Committee, applicants must submit a letter expressing their interest in appointment to the Compliance Audit Committee, including a CV or resume, to the Director's Office.

The Director of Education may also invite the non-Trustee members of the HDSB Audit Committee to consider appointment to the Compliance Audit Committee.

### **Term of Office**

Subsection 88.37(5) of the Municipal Elections Act, 1996, provides that the term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed.

Upon the term's expiry, Committee Members may be considered to serve additional terms.

The Committee will be convened only to deal with applications (if any) from the regular election and any by-elections during this term.

### **Meetings**

Upon receipt of an application to conduct a compliance audit, the Secretary of the

# Election Compliance Audit Committee

## Administrative Procedure

---

Board will call the first meeting of the Compliance Audit Committee. The date and time will be determined in consultation with the members, and communicated directly to all members at least 96 hours prior to the meeting date. Subsequent meetings will be at the call of the Chair. At its first meeting, the Committee shall elect a Chair and Vice-Chair, in accordance with the Election of Chair and Vice Chair Governance Procedure.

The Committee shall adhere to all timeframes established in the Municipal Elections Act, 1996 and related regulations.

Committee activity, including frequency and duration of meetings, shall be determined primarily by the number and complexity of applications for compliance audits received.

Quorum for Compliance Audit Committee meetings shall consist of a majority of the members of the Committee. Any member of the Committee who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee.

Meetings shall be open to the public except for under circumstances outlined in the "Closed Meetings" section of this administrative procedure. For greater certainty, open and closed meetings of the Compliance Audit Committee, are held in accordance with the Municipal Elections Act, 1996 subsection 88.33(5.1), notwithstanding any provisions for open meetings provided under the Education Act.

### **Notice of Meetings**

Notice of meetings of the Compliance Audit Committee shall be provided by publishing the meeting agenda to the HDSB website, including the date, time, location and/or method by which the meeting shall be conducted (in-person or electronic).

Notice of meetings shall be provided a minimum of three (3) business days prior to the date of each meeting. The accidental omission to give notice of any meeting of the Committee to its members, the applicant, or any interested parties, or the non-receipt of any notice by the same, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting.

### **Meeting Procedures**

Meetings of the Committee shall be governed by Robert's Rules of Order (newly

# Election Compliance Audit Committee

## Administrative Procedure

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revised), the HDSB's Policies and Governance Procedures, and Legislation. Where a matter arises which is not provided for in Robert's Rules of Order, or existing policy, procedure or legislation, the Committee shall establish a rule within its legal authority, provided by the Municipal Elections Act or the Statutory Powers and Procedures Act, so as to dispose of the matter before it.

Minutes of each meeting shall outline the general deliberations, specific actions and resulting recommendations.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent themselves from meetings for the duration of the discussion and voting (if any) with respect to that matter.

All records considered by, and submitted to the Compliance Audit Committee are public, in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Applicants and/or candidates may submit a request to the Secretary of the Board that specific records submitted in relation to an application made under the Municipal Elections Act, be considered private and confidential.

### **Procedures**

#### **Receipt of Application**

Subsections 88.33(1) of the Municipal Elections Act, 1996 provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party who is registered in relation to the election in the municipality has contravened a provision of the Municipal Elections Act, 1996 relating to election campaign finances, may apply for a compliance audit of the candidate or registered third party's election campaign finances.

Within the timelines set out at subsections 88.33(3) of the Municipal Elections Act, 1996, the applicant must submit a written application for a compliance audit to the Secretary of the Board for which the candidate was nominated for office, setting out the reasons for the elector's belief.

Within ten (10) days after receiving the application, the Secretary of the Board will forward the application to the Compliance Audit Committee, and provide a copy of the application to the Halton District School Board, Board of Trustees.

The Secretary of the Board shall also forward a copy of the application to the candidate. The Compliance Audit Committee shall direct the Secretary of the Board to give notice to the applicant, the candidate and the public of the date, time,

# Election Compliance Audit Committee

## Administrative Procedure

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location and/or method by which the meeting shall be conducted (in-person or electronic) where the Compliance Audit Committee shall consider the application.

The candidate is entitled to deliver responding materials to the Compliance Audit Committee. The Compliance Audit Committee shall provide the applicant with the candidate's responding materials, if any.

The applicant and candidate are entitled to be present when the Compliance Audit Committee meets to consider the application. The applicant and the candidate may make submissions to the Compliance Audit Committee. The Compliance Audit Committee is entitled to make such inquiries of the applicant and candidate as it sees fit.

The Compliance Audit Committee reserves the right to decide to hear presentations or submissions from interested parties to the application before it.

### *Closed Meetings:*

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any consideration of the application or part thereof, in private session in exceptional circumstances where sensitive personal or financial information will be disclosed.

### *Consideration of the Application*

Within 30 days after receiving the application, the committee shall consider the application, and decide if it should be granted or rejected. The Compliance Audit Committee shall give written reasons for its decision.

Written notification from the Compliance Audit Committee about its decision will be sent to the Secretary of the Board. The Secretary of the Board will then provide written notice of the Committee's decision to:

- A. the candidate;
- B. the applicant;
- C. the clerk with whom the candidate filed their nomination; and
- D. the Board of Trustees.

### *Appointment of an Auditor*

If the Committee decides to grant the application, it shall appoint an auditor, licensed under the Public Accounting Act, 2004, to conduct a compliance audit of the candidate's election campaign finances.

# Election Compliance Audit Committee

## Administrative Procedure

---

### *Auditor's Report*

The auditor shall be authorized to execute their powers as conferred under subsection 88.33(15) of the Municipal Elections Act, 1996.

The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether the candidate has complied with the provisions of this Municipal Elections Act, 1996 relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate.

The auditor shall submit the report to:

- A. the candidate;
- B. the clerk with whom the candidate filed their nomination;
- C. the Secretary of the Board; and, if applicable
- D. the applicant.

Within ten (10) days of receiving the report, the Secretary of the Board shall forward the report to the Compliance Audit Committee.

### **Powers of the Committee**

Within thirty (30) days of receiving the report, the Compliance Audit Committee shall consider the Auditor's report, and may,

- A. if the report concludes the candidate appears to have contravened a provision of the Municipal Elections Act, 1996, relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
- B. if the report concludes the candidate does not appear to have contravened a provision of the Municipal Elections Act, 1996 relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

### **Administrative Support**

The Secretary of the Board shall, as outlined in the Municipal Elections Act, "carry out any other duties required under this Act to implement the committee's decisions." This will include, but not be limited to advice, liaison with the Committee, assignment of staff for resource and administrative support.

The Secretary of the Board shall also act as liaison between the Compliance Audit Committee, the Halton District School Board, and the clerks of the local municipalities in which elections for candidates are held, for the purposes of

# Election Compliance Audit Committee

## Administrative Procedure

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compliance in accordance with the Municipal Elections Act, 1996, specifically with respect to reports on Committee activity as required to the appropriate individuals and Board of Trustees.

### **Expulsion of a Member**

The Committee may recommend to the Secretary of the Board the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act and the Municipal Elections Act; and/ or disrupting the work of the Committee, appointed auditor, or other legal issues.

### **Remuneration**

Members of the Committee may be reimbursed for any committee-related expenses in accordance with HDSB Policy. The Secretary of the Board shall process any expense claims resulting from the Compliance Audit Committee business.

**Reference number: pending**

### **Cross-Reference:**

### **Legislation**

Education Act; Municipal Elections Act, 1996; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act; Provincial Offences Act; Municipal Conflict of Interest Act; Statutory Powers and Procedures Act; Public Inquiries Act, 2009; Public Accounting Act, 2004

### **Board Policies, Procedures & Protocols**

Committees & Appointments Policy