

# Election Campaign Finances Committee

## Terms of Reference

### Mandate

The Election Campaign Finances Committee (the Committee) shall operate in accordance with the *Municipal Elections Act, 1996* (MEA) and the Council Procedure By-Law, which governs and regulates the operation of meetings of Council and committees. Appointed members will review any Compliance Audit Applications received for a compliance audit of a Candidate's and Registered Third Party's campaign finances, review auditor's reports and review Contribution Contravention Reports submitted by the Clerk.

The Committee will commit to the following:

1. Uphold the integrity of the election process.
2. All decisions and processes will be guided by the MEA, the Committee Procedures (the "Procedures"), the *Statutory Powers Procedure Act* and other applicable acts and regulations.
3. Meetings and discussion will be treated in accordance with the provisions of the *Municipal Act, 2001* and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
4. The process of reviewing applications and reports will be conducted in a non-biased, highly ethical and professional manner.
5. The Committee will be supported by City of Mississauga staff, which support includes the issuance of press releases by the City's Communications division.
6. The Committee will work independently from Council and provide an update to Council periodically on its activities through notices of meeting, agendas, minutes, notices of decision and records of proceeding.

### Objectives/Goals

The Committee will work in accordance with sections 88.33 to 88.36 of the MEA to ensure that Compliance Audit Applications and reports are reviewed objectively. The goal is for the Committee to uphold the integrity of the election process.

## Work Plan

Due to the nature of the Committee, a work plan will not be presented to Council on an annual basis. The Committee will meet on an as needed basis. The Committee will work independent of Council; however, Council will be kept apprised of Committee activities and progress via notices of meeting, agendas, minutes, notices of decision and records of proceeding.

## Definitions

The following terms are outlined in the MEA:

**Applicant** – an elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate or Registered Third Party Advertiser has a contravened a provision of the MEA relating to election campaign finances and who applies for a compliance audit of a Candidate or Registered Third Party Advertiser’s election campaign finances (MEA ss. 88.3(1) and 88.35(1)).

**Candidate** – a person who has been nominated under the MEA (MEA s. 33).

**“Registered Third Party Advertiser”** means, in relation to an election in the City of Mississauga, an individual, corporation or trade union that is registered under 88.6 of the MEA (MEA ss. 88.35(1) and 88.35(2)).

**Compliance Audit Application** – a request for a review of a Candidate’s or Registered Third Party Advertiser’s campaign finances, made by an Applicant who believes on reasonable grounds that the Candidate or Registered Third Party Advertiser has contravened a provision of the MEA relating to election campaign finances. The application shall be made to the Clerk of the municipality for which the Candidate was nominated for office or in which the Registered Third Party Advertiser was registered; it shall be in writing and shall set out the reasons for the elector’s beliefs (MEA ss. 88.33(1) and (2); 88.35(1) and (2)).

**Contribution Contravention Reports** - a report submitted to the Committee by the Clerk identifying each contributor to a Candidate or Registered Third Party Advertiser who appears to have contravened contribution limits (MEA ss. 88.34(2) 88.36(2)).

## Procedures and Frequency of Meetings

All Committees are subject to the Procedures and the Council Procedure By-law, which outlines the procedures for Council and Committee meetings.

<https://www.mississauga.ca/wp-content/uploads/2018/12/15123134/Council-Procedure-By-law-0044-2022.pdf>

Committee meetings will be tentatively scheduled every other week at 1:00 PM. following a regular election or by-election to accommodate a possible compliance audit request. Meetings will be convened at the discretion of the Clerk. It can be estimated that the committee will meet two (2) to four (4) times a year following a regular election or by-election.

### **Membership**

Five (5) members have been appointed to the Committee. All members are subject to the Code of Conduct and Complaint Protocol for Local Boards. <https://www.mississauga.ca/wp-content/uploads/2018/12/14143835/Local-Boards-Codes-of-Conduct-and-Complaint-Protocol.pdf> and Corporate Policy 02-01-01: Citizen Appointments to Committees, Boards and Authorities. <http://inside.mississauga.ca/Policies/Documents/02-01-01.pdf>

The Committee (or a majority of its members) will be requested to ensure, to the best of their ability, that they are available on the pre-determined meeting dates in the event that an application is received by the Clerk and a meeting is called.

### **Role of Chair**

The role of the Chair is to:

1. Preside at the meetings of the Committee using City of Mississauga's Council Procedure By-law, the Procedures and keep discussion on topic.
2. Provide leadership to the Committee to encourage that its activities remain focused on its mandate.
3. Review agenda items with the Committee Coordinator and Elections Office.
4. Recognize each Member's contribution to the Committee's work.
5. Liaise with the Manager of Elections on a regular basis.

### **Role of Committee Members**

The role of Committee Members is to:

1. Ensure that the mandate of the Committee is being fulfilled.
2. Provide the Chair with solid, factual information regarding agenda items.

3. When required, advise Council on matters relating to the matters that the Committee deals with.
4. Actively participate in the promotion of the Committee meetings.
5. Notify the Committee Coordinator if they are unable to attend Committee meetings to ensure that quorum will be available for all meetings.