



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

### BACKGROUND

A three member Municipal Election Compliance Audit Committee for the 2026 – 2030 term has been established in accordance with section 88.33 of the *Municipal Election Act*, 1996.

The Rules of Procedure have been established by the City Clerk of the City of Barrie, ensuring that the duties and responsibilities of the Municipal Election Compliance Audit Committee are fulfilled in a fair, open and responsible manner, in accordance with the Act.

### DEFINITIONS:

As used in this procedure, the following terms shall have the meanings indicated:

- a) **Act** shall mean the *Municipal Elections Act*, S.O. 1996.
- b) **Applicant** means an elector as described under Sections 88.33(1) and 88.35(1) of the Act, who applies for a compliance audit of the election campaign finances of a candidate or a registered third party;
- c) **Application** shall mean an application accepted by the City Clerk pursuant to s. 88.33(2) of the *Municipal Elections Act*, 1996.
- d) **Candidate** shall mean the Candidate whose election campaign finances are the subject of an application for a compliance audit.
- e) **Chair** shall mean the Municipal Election Compliance Audit Committee Chair selected by the Committee.
- f) **Clerk** means the Clerk of the City of Barrie or designate;
- g) **Clerk's Report** means a report prepared by the Clerk pursuant to subsection 88.34(2), and 88.36(2) of the Act;
- h) **Committee** shall mean The City of Barrie Municipal Election Compliance Audit Committee.



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- i) **Committee Secretary** shall mean the City Clerk for the City of Barrie or designate.
- j) **Contributor** means an individual or entity entitled under the Act to make a contribution to the election campaign of a candidate or to a registered third party in relation to third party advertisements;
- k) **Registered Third Party** means an individual, corporation or trade union that is registered pursuant to the Act and whose election campaign finances in relation to third party advertisements are the subject of an application for a compliance audit.

### 1. **RULES:**

The rules in this procedure shall be observed in all meetings of the Committee.

### 2. **MEETING PROCEDURES:**

The provisions of Section 239 of the *Municipal Act, 2001* shall apply to meetings of the Committee.

The Committee shall conduct its meetings in accordance with this Procedure, Council's Procedural By-law, the *Municipal Elections Act*, and the *Statutory Powers Procedures Act*, with modifications as necessary.

If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Chair, in consultation with the Clerk, and the Chair may do whatever is necessary and permitted by law to enable the Committee to effectively and completely adjudicate on the matter before it.

### 3. **FILING AN APPLICATION FOR COMPLIANCE AUDIT:**

- a) An application for a compliance audit must be filed by an elector in writing, including the reasons and any supporting documentation to the Legislative and Court Services Department, if the elector believes on reasonable grounds that a candidate or registered third party is in contravention of the Act as it relates to campaign finances.



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

- b) In accordance with the Act, the application must be filed with the City Clerk within 90 days, after the latest of:
  - i. The date the candidate or registered third party files the financial statement under Section 88.30 (Note: for the 2026 Election, on or before March 30, 2027); or
  - ii. The date the candidate or registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30. (Note: for the 2026 Election, on or before April 29, 2027); or
  - iii. The candidate's or registered third party's supplementary filing date, if any, under section 88.30; or
  - iv. The date on which the candidate's or registered third party's extension, if any, under subsection 88.23 (6) expires.
- c) Within 10 days after receiving the application the City Clerk shall circulate a copy of the application to Committee.

#### **4. MEETINGS:**

- a) The Committee shall meet at the request of the Clerk and meetings shall commence on a date and at a time set by the Clerk;
- b) The Clerk shall call a meeting of the Committee when the Clerk considers it necessary, and when required by the Act;
- c) Meetings of the Committee may be held at City Hall or held electronically as determined by the Chair;
- d) A majority of the Committee members constitutes a quorum at meetings of the Committee;



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

- e) Meetings of the Committee shall, subject to the exceptions found in the *Municipal Act, 2001*, and the *Municipal Elections Act, 1996*, be open to the public;
- f) The applicant, the candidate or registered third party, and where applicable, the auditor, shall be given an opportunity to address the Committee;
- g) Addresses to the Committee shall be no more than ten (10) minutes in length.
- h) Members of the Committee shall comply with the *Municipal Conflict of Interest Act* and the City of Barrie Code of Conduct by disclosing any pecuniary interest to the Clerk and, after making such a disclosure, by absenting themselves from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.

### **5. CHAIR:**

- a) At the first meeting of the Committee, the Clerk shall call the meeting to order and the first order of business shall be the selection of the Chair from the members of the Committee.
- b) When the Chair of the Committee is absent or is otherwise unable to act, the Committee may appoint another member as the Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

### **6. AGENDA:**

- a) Before each meeting the Committee Secretary shall provide an agenda to each member of the Committee;
- b) The agenda shall include a copy of any written submissions made by the applicant or the Candidate;
- c) A copy of the agenda shall also be published on the City of Barrie's website.



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

### **7. COMMITTEE PROCEDURES:**

a) Opening Statement:

Where the agenda includes consideration of an Application, the Chair will read an opening statement outlining the procedure and format of the Committee meeting.

b) Motions:

Following opening statements and before considering the substance of agenda items, the Committee members may make preliminary motions with respect to any business properly before the Committee.

c) Committee Business:

Prior to consideration of an item on the committee agenda, the Chair will identify for those present the agenda item to be considered.

d) Introduction and Recording of Applicant, Candidate, or Registered Third Party:

- i. Prior to consideration of an Application, the Chair shall request the applicant, candidate, or registered third party to identify themselves, and to provide their name and mailing address to the Committee Secretary during the meeting; and
- ii. Where the agenda includes consideration of more than one application, each application will be dealt with by the Committee in its entirety before consideration of the next application.

e) Consideration of an Application - Presentation of Applicant:

- i. The applicant or the applicant's agent may address the Committee;
- ii. The Committee may, through the Committee Chair, ask questions of the applicant; and



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- iii. The candidate or registered third party will be permitted to view any documents submitted by the applicant.
- f) Consideration of an Application - Presentation by a Candidate or Registered Third Party:
  - i. The Candidate or the candidate's agent, or registered third party, may address the Committee. The candidate or registered third party may respond to the content of the applicant's address to the Committee.
  - ii. The Committee may, through the Committee Chair, ask questions of the candidate or registered third party
  - iii. The applicant shall be permitted to view any documents of the candidate or registered third party.
- g) Once the applicant and the candidate or registered third party have addressed the Committee, the members of the Committee shall each have an opportunity to speak to the matter.
- h) The Committee may retire to deliberate in private before rendering its decision
- i) Consideration of a Clerk's Report:
  - i. Presentation by Clerk
    - i. The Clerk may address the Committee;
    - ii. Members of the Committee may, through the Chair, ask questions of the Clerk; and
    - iii. The contributor, candidate or registered third party shall be permitted to view any documents submitted by the Clerk.
  - ii. Presentation by Contributor:
    - i. The contributor or the contributor's agent may address the Committee. The contributor may respond to the content of the Clerk's address to the Committee;



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- ii. Members of the Committee may, through the Chair, ask questions of the contributor; and
  - iii. The Clerk, candidate or registered third party shall be permitted to view any documents of the contributor.
- iii. Presentation by Candidate or Registered Third Party:
- i. The candidate or registered third party or either of their agents may address the Committee. The candidate or registered third party may respond to the content of the Clerk's address to the Committee and the contributor's address to the Committee;
  - ii. Members of the Committee may, through the Chair, ask questions of the candidate or registered third party; and
  - iii. The Clerk and contributor shall be permitted to view any documents of the candidate or registered third party.
- j) Once the Clerk, contributor, candidate or registered third party have addressed the Committee, the members of the Committee shall each have an opportunity to speak to the matter.
- k) The Committee may retire to deliberate in private before rendering its decision.

### **8. RULES OF DEBATE:**

- a) When two or more Committee members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.
- b) A Committee member may ask a question only:
  - of a member who has already spoken on the matter under discussion;
  - of the Chair;
  - of an official of the City of Barrie; and



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- of any other person addressing the Committee pursuant to this procedure.
- c) A Committee member may ask a question only for the purpose of obtaining information relating to the matter under discussion.
- d) Any Committee member may propose a motion on the matter then under consideration which the City Clerk shall record in writing.
- e) Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by statute, in which case the fact of the prohibition shall be recorded in the minutes of the meeting.
- f) The matter put to a vote shall be in the form of a motion addressing the matter then under consideration.
- g) All motions must be introduced by a mover before the Chair may put the question or motion on the floor for consideration.
- h) After a motion is properly moved, it shall be deemed to be in the possession of the Committee, but may be withdrawn by the mover at any time before decision.
- i) A motion to amend shall relate to the subject matter of the main motion, shall not be received posing a direct negative to the question, and shall be put to vote in reverse order in which the amendments are made. Only a motion to amend an amendment to the original motion shall be allowed and any further amendments must be made to the original motion.
- j) In the case of a tie vote, the motion of question shall be deemed to have been lost.
- k) The following are deemed to be procedural motions and shall be introduced verbally:
  - To change the order of business;
  - To recess;



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- To defer, and
- To adjourn.

### 9. NOTICE

- a) The Committee Secretary shall give notice of a Committee meeting in accordance with the City of Barrie's Procedural By-law.
- b) Where an application will be considered at a meeting, the Committee Secretary shall give reasonable notice, *via* email and registered mail, to the applicant, candidate, or registered third party of the time, place and purpose of the meeting. The notice shall include the fact that if either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting. The notice shall include the content of the application. The Candidate may respond to the application in writing.
- c) Where a meeting of the Committee is required to consider a Clerk's Report, the Clerk shall give reasonable notice, via email and registered mail, to the contributor, and to the candidate or registered third party of the time, place and purpose of the meeting. The notice shall include the fact that if any party fails to attend the meeting, the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting. The contributor may respond to the report in writing.
- d) The Committee Secretary will forward notice of the Committee's decision to the applicant and the Candidate, registered third party and/or contributor *via* email and at the mailing address provided to the Committee Secretary as required by this procedure.

### 10. COMMITTEE DECISIONS UNDER THE *MEA*:

- a) In accordance with s.88.33 (7) of the Act, within 30 days of receipt of the application, the Committee will decide whether to grant or reject the application.



## MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES

- b) The decision of the Committee, whether granting or refusing an Application, shall be in writing, shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. In addition to the written decision, nothing herein shall prevent the Committee from delivering an oral decision at the meeting.
- c) The Clerk shall forward notice of the decision of the Committee to the applicant, candidate, registered third party or contributor *via* email and the mailing addresses provided to the Clerk.
- d) If the Committee decides to grant the application it shall, by motion, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the candidate's election campaign finances.
- e) At the request of the Committee, the Committee Secretary may assist the Committee in locating and contacting available auditors to undertake the audit.
- f) In accordance with s.88.34(8), within 30 days after receiving a report under subsection (4) or (7) of the Act, the committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.
- g) The decision of the Committee, whether to commence or refuse to commence legal action against a contributor for an apparent contribution, shall be in writing, shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. In addition to the written decision, nothing herein shall prevent the Committee from delivering an oral decision at the meeting.
- h) The Committee, with the assistance of the Clerk, shall engage the services of legal counsel if it decides to commence a legal proceeding against a contributor, for any apparent contravention.



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

### **11. AUDITOR**

- a) Where an auditor is appointed by the Committee under subsection 9 d) of these procedures, the auditor shall promptly conduct an audit of the election campaign finances of the candidate or registered third party to determine whether they have complied with the provisions of the Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate or the registered third party.
- b) The auditor shall submit the report to:
  - i. the candidate or the registered third party;
  - ii. the Clerk;
  - iii. the applicant.
- c) Within ten days after receiving the report, the Clerk shall forward the report to the Committee.

### **12. MEETING PROCEDURE – AUDITOR’S REPORT**

- a) Opening Statement by Chair:

The Chair shall inform everyone in attendance of the agenda and procedures for the meeting by reading an opening statement.
- b) Motions:

Following the opening statement and before considering the substance of agenda items, the members of the Committee may make preliminary motions, including motions to change the order of business or to defer an agenda item, with respect to any business properly before the Committee.
- c) Committee Business:

Prior to consideration of an item on the agenda, the Chair shall identify for those present the agenda item to be considered.



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

d) More Than One Item:

Where the agenda includes consideration of more than one item, each item shall be considered by the Committee in its entirety before consideration of the next item.

e) Introduction of Auditor:

Prior to consideration of the Auditor's Report, the Chair shall introduce the Auditor.

f) Consideration of Agenda Items:

i. Presentation by Auditor.

ii. The Committee may ask questions of the Auditor.

iii. The Committee may retire to deliberate in private before rendering its decision

g) Once the process set out in Section 11 (f) has concluded, members of the Committee may make motions and vote on the item.

### **13. COMMITTEE DECISION - AUDITOR'S REPORT**

a) In accordance with subsection 88.33(17) of the Act, within 30 days of receipt of an auditor's report, the Committee shall consider the report.

b) If the report concludes that the candidate or registered third party appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall determine whether or not to commence a legal proceeding against the candidate or registered third party for the apparent contravention.

c) If the auditor's report makes a find that there does not appear to be a contravention, the committee may make a finding as to whether there was reasonable grounds for the application and whether to recover the cost of the application from the applicant.



## **MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE PROCEDURES**

- d) The decision of the Committee, shall be in writing, shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. In addition to the written decision, nothing herein shall prevent the Committee from delivering an oral decision at the meeting.
- e) The Clerk shall forward notice of the decision of the Committee to the applicant and to the candidate or registered third party *via* email and at the mailing addresses provided to the Clerk.
- f) The Committee, with the assistance of the Clerk, shall engage the services of legal counsel if it decides to commence a legal proceeding against a candidate or registered third party, for any apparent contravention.

### **13. GRANT EXCEPTION FROM PROCEDURES:**

The Committee may, by majority vote, waive any provision of this Procedure, as it considers appropriate to ensure the questions at issue are determined in a just manner.

### **14. REPORT OF THE COMMITTEE:**

The Committee Secretary shall prepare the report of each meeting of the Committee and shall provide members with a copy.