

CITY OF ST. THOMAS

BY-LAW NO. 84 -2026

A by-law to establish the 2026 Municipal Election Compliance Audit Committee in accordance with the Municipal Elections Act, 1996, as amended.

WHEREAS Subsection (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 88.37 of the Municipal Elections Act, 1996, as amended requires the Council to establish a Compliance Audit Committee before October 1st in an election year to deal with matters regarding election campaign finances and contributions;

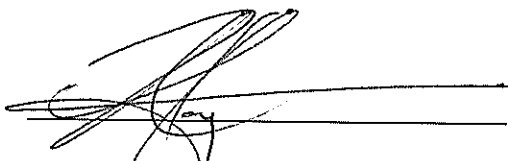
AND WHEREAS the Council of the Corporation of the City of St. Thomas wishes to establish a Compliance Audit Committee to deal with matters regarding election campaign finances and contributions;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas hereby enacts as follows:

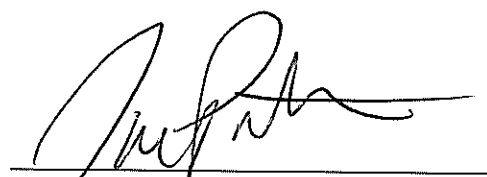
1. THAT a committee, to be known as the 2026 Municipal Election Compliance Audit Committee, is hereby established to deal with the matters provided for in Sections 88.33, 88.34, 88.35 and 88.36 of the Municipal Elections Act, 1996, as amended.
2. THAT the business of the 2026 Municipal Election Compliance Audit Committee be conducted in accordance with the Terms of Reference set out in Appendix "A" attached hereto and forming a part of this By-law.
3. THAT this By-law shall come into force and effect on the final passing thereof.

READ a First and Second time this 15th day of June, 2026.

READ a Third time and Finally passed this 15th day of June, 2026.



Thomas Thayer, City Clerk



Joe Preston, Mayor

Terms of Reference for the 2026 Municipal Election Compliance Audit Committee

1. DEFINITIONS

- a. 'Act' means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended from time to time;
- b. 'Applicant' means an elector as defined under Section 88.33(1) or 88.35(1) of the Act who applies for a compliance audit of a candidate's or third-party advertiser's election campaign finances;
- c. 'Application' means an application for a compliance audit accepted by the City Clerk pursuant to Section 88.33(2) of the Act;
- d. 'Auditor' means a report prepared by an auditor regarding the findings of an audit into the election campaign finances of a candidate or registered third party advertiser;
- e. 'Candidate' means the candidate whose election campaign finances are the subject of an application for a compliance audit;
- f. 'City' means The Corporation of the City of St. Thomas;
- g. 'Clerk' means the City Clerk of the City of St. Thomas, or their designate;
- h. 'Committee' means the City's 2026 Municipal Election Compliance Audit Committee established pursuant to Section 88.37 of the Act;
- i. 'Compliance Audit' means an audit conducted by an auditor, appointed by the City's 2026 Municipal Election Compliance Audit Committee, of a candidate's election campaign finances; contributions to candidates; registered third parties campaign finances, and contributions to registered third parties;
- j. 'Council' means the Council of the City of St. Thomas;
- k. 'Registered Third Party' means the individual, corporation or trade union whose notice of registration has been certified by the Clerk and whose campaign finances are the subject of an application for a compliance audit.

2. ENABLING LEGISLATION

Section 88.37 of the Act requires that before October 1st in an election year, Council establish a Compliance Audit Committee for the purposes of Sections 88.33, 88.34, 88.35 and 88.36 of the said Act relative to a possible contravention of the Act's election campaign finance provisions.

3. TERM

The term of office of the Committee is the same as the term of office of Council, being November 15, 2026 to November 14, 2030, and shall serve in the instance of any by-election that may take place during that time.

4. MEETINGS

The Committee will meet as needed, with meetings to be scheduled by the Clerk when an Application is received in accordance with the Act's requirements. The Clerk will ensure that a quorum of members is able to attend the said meeting.

The Committee members will select a Chair from amongst its members at its first meeting.

In accordance with the Act, the meetings of the Committee shall be open to the public, but the Committee may deliberate in private.

5. MANDATE

The Committee is required to act in accordance with the powers and obligations set out in the Municipal Elections Act, 1996, as amended.

The Committee will be required to:

- a. Consider an Application received from an elector that a Candidate or a Registered Third Party has contravened provisions of the Act relating to election campaign finances and determine whether it should be granted or rejected;
- b. If the application is granted, the Committee shall appoint an Auditor to conduct a Compliance Audit;
- c. Receive the Auditor's report;
- d. Consider the Auditor's report and if the report concludes that the Candidate or Registered Third Party appear to have contravened a provision of the Act relating to election campaign finances, the Committee may commence legal proceedings against the Candidate or Registered Third Party for the apparent contravention; and
- e. Consider the report(s) of the Clerk identifying each contributor to a Candidate for office on Council or a Registered Third Party who appears to have contravened any of the contribution limits under Section 88.9 or 88.13 of the Act and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

6. COMPOSITION

The Committee shall be composed of at least three (3) and no more than seven (7) members of the public.

Members will ideally possess knowledge of the campaign finance rules of the Act. An ideal candidate may have experience or background in accounting and auditing, academics with expertise in political science or local government administration, the legal profession, and those who in the course of their duties adhered to codes or standards of their profession which may be enforced by disciplinary rules.

Pursuant to Subsection 88.37(2) of the Act, the Committee shall not include:

- a. Members of Council or local board;
- b. Employees or officers of the City or local board;
- c. Any persons who are Candidates in the election for which the Committee is established; or
- d. Any persons who are Registered Third Parties in the election for which the Committee is established.

Further, an individual shall be deemed ineligible to be a member of the Committee if they prepare the financials statements of any Candidate running for office on Council or local board during the term for which the Committee has been established; or any Registered Third Party.

In addition, a Committee Member may not be a contributor or provider of any election-related services to a registered Candidate or Registered Third Party in the 2026 Municipal Election or any subsequent by-election including, but not limited to accounting, legal, auditing, marketing, or campaign services.

7. APPOINTMENT PROCESS

All applicants will be required to submit the Committee/Board Application outlining their interest in serving and experience. Applications will be considered by Council.

Members will be selected on the basis of the following:

- a. Demonstrated knowledge and understanding of municipal election campaign financing rules and knowledge of the Act and related regulations;
- b. Proven analytical and decision-making skills;
- c. Experience working on a committee, administrative tribunal, task force, or similar setting;
- d. Demonstrated knowledge of quasi-judicial proceedings;
- e. Availability and willingness to attend meetings; and
- f. Excellent oral and written communications skills.

8. APPLICATION BY ELECTOR

a. Financial Statements of Candidates

All Candidates are required to file Provincially-prescribed financial statements with the Clerk detailing their election campaign financing activities.

An eligible elector who believes on reasonable grounds that a Candidate has contravened a provision of the Act, as amended, relating to election campaign finances, may apply for a Compliance Audit of the Candidate's election campaign finances, even if the Candidate has not filed a financial statement.

The Application must be made in writing to the Clerk and include the reasons for the elector's belief that the Candidate has contravened the Act. The Application must be made within ninety (90) days after the latest of the following dates:

- i. The filing date;
- ii. The date the Candidate filed a financial statement, if the statement was filed within thirty (30) days after the applicable filing date;
- iii. The Candidate's supplementary filing date, if any; or
- iv. The date on which the Candidate's extension, if any, expires.

b. Registered Third Parties Financial Statements

All Registered Third Parties are required to file Provincially-prescribed financial statements with the Clerk reflecting the Registered Third Party's campaign finances in relation to third-party advertisements.

An eligible elector who believes on reasonable grounds that a Registered Third Party who is registered in relation to the election has contravened a provision of the Act, relating to campaign finances, may apply for a Compliance Audit of the campaign

finances of the Registered Third Party in relation to third party advertisements, even if the Registered Third Party has not filed a financial statement.

The Application must be made in writing to the Clerk and include the reasons for the elector's belief that the registered third party has contravened the Act. The Application must be made within ninety (90) days after the latest of the following dates:

- i. The filing date;
- ii. The date the Registered Third Party filed a financial statement, if the statement was filed within thirty (30) days after the applicable filing date;
- iii. The supplementary filing date, if any, for the Registered Third Party; or
- iv. The date on which the Registered Third Party's extension, if any, expires.

9. ROLES AND RESPONSIBILITIES

Sections 88.33, 88.34, 88.35 and 88.36 of the Act outlines the process for Compliance Audits.

a. Compliance Audit of Candidates' Election Campaign Finances

The Compliance Audit Committee will be required to:

- i. Within thirty (30) days after the Committee has received an Application, consider the Application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;
- ii. Give notice of its decision to grant or reject the Application, and brief written reasons for the decision, to the candidate, the Clerk, the secretary of the local board, if applicable, and the Applicant;
- iii. Appoint an Auditor, if the Application is granted, to conduct a Compliance Audit of the Candidate's election campaign finances;
- iv. Within thirty (30) days after receiving the Auditor's Report, consider the report, and if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention; and
- v. Give notice of the Committee's decision, and brief written reasons for the decision, to the Candidate, the Clerk, the secretary of the local board, if applicable, and the applicant.

b. Compliance Audit of Contributions to Candidates

The Compliance Audit Committee will be required to:

- i. Within thirty (30) days after receiving the Clerk's Report that identifies each contributor to a candidate for office on Council who appears to have contravened contribution limits, consider the report and decide whether to commence a legal proceeding against the Candidate for the apparent contravention; and
- ii. Give notice of the Committee's decision, and give brief written reasons for the decision, to the contributor and to the Clerk or secretary of the local board as the case may be.

c. Compliance Audit of Registered Third Parties' Campaign Finances

The Compliance Audit Committee will be required to:

- i. Within thirty (30) days after the Committee has received an Application, consider the application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;
- ii. Give notice of its decision to grant or reject the Application, and brief written reasons for the decision, to the Registered Third Party, the Clerk, the secretary of the local board, if applicable, and the Applicant;
- iii. Appoint an Auditor, if the Application is granted, to conduct a Compliance Audit of the campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the City;
- iv. Within thirty (30) days after receiving the Auditor's Report, consider the report and, if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the City, the Committee shall decide whether to commence a legal proceeding against the Registered Third Party for the apparent contravention; and
- v. Give notice of the Committee's decision, and brief written reasons for the decision, to the Candidate, the Clerk, the secretary of the local board, if applicable, and the Applicant.

d. Compliance Audit of Contributions to Registered Third Parties

The Compliance Audit Committee will be required to:

- i. Within thirty (30) days after receiving the Clerk's Report that identifies each contributor to the registered third party who appears to have contravened contribution limits, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention; and
- ii. Give notice of the Committee's decision, and brief written reasons for the decision, to the contributor and to the Clerk.

10. APPEAL

The decision of the Committee may be appealed to the Superior Court of Justice within fifteen (15) days after the decision is made and the Court may make any decision the Committee could have made.