



## CITY OF HAMILTON

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### **DECISION of the ELECTION COMPLIANCE AUDIT COMMITTEE**

established under Section 88.37(1) of the *Municipal Elections Act, 1996* (the "Act")

### **A COMPLIANCE AUDIT APPLICATION RESPECTING THE ELECTION CAMPAIGN FINANCES OF C. KENNEDY, CANDIDATE, WARD 4**

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With respect to the meeting of the Election Compliance Audit Committee (the "Committee") held on May 11, 2023 to deal with the Application for an Election Compliance Audit brought forward by Pascale Marchand (the "Applicant") concerning the Financial Statement of Cindy Kennedy (the "Candidate"), the Committee has decided to reject the application.

The Committee, after considering the evidence and submissions, is in agreement that there are reasonable grounds that there was a breach of the Act, and as such, has the authority to order a compliance audit. The Candidate acknowledged that they did not properly complete the Financial Statement - Form 4 as they failed to include relevant donations and election campaign related expenses as indicated by the Applicant.

In the Superior Court rulings of *Lancaster v. Compliance Audit Committee et al.*, 2013 ONSC 7631 and *Vezina v. Parrish*, 2013 ONSC 2368, it was held the ordering of compliance audit is discretionary. The Committee believes that a compliance audit is not warranted as it would not reveal further information related to this matter nor would additional information emerge from an audit.

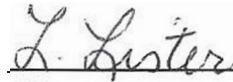
The Committee cautions the Candidate that it is a serious matter when the values of public accountability and transparency are not met during an election campaign and that compliance with the financial filing requirements of the Act are the sole responsibility of the Candidate. Further, the Committee strongly emphasizes that this decision should not be construed as permissive in terms of any violations of the Act.

Dated at the City of Hamilton this 12<sup>th</sup> day of May, 2023.

Written and approved by the following Committee Members:

A handwritten signature in blue ink, appearing to read 'Cal DiFalco', written over a horizontal line.

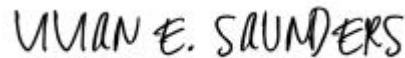
Cal DiFalco, Chair

A handwritten signature in blue ink, appearing to read 'L. Lister', written over a horizontal line.

Linda Lister, Vice-Chair

A handwritten signature in blue ink, appearing to read 'Jonathan van der Heiden', written over a horizontal line.

Jonathan van der Heiden

A handwritten signature in blue ink, appearing to read 'VIVIAN E. SAUNDERS', written over a horizontal line.

Vivian Saunders