



CITY OF HAMILTON

**DECISION of the
ELECTION COMPLIANCE AUDIT COMMITTEE**
established under Section 88.37(1) of the *Municipal Elections Act, 1996* (the “Act”)
**A CLERK’S REPORT RESPECTING A CONTRIBUTOR WHO APPEARS
TO HAVE EXCEEDED ANY OF THE CONTRIBUTION LIMITS UNDER
SECTION 88.9 OF THE ACT
SAM MERCANTI**

With respect to the meeting of the Election Compliance Audit Committee (the “Committee”) held on June 16, 2023, to consider the Clerk’s Report (FCS23071) concerning the contributions made by Sam Mercanti (the “Contributor”) to the 2022 Election Campaign (the “Campaigns”) of various candidates (the “Candidates”):

The Clerk’s Report indicates the Contributor’s total contribution of funds as \$5,700 to the Campaigns of various Candidates, exceeding the maximum contribution to two or more candidates for office on the same council, as per Section 88.9 (4) of the Act.

The Contributor was present at the meeting of the Committee with his daughter who handles his accounting. One Candidate, Sonia Brown, was also present at the meeting of the Committee.

The Contributor advised the Committee that he was unaware of the maximum contribution limits as set forth in Section 88.9 (4) of the Act. The Contributor apologized and assured the Committee that the error would not be made again. The Contributor also advised the Committee that he believed that he personally made contributions totalling \$3,200 from a joint account held by himself and his wife Roma, and that his wife Roma made contributions which totalled \$2,500 from that joint account. During the Meeting the Committee requested, and the Contributor undertook to provide, documentation to support this position.

The Candidate advised the Committee that she did notify Contributors to the Campaign of the contribution limits and was unaware of contributions to other Candidates.

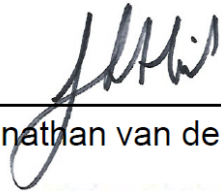
On June 19, 2023 the Contributor provided documentation including outgoing Payment Statements and copies of cheques reflecting contributions to various Campaigns.

The Committee accepts the explanation and finds that the documentation provided does indicate an intention that some of the contributions were to be attributed to Roma, rather than from the Contributor. The Committee is therefore satisfied that there are no reasonable grounds to believe that the Contributor has exceeded any of the contribution limits under Section 88.9 of the Act. As such, the Committee will not be commencing legal proceedings against the Contributor.

The Committee also wishes to remind all Candidates of their obligations pursuant to Section 88.22 (1) of the Act – Duties of Candidates, including but not limited to the obligation to determine the correct contributor when accepting contributions from a joint bank account, and to remind all Contributors of the importance of accurate record keeping in relation to contributions made to Campaigns.

Dated at the City of Hamilton June 23, 2023.

Written and approved by the following Committee Members:



Jonathan van der Heiden

VIVIAN E. SAUNDERS

Vivian Sanders



Zachary Spicer