

City of Mississauga
Corporate Report



Date: June 9, 2023

To: Chair and Members of Election Campaign Finances Committee

From: Diana Rusnov, Director, Legislative Services and City Clerk

Originator's files:

Meeting date:
 June 19, 2023

Subject

City Clerk Financial Statement Review – Janine Taylor, Campaign Contributor

Recommendation

That the Election Campaign Finances Committee review the Corporate Report dated June 9, 2023, from the Director of Legislative Services and City Clerk, entitled City Clerk Financial Statement Review – Janine Taylor, Campaign Contributor, and provide direction on whether to commence legal proceedings against Janine Taylor for an apparent contravention to the campaign finance rules during the 2022 City of Mississauga Municipal Election.

Executive Summary

- Under section 88.34 of the *Municipal Elections Act, 1996*, as amended (MEA), the municipal Clerk is required to review the Financial Statement – Auditor's Report Candidate – Form 4s (financial statements) submitted by candidates following an election to identify contributors that appear to have contravened contribution limits set out in the MEA. The Clerk is required to report the apparent contraventions to the Election Campaign Finances Committee (ECFC).
- Under the MEA, the ECFC is required to review the report provided by the Clerk and make a decision regarding whether or not to commence legal proceedings against a contributor who appears to have contravened contribution limits.
- This report provides findings related to an apparent contravention.

Background

The MEA directs municipal Clerks to review the financial statements submitted following an election to determine whether any contributor appears to have exceeded the contribution limits.

The MEA specifies two contribution limits for contributors contributing to candidates running in an election. Section 88.9 (1) of the MEA states:

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

Section 88.9(4) of the MEA states:

A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.

Comments

Clerk's Responsibilities

Section 88.34 (1) to (7) of the MEA details the Clerk's responsibilities in relation to the review of contributions to candidates running for municipal council and local boards which are as follows:

(1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9.

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee.

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor's total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board.

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee.

Committee Responsibilities and Decisions

Upon review of this report related to a contribution made to a candidate running for office on municipal council, the ECFC must make a decision in accordance with section 88.34(8) of the MEA which states:

Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Under sections 88.34 (11) the ECFC is required to provide "brief written reasons for the decision" which are to be provided to the Clerk and the contributor.

Apparent Contravention Findings

Elections staff have identified an apparent contribution contravention made by Janine Taylor who, in contravention of section 88.9 (1) of the MEA, appears to have contributed \$1,469 in goods and services to the campaign of Martin Reid, Councillor, Ward 9.

The information related to this apparent contravention can be seen on page 5 of the financial statement submitted by Martin Reid, which is attached as Appendix 1 of this report.

For the purposes of protecting privacy, personal information was redacted from the financial statement. At the time of writing this report, full versions of all financial statements are posted online at www.mississaugavotes.ca

Financial Impact

The financial impact of commencing legal proceedings against the contributor is unknown.

Conclusion

Within 30 days of this receiving this report, the ECFC must make a decision under section 88.34 (8) of the MEA, regarding whether or not the City of Mississauga should commence legal proceedings against the contributor named above.

Attachments

Appendix 1: Financial Statement – Auditor’s Report Candidate – Form 4 of Martin Reid, Councillor, Ward 9



Diana Rusnov, Director, Legislative Services and City Clerk

Prepared by: Laura Wilson, Manager, Elections and Vital Statistics