

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NUMBER 2026-08

BEING a by-law to authorize the establishment of the Joint Election Compliance Audit Committee and to appoint its committee members for the 2026 municipal elections.

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

AND WHEREAS Section 88.37 (2) of the Municipal Elections Act, 1996, as amended, requires that the Committee shall be composed of not fewer than three and not more than seven members;

AND WHEREAS Section 88.37 (6) of the Municipal Elections Act, 1996, as amended, states that the clerk of the municipality shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions;

AND WHEREAS the Councils of the Town of Mattawa, the Township of Papineau-Cameron, the Municipality of Mattawan and the Municipality of Calvin deem it advisable to establish the Joint Election Compliance Audit Committee and to set out the terms of reference of the Committee.

NOW THEREFORE Council of the Corporation of the Corporation of the Municipality of Calvin enacts as follows:

1. **THAT** the Council of the Corporation of the Corporation of the Municipality of Calvin hereby adopts the Terms of Reference for the Joint Election Compliance Audit Committee, hereto attached as Schedule "A" and forming part of this by-law, to meet the requirements of Section 88.37 (1) of the Municipal Elections Act, 1996, as amended.
2. **THAT** the Council of the Corporation of the Municipality of Calvin hereby appoints the three (3) following Municipal Clerks to the 2026 Joint Election Audit Committee for the term commencing November 15, 2026 to November 14, 2030 to meet the requirements of Section 88.37(2) of the Municipal Elections Act, 1996, as amended:
 - a) Clerk - Township of Papineau-Cameron
 - b) Clerk - Municipality of Mattawan
 - c) Clerk - Municipality of Mattawa
3. **THAT** this by-law shall come into full force and effect upon the date of its passing thereof.

Date: FEB 10/26



Mayor



Clerk

2026 JOINT ELECTION COMPLIANCE AUDIT COMMITTEE

TERMS OF REFERENCE

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 Clerk pursuant to Section 88.33(2) of the Act.
- d. **Auditor** – means a person appointed by the Joint Election Compliance Audit Committee to conduct a compliance audit of the election campaign finances of candidates and registered third parties pursuant to Section 8.33 of the Act.
- e. **Auditor's Report** – 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.
- f. **Candidate** – means the candidate whose election campaign finances are the subject of an application for a compliance audit.
- g. **Clerk** – means the Clerk of the Town of Mattawa, Township of Papineau-Cameron, Municipality of Mattawan and Municipality of Calvin, or their designate.
- h. **Committee** – means the Joint 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 Joint Election Compliance Audit Committee, of a candidate's election campaign finances, and contributions to registered third parties.
- j. **Council** – means the Council of the Town of Mattawa, the Township of Papineau-Cameron, the Municipality of Mattawan, and the Municipality of Calvin.
- k. **Municipality** – means a member municipality in the Town of Mattawa, the Township of Papineau-Cameron, the Municipality of Mattawan, and the Municipality of Calvin.
- l. **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 compliance audit.

2. MUNICIPAL REPRESENTATION

The Joint Committee will represent the following four (4) municipalities

- a) The Town of Mattawa
- b) The Township of Papineau-Cameron
- c) The Municipality of Mattawan
- d) The Municipality of Calvin

3. COMPOSITION

Committee members shall be appointed by the Councils of all four (4) of the joint municipalities by By-Law.

The Joint Committee will be composed of four (4) members being:

- a) Clerk of the Town of Mattawa
- b) Clerk of the Township of Papineau-Cameron
- c) Clerk of the Municipality of Mattawan
- d) Clerk of the Municipality of Calvin

Should a compliance audit application from an elector or a report from the Clerk where a candidate or registered third party has contravened any of the contribution limits under section 88.9 of the Act is received, the Committee comprised of the three (3) members shall meet and consider the application and/or report in accordance with the Act.

The Clerk whose municipality has received a compliance audit application and/or is the Clerk who has submitted a report to the Committee shall be excused from the Committee while that application is in process and shall in no way address that application but shall act as Officer to the Committee.

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 Municipality or local board
- c) Any persons who are candidates in the election for which the Committee is established
- d) Any persons who are registered third parties in the Municipality in the election for which the committee is established

4. TERM OF OFFICE

The Committee must be established before October 1, 2026. The term of office of the Committee and its appointed members will be from November 15, 2026 to November 14, 2030 (same as term of Council) to deal with applications from the 2026 election and any by-elections during the term of Council.

5. MANDATE

The role of the Compliance Audit Committee are set out in sections 88.33 to 88.37 of the Municipal Elections Act, 1996, as amended. The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:

Candidate Contravention

- a) Within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b) Give to the Candidate, the Clerk and the Applicant, the decision of the Committee to grant or reject the application and brief written reasons for the decision;
- c) If the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d) Receive the auditor's report from the Clerk;
- e) Within 30 days receipt of the auditor's report, consider the report;
- f) If the auditor's report concludes that the Candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the Candidate for the apparent contravention;
- g) After reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Candidate Contributor Contravention

- a) Within 30 days receipt of a report identifying each contributor to a candidate for office on a Council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention;
- b) After reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Registered Third party Contravention

- a) Within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b) Give to the Registered Third Party, the Clerk and the Applicant, the decision of the Committee to grant or reject the application and brief written reasons for the decision;
- c) If the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d) Receive the auditor's report from the Clerk;
- e) Within 30 days receipt of the auditor's report, consider the report;
- f) If the auditor's report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g) After reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contributor Contravention

- a) Within 30 days receipt of the report, consider the report
- b) If the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for an apparent contravention;
- c) After reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

6. CHAIR

At the first meeting of the Compliance Audit Committee, the members shall appoint one member to act as Chair for the duration of the Committee's term.

The Chair is the spokesperson for the Committee and is the liaison between the members and the Officer of the Committee on matters of policy and process.

7. ROLE OF OFFICER TO THE COMMITTEE

The Clerk of the municipality where the application is received will act as Officer to the Committee and shall:

- a) Provide administrative support to the Committee
- b) Circulate the decisions of the Committee

8. MEETING AND SCHEDULING OF MEETINGS

Within ten (10) days of receiving an application, the Clerk of the municipality where the application is received shall forward the application to the Committee.

The date and time of the meeting will be determined by the Officer of the Committee and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Officer of the Committee.

9. MEETING NOTICES, AGENDAS AND MINUTES

The Agenda shall constitute notice. The Officer of the Committee shall cause notice to the meetings to be provided:

- a) To members of the Committee, Candidate and the Public for a meeting regarding an application by an elector;
- b) To members of the Committee, Contributor, Candidate and the Public for a meeting regarding a Candidate Contributor Contravention report;
- c) To members of the Committee, Contributor, Registered Third Party and the Public for a meeting regarding a Registered Third Party Contributor Contravention.

Notice shall be given a minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays. The Agendas and Minutes of meetings shall be posted on the member municipality's website. Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

10. LOCATION OF MEETINGS

The Committee shall meet at the location determined by the member municipality.

11. PROCEDURES

Meetings of the Committee will be conducted in accordance with the open meeting provisions of the Municipal Act, 2001. Meeting Notices, Agendas and Minutes will be posted on the website of the municipality that has received the application to conduct a compliance audit.

12. CLOSED MEETINGS

All Committee meetings shall be open to the public however the Committee may deliberate in closed session in order to come to a decision. Closed meetings shall be held in accordance with the Municipal Act, 2001, Section 239.

13. CONFLICT OF INTEREST

The principles of the Municipal Conflict of Interest Act, apply to this Committee.

14. COST

The municipality conducting the compliance audit shall pay the licensed auditor's costs of performing the audit. Any expenses incurred of the Committee shall be the responsibility of the municipality who has received the application for a compliance audit.

There shall be no remuneration paid to members of the Committee.

15. DISCLOSURE STATEMENT

Any responsibilities not clearly identified or defined within these Terms of Reference shall be in accordance with the Municipal Elections Act, 2001, as amended.