THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2026-030

A by-law to establish a Municipal Election Compliance Audit Committee for the 2026-2030 term of Council and to provide its Terms of Reference

WHEREAS section 88.37(1) of the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended, requires that a council or local board shall establish a compliance audit committee before October 1 of an election year to consider and decide on matters as provided for by the Act; and

WHEREAS section 88.37(6) of the *Municipal Elections Act, 1996*, requires that the Clerk 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;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1.1 In this by-law:

"Act" means the *Municipal Elections Act, 1996*, as amended.

"Applicant" means an eligible Elector who makes an application under section 88.33 or 88.35 of the MEA.

"Application" means an application for a compliance audit made to the Clerk as contemplated by the Act.

"Auditor" means an auditor with the requirements, powers, and duties contemplated in sections 88.33 to 88.37 of the Act.

"Council" means the Council of The Corporation of the Town of Caledon.

"Candidate" means a person who has been nominated under section 33 of the Act in the Town of Caledon whose election campaign finances are the subject of an Application.

"Clerk" means the person referred to in subsection 1(1) of the Act as the Clerk, and appointed pursuant to section 228 of the *Municipal Act, 2001*, or designate.

"Committee" means the Municipal Election Compliance Audit Committee of the Town of Caledon.

"Contributor" means an eligible individual under sections 88.8 and 88.12 of the Act who has made a contribution of money to a Candidate or Third Party Advertiser.

"Elector" means a person eligible to vote in the municipal election in the Town of Caledon under the Act.

"Member" means a person appointed to the Town of Caledon's Municipal Election Compliance Audit Committee by the Selection Committee.

"Town" means The Corporation of the Town of Caledon.

"Parties" means, with respect to an Application, the Applicant and either the Candidate or Registered Third Party Advertiser who are subject to the Application, or, with respect to a report prepared by the Clerk, the Contributor and applicable Candidate or Third Party Advertiser.

"Third Party Advertiser" means an individual, corporation or trade union registered under section 88.6 of the Act in the Town of Caledon whose election campaign finances are the subject of an Application.

PART 2 - ESTABLISHMENT AND SHORT TITLE

2.1 The Town of Caledon Municipal Election Compliance Audit Committee is established.

2.2 This by-law shall be known as the Municipal Election Compliance Audit Committee establishment by-law.

2.3 The Terms of Reference for the Municipal Election Compliance Audit Committee are set out within this by-law.

PART 3 - MANDATE

3.1 The mandate of the Committee shall be to fulfill the duties of a compliance audit committee as established by the Act.

PART 4 - TERM OF OFFICE

4.1 The term of office of the Committee is the same as the term of office of the council that takes office following the next regular election, and the term of office of the members of the Committee is the same as the term of the Committee to which they have been appointed.

PART 5 - COMMITTEE COMPOSITION

5.1 The Committee shall be composed of not fewer than three (3) and not more than seven (7) members, and shall not include:

a. employees or officers of the municipality or local board,
b. members of the council 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 municipality in the election for which the committee is established.

5.2 Experience or interest in the following will be included for consideration when determining appointments to the Committee:

a. Demonstrated knowledge or expertise in accounting, auditing, academia, or law, or
b. Knowledge of or interest in campaign financing rules of the Act.

PART 6 - CLERK'S REPORTS

6.1 The Clerk shall prepare a report for each Contributor who appears to have contravened any of the contribution limits under the Act and forward each report to the Committee in accordance with the deadlines under the Act.

PART 7 - APPLICATIONS

7.1 An Application for a compliance audit shall:

a. Be made within the deadlines established under the Act,
b. Be made by an eligible Elector in the Town of Caledon,
c. Be made in writing to the Clerk for a Candidate or Third Party Advertiser, and
d. Set out the reasons for the Elector's belief.

7.2 The Clerk or designate shall forward an Application for a compliance audit to the Committee within 10 days of receiving the Application.

7.3 Within 30 days after the Committee has received the Application, the Committee shall consider the Application and decide whether it should be granted or rejected.

PART 8- AUDITOR'S REPORTS

8.1 Where the Committee decides to grant an Application, it shall appoint a licensed Auditor to conduct a compliance audit of the Candidate or Third Party Advertiser's election campaign finances.

8.2 The Auditor shall promptly conduct an audit of the election campaign finances to determine whether the Candidate or Third Party Advertiser has complied with the provisions of the Act relating to election campaign finances and shall prepare a report outlining any apparent contravention.

8.3 The Auditor shall submit the report to the Clerk and relevant Parties, which shall be forwarded to the Committee within 10 days of receipt.

PART 9 - NOTICE OF MEETINGS

9.1 Reasonable notice of the meetings of the Committee shall be given to the relevant Parties.

PART 10 - RULES OF PROCEDURE

10.1 The Committee shall follow procedures in accordance with the Act, the Town of Caledon's Procedure By-law, and any administrative practices or procedures established and made publicly available by the Clerk.

PART 11 - MEETINGS

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

11.2 The Committee shall consider any reports prepared by the Clerk or Auditor within 30 days after receipt and, if the report concludes that the Contributor, Candidate, or Third Party Advertiser appears to have contravened a provision of the Act relating to election contributions or campaign finances, the Committee shall decide whether to commence a legal proceeding against the Contributor, Candidate or Third Party Advertiser for the apparent contravention.

PART 12 - DECISIONS

12.1 The decision of the Committee and a brief written reason for the decisions shall be made available in accordance with the provisions set out in the Act.

12.2 As soon as practicable after each meeting, the Clerk shall post a copy of the decision on the Town's website.

PART 13 - APPEAL

13.1 In accordance with section 88.33(9) of the Act, the decision of the Committee to grant or reject a compliance audit application may be appealed to the Superior Court of Justice within fifteen 15 days.

PART 14 - HONORARIUMS

14.1 Each member of the Committee shall be paid an honorarium of $225 per meeting attended.

PART 15 - ENACTMENT

15.1 This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 28th day of April, 2026.

Annette Groves, Mayor

Kevin Klingenberg, Municipal Clerk