



CITY OF HAMILTON

**DECISION of the
ELECTION COMPLIANCE AUDIT COMMITTEE**
established under Section 81.1(1) of the *Municipal Elections Act, 1996*
**A COMPLIANCE AUDIT APPLICATION RESPECTING THE
SUPPLEMENTARY REPORTING PERIOD (January 1, 2015 to June 30, 2015)
OF THE EXTENDED CAMPAIGN PERIOD OF TERRY WHITEHEAD,
CANDIDATE, WARD 8**

With respect to the meeting held on January 15, 2016 to deal with the application submitted by Ms. Vivian Saunders concerning the Supplementary Reporting Period (January 1, 2015 to June 30, 2015) of the Extended Campaign Period of Terry Whitehead the Committee considered only items: 11, 12, 13, 14 and 19. Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 20 and 21 were not considered as they concerned the original reporting period from nomination day to December 31, 2014.

With respect to the item regarding the auditor's expense, it is the view of the Committee that the Candidate's reporting of expenses in the same amount as shown on his original filing is appropriate given that there were no additional fees.

With respect to the sign inventory, the Committee accepts the Candidate's submission that it was appropriately addressed in the previous decision of July 28, 2015.

With respect to the Candidate campaigning outside of the campaign period, there is no indication that expenses were incurred for the website/YouTube video, or contributions received through the website, during the Supplementary Reporting Period (January 1, 2015 to June 30, 2015).

With respect to website hosting, it is the view of the Committee that the Candidate's reporting of expenses in the same amount shown on his original filing is appropriate given that there were no additional fees.

With respect to the supplemental financial statement, the Committee is satisfied that the bank account and the bank charges were dealt with appropriately.

The Committee is in agreement that there has not been a contravention of the MEA. 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 that the Committee, not the Applicant, must believe on a reasonable grounds that the Candidate has contravened the MEA before an audit is ordered.

The Committee does not order a compliance audit.

Dated at the City of Hamilton January 15, 2016

Written and approved by the following Committee Members:

Ross Anderson, Chair

Barry Gilbert, Vice Chair

John Klein

Linda Lister