

Christine Campbell Application – Jolanta Pawlak

NOTICE OF DECISION DATED JUNE 27, 2023

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD COMPLIANCE AUDIT COMMITTEE

established pursuant to Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF an Application for a Compliance Audit pursuant to subsection 88.33(1) of the *Municipal Elections Act, 1996*;

AND IN THE MATTER OF a Meeting of the Compliance Audit Committee (the "Committee"), held Thursday, June 22, 2023.

PURPOSE

The Committee held a meeting on Thursday, June 22, 2023, at 10:00 a.m. to consider an Application for a Compliance Audit (the "Application"), submitted by Christine Campbell (the "Applicant") with respect to the 2022 School Board Election and the campaign finances of Jolanta Pawlak, Candidate for the office of Trustee (the "Candidate").

DECISION

On reviewing the documents and materials submitted by the Applicant and the Candidate, including the Candidate's Form 4 Financial Statement, filed January 13, 2023, and on hearing the oral submissions from the Candidate's Agent, and on considering the provisions of the *Municipal Elections Act, 1996* and the *Education Act*, it is the decision of the Committee to grant the Application in accordance with subsection 88.33(7) of the *Municipal Elections Act, 1996* and to order a compliance audit in accordance with subsection 88.33(10) of the *Municipal Elections Act, 1996*.

REASONS

The reasons for the decision are as follows:

1. The Applicant applied for a compliance audit of the election campaign finances of the Candidate in connection with her election campaign for the office of Trustee in the 2022 School Board Election. The Applicant is a duly qualified elector of the Niagara Catholic District School Board (the "Board"), as confirmed by the Committee's Secretary who advised that in the Board's elections management tool "VoterView," the Applicant was registered to vote in the Board's election as a Roman Catholic and English-Separate board supporter.
2. The Applicant did not attend the meeting or provide any additional submissions to the Committee, despite having been provided notice of the meeting. The Committee proceeded to consider the Application in the Applicant's absence as permitted in the Committee's Procedures on the basis of the information submitted in the Application.

3. The Application alleged that the Candidate, together with another candidate in the 2022 School Board Election (Natalia Benoit), incurred expenses to produce joint election campaign signs which were placed at various locations during the election, however the Candidate's financial statement indicates no expenses were incurred for signs, or any expenses whatsoever. A photograph of an election sign placed on a municipal right of way advertising the campaigns of both candidates was included with the Application.
4. The Candidate did not attend the Meeting, and instead was represented by an Agent, Mr. Jeff Loucks. In response to the Application the Candidate provided the Committee with a revised Form 4 Financial Statement dated June 14, 2023. In response to questions from the Committee, Mr. Loucks confirmed that this revised financial statement was not accepted for filing by the municipality having been completed after the deadline for filing established by the *Municipal Elections Act, 1996*.

In oral submissions, and with reference to the revised financial statement submitted to the Committee in response to the Application, Mr. Loucks confirmed that the Candidate shared election signage with another candidate (Natalia Benoit) and that Ms. Benoit paid for the election signage. In the revised financial statement the Candidate has recorded one-half the cost of the signage (\$259.90) as an expense and an amount equal to that expense as a campaign contribution in goods or services received from Natalia Benoit. Neither such disclosure was included in the official Financial Statement filed by the Candidate. Mr. Loucks submitted that this omission by the Candidate was an error due to misunderstanding the forms or the obligations for financial reporting.

5. The *Municipal Elections Act, 1996* places an obligation on a candidate to file a true and correct financial statement.
6. Section 88.19 of the *Municipal Elections Act, 1996* provides that costs for goods or services wholly or partly used in a person's election campaign are expenses. The election campaign signs were used in the Candidate's election campaign, and the costs of those signs are therefore an expense.
7. The Candidate failed to record this expense in her financial statement.
8. On that basis, the Committee is of the opinion that there are reasonable and probable grounds to believe that the Candidate has contravened the *Municipal Elections Act, 1996* by failing to properly record all her election campaign expenses and campaign contributions in her financial statement, namely, her election campaign signs.
9. For those reasons, the Committee has decided to appoint an auditor to conduct a compliance audit of the election campaign finances of the Candidate in accordance with subsection 88.33(10) of the *Municipal Elections Act, 1996*.

Date: Jun 28/23 Margo Pinder
Chair Compliance Audit Review Committee

M. Pinder

Date: Jun 28/23 Murray Christie
Compliance Audit Review Committee

Murray Christie

Date: Jun 29/23 Heather Salter
Compliance Audit Review Committee

H. Salter