

ANN-MARIE ZAMMIT 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 Ann-Marie Zammit (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 Applicant and 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 reject the Application in accordance with subsection 88.33(7) 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.
2. During the Meeting, the Applicant's qualifications to bring the Application were called into question. The Applicant was asked by members of the Committee whether she was a qualified elector for the Niagara Catholic District School Board (the "Board"). The Applicant advised that she was a Roman Catholic. The Applicant also made inconsistent statements about her status as a school board supporter: she first indicated that she "split" her property taxes, but later advised that she was not a registered English-Separate board supporter. The Applicant did not provide any other documentation or evidence that would confirm she is an English-Separate board supporter.

3. The Committee's Secretary advised the Committee that in the Board's elections management tool "VoterView," the Applicant was not registered to vote in the Board's election as she was not an English-Separate board supporter. The Committee's Secretary further advised that the Applicant was registered as a public-school supporter.
4. Subsection 88.33(1) of the *Municipal Elections Act, 1996* requires that the person filing the application for a compliance audit of a candidate be an "elector" of the local board for which the candidate ran for office. If the person is not a qualified elector, they are not entitled to make an application.
5. The *Education Act* sets out the qualifications for a person to be eligible to vote in the election of the Board's Trustees. Subsection 58.9(3) of the *Education Act* requires that the person be an English-Separate board supporter in order to vote in the Board's elections. However, the Applicant was not registered as an English-Separate board supporter.
6. Based on the foregoing, the Committee is of the opinion that the Applicant is not a duly-qualified "elector" of the Board, and is not entitled to bring the Application.
7. On that basis, the Committee has decided to reject the Application.

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

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

Date: June 28/23 Heather Salter
Compliance Audit Review Committee

M. Pinder
Murray Christie
H. Salter