

Notice of Decision
Town of Ajax
Compliance Audit Committee

established under Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF an application for compliance audit under section 88.33(1) of the Municipal Elections Act, 1996;

AND IN THE MATTER OF the Town of Ajax's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures in accordance with section 88.37(1) of the Municipal Elections Act, 1996;

Candidate: Nancy Henry
Applicant: Brian Johnson
Application Number: CAC-2023-02
Meeting Date: August 3, 2023
Meeting Location: Council Chambers, Town Hall
65 Harwood Ave. S.
Ajax ON L1S 2H9

DECISION

Purpose of Meeting

The purpose of the meeting was to consider an application from Brian Jonnson for a compliance audit of the campaign finances of Nancy Henry, a candidate for the Office of Local Councillor, Ward 2 in the Town of Ajax's 2022 Municipal Election.

This meeting was held in accordance with the provisions of the Town of Ajax's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures (the "Procedures").

Delegations

Both the Applicant, the Candidate and the Candidate's Accountant appeared and made delegations to the Committee.

Decision

After reviewing the documentation submitted by both the Applicant and the Candidate and also hearing oral submissions from both the Applicant and the Candidate, it is the decision of this Compliance Audit Committee that the matter of CAC-2023-02 not proceed to audit. The basis for this decision is a review of the materials filed by the parties and the submissions of the Applicant and Candidate. Specifically, the Committee was satisfied that the Candidate's use of their website outside of the campaign period was principally community-focused rather than election-focused, and that expenses associated with the website within the campaign period have been appropriately documented in the Financial Statement filed with the Clerk.

Reasons

The reasons for the decision are as follows:

The Applicant alleges, *inter alia*, that the Candidate incurred expenses outside of the campaign period by maintaining a domain name and website promoting the Candidate to the electors of the Town of Ajax and that expenses associated with the Candidate's website during the campaign period were not identified in the Financial Statement filed with the Clerk on March 23, 2023.

In his written submissions and delegation to the Committee, the Applicant submitted evidence comparing the Candidate's website following the 2018 Municipal Election and the Candidate's website during the 2022 Municipal Election. The Applicant highlighted the limited number of changes that were made to the content of the website before and after the Candidate filed as a candidate. Further, the Applicant noted that the Candidate's Financial Statement did not appear to identify costs incurred to operate and host the Candidate's website both within and outside of the Candidate's campaign period.

In the Candidate's written submissions, the Candidate noted that she has maintained a website since 2010 and outside of the campaign period, save for the period following the 2018 Municipal Election during which she encountered health challenges which limited her involvement in community activities, she has used her website to post on matters of public interest or to promote volunteer activities and community events which she has supported or been involved. Following her success in the 2022 Municipal Election, the website was redesigned to provide a source of information for residents in the Town of Ajax.

In the Candidate's delegation to the Committee, the Candidate's Accountant provided evidence that expenses incurred for web hosting services in the amount of \$166.67 formed a portion of the expenses recorded as Advertising expenses on the Candidate's Financial Statement.

In response to questions from the Committee, the Candidate noted that she has maintained a personal website since 2010 and has used the website, outside of each respective campaign period, to promote community activities in which she has been involved. The Candidate also confirmed that costs in the amount of \$166.67 were incurred to operate the website during her campaign period.

The Committee is satisfied, on the evidence presented by the Candidate and the Candidate's Accountant, that expenses incurred to operate the Candidate's website were appropriately recorded and included in Advertising expenses identified on the Candidate's Financial Statement. With respect to the Applicant's allegation that the Candidate incurred election expenses outside of the campaign period, the Committee is satisfied that the Candidate used the website to promote her involvement in community and volunteer activities.

Dated this 9th day of August, 2023.

Kelly Gravelle

Kelly Gravelle (Aug 9, 2023 13:16 EDT)

Kelly Gravelle, Chair

K.Y. Chapman

K.Y. Chapman (Aug 9, 2023 13:15 EDT)

Kalli Chapman, Member

Wm. J. Paul Jones

Wm. J. Paul Jones (Aug 9, 2023 17:12 EDT)

Paul Jones, Member