TORONTO

REPORT FOR ACTION

David Singer - A contributor in the 2023 By-Election for Mayor who appears to have contravened Contribution Limits under Section 88.9 of the Municipal Elections Act, 1996

Date: September 10, 2024
To: Compliance Audit Committee
From: City Clerk
Wards: All

SUMMARY

The Municipal Elections Act, 1996 requires the City Clerk to review all contributions reported in financial statements submitted by candidates and registered third party advertisers in the 2023 by-election for mayor and to prepare a separate report for each contributor who appears to have exceeded any of the contribution limits.

The City Clerk retained an external auditor, BDO Canada LLP, through a competitive procurement process to review all candidates and registered third party advertisers' financial statements and to report on each apparent over-contribution.

This report transmits a report from the external auditor to the Compliance Audit Committee for consideration. The external auditor completed its review of initial and supplementary financial statements filed for the 2023 by-election for mayor and identified David Singer as a contributor who appears to have exceeded the contribution limits in the Municipal Elections Act, 1996.

Within 30 days of receiving this report, the Compliance Audit Committee is required to decide whether to: (1) commence legal proceedings against the contributor for an apparent contravention; or (2) not to commence legal proceedings against the contributor. The Committee must also provide brief written reasons for its decision.

RECOMMENDATIONS

The City Clerk recommends that the Compliance Audit Committee consider the auditor's report from BDO Canada LLP, attached as Attachment 1 to this report, and determine whether to commence a legal proceeding against David Singer for an apparent over-contribution.

FINANCIAL IMPACT

There is no financial impact associated with adopting the recommendation in this report.

DECISION HISTORY

There is no relevant decision history associated with this report.

COMMENTS

For the 2023 by-election for mayor, every candidate and third party advertiser was required to file an initial financial statement reflecting their campaign finances from the date they filed their nomination paper or had a notice of registration paper certified, respectively, up to August 10, 2023. Candidates or third party advertisers who extended their campaign period to address a deficit were also required to file an additional supplementary financial statement reflecting their campaign finances from the date they filed their nomination paper, or had their notice of registration certified, up to the end of the extended campaign period. The financial statement(s) captures campaign finance information, including expenses incurred and contributions received. Each contributor who contributed more than $100 to a candidate and/or third party advertiser must be listed on the financial statement, including the contributor's name, address, and amount of contribution(s).

The City Clerk is required to review the list of contributions on all candidate and third party advertiser financial statements and prepare a report identifying each contributor who appears to have contravened any of the contribution limits set out in sections 88.9 and 88.13 of the Municipal Elections Act, 1996.

The City Clerk retained BDO Canada LLP, through a competitive procurement process, to review the financial statements and report on each apparent over-contribution. The City Clerk provided the auditor with all relevant City records, including copies of financial statements and contribution data extracted from the Electronic Financial Filing System for the initial and supplementary campaign period. The Electronic Financial Filing System is an (in-house developed) online application that allows candidates and third party advertisers to, among other things, electronically prepare contribution receipts, track total amount of contributions received, and generate financial statements.

In compliance with the City Clerk's responsibilities under sections 88.34 and 88.36 of the Municipal Elections Act, 1996, the external auditor has:

- Reviewed official copies of candidate and third party advertisers' initial and supplementary financial statements, and/or
- Utilized contribution data extracted from the Electronic Financial Filing System, as necessary, to assist with the audit process; and
- Applied data cleansing processes related to identifying information duplications, transposition errors, and similar/same names.

The auditor completed its review of the financial statements filed and identified David Singer as a contributor who appears to have exceeded the contribution limits in the Municipal Elections Act, 1996.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

1. BDO Canada LLP Report – David Singer – A Contributor Who Appears to have Contravened Contribution Limits under Section 88.9 of the Municipal Elections Act, 1996.