



City of Toronto

**C Kim / N Kim – A Contributor Who
Appears to Have Contravened
Contribution Limits Under Section 88.9 of
the Municipal Elections Act, 1996**

PREPARED FOR: CITY CLERK, CITY OF TORONTO

PREPARED BY: BDO CANADA LLP

September 9, 2024



OBJECTIVE AND SCOPE

The objective of this review was to conduct an independent evaluation of the financial statements submitted by candidates and third party advertisers in Toronto's 2023 Mayoral by-election, in order to:

1. Determine whether any contributions to candidates or third party advertisers appeared to have exceeded the contribution limits as defined in the Municipal Elections Act, 1996 ("the Act"); and
2. Prepare a report to the City Clerk in respect to each contributor who appeared to have contravened any of the contribution limits outlined in the Act.

BACKGROUND

Election Information

In accordance with the Act, the City Clerk administered Toronto's municipal by-election for Mayor on June 26, 2023. There were 102 certified candidates whose names appeared on the ballot.

Reporting Requirements under the Municipal Elections Act

Candidates:

Under section 88.25(1) of the Act, all candidates who filed a nomination paper must also file a financial statement reflecting their election campaign finances from the date they filed their nomination up to 45 days after voting day, in the case of a by-election.

In accordance with section 88.34 of the Act:

"88.34 (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9."

The Act defines campaign contributions as money, goods, or services that are given to a candidate for use in their campaign, including money and goods that a candidate (or spouse) contributes to their own campaign.

In reviewing these contributions listed on the financial statements, the City Clerk is to determine whether the following contribution limits appear to have been exceeded:

"Maximum contributions to candidates

88.9 (1) A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

More than one office

(2) If a person is a candidate for more than one office, a contributor's total contributions to him or her in respect of all the offices shall not exceed \$1,200.

Exception, mayor of City of Toronto

(3) Despite subsections (1) and (2), for the purposes of those subsections the maximum total contribution that a contributor may make to a candidate for the office of mayor of the City of Toronto is \$2,500.

Multiple candidates

(4) A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.

Exception, candidates and spouses

(5) This section does not apply to contributions made to a candidate's own election campaign by the candidate or his or her spouse."

Third Party Advertisers:

Under section 88.29(1) of the Act, all third party advertisers who filed a notice of registration must also file a financial statement reflecting their election campaign finances from the date their registration was certified up to 45 days after voting day, in the case of a by-election.

In accordance with section 88.36 of the Act:

"88.36 (1) The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13."

The Act defines campaign contributions as money, goods, or services that are given to and accepted by an individual, corporation, or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation, or trade union.

In reviewing these contributions listed on the financial statements, the City Clerk is to determine whether the following contribution limits appear to have been exceeded:

"Maximum contributions to registered third parties

88.13 (1) A contributor shall not make contributions exceeding a total of \$1,200 to a registered third party in relation to third party advertisements that appear during an election in a municipality.

More than one registered third party

(2) A contributor shall not make contributions exceeding a total of \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

Exceptions

(3) Subsections (1) and (2) do not apply to contributions to a registered third party that are made by the registered third party itself and, if the registered third party is an individual, by his or her spouse."

APPROACH

To perform this review, the Toronto Elections unit of the City Clerk's Office provided BDO Canada LLP ("BDO") with PDF scans of all financial statements filed by candidates and third party advertisers.

Toronto Elections also provided BDO with a data extract containing all contributions entered into the Electronic Financial Filing System, which is an online application developed by the City of Toronto and provided to candidates and third party advertisers for entering and keeping track of their campaign finance information. If a candidate or third party advertiser did not use the Electronic Financial Filing System, Toronto Elections staff entered the information listed on the financial statements into the system on their behalf.

Upon being provided with the supplementary financial statements, BDO integrated them into the existing data set from the initial financial statements and performed the same review procedures.

To ensure the completeness of the financial statements, BDO performed the following:

- ▶ Compared the candidates for whom BDO did not receive financial statements to the candidates identified as being in default of the Municipal Elections Act to confirm that these financial statements had not been submitted.

To ensure the completeness and accuracy of the data extract from the Electronic Financial Filing System, BDO performed the following:

- ▶ Reviewed the financial statements in which BDO did not receive data from the Electronic Financial Filing System to ensure \$0 in contributions was indicated on the financial statements.
- ▶ Compared the total value of contributions from each financial statement to the total value of contributions for the candidate or third party advertiser in the Electronic Financial Filing System data extract to confirm completeness and ensure there were no duplicate entries in the data extract.
- ▶ Compared, on a line-by-line basis, each contribution from the candidate or third party advertiser's financial statement with the Electronic Financial Filing System data extract in order to confirm the completeness and accuracy of the contributor names, addresses, and contribution values.
- ▶ Identified and corrected any variances between the candidate or third party advertiser's financial statements and the Electronic Financial Filing System data extract, utilizing the financial statement as the source data.

Once BDO was confident in the completeness and accuracy of the data, the following procedures were performed to identify any contributors that had contributed in excess of the contribution limits set out in the Act:

- ▶ Compared the contributions per contributor to the single candidate limits (\$2,500 for Mayor).
- ▶ Compared the contributions per contributor to the two or more candidates for an office limit (\$5,000).
- ▶ Compared the contributions per contributor to the single third party advertiser limits (\$1,200).
- ▶ Compared the contributions per contributor to the two or more third party advertisers limit (\$5,000).

BDO also performed the following procedures to identify any potential additional over-contributors:

- ▶ Identified any individuals with similar first or last names listed at the same address (e.g., M. vs. Mike vs. Michael) or same names listed at different addresses to determine any potential over-contributions.
- ▶ Combined the total value of the contributions for any contributors identified with similar or same names and conducted the procedures noted above.
- ▶ BDO provided its preliminary findings to Toronto Elections, who reviewed the findings and undertook to perform its own due diligence by contacting the relevant candidates or third party advertisers to ask them to provide supporting documentation to help the City Clerk determine whether or not the contributors were the same individuals.

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In accordance with section 88.34 of the Municipal Elections Act, 1996, having reviewed the contributions to candidates as reported on the financial statements filed under section 88.25 of the Act, BDO Canada LLP reports that the following contributors are possibly the same person and therefore appear to have contravened the contribution limits set out under section 88.9 of the Act:

Contributor Name: C Kim
N Kim

Contributor Address: 2 Lansing Sq, Suite 500, North York, ON, M2J 4P8

The above named contributor's total contribution to Josh Matlow, a candidate for the office of Mayor of the City of Toronto, appears to have exceeded the limits under section 88.9 of the Act based on the following contributions:

CONTRIBUTOR'S FULL NAME	C Kim N Kim
CONTRIBUTOR'S FULL ADDRESS	2 Lansing Sq, Suite 500 North York, ON M2J 4P8
CANDIDATE RECEIVING CONTRIBUTION'S FULL NAME	Josh Matlow
CANDIDATE'S OFFICE	Mayor
TOTAL CONTRIBUTION VALUE (\$) RECEIVED	\$5,000
CONTRIBUTION LIMIT (\$)	\$2,500
DATE(S) & INDIVIDUAL CONTRIBUTION VALUE (\$) RECEIVED	22-June-2023 - \$2,500 22-June-2023 - \$2,500

Financial Statement: Schedule 1 – Contributions

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received (yyyy/mm/dd)	Amount Received \$	Amount Returned to Contributor or Paid to Clerk (\$)
Kim, C	2 Lansing Sq Suite 500, North York, M2J 4P8	2023/06/22	\$2,500.00	
Kim, N	2 Lansing Sq Suite 500, North York, M2J 4P8	2023/06/22	\$2,500.00	