



CITY OF HAMILTON

**DECISION of the
ELECTION COMPLIANCE AUDIT COMMITTEE**
established under Section 88.37(1) of the *Municipal Elections Act, 1996* (the “Act”)
**A CLERK’S REPORT RESPECTING A CONTRIBUTOR WHO APPEARS
TO HAVE EXCEEDED ANY OF THE CONTRIBUTION LIMITS UNDER
SECTION 88.9 OF THE ACT**
SERGIO MANCHIA

With respect to the meeting of the Election Compliance Audit Committee (the “Committee”) held on June 16, 2023, to consider the Clerk’s Report (FCS23072) concerning the contributions made by Sergio Manchia (the “Contributor”) to the 2022 Election Campaign (the “Campaigns”) of various candidates (the “Candidates”):

The Clerk’s Report indicates the Contributor’s total contribution of funds as \$5,300 to the Campaigns of various Candidates, exceeding the maximum contribution to two or more candidates for office on the same council, as per Section 88.9 (4) of the Act.

The Contributor’s Agent (the “Agent”), Patrick Mc Ilhone, Gowling WLG, was present to represent the Contributor at the meeting of the Committee. One Candidate, Laura Farr was also present at the meeting of the Committee.

The Agent advised the Committee that the Contributor inadvertently believed that the maximum contribution limit was \$5,500 rather than \$5,000 to two or more candidates for office on the same council and assured the Committee that the Contributor would note the correct limit in the future. The Agent requested that, given the minor nature of the overcontribution, no further action be taken against the Contributor and suggested that the overcontribution does not rise to a level that warrants punishment. When asked by the Committee whether this was the first alleged overcontribution made by the Contributor, the Agent confirmed that the Contributor was the subject of a Clerk’s Report arising from contributions made during the 2018 municipal election and that the Contributor was brought before the committee for an overcontribution. In that case, the Committee accepted the Contributor’s apology for the \$350 over contribution and chose not to commence legal proceedings.

The Candidate advised the Committee that it is best practice to notify Contributors of the contribution limits, but could not say with certainty that she advised this Contributor of those limits. The Candidate also advised the Committee that she was unaware of contributions made by the Contributor to other Candidates.

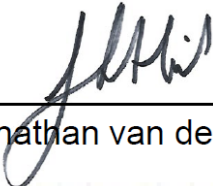
The Committee is satisfied that there are reasonable grounds to believe that the Contributor made contributions in excess of the limits set out in Section 88.9(4) of the Act given that the total amount of contributions made to two or more Candidate for office on the same Council totaled \$5,300, exceeding the maximum limit by \$300.

The Committee is satisfied that the Contributor is sophisticated, with past experience relating to contribution limits as set forth in the Act given that he was the subject of a Clerk's Report during the last election cycle. The Committee finds that the commencement of legal proceedings is warranted and that it is in the public interest to commence legal proceedings against the Contributor who has exceeded the contribution limits without reasonable explanation. As such, the Committee will be commencing legal proceedings against the Contributor and a prosecutor will be appointed for that purpose.

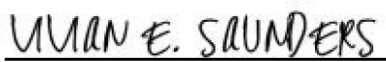
The Committee also wishes to remind all Candidates of their obligations pursuant to Section 88.22 (1) of the Act – Duties of Candidates, particularly with respect to overcontributions.

Dated at the City of Hamilton June 23, 2023.

Written and approved by the following Committee Members:



Jonathan van der Heiden



Vivian Sanders



Zachary Spicer