

Authority: Executive Committee Item EX27.3, as adopted by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

Bill 1089

BY-LAW -2017

To authorize the payment of rebates to individuals who contribute to candidates for office on City Council in the 2018 municipal election.

To authorize the payment of rebates to individuals who contribute to candidates for office on City Council in the 2018 municipal election; and

Whereas subsection 88.11(1) of the Municipal Elections Act, 1996 ("MEA"), provides that a municipality may, by by-law, provide for the payment of rebates to individuals who make contributions to candidates for an office on the municipal council; and

Whereas subsection 88.25(11) of the MEA, provides that the City Clerk of the municipality may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing; and

Whereas the City Clerk has established the Electronic Financial Filing System ("EFFS") Policy, which sets out the conditions and limits with respect to electronic filing; and

Whereas candidates who choose to file financial statements electronically under the provisions of the EFFS Policy must also file original financial statement(s) with the City Clerk in accordance with the requirements and deadlines set out in the MEA; and

Whereas candidates who choose to file financial statements electronically using EFFS must also issue all contribution receipts electronically;

The Council of the City of Toronto enacts:

For the 2018 municipal election:

1. The payment of rebates to individuals who make contributions to candidates for an office on the municipal council is authorized.
2. An individual who, during the campaign period, makes a contribution to a candidate for an office on Council may apply to the City Clerk for a rebate.
3. Notwithstanding section 88.15 of the MEA, only a contribution of money will be eligible for a rebate.
4. All contributions must comply with the provisions of the MEA.
5. The Clerk must receive the application for a rebate on or before 4:30 p.m., six months after the supplementary reporting period ends as set out in the MEA.

6. The application for a rebate must be in the form that the City Clerk has established for that purpose and must include the original or electronic signature of the candidate or their designate.
7. To participate in the contribution rebate program, a candidate for an office on Council must:
 - A. File an audited primary financial statement, and if applicable, a supplementary financial statement, in compliance with subsections 88.25(1) to (7) of the MEA; and
 - B. Include with the documents filed under subsection 88.25(1) or (4) of the MEA, as the case may be, a copy of the receipt issued for the contribution and a copy of all campaign expense invoices incurred as part of the campaign.
8. A contributor, including the candidate and his or her spouse, to a candidate for an office on Council whose campaign period is extended will not be eligible to receive a rebate until after the candidate's campaign closes and an audited supplementary financial statement is filed in accordance with the MEA.
9. The City Clerk shall pay the applicant a rebate in accordance with section 11 of this by-law if the following conditions are met:
 - A. The applicant complies with sections 5 and 6 of this by-law;
 - B. The candidate has complied with sections 4 and 7 of this by-law;
 - C. The City Clerk is satisfied that the receipt that the applicant filed and the copy that the candidate filed are consistent by comparing both copies;
 - D. The City Clerk is satisfied that the candidate has filed an audited financial statement(s) required by the relevant filing dates or by court order under the MEA, and that the candidate has not incurred expenses exceeding what is permitted under the MEA;
 - E. The City Clerk is satisfied that the candidate has paid any surplus, at the time of filing, in accordance with the provisions of the MEA; and
 - F. The time for an application for a compliance audit has expired and any proceedings in relation to a compliance audit and/or resulting court proceeding(s) is complete.
10. Despite section 9 of this by-law, where an applicant for a rebate claims that their application was mailed but the City Clerk did not receive it prior to the deadline set out in section 5 of this by-law, that applicant can provide an affidavit to the City Clerk. The affidavit must be in the form that the City Clerk has established for that purpose and attesting to the facts. The City Clerk is authorized to process that application in accordance with the relevant provisions of this by-law.

11. An applicant who makes one or more contribution(s) to one or more candidate(s) may apply for a rebate in accordance with the following formula:
 - A. If the total of the applicant's contribution(s) to all candidates is \$300.00 or less, the maximum rebate that will be paid to the contributor is 75 per cent of that total; or
 - B. If the total of the applicant's contribution(s) to all candidates is more than \$300.00 but not more than \$1,000.00, the maximum rebate that will be paid to the contributor is \$225.00 plus 50 per cent of the difference between that total and \$300.00; or
 - C. If the total of the applicant's contribution(s) to all candidates is more than \$1,000.00, the maximum rebate that will be paid to the contributor is the lesser of:
 - (i) \$575.00 plus 33⅓ per cent of the difference between the total and \$1,000.00; or
 - (ii) \$1,000.00.
 - D. Total contributions of \$25.00 or less will not receive a rebate.
 - E. Notwithstanding the above formula, any contribution to a candidate that is not in compliance with this by-law and, therefore, does not qualify for a contribution rebate, shall not be included in the total calculation of the contribution amounts.
12. Any election campaign surplus funds that become the property of the City according to the MEA will be deposited into the Election Reserve Fund XR1017.
13. If candidates choose to participate in the contribution rebate program and use EFFS, the following provisions apply:
 - A. Candidates must issue all contribution receipts electronically (whether or not eligible for a contribution rebate) and file the prescribed audited financial statement(s) in accordance with the MEA, this by-law and the EFFS Policy.
 - B. Despite subsection 7B of this by-law, candidates must submit their electronic financial statement(s) and contribution receipts through EFFS within 48 hours of filing the original financial statement(s) with the City Clerk.
 - C. Candidates must attach copies of their campaign expense invoices to the original financial statement filing at the time of filing with the City Clerk.

Enacted and passed on October , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)