

Authority: Executive Committee Item EX26.1, as adopted
by City of Toronto Council on October 1 and 4, 2021

CITY OF TORONTO

Bill 768

BY-LAW -2021

To amend Chapter 53, Elections, to authorize the payment of rebates to individuals who make contributions to candidates for office on City Council.

Whereas subsection 88.11(1) of the Municipal Elections Act, 1996, provides that the City may, by by-law, provide for the payment of rebates to individuals who make contributions to candidates; and

Whereas subsection 88.25(11) of the Municipal Elections Act, 1996 provides that the City Clerk may establish an electronic filing system for the financial statements of candidates;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 53, Elections, is amended as follows:

A. By adding the following as a new section 4:

§ 53-4. Rebate to individuals who make contributions to candidates.

The payment of rebates to individuals who made contributions to candidates for office on the City Council is provided for in accordance with Schedule A to this Chapter.

B. By adding the following as a new Schedule A to the Chapter:

1. Interpretation

A. As used in this Schedule A, the following terms shall have the meanings indicated:

CANDIDATE - A candidate for an office on City Council.

CONTRIBUTION - A contribution of money.

ELECTRONIC FILING SYSTEM - The electronic system for filing the financial information of candidates established by the City Clerk.

REBATE SYSTEM - The system for contributors to claim their contribution rebate established by the City Clerk; and

B. Terms used in this Schedule have the same meaning as in the Municipal Elections Act, 1996 unless otherwise indicated.

2. Candidate's Obligations

To participate in the contribution rebate program, a candidate must:

- A. File an audited initial financial statement and, if applicable, any audited supplementary financial statement and all subsequent financial statements with the City Clerk whether or not the total contributions received or total expenses incurred in the election campaign up to the end of the relevant period are more than \$10,000;
- B. Include with all audited financial statements:
 - (1) The required auditor's report; and
 - (2) A copy of the receipt issued for each contribution;
- C. If using the Electronic Filing System:
 - (1) Submit all contribution data through the Electronic Filing System within 5 business days of filing any financial statement with the City Clerk; and
 - (2) Issue all contribution receipts electronically to every contributor to their campaign whether or not the contribution, on its own, is more than \$25; and
- D. The City Clerk may upon the request of a candidate extend the deadline in subsection C(1).

3. Contributor's Obligations

To participate in the contribution rebate program:

- A. A contributor must claim their rebate through the Rebate System in a form and manner as determined by the City Clerk;
- B. If the City Clerk determines that rebate applications may be submitted by mail, then despite subsection 3.A, where the City Clerk has not received a rebate application, but the contributor claims that their application was mailed in time, the contributor may certify this to the City Clerk, in the form established by the City Clerk. On receipt of the certification, the City Clerk is authorized to process that rebate application in accordance with this Schedule; and

- C. A contributor must claim their rebate through the Rebate System on or before 4:30 p.m. of the first day the City is open for business six months after the end of the supplementary reporting period.

4. Payment of the Rebate

- A. The following formula applies to a rebate:
- (1) Total contributions of \$25 or less receive no rebate.
 - (2) If the total of the contributor's contributions to all candidates is \$300 or less, the maximum rebate that will be paid to the contributor is 75 per cent of that total.
 - (3) If the total of the contributor's contributions to all candidates is more than \$300 but not more than \$1,000, the maximum rebate that will be paid to the contributor is \$225 plus 50 per cent of the difference between that total and \$300.
 - (4) If the total of the contributor's contributions to all candidates is more than \$1,000, the maximum rebate that will be paid to the contributor is the lesser of:
 - (a) \$575 plus 33 $\frac{1}{3}$ per cent of the difference between the total and \$1,000; or
 - (b) \$1,000;
- B. The City Clerk shall pay a contributor a rebate if:
- (1) The candidate has complied with section 2 and:
 - (a) The time for an application for a compliance audit of the candidate's election campaign finances has expired with no application having been made;
 - (b) The Compliance Audit Committee, having considered an application for a compliance audit of the candidate's election campaign finances, has decided not to appoint an auditor or not to commence a legal proceeding; or
 - (c) Any legal proceeding commenced against the candidate by the Compliance Audit Committee has concluded without a conviction; and
 - (2) The contributor has complied with section 3 and:

- (a) The contributor has not been identified by the City Clerk as appearing to have exceeded any contribution limit;
 - (b) The Compliance Audit Committee, having considered the City Clerk's report identifying the contributor as appearing to have exceeded one or more contribution limits, has decided not to commence any legal proceeding; or
 - (c) Any legal proceeding commenced against the contributor by the Compliance Audit Committee has concluded without a conviction; and
- (3) The City Clerk is satisfied that:
- (a) The rebate claim made by the contributor and the rebate receipt provided by the candidate are consistent;
 - (b) The candidate has not incurred expenses exceeding what is permitted; and
 - (c) The candidate has paid any surplus to the City Clerk by the relevant date; and
- C. Despite subsection 4B, the City Clerk may decide to pay or not to pay a contributor a rebate if in their opinion it is reasonable to do so in the circumstances and the City Clerk's decision is final.

Enacted and passed on October , 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)