

Authority: Item CC18.2, adopted as amended, by City of Toronto Council on May 3, 4 and 5, 2016

CITY OF TORONTO

BY-LAW No. 393-2016

To authorize the payment of rebates to individuals who contribute to candidates for office on City Council in the July 25, 2016 by-election.

Whereas subsection 82(1) of the *Municipal Elections Act, 1996*, as amended (the "*Act*"), provides that a municipality may, by by-law, provide for the payment of rebates to persons who make contributions to candidates for an office on the municipal council; and

Whereas subsection 78(7) of the *Act*, provides that a municipality may, by by-law, authorize candidates seeking election to municipal office to file their financial statements and any required auditor's reports (the "financial statements") electronically, subject to such conditions and limits as are set out in the by-law; and

Whereas subsection 78(7) of the *Act*, provides that the financial statements may be electronically filed if the local council has passed an enabling by-law, the Electronic Financial Filing System (EFFS) By-law, being City of Toronto By-law No. 1178-2009; and

Whereas candidates who choose to file financial statements electronically under the provisions of the EFFS By-law must also file original financial statements with the Clerk of the municipality (the "Clerk") in accordance with the requirements and deadlines set out in the *Act*; and

Whereas candidates who choose to file financial statements electronically under the EFFS must also issue all contribution receipts electronically even if the candidates are not participating in the City of Toronto contribution rebate program established under this By-law;

The Council of the City of Toronto enacts:

1. The payment of rebates to individuals who make contributions to candidates for an office on the municipal council for the July 25, 2016 by-election is authorized.
2. An individual who, during the July 25, 2016 by-election, makes a contribution to a candidate for an office on the Council of the City of Toronto may, on or after May 4, 2016, apply to the Clerk for a rebate.
3. Notwithstanding section 66 of the *Act*, only a contribution of money will be eligible for a campaign contribution rebate.
4. Individual campaign contributions cannot exceed the allowable limit set out in sections 70.1(5), 71(1) and 71(3) or total contributions set out in 71(2.1) of the *Act*.
5. The application for rebate must be received by the Clerk on or before 4:30 p.m., six months after the end of the supplementary reporting period set out in the *Act*.
6. Despite sections 5, 7, 8, 11 and subsections 12A and 12C, where an applicant for a rebate claims that their application was mailed, but not received by the Clerk prior to the

application deadline set out in section 5, that applicant can provide an affidavit to the Clerk, in a form satisfactory to the Clerk, attesting to the facts, and the Clerk is authorized to process that application in accordance with the relevant provisions of this by-law.

7. The application for rebate shall be in the form established for that purpose by the Clerk.
8. The application for rebate shall include a receipt in the form provided by the Clerk that is signed by or on behalf of the candidate.
9. To participate in the contribution rebate program, a candidate for an office on the municipal council:
 - A. Must file an audited Financial Statement and Auditor's Report in compliance with subsections 78(1) to (4) of the *Act*; and
 - B. Shall include with the documents filed under subsection 78(1) or (2) of the *Act*, 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.
10. A contributor, including the candidate and his or her spouse, to a candidate for an office on the municipal council whose campaign period is extended under paragraph 4 or 5 of subsection 68(1) of the *Act*, will not be eligible to receive a rebate until after the candidate's campaign closes and the final document is filed under subsection 78(2) of the *Act* or subsection 12D of this by-law.
11. The Clerk shall compare the receipt filed by the applicant and the copy filed by the candidate to ensure consistency.
12. The Clerk shall pay the applicant a rebate in accordance with sections 13 and 14 if the following conditions are met:
 - A. The application complies with sections 5, 7 and 8;
 - B. The candidate has complied with section 9;
 - C. The Clerk is satisfied that the receipt filed by the applicant and the copy filed by the candidate are consistent;
 - D. The Clerk is satisfied that the candidate has filed any financial statement and auditor report required by the *Act* by relevant filing dates set by s. 77, s. 79.1 or by court order under s. 80 and, that no such document shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76 of the *Act*;
 - E. The Clerk is satisfied that the candidate has paid any surplus in accordance with the provisions of section 79 and 79.1 of the *Act* within the time period stipulated in that section; and

- F. The time for an application for a compliance audit under section 81 of the *Act* has expired and any proceedings in relation to a compliance audit have been completed.
- 13.** Calculation of Rebate.
- A. Subject to section 14, the rebate shall be calculated as follows:
- (1) If the contribution is \$300.00 or less, the rebate is 75 per cent of the contribution;
 - (2) If the contribution is more than \$300.00 but not more than \$1,000.00, the rebate is \$225.00 plus 50 per cent of the difference between the contribution and \$300.00;
 - (3) If the contribution is more than \$1,000.00, the rebate is the lesser of:
 - (a) \$575.00 plus 33⅓ per cent of the difference between the contribution and \$1,000.00; or
 - (b) \$1,000.00.
- B. Contributions of less than \$25.00 will not receive a rebate.
- 14.** An applicant who makes contributions to more than one candidate may apply for a rebate in respect of each contribution, but is not entitled to receive total rebates amounting to more than the following maximums:
- A. If the total of the applicant's contributions to all candidates is \$300.00 or less, the maximum is 75 per cent of that total;
- B. If the total of the applicant's contributions to all candidates is more than \$300.00 but not more than \$1,000.00, the maximum 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 contributions to all candidates is more than \$1,000.00, the maximum is the lesser of:
- (a) \$575.00 plus 33⅓ per cent of the difference between the total and \$1,000.00; or
 - (b) \$1,000.00.
- 15.** Any election campaign surplus funds that become the property of the City according to the *Act* will be deposited into the Elections Reserve Fund XR1017.

- 16.** If candidates choose to participate in the Electronic Financial Filing System (EFFS), the following provisions apply:
- A. Candidates must issue all contribution receipts electronically (whether or not eligible for a contribution rebate) as well as file the prescribed financial statements in accordance with the *Act*, this by-law and the EFFS By-law.
 - B. Despite section 8, contribution receipts issued through the EFFS must have either the original or electronic signature of the candidate or their designate.
 - C. Despite subsection 9B, candidates are not required to attach paper copies of their contribution receipts with the original financial statements filed with the City Clerk, provided the contribution receipts are electronically issued through the EFFS. Candidates must still attach copies of their campaign expense invoices to the original financial statement filing.
 - D. Despite subsection 9B, candidates must submit their electronic contribution receipts, as part of filing their electronic financial statements through the EFFS, within 48 hours of filing the original financial statements with the Clerk, and no later than within 48 hours after the filing deadlines set out in the *Act*, whichever is earlier.

Enacted and passed on May 4, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)