

CITY OF TORONTO

BY-LAW 902-2020

To authorize the payment of rebates to individuals who contribute to candidates for the Ward 22 office on City Council in the 2020 By-election.

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

The Council of the City of Toronto enacts for its 2020 by-election for the Ward 22 office on City Council:

1. Interpretation

A. In this By-law:

"candidate" means a candidate for an office on City Council;

"contribution" means a contribution of money; and

"Electronic Financial Filing System" means the electronic system for filing the financial statements of candidates established by the City Clerk.

B. Terms used in this By-law 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 any subsequent financial statement, with the City Clerk;

B. Include with all audited financial statements a copy of the receipt issued for each contribution and a copy of each campaign expense invoice; and

C. If using the Electronic Financial Filing System:

- (1) Submit all financial data and contribution receipts through the Electronic Financial Filing System within 48 hours of filing any financial statement with the City Clerk.
- (2) Issue all contribution receipts electronically to every contributor to their campaign whether or not the contribution, on its own, is more than \$25.

3. Contributor's Obligations

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

- A. Submit a rebate application to the City Clerk, in the form and manner as determined by the City Clerk, that includes the original or electronic signature of the candidate or their designate, 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; and
- 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 By-law.

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 percent 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 $\frac{1}{3}$ percent 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;
 - (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;
 - (3) The City Clerk is satisfied that:
 - (a) the receipt that the contributor filed and the copy or the receipt that the candidate filed are consistent by comparing both copies;
 - (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 28, 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)