



REFERRAL OF MEMBER MOTION BY CITY COUNCIL

Municipal Election Finance Reform – By-law to Prohibit Campaign Surplus Carry-Over

Date:	January 29, 2009
To:	Executive Committee
From:	City Council
Wards:	All

City Council Decision

City Council on January 27 and 28, 2009, referred Motion MM30.16 to the Executive Committee.

Recommendations

Councillor Walker, seconded by Councillor Lee, recommends:

1. That City Council enact a by-law to prohibit the transfer of municipal election financial campaign surpluses by any candidate for Mayor and Councillor in the City of Toronto from the 2010 municipal election onwards.

Summary

City Council at its meeting of September 28, 29, 30 and October 1, 2004 adopted with amendment, by a vote of 35 to 8, the Toronto Election Finance Review Task Force recommendations package for reform of municipal election campaign finances in the City of Toronto. This package was then forwarded to our Provincial Minister of Municipal Affairs and Housing on October 6, 2004.

These reforms were adopted by City Council to improve electoral fiscal transparency and accountability, to reduce the influence of special interests and to mitigate the financial advantages of incumbency.

On October 31, 2005, by a vote of 29 to 3, City Council reaffirmed its support for these reforms by adopting a motion regarding the urgent implementation of the Toronto Election Finance Review Task Force recommendations.

The main recommendations of this reform package are:

1. Prohibit all corporate and trade union contributions to municipal election campaigns.
2. Disallow candidates from transferring financial surpluses from one campaign to the next.
3. Update spending limits and redefine rules with respect to excluded expenses.
4. Require Elections Ontario to be responsible for the monitoring and enforcement of the provisions of the Municipal Elections Act, 1996.

Since January 2008, the City of Toronto Election Services has been in discussion with the Ministry of Municipal Affairs and Housing regarding further amendments to the City of Toronto Act, 2006, and the Municipal Elections Act, 1996, which would implement further reform of the City of Toronto municipal election process, including implementation of the remaining portions of the Toronto Election Finance Review Task Force recommendations. The formal portion of these discussions has concluded and the Ministry has promised to circulate draft amendments to the Provincial Cabinet later this year.

As shown by the previous City Council votes on this issue, there is significant support among Members of City Council for banning the transfer of a candidate's campaign surpluses to subsequent municipal elections. We have recently confirmed with the provincial Minister of Municipal Affairs and Housing, the Honourable Jim Watson, that Section 82.(5) of the Municipal Elections Act, 1996, allows a municipality to make all municipal election campaign surpluses the property of the municipality. The Minister has confirmed that the City of Toronto can enact a bylaw to this effect right now without any amendment to the Municipal Elections Act, 1996.

Now there is no reason to delay; City Council has the power under the Municipal Elections Act, 1996, to implement a bylaw prohibiting the transfer of financial campaign surpluses to subsequent municipal elections by candidates for Councillor and Mayor.

(Submitted to City Council on January 27 and 28, 2009 as MM30.16)