
City Council

Notice of Motion

MM41.3	ACTION			Ward: All
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Adopt Executive Committee Item EX34.6, headed "Election Campaign Finance By-laws" now, by Councillor Walker, seconded by Councillor Jenkins

** Notice of this Motion has been given.*

**The Executive Committee currently has jurisdiction for this subject matter. A two-thirds vote is required to remove this matter from the Executive Committee.*

Recommendations

Councillor Walker, seconded by Councillor Jenkins, recommends that:

1. City Council remove Executive Committee Item EX34.6, headed "Election Campaign Finance By-laws" from the Executive Committee and bring it forward to City Council for consideration.

Summary

Earlier this year, the Executive Committee directed the City Clerk to prepare City of Toronto municipal election by-laws to be applicable for the 2010 municipal election. Among other items, the Executive Committee supported (at the meetings of January 5, 2009 and April 7, 2009) the implementation of two new by-laws to:

1. prohibit corporate and trade union donations to candidates in municipal election campaigns; and
2. 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 – that surplus campaign funds be retained by the City for election campaign related matters.

The Executive Committee directed the City Clerk to prepare these by-laws for the September 2009 meeting of the Executive Committee in order for these by-laws to be adopted by City Council at its meeting of September 30th and October 1, 2009. The Executive Committee's deadline of September was given so these by-laws would be fully implemented for the 2010 municipal election. The City Clerk complied and the requested by-laws, as well as other election by-laws, were on the agenda of the September 2009 Executive Committee meeting.

In our opinion, the most important of the items prepared by the City Clerk is “EX34.6: Election Campaign Finance By-laws (August 26, 2009)” which includes by-laws to prohibit donations from trade unions and corporations to municipal election campaigns and to prohibit the transfer of a candidate’s election campaign financial surpluses from one election to the next.

Unfortunately, consideration of all the election by-laws was deferred by the Executive Committee until its October meeting. These by-laws were not on the agenda of the Executive Committee’s October meeting. The Mayor’s explanation for this omission is due to the Province of Ontario’s recent unofficial notification to municipalities in Ontario that changes to the Municipal Elections Act, 1996, may still arrive this October 2009.

Given the Province’s history on reform of the Municipal Elections Act, 1996, this seems highly unlikely; also, any changes to the Act would be required to be vetted by 1st, 2nd, and 3rd Readings in the Ontario Legislature, including public hearings across the Province, before attaining Royal Assent and becoming law. The Province of Ontario has rarely, if ever, completed any reforms to any Acts following such a short time line – the process noted above usually takes more than a year to complete. It seems impossible for the Province to deliver any reforms to the Municipal Elections Act, 1996, in time for the 2010 municipal election because there is not enough time left before the election starts on January 4, 2010.

City Council has been in a similar position before. After many lobbying efforts by the Mayor and others before the 2006 municipal election, the Provincial government held off on passing reforms placed before the Provincial government by City Council in 2004. This prevented City Council from implementing new, meaningful election campaign finance rules for the 2006 municipal election.

Late in 2006, after the municipal election, the Province enacted the City of Toronto Act which allowed the City of Toronto to prohibit donations from trade unions and corporations to municipal election campaigns.

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. As stated above, since 2006, the Province has yet to reform the Municipal Elections Act, 1996.

As shown by the previous City Council votes on this issue, there is significant support among Members of City Council for reforming the rules for City of Toronto municipal elections. Now because of a lack of time, it is again urgent for us to act. The report from the City Clerk entitled “EX34.6: Election Campaign Finance By-laws” should be adopted by City Council now to ensure it will be fully implemented for the 2010 municipal election in the City of Toronto. Any further reforms enacted by the Province of Ontario can be dealt with by a separate report from the City Clerk if and when the reforms are passed by the Legislative Assembly.

(Submitted to City Council on October 26 and 27, 2009 as MM41.3)