

Appendix 1

Proposed Amendments to the *Municipal Elections Act, 1996 (MEA)* and to the *City of Toronto Act, 2006 (COTA)*

1. Fundraising Deadline

Since the June 30 deadline for ending a campaign period (s. 68(1) paragraph 5), provides an inadequate amount of fund-raising time for candidates subject to compliance audit proceedings, an amendment could be proposed to extend fund-raising time by lengthening the potential campaign period in those circumstances.

Subsection 68(1) paragraph 5 could be amended by adding the following words at the beginning of both paragraph iv. and paragraph v.: "Except in relation to proceedings under s. 81".

Subsection 68(1) paragraph 5 could be amended by adding the following as paragraph vi. : "Where a campaign period has recommenced because a candidate has notified the clerk of expenses related to a proceeding under s. 81, the end of the four year period commencing on voting day".

2. Grants/Contributions by Municipality

Courts have ruled that municipalities cannot use either the power to reimburse council members for expenses (COTA s. 222) or the grant power (COTA s. 83) to give funds to members for the purpose of paying compliance audit expenses. As well, the MEA makes compliance audit expenses a campaign expense and prohibits municipalities from making campaign contributions. Amendment to both the COTA and the MEA is, therefore, required in order to do so.

COTA

The COTA could be amended by adding the following subsection 83(2)(g):

s. 83 (2) The power to make a grant includes the power,

...

(g) despite s. 222, to make a payment to a member of city council/candidate* for the purpose of paying expenses related to proceedings under s. 81 of the *Municipal Elections Act, 1996*.

*Council may wish to choose to request the ability to make a payment to all candidates rather than only those who have been elected.

MEA

The COTA amendment proposed above would be accompanied by an amendment to the MEA. The MEA could be amended to create an exception to the prohibition on municipal contributions to election campaigns. The following could be added as subsection 70(4.1):

(4.1) Despite s. 70(4), a municipality may make a payment to a candidate for the purpose of paying expenses incurred by the candidate in responding to an application commenced under s. 81 if the application is rejected or if the application is granted and the auditor finds that there was no apparent contravention of this Act.

As drafted, the exception would not permit financial assistance to a candidate responding an application under s. 81(a compliance audit application) in cases where a violation of the MEA is identified by the auditor.