

# CANDIDATE'S GUIDE

## CITY OF TORONTO COUNCIL

Ulli S. Watkiss  
City Clerk

June 2006

 **TORONTO** Votes 2006

Welcome to the 2006 Municipal Election.

This Candidate's Guide has been prepared for candidates seeking office to the City of Toronto Council. Its contents are not meant to cover all information required by a candidate in a municipal election, it is intended only as a guide to certain relevant legislation. Candidates should refer directly to the *Municipal Elections Act, 1996* for specific provisions and additional details. The Act is available from Publications Ontario, 880 Bay Street, Toronto, 416-326-5300 or at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Candidates must satisfy themselves, through their own determination or with the assistance of their own legal counsel, of the various legal requirements relating to their candidacy. In addition, candidates must comply with all the requirements relating to election campaign finances.

The Candidate's Guide is also available for downloading from the City of Toronto's web site at [www.toronto.ca/elections](http://www.toronto.ca/elections).

As the year progresses, candidates will receive additional information from the Clerk's Office. Therefore it is imperative that candidates notify the Clerk of any address changes. As many of these mailings are sent via registered mail, it is important for candidates to claim their registered mail. Candidates who are participating in the electronic filing will receive all documentation via email except for those documents that the Act states must be sent by registered mail.

If you have any questions please call Elections and Registry Services at 416-395-7321 or email [elections@toronto.ca](mailto:elections@toronto.ca).

Thank you.

A handwritten signature in cursive script that reads "Greg Essensa".

Greg Essensa, Director  
Elections and Registry Services



All candidates are invited to attend the

## **CANDIDATE INFORMATION SESSION**

To be held on:

**Thursday, December 14, 2006**

In just a couple of hours you'll gain vital knowledge of:

- How to close your campaign
- Electronic filing
- Financial and supplementary filings
- Contribution rebates
- And much, much more!

**CITY HALL, COUNCIL CHAMBER, 7:00 P.M.**

To register please email [elections@toronto.ca](mailto:elections@toronto.ca) or call 416-395-7321

# TORONTO VOTES 2006

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## 1.0 GENERAL INFORMATION

### 1.1 Symbols Used in this Guide

This guide has four symbols that are used to draw your attention to important information.



By-laws, legislation, policy changes or amendments that will impact how your campaign is run.



Key notes or information that you should carefully review.



Tips



New information for the 2006 election.

### 1.2 The 2006 Election

Candidates should note that:

- On November 13, 2006, voters in the City of Toronto will elect one Mayor and 44 Councillors (one per City Ward) to sit on the City of Toronto Council.
- Services for candidates are available at Toronto City Hall, 1st floor, North **only**.
- Candidates are required to show proof of identity and qualifying address when filing a nomination form (see Nomination tab).
- City Council has approved the use of voting and vote-counting equipment.
- Candidates will be required to record their name at the time of filing their nomination paper (see 1.4).
- Proxies are no longer available to candidates. Electors may phone 416-338-1111 to have a proxy sent directly to them (see Voter Information tab).



**Note:** The election office at City Hall has moved from the 5<sup>th</sup> floor to the 1<sup>st</sup> floor.



**Proxies will only be given to electors.**

- Candidates may have the opportunity to file their financial papers on line using the City's Electronic Financial Filing System (see 1.6).
- Contributor information (name, postal code and amount of contribution) will be posted on the City's web site.
- City Council has authorized a contribution rebate program for contributions made to candidates seeking office to the City of Toronto Council (see Contribution Rebate tab).
- The following are no longer eligible for a rebate:
  - All donations of goods and services.
  - Contributions from corporations and trade unions.
- Surpluses from candidates participating in the contribution rebate program become the property of the City of Toronto.

### **1.3 Candidate Information Sessions**

Staff from Elections and Registry Services will host two candidate information sessions. Please call 416-395-7321 or email [elections@toronto.ca](mailto:elections@toronto.ca) for additional information and to register and any of these sessions.

The first session will be held on Thursday, March 23, 2006 and is designed to explain:

- The election process.
- Legislation, by-laws and policies.
- Electronic filing of contributions.
- Election campaign finances.
- Campaign contribution rebates.
- A demonstration of the vote counting equipment.

The second information session will be held on Thursday, December 14, 2006.

This session will cover:

- How to close your campaign.
- Penalties.
- The electronic financial filing system (EFFS).
- Financial and supplementary filing.
- Campaign contribution rebates

Watch our web site at [www.toronto.ca/elections](http://www.toronto.ca/elections) for further information.



**Contributor information will be posted on the City's web site.**



**Surpluses become the property of the City for candidates participating in the rebate program.**

#### 1.4 Audio Recording of Candidate's Name

The City of Toronto uses audio touch screens during the Continuous Advance Vote (Monday to Friday, October 23 to November 1, 2006) to allow visually challenged electors to vote in private. Candidates will be required to record their name at the time of filing their nomination paper to enable the election office to have the proper pronunciation of their name. The candidate will be asked to repeat their name slowly and clearly three times. This will be used as a reference only.

#### 1.5 Registered Mail/Change of Address

Some election documents are sent to candidates via registered mail. Please ensure that you pick up your letter or package when you receive the notification. Elections and Registry Services will be sending documentation well into 2007. It is the candidate's responsibility to ensure they fulfill all the requirements of the *Municipal Elections Act, 1996*. If you move anytime before you have filed all required forms, please notify us at 416-395-7321 or email [elections@toronto.ca](mailto:elections@toronto.ca) and your file will be updated.

#### 1.6 Electronic Information and Updates

It is anticipated that Council will pass a by-law to allow for electronic filing in June 2006. This would allow candidates to enter all contributions, print receipts and complete the financial statement on line. Those candidates who will be participating in electronic filing will receive all notices and documentation via email. It will be imperative that the candidate provides the election office with an email address that will be monitored well into 2007.

More information regarding electronic filing will be available on the City's web site and from the elections office.

#### 1.7 Contact Us

For further information candidates may call Elections and Registry Services at 416-395-7321, visit Toronto City Hall, 1st floor, North or send an email to [elections@toronto.ca](mailto:elections@toronto.ca).

For election sign information or enquiries, please contact Municipal Licensing and Standards at 416-395-7010.



All candidate names will be re-recorded by an election official.



Candidates must determine whether they will participate in electronic filing before issuing receipts.

## **1.8 Publications**

The following publications relate to the municipal election and can be picked up at the following locations.

### **Municipal Elections Act, 1996**

Government of Ontario Book Store

880 Bay Street

Toronto, Ontario

416-326-5300

also available at: [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

### **Municipal Elections Law 2006**

Municipal World Inc.

Box 399,

St. Thomas, Ontario N5P 3V3

519-633-0031

[www.municipalworld.com](http://www.municipalworld.com)

### **Candidates and Electors**

Municipal World Inc.

Box 399,

St. Thomas, Ontario N5P 3V3

519-633-0031

[www.municipalworld.com](http://www.municipalworld.com)

### **How to Campaign for Elected Office**

Municipal World Inc.

Box 399,

St. Thomas, Ontario N5P 3V3

519-633-0031

[www.municipalworld.com](http://www.municipalworld.com)

## 2.0 SCHEDULE OF KEY DATES

### 2.1 Schedule of Key Dates

This is a schedule of important dates relating to your campaign. If there are any changes to the dates, the Clerk will notify you.



<b>Nomination Period</b> Tuesday, January 3, 2006 to Thursday, September 28, 2006	Nominations may be filed by candidates prior to nomination day at any time when the Clerk's office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.)
<b>Campaign Period</b> Tuesday, January 3, 2006 to Tuesday, January 2, 2007	The campaign period begins on January 3, 2006 or whenever a candidate files a nomination paper, whichever is later, and ends on January 2, 2007 unless the candidate withdraws the nomination, the Clerk rejects the nomination or the candidate is continuing his or her campaign to erase a deficit.
<b>Candidate Information Session</b> Thursday, March 23, 2006 7:00 p.m. to 9:00 p.m.	The first candidate information session will be held on Thursday, March 23, 2006 in the Council Chamber at City Hall. This session is designed to explain the election process, election campaign finances, electronic filing, contribution rebate program, the <i>Municipal Elections Act, 1996</i> and demonstrate the vote-counting equipment.
<b>Electronic Filing</b> July 2006	Starting in July 2006 candidates will be able to enter all contribution information and print receipts using the City's Electronic Financial Filing System. Candidates who wish to participate in electronic filing must attend a training seminar. In addition to receiving instructions on how to use the filing system, candidates will be able to register and obtain their UserID and temporary password.
<b>Post Voters' List</b> Friday, September 1, 2006	The Clerk shall post the voters' list for revisions.
<b>Revision – Application to Remove An Elector's Name</b> Tuesday, September 5, 2006 to Friday, September 29, 2006	An individual may make an application to remove an elector's name from the voters' list. The Clerk will determine if the name is to be removed and may hold a hearing.
<b>Revision Period</b> Tuesday, September 5, 2006 to Monday, November 13, 2006	Eligible electors whose names are not on the voters' list or whose names were shown incorrectly on the list may be added to the voters' list or have the information on the list amended by filing an application with the Clerk's Office or at the voting place.
<b>Nomination Day</b> Friday, September 29, 2006 9:00 a.m. to 5:00 p.m.	Last day for filing nominations. Nominations may be filed only between the hours of 9:00 a.m. and 5:00 p.m., Committee Room #1, 2 <sup>nd</sup> floor, City Hall.

<p><b>Certification of Nomination Papers</b></p> <p>Monday, October 2, 2006</p>	<p>The Clerk will certify nomination papers by 4:00 p.m.</p>
<p><b>Withdrawal of Nominations</b></p> <p>Monday, October 2, 2006</p>	<p>Nominations may be withdrawn in writing by 5:00 p.m.</p>
<p><b>Acclamation</b></p> <p>Monday, October 2, 2006</p>	<p>The Clerk shall after 5:00 p.m. declare the eligible candidate(s) to be duly elected.</p>
<p><b>Proxy Vote Certificates</b></p> <p>Tuesday, October 3, 2006 to Monday, November 13, 2006 8:30 a.m. to 4:30 p.m.</p> <p>Continuous Advance Vote: Weekdays from Monday, October 23, 2006 to Wednesday, November 1, 2006 8:30 a.m. to 5:00 p.m.</p> <p>Ward Advance Vote Saturday, November 4, 2006 Noon to 5:00 p.m.</p> <p>Sunday, November 5, 2006 Noon to 5:00 p.m.</p>	<p>Electors appointed as voting proxies must apply for their proxy voting certificates in the Clerk's Office during these times.</p> <p>On each day of the continuous advance vote the Clerk's Office will be open from 8:30 a.m. to 5:00 p.m. for the purpose of issuing proxies.</p> <p>During the ward advance vote the Clerk's Office will be open from noon to 5:00 p.m. for the purpose of issuing proxies.</p> <p>Note: Only electors can obtain proxies. Electors can call 416-338-1111 to have a proxy sent directly to them.</p>
<p><b>Certificate of Maximum Campaign Spending Limits</b></p> <p>Tuesday, October 10, 2006</p>	<p>The Clerk to provide the certificate of maximum campaign spending limits to all candidates.</p>
<p><b>Election Signs</b></p> <p>Thursday, October 19, 2006</p>	<p>Election signs may be erected on October 19, 2006 (25 days prior to voting day) and must be removed by November 16, 2006 (within 3 days of voting day). Campaign office signs may be erected on August 15, 2006 (90 days prior to voting day).</p>
<p><b>Advance Voting Days</b></p> <p>Weekdays from Monday, October 23, 2006 to Wednesday, November 1, 2006 10:00 a.m. to 6:00 p.m.</p> <p>Saturday, November 4, 2006 10:00 a.m. to 6:00 p.m.</p> <p>Sunday, November 5, 2006 10:00 a.m. to 6:00 p.m.</p>	<p>Electors may vote prior to election day <b>for any reason</b>.</p> <p>Continuous advance voting will be held at City Hall, the East York, Etobicoke, North York and Scarborough Civic Centres and Maria A. Shchuka Library in York, Monday to Friday from October 23 to November 1, 2006 between the hours of 10:00 a.m. to 6:00 p.m.</p> <p>On Saturday, November 4, 2006 and Sunday, November 5, 2006 there will be advance voting at one location in each of the City's 44 wards.</p>

<b>ELECTION DAY (Voting Day)</b>  <b>MONDAY, NOVEMBER 13, 2006</b>	<b>Voting is held between 10:00 a.m. and 8:00 p.m.</b>
<b>Official Results</b>  Thursday, November 16, 2006 Noon	The Clerk will publicly declare to be elected the candidates having the highest number of votes for each office.
<b>Term of Office Commences</b>  Friday, December 1, 2006	The elected member must take the oath of office prior to taking his or her seat.
<b>Candidate Information Session (Financial Filings)</b>  Thursday, December 14, 2006 7:00 p.m. to 9:00 p.m.	A candidate information session will be held in the Council Chamber of City Hall. This session is designed to explain how to close your campaign and how to complete the financial statement electronically and manually on the prescribed forms.
<b>End of Campaign Period</b>  Tuesday, January 2, 2007	The end of the campaign period is January 2, 2007 unless a candidate withdraws the nomination, the nomination is rejected by the Clerk or the candidate is continuing his or her campaign to erase a deficit. Candidates may not raise funds or incur expenditures beyond this date unless they have a deficit and have notified the Clerk of the extension to the campaign period.
<b>Notification to the Clerk of a Deficit and Continuation of Campaign Period</b>  Tuesday, January 2, 2007 5:00 p.m.	If a candidate has a deficit on January 2, 2007 and wishes to continue fundraising to eliminate the deficit, the candidate <b>must</b> notify the Clerk on the prescribed form on or before 5:00 p.m., January 2, 2007. Failure to do so will mean that the campaign period ends on Tuesday, January 2, 2007.
<b>Deadline for Filing of Financial Statements</b>  Monday, April 2, 2007 5:00 p.m.	This is the final date by which all candidates must file their financial statements.
<b>Deadline for Contribution Rebate Applications</b>  Thursday, January 31, 2008 or 6 months from “Date Issued” on receipt.	<p>Thursday, January 31, 2008 is the final date by which contributors must file their rebate applications for any contributions made to candidates between January 3, 2006 and January 2, 2007.</p> <p>Contributors who make contributions between January 3, 2007 and December 31, 2007 (for those candidates who have extended their campaign to erase a deficit) must submit their rebate applications within 6 months of the “Date Issued” shown on the rebate application.</p>



## 3.0 NOMINATIONS

*Sections 17, 29, 30 and 31 to 36 of the Municipal Elections Act, 1996, as amended,  
Sections 256 and 258 of the Municipal Act, 2001, as amended, and  
Ontario Regulation 101/97, as amended*

Candidates must be qualified on the day they file their nomination paper.

### 3.1 Qualification

You can run for Council if you meet the following qualifications:

- A Canadian citizen;
- At least 18 years of age;
- A resident of the City of Toronto;
- The owner or lessee of property in the City of Toronto or the spouse;
- Not legally prohibited from voting; and
- Not disqualified by any legislation from holding municipal office.

### 3.2 Disqualification

The following are disqualified from being elected as a member of council or holding office as a member of council.

- Employees of the City of Toronto except during a leave of absence. (**Note:** Employees must be on leave of absence prior to filing their nomination paper. They must provide the Clerk with the original documentation showing that they have taken a leave of absence and the effective date).
- A judge of any court.
- A member of the Provincial Legislature, the Federal House of Commons or Senate who has not resigned from his or her office by the close of nominations (5:00 p.m., Friday, September 29, 2006). Proof of resignation **must** be provided by 5:00 p.m., Friday, September 29, 2006 or the Clerk will not certify the nomination.

- A candidate who failed to file the necessary financial statements in the last municipal election.

**Please note that a Member of Council must maintain their qualifications throughout the entire term of office or their seat will become vacant.**

### 3.3 Nomination Form and Fee

Nomination day is **Friday, September 29, 2006**. Nominations may be filed on that day from 9:00 a.m. to 5:00 p.m. at Toronto City Hall, Committee Room #1, 2<sup>nd</sup> floor. They may also be filed at any time that the election office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.) beginning January 3, 2006 at Toronto City Hall, 1st floor, North. **A candidate must be nominated prior to raising campaign funds or incurring expenses.**

Candidates must file the prescribed nomination form. At the time of filing, each candidate must pay the nomination fee of \$200 for mayoralty candidates and \$100 for councillor candidates. Payment must be made by cash, certified cheque or money order payable to “Treasurer, City of Toronto”.

Either the candidate or agent of the candidate must file the nomination paper in person. The declaration section of the nomination form must be signed by the candidate and taken before a Commissioner of Oaths. Staff in the election office can administer this oath.

If an agent is filing the Nomination Paper on behalf of a candidate, the candidate’s declaration of qualification must be commissioned prior to the agent filing the paper with the City. The agent must also provide a copy of the candidate’s identification as well as providing their own identification. If either the nomination paper or the declaration of qualification is not commissioned prior to filing, the Clerk **will not** accept the documentation.

**Faxed nominations cannot be accepted, as an original signature is required on all election documents filed with the Clerk.**



**Payments made by cash, certified cheque or money order**



**Agents must provide a copy of the candidate’s identification as well as their own.**

### 3.4 Declaration of Qualification

Each person who files a nomination paper will also be required to complete a “Declaration of Qualification for the City of Toronto 2006 Municipal Election”. The declaration has been prepared by the Clerk and ensures that only qualified candidates run in the municipal election. If an agent is filing on behalf of a candidate, the Declaration of Qualification must be commissioned prior to the agent filing the declaration with the Clerk. If the declaration is not commissioned, the Clerk **will not** accept either the declaration of qualification or the nomination paper.

### 3.5 Identification

All candidates **must** show proof of identity and qualifying address within the City of Toronto at the time the nomination paper is filed. This is to ensure that only the names of qualified candidates appear on the City’s ballot.

Acceptable pieces of identification include:

- Government issued identification or form that contains the name and qualifying address, e.g., driver’s licence, income tax assessment;
- City of Toronto property tax bill;
- Utility bill (hydro, gas, water, telephone, cable TV);
- Hospital card;
- Bank statement;
- Mortgage, rental or lease agreement;
- Insurance policy (home, tenant or auto); or
- Current employer record (pay stub or letter from employer).



**Government issued documentation that requires the person to write in the address will not be accepted as identification (e.g., passports).**

### **3.6 Certification of Nomination Papers**

The Clerk will certify nominations by 4:00 p.m. on Monday, October 2, 2006. Once a candidate is certified, his or her name will be placed on the ballot unless the candidate withdraws or the candidate's name is removed by Court order. Nomination papers are public documents and are available for inspection in the Clerk's Office.

### **3.7 Withdrawal of Candidacy**

A candidate who wishes to withdraw his or her nomination must notify the Clerk in writing by 5:00 p.m., Monday, October 2, 2006. Either the candidate or an agent of the candidate must file the withdrawal form in person. The withdrawal form may not be faxed, as original signatures are required on all election documents filed with the Clerk. Upon receiving the withdrawal form, the nomination filing fee refund will be processed. The candidate will still have to submit a financial statement (due no later than April 2, 2007) covering all financial transactions up to the time of the withdrawal.

The candidate or agent must provide identification at the time of filing the withdrawal form. In addition, if an agent is filing the withdrawal form on behalf of a candidate, the candidate must provide the agent with a signed letter to give to the Clerk authorizing the agent to file the withdrawal form.

## 4.0 CANVASSING & ELECTION SIGNS

*Section 48 of the Municipal Elections Act, 1996, as amended; and  
City of Toronto Municipal Code, Chapter 693, Article II*

### 4.1 Prohibition of Canvassing in the Voting Place

The Clerk determines what premises will be used as voting places. The Clerk does not permit electioneering of any nature in or on these premises, which includes the entire building and the property on which it is located.

The *Municipal Elections Act, 1996* provides that while an elector is in a voting place, no one shall attempt, directly or indirectly, to influence how the elector votes and that no one shall display a candidate's campaign material or literature in a voting place.

### 4.2 T.T.C. Premises

Excerpt from the Toronto Transit Commission's By-law No. 1, Subsection 7:

*"No person shall sell, or attempt to sell, distribute or solicit on any vehicle or premises of the Commission without authorization."*

### 4.3 Access to Rented Premises

Excerpt from the *Tenant Protection Act, 1997*, Section 22:

*"No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material."*

Candidates experiencing difficulty in gaining access to these premises should contact the landlord of the building.



**Election  
Officials will  
remove all  
campaign  
material or  
literature  
from the  
voting place.**

#### 4.4 Access to Condominiums

Excerpt from the *Condominium Act*, Section 118:

*“No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.”*

Candidates experiencing difficulty in gaining access to these premises should contact the owner of the rental building or the board of directors of the condominium.

#### 4.5 Access to Co-operatives

Excerpt from the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35

*“No non-profit housing co-operative or servant or agent of such a co-operative shall restrict reasonable access to the housing units of the co-operative by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material.”*

Candidates experiencing difficulty in gaining access to these premises should contact the co-operative representative.

#### 4.6 Use of City Symbols and Logo

The City of Toronto Corporate Identity Program Manual (CIP manual) provides that

*“Corporate identity items, such as logos or related graphic materials, are the property of the City of Toronto. Associated committee, boards and agencies are entitled to use these materials, in compliance with the guidelines in this CIP manual. The use of these materials for third parties is strictly prohibited.”*

In accordance with this policy, candidates may not use the City’s logo or related graphic materials on election signs or in any of their election material.



**Candidates may not use all or part of the City’s symbols or logo on any of their election material.**

#### **4.7 Media Advertising**

The *Municipal Elections Act, 1996* does not contain restrictions on when a candidate may or may not advertise. However, the candidate must have filed their nomination paper before spending any money and the amount they may spend on their campaign is regulated.

Organizations such as the Canadian Radio-television and Telecommunications Commission have guidelines that broadcasters must follow to ensure all candidates have equal access to coverage.

Free political advertising by a broadcaster must be within the regulations and guidelines of the Broadcasting Act (Canada) and made available to all candidates. This advertising is not deemed to be a contribution.

#### **4.8 Election Signs**

There are certain rules under the City of Toronto's Municipal Code regarding election signs that candidates must observe for the City of Toronto 2006 Election.

- Signs may not be illuminated or attached to trees and are prohibited on all City property (including parks, community and civic centres, etc.) except certain portions of the public highway.
- No notice is required to be given by the City prior to the removal of an unlawful election sign.
- No person shall deface or wilfully cause damage to a lawfully erected election sign.
- No person shall display the City's logo, in whole or in part, on an election sign.

These rules are under the jurisdiction of and are enforced by Municipal Licensing and Standards.

For further information about election signs or to report an infraction please call Municipal Licensing & Standards at 416-395-7010.

#### **4.9 Timing**

Election signs may not be erected until **October 19, 2006** and must be removed within three days of voting day (November 16, 2006).

Campaign office signs may be put up on **August 15, 2006**. Candidates running for councillor may only have signs on one campaign office in the ward where they are running. Mayoralty candidates may have signs on a total of 4 campaign offices within the City.

#### **4.10 Size**

With the exception of billboards and campaign office signs, election signs may not exceed 1.2 square meters (12.92 square feet) in total sign face area and cannot be higher than 2 metres above ground level.

#### **4.11 Public Property**

Public property, as deemed by the Municipal Code, means property owned by or under the control of the City of Toronto including highways, public utility poles, bus shelters, municipal garbage containers or other structures.

Election signs are not permitted anywhere on public property except on public highways subject to the following conditions:

- Those highways upon which pedestrians are prohibited;
- Signs cannot be placed between the curb and the sidewalk;
- If there is no sidewalk, signs cannot be placed within 1.5 metres of the curb or edge of the pavement;
- Signs cannot be placed within 15 metres of an intersection or pedestrian crossover or be located on a median or island;
- Signs cannot interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
- Signs cannot be located adjacent to a voting place or any City owned or operated property; and
- The consent of the owner or occupant of the abutting property must be obtained.

#### 4.12 Private Property

Election signs may be erected on private property subject to the following conditions:

- Signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
- Signs are erected with the consent of the owner or occupant of the property; and
- Signs may be higher than 2 metres above ground level provided the signs are displayed indoors.

#### 4.13 Deposit

Any candidate wishing to erect election signs on public property **must** pay a \$250 sign deposit by cash, certified cheque or money order. No deposit is required to place signs on private property.

#### 4.14 Penalties

A fee of \$25 will be deducted from the deposit for every illegal sign removed by City staff from public property. Once the deposit is depleted, the candidate **must** pay a further \$250 deposit, plus any outstanding amounts owing (at \$25 per sign).

If a candidate has not paid the deposit and places signs on public property, he or she will be invoiced the cost of removing the illegal sign.

Amounts owing may be recovered by legal action or added to their municipal taxes.

Any person who contravenes the Municipal Code, Chapter 693, Article II is guilty of an offence and, upon conviction, is liable for a fine or penalty (see Set Fines for Election Signs in 4.15).

**This summary is provided for convenience only, candidates should review Chapter 693 of the City of Toronto Municipal Code in its entirety.** (See “By-laws, Municipal Code & Procedures” tab).

Questions and enquiries can be directed to Municipal Licensing and Standards at 416-395-7010.

**The election sign information can be downloaded from [www.toronto.ca/election](http://www.toronto.ca/election) in a pamphlet format.**



**The sign deposit has been increased to \$250.**

**A fee of \$25 will be deducted from the deposit any time an illegal sign is removed by the City.**

4.15 Set Fines for Election Signs

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
TORONTO REGION



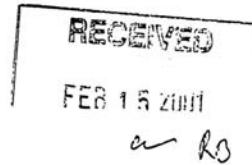
OLD CITY HALL  
60 QUEEN STREET WEST  
TORONTO, ONTARIO M5H 2M4

CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE TORONTO

ANCIEN HÔTEL DE VILLE  
60, RUE QUEEN OUEST  
TORONTO (ONTARIO) M5H 2M4  
TELEPHONE/TÉLÉPHONE (416) 327-5659  
FAX/TÉLÉCOPIEUR (416) 326-4788

February 14, 2001

City of Toronto  
Legal Services  
12<sup>th</sup> Floor West Tower, City Hall  
Toronto, ON M5H 2N2  
Attention: **Christina M. Cameron**



Dear Ms. Cameron:

**Re: Set Fines – City of Toronto – Part I**

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for the City of Toronto Municipal Code Chapter 693, the Municipal Code Chapter indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

The original Order and the schedule of the set fines will be retained by this office.

Yours very truly,

Walter S. Gonet  
Regional Senior Justice

Enclosures

cc: Local Administrative Justices – Old City Hall, Metro East/North/West  
R.E. Faulkner, Regional Senior Justice of the Peace  
K.L. Thompson, Crown Counsel, Ministry of the Attorney General

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal Code Chapter 693, of the City of Toronto, attached hereto is the set fine, including costs, for that offence. This Order is to take effect February 14, 2001.

DATED at Toronto this 14<sup>th</sup> day of February, 2001.



\_\_\_\_\_  
Walter S. Gonet  
Regional Senior Justice  
Toronto Region

PART I OFFENCES – *PROVINCIAL OFFENCES ACT*

CITY OF TORONTO MUNICIPAL CODE CHAPTER 693, SIGNS  
ARTICLE II, ELECTION SIGNS

ITEM	COLUMN 1 Description of Offence	COLUMN 2 Provision Creating Or Defining Offence	COLUMN 3 Set Fine (includes costs)
1.	Erect/Display Election Sign Contrary to Article II	§ 693-6A	\$205.00
2.	Erect/Display Election Sign on Highway without Paying Deposit	§ 693-7A(1)	\$205.00
3.	Pull Down/Remove Election Sign on Highway without Consent	§ 693-7B(2)	\$305.00
4.	Attach Election Sign to Public Utility Pole	§ 693-7C	\$205.00
5.	Pull Down/Remove Election Sign on Private Property without Consent	§ 693-8B	\$305.00
6.	Use City Logo on Election Sign	§ 693-11	\$205.00

Note:

The general offence provision for the offences indicated above is § 693-12 of The City of Toronto Municipal Code, a certified copy of which has been filed. The maximum penalty for the offences indicated above is that under s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

## 5.0 CAMPAIGN INFORMATION

*Sections 23, 27, 43, 45 and 88 of the Municipal Elections Act, 1996, as amended*

### 5.1 Voters' List and Maps

All candidates are entitled to one free copy of each of the following:

- Voters' list containing the names of the electors entitled to vote for the office (available September 1, 2006);
- Map(s) of their ward (available September 1, 2006);
- "Interim List of Changes to the Voters' List" (available October 10, 2006);
- "Electors Who Voted at the Continuous Advance Vote" (available November 2, 2006); and
- "Electors Who Voted at the Advance Vote" (available on November 6, 2006).

The Voters' List is also available for purchase on CD-ROM. A candidate can choose between two formats:

- ASCI
- Microsoft Excel

Any candidate wishing to obtain the voters' list on CD-ROM should have the following computer requirements:

- Microsoft Excel
- Pentium 100 or greater
- CD-ROM Drive
- 32 Meg
- Windows based application

### 5.2 Voting Places

A preliminary list of voting places, for the ward(s) they are running in, will be available for candidates on September 1, 2006 at Toronto City Hall, 1st floor, North. The final list of voting places will be mailed to each candidate on or before October 10, 2006.



**Additional copies of the voters' list are available either in hard copy or CD-ROM**

### 5.3 Purchase of Materials

If a candidate wishes more than one hard copy of an item or an electronic version (if applicable), the following charges apply:

<b>Item</b>	<b>Price/Unit</b>	<b>6% GST</b>	<b>8% PST</b>	<b>Total</b>
<b>Street Index</b> – encompasses all City streets	\$ 8.69	\$ 0.52	\$ 0.70	\$ 9.91
<b>Map/ward</b>	\$ 13.04	\$ 0.78	\$ 1.04	\$ 14.87
<b>Voters' List</b>				
Mayor (44 wards):				
CD Rom	\$2,173.91	\$130.43	\$173.91	\$2,478.26
Councillor (per ward)				
CD-Rom	\$ 217.39	\$ 13.04	\$ 17.39	\$ 247.84
Hardcopy (per ward)				
	\$ 43.48	\$ 2.61	\$ 3.48	\$ 49.57
<b>Interim List of Changes – Mayor (PDF)</b>	\$ 217.39	\$13.04	\$17.39	\$ 247.84
<b>Interim List of Changes – Councillor (PDF)</b>	\$ 21.74	\$ 1.30	\$ 1.74	\$ 24.78

Photocopy Charges \$0.50 per impression plus GST and PST.

## 6.0 VOTER INFORMATION

*Sections 19 to 28, 43 & 44 of the Municipal Elections Act, 1996,  
as amended*

### 6.1 Preliminary List of Electors

The preliminary list of electors for the 2006 election is provided by the Municipal Property Assessment Corporation based on the information contained in its database. The preliminary list contains names, addresses and school support for eligible electors.

### 6.2 Revision of Voters' List

The revision period allows eligible electors to add their name or change their information on the voters' list between September 5, 2006 and 8:00 p.m., Monday, November 13, 2006.

There are four opportunities for electors to add or change their information to the voters' list:

- Complete a revision form ("Application to Amend the Voters' List") by visiting Toronto City Hall, the Etobicoke, North York, Scarborough Civic Centres or the election office at 3 Dohme Avenue, during normal business hours (8:30 a.m. to 4:30 p.m., Monday to Friday).
- Call the Election Information Line at 416-338-1111 to have a form mailed to them (applicant must complete, sign the declaration and mail the application to the City).
- Visit [www.toronto.ca/elections](http://www.toronto.ca/elections) to download the form and mail the application to the City.
- Complete a revision form at the voting place on voting day.

### 6.3 Identification

All electors at the voting places will be asked to show proof of name and qualifying address before receiving a ballot. If the elector does not have identification with them, they will be required to take the "Oath of Qualification". **If the elector refuses to show identification or take the oath, the elector will not be given a ballot.**

Acceptable pieces of identification include:

- Government issued identification or form that contains the name and qualifying address, e.g., driver's licence, income tax assessment;
- City of Toronto property tax bill;
- Utility bill (hydro, gas, water, telephone, cable TV);
- Hospital card;
- Bank statement;
- Mortgage, rental or lease agreement;
- Insurance policy (home, tenant or auto); or
- Current employer record (pay stub or letter from employer).

#### **6.4 Prohibition from Voting**

You are prohibited from voting on voting day if you are:

- A person serving a sentence of imprisonment in a penal or correctional institution;
- A corporation;
- A person acting as executor or trustee or in another representative capacity, except as a voting proxy; or
- A person convicted of a corrupt practice for an election held within 4 years of voting day.

#### **6.5 Languages and Assistance to Vote**

Should an elector require the assistance of an interpreter, the elector can bring a friend to help them. Candidates and scrutineers are not permitted to serve as an interpreter for an elector.

If an elector requires assistance to vote for any reason other than language, the voting place staff or a friend of the elector may provide such assistance. Candidates and scrutineers are not permitted to assist.



**Candidates may wish to include these requirements in their campaign material.**

## 6.6 Proxy Voting

Any qualified elector may appoint another person who is also a qualified elector, to vote on their behalf by completing a proxy certificate. The certificate can be picked up at Toronto City Hall, the Etobicoke, North York, Scarborough Civic Centres or the election office at 3 Dohme Avenue. Electors can also call the Election Information Line at 416-338-1111 and a proxy form will be mailed to the applicant.

Proxies are available from Tuesday, October 3, 2006 through to voting day.

For the purpose of certifying the proxy certificates, the Clerk's office will be open:

Monday to Friday 8:30 a.m. to 4:30 p.m.

During Advance Vote:

Monday to Friday  
October 23, 2006 to  
November 1, 2006 8:30 a.m. to 5:00 p.m.

Saturday, November 4, 2006 and  
Sunday, November 5, 2006 Noon to 5:00 p.m.

Monday, November 13, 2006 8:30 a.m. to 4:30 p.m.

The elector appointed as proxy must present both copies of the certificate **in person**, at the Clerk's office at Toronto City Hall, the Etobicoke, North York, Scarborough Civic Centres or the election office at 3 Dohme Avenue, during the above times.

An individual appointed as a proxy may not act as proxy for more than one person, except when the elector voting by proxy is the parent, grandparent, child, grandchild, brother, sister or spouse of the elector appointed as the proxy. **A person appointed as proxy may act for one other person or the specified family members, but not both and is also entitled to vote in his or her own right.**



**Proxies are no longer available to candidates.**

**Electors can call 416-338-1111 to have a proxy mailed directly to them.**

## 6.7 Advance Vote

### Continuous Advance Voting:

Weekdays only  
Monday, October 23, 2006 to Friday, October 27, 2006  
and  
Monday, October 30, 2006 to Wednesday, November 1, 2006  
10:00 a.m. to 6:00 p.m.

#### Locations:

Toronto City Hall	100 Queen Street West Committee Room #4, 2 <sup>nd</sup> floor
Etobicoke Civic Centre	399 The West Mall Council Chamber
York	Maria A. Shchuka MAS Library 1745 Eglinton Avenue West Meeting Room A
North York Civic Centre	5100 Yonge Street Committee Room #4, lower floor
East York Civic Centre	850 Coxwell Avenue Council Chamber
Scarborough Civic Centre	150 Borough Drive Committee Room #1

### Ward Advance Voting:

Saturday, November 4, 2006  
and  
Sunday, November 5, 2006  
10:00 a.m. to 6:00 p.m.

The location of these advance voting places will be forwarded to candidates on or before October 10, 2006. There will be one location per City ward.



**An elector  
can vote  
prior to  
Election  
Day for  
any  
reason.**

## **6.8 Election Day**

Election Day is **Monday, November 13, 2006**. Voting places will be open from 10:00 a.m. to 8:00 p.m. A listing of the voting places will be forwarded to candidates on or before October 10, 2006.

## **6.9 Voter Information Cards**

The Clerk will advise all electors on the voters' list, revised as of September 29, 2006, of the:

- Date and time of voting, including the ward advance voting.
- Location of the voting place where the elector is entitled to vote.

Voter Information Cards are expected to be mailed to all eligible electors approximately the third week of October.

## **6.10 How to Mark the Ballot**

Electors are to vote by connecting the head and tail of the arrow pointing to the candidate of their choice (as illustrated below). It is suggested candidates may wish to include this illustration in their campaign material to assist in the education of the electorate.



**Use this graphic in your campaign material!**



## 7.0 SCRUTINEERS

*Sections 16, 47, 48 and 49 of the Municipal Elections Act, 1996, as amended*

### 7.1 Appointment

A candidate may appoint scrutineers in writing to represent them at the voting place. Scrutineers must show their written appointment to election officials upon request. Scrutineer appointment forms are available in the “Form and Notices” tab or on our web site at [www.toronto.ca/elections](http://www.toronto.ca/elections).

Only one scrutineer per candidate may be in the voting place at each ballot issuing station and at the vote tabulator. Candidates who enter the voting place are considered to be scrutineers and must present identification to the election official.

Candidates can call 416-395-7321 or they can email [elections@toronto.ca](mailto:elections@toronto.ca) after October 16, 2006 for the number of scrutineers allowed at each voting location.

Any candidate who has been acclaimed is prohibited from being in the voting place unless another candidate has appointed them as a scrutineer.

### 7.2 Rights

Candidates and scrutineers have a number of rights, including the following:

- To enter the voting place 15 minutes before it opens and to inspect the vote tabulator stand, the ballots and all other election documents but not so as to delay the opening of the voting place.
- To object to an elector voting (objection to be decided by the election official).
- To sign the statement of the results of an election.



**Please note that in order to protect the secrecy of the vote, scrutineers will not be permitted to view the ballots as they are being fed into the vote tabulator or to view the touch screens.**

### 7.3 Prohibitions

Scrutineers and candidates are prohibited from the following:

- Attempting, directly or indirectly, to interfere with how an elector votes;
- Displaying a candidate's election material (including buttons, pins, etc.) in a voting place;
- Compromising the secrecy of voting;
- Interfering or attempting to interfere with an elector who is marking a ballot;
- Obtaining or attempting to obtain, in the voting place, any information about how an elector intended to vote or has voted; and
- Communicating any information obtained at a voting place about how an elector intends to vote or has voted.

The role of candidates and scrutineers in the voting place is to observe the integrity of the process, not to assist the electors.

They cannot:

- Speak to any electors;
- Act as an interpreter (the elector must make his or her own arrangements); or
- Provide assistance to an elector.

**Use of a cellular phone  
is not permitted in the  
voting place.**



**Election officials have the right to remove from the voting place any individual who is causing a disturbance. Candidate and scrutineers forfeit their right to be present if they disrupt the voting place.**

## **8.0 BY-LAWS, MUNICIPAL CODE & PROCEDURES**

### **8.1 Advance Vote By-law**

Authority: Administration Committee Report No. 8, Clause No. 8,  
as adopted by City of Toronto Council on October 26, 27, 28 and  
31, 2005

Enacted by Council: November 24, 2005

### **CITY OF TORONTO**

#### **BY-LAW No. 971-2005**

**To establish the dates and times of advance votes for the 2006 municipal election.**

WHEREAS subsection 43(1) of the *Municipal Elections Act, 1996*, as amended, requires Council, by by-law, to establish the dates and times for an advance vote;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Advance votes shall be held on the following dates and during the following hours:
  - (a) Weekdays from Monday, October 23, 2006 to Friday, October 27, 2006 inclusive and Monday, October 30, 2006 to Wednesday, November 1, 2006, inclusive from 10:00 a.m. to 6:00 p.m.;
  - (b) Saturday, November 4, 2006, from 10:00 a.m. to 6:00 p.m.; and
  - (c) Sunday, November 5, 2006, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this 24th day of November, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

## **8.2 Contribution Rebate By-law**

Authority: Policy and Finance Committee Report No. 9, Clause No. 10,  
adopted as amended, by City of Toronto Council on October 26,  
27, 28 and 31, 2005  
Enacted by Council: November 24, 2005

### **CITY OF TORONTO**

#### **BY-LAW No. 972-2005**

#### **To authorize the payment of rebates to individuals who make contributions to candidates for an office on the municipal council in the 2006 municipal 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The payment of rebates to individuals who make contributions to candidates for an office on the municipal council for the 2006 municipal election is authorized. No rebates will be paid to any corporation or trade union that has made a contribution to a candidate for an office on municipal council.
2. An individual who, during the 2006 municipal election, makes a contribution to a candidate for an office on the council of the City of Toronto may, on or after January 3, 2006, apply to the Clerk of the municipality (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. The application for rebate must be received by the Clerk on or before 5:00 p.m., January 31, 2008, unless the candidate’s campaign period is extended under paragraph 4 or 5 of subsection 68(1) of the *Act*. If a candidate’s campaign period is extended, the application for rebate for contributions made after December 31, 2006 shall be made within six months after the date the receipt is issued.
5. Despite sections 4, 6, 7, 10 and subsections 11(a) and 11(c), where an applicant for a rebate claims that their application was mailed, but not received by the Clerk prior to January 31, 2008, 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.

6. The application for rebate shall be in the form established for that purpose by the Clerk.
7. 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.
8. A candidate for an office on the municipal council:
  - (a) shall comply 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.
9. A candidate for an office on the municipal council, or their spouse, 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 application until after the candidate's campaign closes and the final document is filed under subsection 78(2) of the *Act* or subsection 11(d) of this by-law.
10. The Clerk shall compare the receipt filed by the applicant and the copy filed by the candidate to ensure consistency.
11. The Clerk shall pay the applicant a rebate in accordance with sections 12 and 13 if the following conditions are met:
  - (a) The application complies with sections 4, 6 and 7;
  - (b) The candidate has complied with section 8;
  - (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 the documents required by section 78 of the *Act* by:
    - (i) the relevant filing date, including a supplementary filing date set out in section 77 of the *Act*, or
    - (ii) within 91 days after the relevant filing date, or

- (iii) within the time frame set out in a court order authorizing a later time for filing the financial statements under subsections 80(6) and (7) of the *Act*,

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 of the *Act* within the time period stipulated in that section;
- (f) In the case of a contribution made on or before December 31, 2006, the time for an application for a compliance audit under section 81 of the *Act* has expired; and
- (g) In the case of a contribution made after December 31, 2006 to a candidate whose election campaign period continues beyond that date, the time for an application under section 81 of the *Act* has expired.

**12.** (1) Subject to section 13, the rebate shall be calculated as follows:

- (a) If the contribution is \$300.00 or less, the rebate is 75 per cent of the contribution;
- (b) 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;
- (c) If the contribution is more than \$1,000.00, the rebate is the lesser of:
  - (i) \$575.00 plus 33-1/3 per cent of the difference between the contribution and \$1,000.00; or
  - (ii) \$1,000.00.

(2) Contributions of less than \$25.00 will not receive a rebate.

**13.** 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:
    - (i) \$575.00 plus 33-1/3 per cent of the difference between that total and \$1,000.00, or
    - (ii) \$1,000.00.
- 14.** In accordance with subsection 82(5) of the *Act* any campaign surplus paid to the Clerk under subsection 79(4) of the *Act*, by a candidate participating in the contribution rebate program, will become the property of the City of Toronto.
- 15.** Sections 4, 6, 7, 10 and 11 set out above are subject to section 5 of this by-law.

ENACTED AND PASSED this 24th day of November, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

### 8.3 Language By-law

Authority: Administration Committee Report No. 8, Clause No. 8,  
as adopted by City of Toronto Council on October 26, 27, 28 and  
31, 2005

Enacted by Council: November 24, 2005

## CITY OF TORONTO

### BY-LAW No. 970-2005

**To authorize the use of languages other than English in notices, forms (other than prescribed forms) and other information for the 2006 municipal election.**

WHEREAS subsection 9(2) of the *Municipal Elections Act, 1996*, as amended, provides that a municipal council may pass a by-law allowing the use of French, other languages than English, or both, in notices, forms (other than prescribed forms) and other information provided under the Act; and

WHEREAS Council wishes to allow election information to be made available in any language which Statistics Canada 2001 data shows was spoken and understood in the home by at least two per cent of a ward's population at the time of the census;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Notices, forms (other than prescribed forms) and other information provided under the *Municipal Elections Act, 1996* for the 2006 election, in addition to English, may be prepared in the following languages:

- |  |                 |
|--|-----------------|
| (a) Arabic;                                | (i) Portuguese; |
| (b) Chinese (both Cantonese and Mandarin); | (j) Punjabi     |
| (c) Farsi (Persian);                       | (k) Russian;    |
| (d) French;                                | (l) Spanish;    |
| (e) Greek;                                 | (m) Tagalog;    |
| (f) Italian;                               | (n) Tamil;      |
| (g) Korean;                                | (o) Ukrainian;  |
| (h) Polish;                                | (p) Urdu; and   |
|  | (q) Vietnamese. |

ENACTED AND PASSED this 24th day of November, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

8.4 Election Signs – Municipal Code, Chapter 693

ARTICLE II  
Election Signs

[Adopted 2000-06-07 by By-law No. 316-2000<sup>2</sup>]

§ 693-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CAMPAIGN OFFICE – A building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate’s campaign staff are normally present and the public may enter to obtain information regarding the candidate. [Added 2004-12-02 by By-law No. 1081-2004]

CANDIDATE – A person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Election Act, 1996*.<sup>3</sup> [Amended 2004-12-02 by By-law No. 1081-2004]

ELECTION SIGN – Any sign:

- A. Advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
- B. Intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Election Act, 1996*.<sup>4</sup> [Amended 2004-12-02 by By-law No. 1081-2004]

HIGHWAY: [Added 2004-12-02 by By-law No. 1081-2004]

- A. A common and public highway including any sidewalk, untravelled portion of the road allowance, bridge, trestle, viaduct or other structure forming part of or located on the highway and includes a portion of a highway.

<sup>2</sup>Editor’s Note: This by-law was passed under the authority of paragraphs 146 to 149, inclusive, of section 210, and paragraph 3 of section 308, of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law also provided that it shall supersede the election sign provisions of any other by-law.

<sup>3</sup>Editor’s Note: See S.O. 1996, c.32, Sched.

<sup>4</sup>Editor’s Note: See S.O. 1996, c.32 Sched.

- B. But does not include a structure, including a bus shelter and a municipal garbage container, if the structure, shelter or container is not owned by the City or is subject to the rights of a third party under an agreement with the City.

**PUBLIC PROPERTY: [Amended 2004-12-02 by By-law No. 1081-2004]**

- A. Property owned by or under the control of the City of Toronto or any of its agencies, boards or commissions, including highways, and shall be deemed to include public utility poles, regardless of whether the poles are owned by or under the control of the City and shall also be deemed to include bus shelters, municipal garbage containers or other structures, located on a highway regardless of whether the shelters, containers or structures are owned by the City.
- B. The following shall not be deemed to be public property:
  - (1) Property owned by a corporation of which the City is the sole shareholder; or
  - (2) Property owned by the City and leased to another person or entity for a period of 21 years or longer.

**PUBLIC UTILITY POLE** – A pole owned or controlled by an entity which provides a municipal or public utility service, including the City, Bell Canada, Enbridge Consumers Gas, Toronto Hydro, Hydro One, Inc., and any subsidiaries thereof. **[Amended 2004-12-02 by By-law No. 1081-2004]**

**§ 693-6. General requirements.**

- A. No person shall erect, attach, place or display an election sign except as permitted by this article.
- B. Election signs shall not be:
  - (1) Illuminated; or
  - (2) Attached to trees.
- C. No person shall deface or wilfully cause damage to a lawfully erected election sign.

**§ 693-7. Election signs on public property**  
**[Amended 2004-12-02 by By-law No. 1081-2004]**

- A. Election signs are not permitted anywhere on public property other than on:
- (1) A highway, or a public utility pole located on a highway, provided there is compliance with the requirements of Subsection B(1) and Subsection C(1); or
  - (2) A structure, including a bus shelter and a municipal garbage container, located on a highway, if permitted under the terms and conditions of any agreement between the owner or operator of the structure and the City or one of its agencies, boards or commissions, and provided there is compliance with the requirements of Subsection B(1) and Subsections C(1)(e) to (g).
- B. Prerequisites for display of signs; refund of deposit.
- (1) No candidate or his or her agent shall erect, attach, place or display or permit the erection, attachment, placement or display of election signs which would otherwise be permitted under Subsection C unless:
    - (a) The candidate has paid an election sign deposit of \$250 to the City; and
    - (b) The candidate has paid any amounts owing under 693-10C of this article within the prescribed time.
  - (2) Subject to any deduction made under 693-10B(1) of this article, the person who paid to the City an election sign deposit on behalf of a particular candidate is entitled to have the amount of the election sign deposit refunded no later than 90 days after voting day.
- C. Regulations for signs on highways; removal of signs:
- (1) Subject to Subsection B, election signs may be erected or displayed on highways, except highways upon which pedestrians are prohibited, if:
    - (a) The signs are no larger than 1.2 square meters (12.92 square feet) in area and no higher than two metres above ground level;

- (b) On highways without sidewalks, the signs are not located within 1.5 metres of the curb or the edge of pavement;
  - (c) On highways with sidewalks, the signs are not located between the curb and the sidewalk;
  - (d) The signs are not located within 15 metres of an intersection or pedestrian crossover;
  - (e) The signs are not located on a median or island installed within the highway;
  - (f) The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
  - (g) The signs are not erected adjacent to a voting place, City park or a facility that is owned or operated by the City; and
  - (h) The signs are erected with the consent of the owner or occupant of the abutting property.
- (2) No person shall pull down or remove an election sign erected or displayed in accordance with Subsection C(1) except with the consent of the candidate to whom the sign relates or the owner or occupant of the abutting property.

**§ 693-8. Election signs on private property.**  
**[Amended 2004-12-02 by By-law No. 1081-2004]**

- A. Election signs may be erected or displayed on private property if:
- (1) The signs are no larger than 1.2 square metres (12.92 square feet) in area and no higher than two metres above ground level, save and except signs on campaign offices;
  - (2) The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
  - (3) The signs are erected with the consent of the owner or occupant of the property.
- B. Despite §§ 693-6B(1) and 693-8A(1), an election sign may be displayed on an illuminated billboard provided that each billboard has been installed under the authority of a permit issued under the applicable sign by-law.

- C. Despite § 693-8A(1), election signs no larger than 1.2 square metres (12.92 square feet) in area may be displayed higher than two metres above ground level on building on private property if such signs are displayed indoors.
- D. A candidate or an agent of a candidate may erect directional signs to identify the location of a campaign office provided that the directional signs are not designed or intended to be election signs and provided that the directional signs comply with all applicable by-laws.
- E. No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate to whom the sign relates or the owner or occupant of the property upon which the sign is erected.

**§ 693-9. Timing.**

- A. Election signs shall not be erected or displayed for a federal or provincial election until the day the writ of election is issued.
- B. Election signs shall not be erected or displayed for a municipal election until 25 days prior to voting day.
- C. Despite Subsections A and B, election signs may be erected on campaign offices up to 90 days prior to voting day provided that: **[Amended 2004-12-02 by By-law No. 1081-2004]**
  - (1) In the case of a candidate for the position of Councillor or Trustee, that right shall extend to no more than one campaign office in the ward where the candidate is running for election;
  - (2) In the case of a candidate for the position of Mayor, that right shall extend to no more than four campaign offices.
- D. Election signs shall be removed within 72 hours after the completion of voting on voting day.

**§ 693-10. Removal of unlawful election signs.**

- A. Removal of signs by City; storage; retrieval.
  - (1) If a sign is erected or displayed in violation of this article, the appropriate City officials may cause the sign to be removed immediately without notice.

- (2) Signs that have been removed under Subsection A(1) shall be stored by the City for a minimum of 30 days, during which time the owner of the sign or the owner's agent may retrieve the sign by:
  - (a) Paying any amounts owing to the City under this article; and
  - (b) Providing the City with a signed acknowledgement and release in a form acceptable to the City.
- (3) Any sign that has been removed by the City and stored for more than 30 days may be destroyed or otherwise disposed of by the City without notice and without compensation to the owner of the sign.
- (4) Despite Subsection A(2), the City shall not be obliged to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.

B. Costs for removal and storage of signs.

- (1) Subject to Subsection B(2), if an election sign is removed from public property in accordance with Subsection A, the candidate to whom the sign relates will be charged a fee of \$25 to be deducted from the refundable portion of the candidate's election sign deposit to cover the cost of removing the sign.  
**[Amended 2005-06-16 by By-law No. 536-2005]**
- (2) The fee described in Subsection B(1) will be waived if, within 30 days from the date of receiving a notice of fees due to the City under this article, the candidate provides a sworn statement to the City Clerk indicating that neither the candidate nor, to the best of the candidate's knowledge, any person acting on behalf of the candidate was responsible for the unlawful erection or display of the election sign.  
**[Amended 2004-12-02 by By-law No. 1081-2004]**
- (3) If a candidate is in violation of § 693-7B(1), the candidate shall, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the City the cost of removing any of the candidate's election signs erected or displayed on public property, which amount may be recovered by legal action or in like manner as municipal taxes.  
**[Amended 2004-12-02 by By-law No. 1081-2004]**

- (4) Cost for removal and storage. **[Amended 2000-10-12 by By-law No. 958-2000]**
- (a) If an election sign is removed from private property in accordance with Subsection A, any person responsible for erecting or displaying or causing the erection or display of the sign in contravention of this article shall, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the City:
- [1] The cost of removing the sign; and
- [2] If a sign has been stored, a per-sign storage charge of \$2 per day or part thereof, or \$0.50 per square metre of sign face area per day or part thereof, whichever is the greater, the sign face area to be the total area of all sign faces on the sign.
- (b) The amount in Subsection B(4)(a)[1] and [2] may be recovered by legal action or in like manner as municipal taxes.
- (5) If an election sign has been stored after being removed from public property, the candidate to whom the sign relates shall pay a storage charge as outlined in Subsection B(4), which amount may be recovered by legal action or in like manner as municipal taxes.

C. When costs for removal exceed deposit; notice.

- (1) If the costs incurred by the City in removing a candidate's signs from public property exceed the election sign deposit paid by the candidate, the City shall notify the candidate, who, 30 days after the election date shall pay:  
**[Amended 2004-12-02 by By-law No. 1081-2004]**
- (a) The outstanding costs of removal at a cost of \$25 per sign; and **[Amended 2005-06-16 by By-law No. 536-2005]**
- (b) A further election sign deposit of \$250.  
**[Amended 2005-09-30 by By-law No. 817-2005<sup>5</sup>]**
- (2) Notice under Subsection C(1) shall be given to the candidate by registered mail or facsimile transmission and shall be deemed to be received the next business day.

<sup>5</sup>Editor's Note: This by-law provided that it comes into force 2004-12-02.

- (3) A candidate who has received notice under Subsection C(1) shall be informed of the outstanding costs of removal which he or she is required to pay.

**§ 693-11. Payment methods.**

[Added 2004-12-02 by By-law No. 1081-2004<sup>6</sup>]

The election sign deposit or other debt owed to the City under this article shall only be payable by cash, certified cheque or money order.

**§ 693-12. Use of City of Toronto logo.**

[Amended 2004-12-02 by By-law No. 1081-2004]

No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

**§ 693-13. Offences.**

Any person who contravenes any provision of this article is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.<sup>7</sup>

**§ 693-14. Liability for damages.**

The provisions of this article shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or wilful acts of such person, or his or her agents or employees, in the construction, erection, maintenance, repair or removal of any such signs.

**§ 693-15. Authority of City Solicitor.**

[Added 2004-12-02 by By-law No. 1081-2004]

Where a candidate has failed to pay any amount owed to the City under this article, and the outstanding amounts cannot be added to a candidate's tax roll, the City Solicitor may initiate court action to collect the outstanding amount, may appeal any decision where warranted, may discontinue or settle such claim or action where it is concluded by the City Solicitor, in consultation with the City Clerk and the Executive Director of Municipal Licensing and Standards, or successor official, that it is reasonable to do so and may execute any documents as required to discontinue or settle the claim or action.

<sup>6</sup>Editor's Note: This by-law also provided for the renumbering of former §§ 693-11 through 693-13 as §§ 693-12 through 693-14, respectively.

<sup>7</sup>Editor's Note: This section was passed under the authority of section 320 of the Municipal Act, R.S.O. 1990, c. M.45. Under section 61 of the Provincial Offences Act, R.S.O. 1990, C. P.33, a person convicted of an offence is liable to a fine of not more than \$5,000.

## 8.5 Procedures for the Use of Vote Tabulators

### Definitions

1. In this procedure,

“**Act**” means the *Municipal Elections Act, 1996*, S.O., 1996, c. 32.

“**Auxiliary Compartment**” means the front compartment of the ballot box in the tabulator stand where electors’ ballots are temporarily stored in the event a Vote Tabulator fails to operate.

“**Designated Election Official**” means the person designated by the Clerk to perform certain election functions.

“**Designated Voting Space**” means the space between the head and tail of the arrow appearing to the right of a candidate’s name or answer to a by-law or question.

“**PCMCIA Card**” means a card that is a removable, battery-sustained memory where all tabulated vote totals are stored.

“**Secrecy Folder**” means a folder in which a ballot can be placed so as to conceal the names of the candidates and the marks made by the voter upon the face of the ballot but exposes the initials of the Designated Election Official(s).

“**Mark**” means any mark made in the Designated Voting Space.

“**Vote Tabulator**” means a machine that digitally scans a specified area on a ballot to read the vote(s) and tabulate the results.

### Application of Procedure

2. (1) This procedure applies to an election conducted by the Clerk of the City of Toronto. Article 1, Use of Voting and Vote-Counting Equipment, Chapter 53, Elections, of the City of Toronto Municipal Code, passed under the authority of Section 42 of the *Municipal Elections Act, 1996*, authorizes the use of Vote Tabulators in the voting places.
- (2) Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*. These principles are generally recognized as being,

- (a) the secrecy and confidentiality of individual votes is paramount;
- (b) the election should be fair and non-biased;
- (c) the election should be accessible to the electors;
- (d) the integrity of the process should be maintained throughout the election;
- (e) there be certainty that the results of the election reflect the votes cast; and
- (f) electors and candidates should be treated fairly and consistently.

### **Designated Election Officials**

- 3. The Clerk shall appoint election officials for the purposes of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing.

### **Ballots**

- 4.
  - (1) There shall appear on the ballot to the right of each candidate's name a Designated Voting Space for the marking of the ballot.
  - (2) Arrows shall appear on the ballot to the right of the candidates' names, one pointing to each candidate's name, with the head and tail of the arrow on opposite sides of the Designated Voting Space for marking the ballot.
  - (3) Subsections (1) and (2) apply with necessary modifications to ballots for by-laws and questions.
  - (4) The instructions on the ballot direct the elector to vote by connecting the head and tail of the arrow pointing to the candidate you their choice or the elector's answer to any by-law or question.

### **Programming of the Vote Tabulators**

- 5.
  - (1) The Vote Tabulator shall be programmed so that a printed record can be produced of the number of votes cast for each candidate and for the answer to any by-law or question.
  - (2) The Vote Tabulator shall be programmed so that the following ballots are returned to the Designated Election Official,
    - (a) a ballot without marks in any of the Designated Voting Spaces, as determined by a Vote Tabulator;

- (b) a ballot with more Designated Voting Spaces marked for an office than the elector is entitled to vote for, as determined by a Vote Tabulator; and
- (c) a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator.

**Logic and Accuracy Testing of Vote Tabulators**

- 6.
  - (1) Prior to voting day, the Clerk shall test the Vote Tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.
  - (2) When testing the Vote Tabulator, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to the Vote Tabulator.
  - (3) The Clerk shall give notice of the date and time of the testing of the Vote Tabulators to candidates and the public.
- 7.
  - (1) The test shall be conducted by,
    - (a) loading the PCMCIA Cards into the Vote Tabulators;
    - (b) tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in subsection 5(2) and ballots on which are recorded a predetermined number of votes for each candidate and on any by-law or question; and
    - (c) comparing the output of the tabulation against the pre-audited results.
  - (2) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved.
  - (3) The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the PCMCIA Card and seal the PCMCIA Card inside the Vote Tabulator.
  - (4) The Clerk shall retain and have access to the pre-audited group of ballots referred to in clause (1)(b), the results tapes that were

produced during the test and other materials used in the programming of the Vote Tabulators.

- (5) The Clerk shall not alter or make changes to the materials referred to in subsection (4).

### **Candidates and Scrutineers**

8. (1) A candidate may have a scrutineer at each Designated Election Official's station in the voting place where a voters' list is available and at the Vote Tabulator.
- (2) To protect the secrecy of the vote, candidates and scrutineers will not be able to examine the ballots or to object to ballots or to the counting of votes in a ballot as the ballots are being fed into the Vote Tabulator by the Designated Election Official.

### **Procedure at the Voting Place**

9. (1) If a Vote Tabulator is used in a voting place, the Designated Election Official shall, in the presence of all scrutineers present at the time, cause the Vote Tabulator to print a copy of all totals on its PCMCIA Card before the opening of the voting place, confirming zero totals.
  - (2) If the totals are zero for all candidates, by-laws and questions, the Designated Election Official shall ensure that the zero printout remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the voting place.
  - (3) If the totals are not zero for all candidates, by-laws and questions, the Designated Election Official shall immediately notify the Clerk or Designated Election Official and shall conduct the vote using the Auxiliary Compartment until the Vote Tabulator is made operational or the Clerk provides another Vote Tabulator to the voting place.
10. (1) The Clerk shall delegate to a Designated Election Official the authority to initial a ballot before the ballot is provided to an elector. Such delegation shall be in writing.
  - (2) The Designated Election Official shall, at the same time as the ballot is delivered, provide a Secrecy Folder to each elector.
  - (3) Upon receiving the ballot, the elector shall,

- (a) proceed to the voting compartment; and
  - (b) vote connecting the head and tail of the arrow pointing to the candidate of their choice or for the answer to any by-law or question.
- (4) After marking the ballot in the voting compartment, the elector shall,
- (a) insert the ballot into the Secrecy Folder with the Designated Election Official's initials showing;
  - (b) leave the compartment without delay; and
  - (c) deliver the Secrecy Folder containing the ballot to the Designated Election Official.
- (5) The Designated Election Official shall, in the presence of the elector and without removing the ballot from the Secrecy Folder, verify the initials of the Designated Election Official, and
- (a) if a Vote Tabulator is available in the voting place, insert the Secrecy Folder containing the ballot, with the initials of the Designated Election Official face down, into the feed area of the Vote Tabulator and slide the ballot from the Secrecy Folder until the ballot is drawn into the Vote Tabulator; or
  - (b) if a Vote Tabulator is not available in the voting place, insert the ballot from the Secrecy Folder, with the initials of the Designated Election Official face down, directly into the ballot box in full view of the elector.
- (6) If a Vote Tabulator is available in the voting place but fails to operate,
- (a) the Designated Election Official shall insert the ballot from the Secrecy Folder, with the initials of the Designated Election Official face down, directly into the Auxiliary Compartment in full view of the elector; and
  - (b) the Designated Election Official shall insert the ballots into the Vote Tabulator from the Auxiliary Compartment once the Vote Tabulator becomes operational.

- (7) If a ballot described in clause 5(2)(a) is returned by the Vote Tabulator and the elector who delivered the ballot is still present, the Designated Election Official shall,
  - (a) advise the elector that the Vote Tabulator does not detect any votes in any of the Designated Voting Spaces;
  - (b) return the ballot to the elector; and
  - (c) instruct the elector to mark the ballot in accordance with the instructions on the ballot.
  
- (8) If a ballot described in clause 5(2)(b) is returned by the Vote Tabulator and the elector who delivered the ballot is still present, the appropriate Designated Election Official shall,
  - (a) advise the elector that the Vote Tabulator detects more votes for an office than the elector is entitled to vote for;
  - (b) ask the elector if he or she wishes another ballot and, if so, mark the ballot “cancelled” and place it in the cancelled and declined ballot envelope;
  - (c) deliver another ballot to the elector; and
  - (d) instruct the elector to mark the ballot in accordance with the instructions on the ballot.
  
- (9) If a ballot described in clause 5(2)(c) is returned by the Vote Tabulator and the elector who delivered the ballot is still present, the Designated Election Official shall re-insert the ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the ballot, the appropriate Designated Election Official shall,
  - (a) advise the elector that the ballot cannot be processed by the Vote Tabulator;
  - (b) ask the elector if he or she wishes another ballot and, if so, mark the ballot “cancelled” and place it in the cancelled and declined ballot envelope;
  - (c) deliver another ballot to the elector; and
  - (d) instruct the elector to mark the ballot in accordance with the instructions on the ballot.

- (10) If a ballot described in subsection 5(2)(a) or 5(2)(b) is returned by the Vote Tabulator and the elector who delivered the ballot is still present and declines to accept another ballot, the Designated Election Official shall, using the Vote Tabulator accept button, slide the ballot from the Secrecy Folder into the feed area of the Vote Tabulator until the ballot is drawn into the Vote Tabulator.
- (11) If a ballot described in subsection 5(2)(c) is returned by the Vote Tabulator and the elector who delivered the ballot is still present and declines to accept another ballot, the Designated Election Official shall mark the ballot “declined” and place it in the cancelled and declined envelope.
- (12) If a ballot described in subsection 5(2) is returned by the Vote Tabulator and the elector who delivered the ballot is not present, the Designated Election Official shall,
  - (a) where there are no marks in any of the Designated Voting Spaces, use the Vote Tabulator accept button and insert the ballot into the feed area of the Vote Tabulator until the ballot is drawn into the Vote Tabulator;
  - (b) where more Designated Voting Spaces are marked for an office than the elector is entitled to vote for, use the Vote Tabulator accept button and insert the ballot into the feed area of the Vote Tabulator until the ballot is drawn into the Vote Tabulator; or
  - (c) where there are marks in the Designated Voting Space(s) but the Vote Tabulator cannot process the ballot,
    - (i) mark the ballot "cancelled – replaced”;
    - (ii) prepare a replacement ballot in full view of any candidates or scrutineers present by marking a new ballot with the same marks contained in the Designated Voting Space(s) on the cancelled – replaced ballot, and the replacement ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the cancelled – replaced ballot;
    - (iii) substitute the replacement ballot for the cancelled – replaced ballot and feed the replacement ballot into the Vote Tabulator. If the Vote Tabulator will not process the replacement ballot (i.e. the original

marks made by the elector in the Designated Voting Space(s) and duplicated by the Designated Election Official are incapable of being processed by the Vote Tabulator), mark the replacement ballot “cancelled”; and place both the cancelled – replaced and replacement ballots in the cancelled and declined ballot envelope. If the Vote Tabulator was not able to process the replacement ballot, this fact shall be recorded on both the cancelled – replaced and replacement ballots.

**Procedure for Closing the Voting Place during Advance Voting**

11. (1) If a Vote Tabulator has been used for advance voting, the procedures contained in this section shall be followed by the Designated Election Official when closing the advance voting place.
- (2) The election official shall, after the close of the advance voting, check the Auxiliary Compartment for ballots to ensure all ballots have been processed, and shall immediately,
  - (a) unplug the Vote Tabulator and place it in the carrying case provided; and
  - (b) personally deliver the Vote Tabulator and other election supplies to the location and person designated by the Clerk.

**Advance Voting Results**

12. (1) The total of the votes from an advance voting location shall not be made available until after 8 p.m. on voting day.
- (2) For this purpose, the Designated Election Official shall attend at the location designated by the Clerk to complete the voting place final statement and provide the results to any candidates or scrutineers present.
- (3) The Clerk shall give candidates notice of the location designated by the Clerk for this purpose.

**Procedure for Closing the Voting Place on Voting Day**

13. (1) If a Vote Tabulator has been used to tabulate the votes cast in a voting place on voting day, the Designated Election Official shall, after the close of the voting, check the Auxiliary Compartment for ballots to ensure all ballots have been processed and shall immediately,
  - (a) print two copies of the results tape from the Vote Tabulator indicating the votes given for each candidate and, if applicable, the votes given for and against any by-law or question;
  - (b) remove the two copies of the results tape from the Vote Tabulator and sign the certificate portion of the two copies along with any scrutineers who are present and wish to sign;
  - (c) place the first copy of the results tape that includes the zero total printout in the statement envelope;
  - (d) post the second copy of the results tape in the voting place for any scrutineers; and
  - (e) personally deliver the Vote Tabulator and other election supplies to the location and person designated by the Clerk.
  
- (2) If a Vote Tabulator has been used to tabulate votes cast in a voting place on voting day but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the Designated Election Official shall, after the close of the voting and after determining the tabulation cannot be completed,
  - (a) remove the ballots from the ballot box and place the ballots in the ballot transfer container;
  - (b) place all cancelled and declined ballots in the cancelled and declined ballot envelope and place the envelope in the ballot transfer container and seal the container;
  - (c) remove the ballots from the Auxiliary Compartment, place in an envelope and seal the envelope;
  - (d) after ensuring that all candidates or scrutineers present in the voting place have been advised of the location and their

- right to be present at this location, personally deliver the ballot transfer container, the envelope containing the ballots from the Auxiliary Compartment, Vote Tabulator, supply carrier, unused ballots and other election supplies to a location designated by the Clerk where a back-up Vote Tabulator is located;
- (e) in the presence of all scrutineers present, remove the PCMCIA Card from the inoperable Vote Tabulator, insert the PCMCIA Card into a back-up Vote Tabulator and feed the ballots originally taken from the Auxiliary Compartment into the back-up Vote Tabulator; and
  - (f) follow, with necessary modifications, the procedures in subsection 13(1).
- (3) If the Designated Election Official is unable to complete the tabulation of the votes as set out in clauses 13(2)(e) and (f) because the PCMCIA Card has malfunctioned, the Designated Election Official shall,
- (a) obtain a replacement PCMCIA Card and insert the PCMCIA Card into a back-up Vote Tabulator;
  - (b) follow the procedures set out in section 9 to ensure that the totals of the replacement PCMCIA Card are zero for all candidates, by-laws and questions;
  - (c) insert all the ballots from the ballot transfer container and the ballots originally taken from the Auxiliary Compartment into the back-up Vote Tabulator; and;
  - (d) follow, with necessary modifications, the procedures in subsection 13(1).
- (4) If a Vote Tabulator has not been provided in a voting place, the Designated Election Official shall, after the close of voting,
- (a) remove the ballots from the ballot box and place the ballots in the ballot transfer container;
  - (b) place all cancelled and declined ballots in the cancelled and declined ballot envelope and place the envelope in the ballot transfer container and seal the container;
  - (c) after ensuring that all candidates or scrutineers present in the voting place have been advised of the location and their right to be present at this location, personally deliver the ballot transfer container, supply carrier, unused ballots and

other election supplies to a location designated by the Clerk where a Vote Tabulator is available to tabulate the votes;

- (d) in the presence of all scrutineers present at the time, cause the Vote Tabulator to print a copy of all totals in its PCMCIA Card confirming zero totals;
- (e) remove the ballots from the ballot transfer container and insert the ballots into the Vote Tabulator;
- (f) follow, with necessary modifications, the procedures set out in subsections 10(12) and 13(1).

14. The Clerk shall, at the completion of the count on voting day, retain the programs, PCMCIA Cards, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records.

### **Recounts**

15. If a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on voting day.
16. (1) A Vote Tabulator shall be tested before the recount in the manner described in section 7.
- (2) If a Vote Tabulator is used for a recount, the recount is limited to the ballots tabulated by a Vote Tabulator during the advance voting and on voting day.
- (3) If a Vote Tabulator is used for a recount, any candidate or court applicant or their lawyer(s) or scrutineer(s), will not be permitted to examine the ballots or to dispute the validity of a ballot or the counting of votes in a ballot as the ballots are being fed into the Vote Tabulators by the Designated Election Officials.

### **After voting day**

17. (1) A post election test will be conducted by:
- (a) loading the PCMCIA Cards into the Vote Tabulators;
  - (b) tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in subsection 5(2) and ballots on which are recorded a

predetermined number of votes for each candidate and on any by-law or question; and

- (c) comparing the output of the tabulation against the pre-audited results.
- (2) The Clerk shall retain and have access to the pre-audited group of ballots referred to in clause (1)(b) and other materials used in the programming of the Vote Tabulators.
- (3) The Clerk shall not alter or make changes to the materials referred to in subsection (2).

## 8.6 Procedures for the Use of Touch Screens

### Definitions

1. In this procedure,

“**Act**” means the *Municipal Elections Act, 1996*, S.O., 1996, c. 32, as amended.

“**Ballot Selection Screen**” means the screen that appears on the Voter Terminal that the Designated Election Official uses to select the appropriate ballot for an elector depending upon an elector’s school support entitlement or whether an elector is entitled to vote on a by-law or question.

“**Communications Pack**” means the equipment that prints the zero tape prior to the opening of voting and prints the results tape at the close of voting.

“**Designated Election Official**” means the person designated by the Clerk to perform certain election functions.

“**Designated Voting Space**” means the box located to the right of a candidate’s name or answer to a by-law or question on the Touch Screen that an elector presses to vote for the candidate or answer to a by-law or question.

“**Master Personal Electronic Ballot (Master PEB)**” means the cartridge that opens and closes the Voter Terminals and accumulates the votes from each Voter Terminal at the close of voting.

“**PEB Slot**” means the slot located on the Voter Terminal into which the Designated Election Official inserts the Master PEB or Supervisor PEB to activate the Voter Terminal.

“**Protective Count**” means the number displayed on the Touch Screen that indicates the cumulative number of all electors who have cast a ballot on the Voter Terminal to date.

“**Public Count**” means the number displayed on the Touch Screen that indicates the number of electors who have cast a ballot on the Voter Terminal in the City of Toronto’s 2006 election.

“**Real Time Audit Log**” means the printed record of all actions taken on the Voter Terminal, including votes cast and election official activities. The audit log prints on the printer located in the Voting Booth and allows a voter

to confirm his or her ballot choices. Voter secrecy is assured through a secure coding system, a locked and sealed printer window and a paper advance and retreat feature.

**“Supervisor Personal Electronic Ballot (Supervisor PEB)”** means the cartridge that activates the Voter Terminal and contains the ballot faces for the election.

**“Touch Screen”** means the interface between the software and the election official or elector that displays instructional messages and the ballot face for the elector.

**“Vote Button”** means the button labelled “vote” located on the Voter Terminal that the elector presses to cast his or her ballot.

**“Voter Terminal”** means the Touch Screen voting unit that an elector uses to make his or her voting selection(s) and cast his or her ballot. At least one of the Voter Terminals at each voting place will be programmed with an audio ballot feature to allow an elector to hear audio instructions and choices for candidates, by-laws or questions through headphones.

**“Voting Booth”** means the stand containing the Voter Terminal, the privacy screen and the Real Time Audit Log printer.

**“Ward Selection Screen”** means the screen that appears on the Voter Terminal that the Designated Election Official uses to select the appropriate ward for an elector depending upon the elector’s qualifying address.

### **Application of Procedure**

2. (1) This procedure applies to an election conducted by the Clerk of the City of Toronto. Article 1, Use of Voting and Vote-Counting Equipment, Chapter 53, Elections, of the City of Toronto Municipal Code, passed under the authority of Section 42 of the *Act*, authorizes the use of a Touch Screen voting system.
- (2) Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the *Act*. These principles are generally recognized as being,
  - (a) the secrecy and confidentiality of individual votes is paramount;
  - (b) the election should be fair and non-biased;
  - (c) the election should be accessible to the electors;
  - (d) the integrity of the process should be maintained throughout the election;

- (e) there be certainty that the results of the election reflect the votes cast; and
- (f) electors and candidates should be treated fairly and consistently.

### **Designated Election Officials**

- 3. The Clerk shall appoint election officials for the purposes of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing.

### **Touch Screen**

- 4. (1) There shall appear on the Touch Screen to the right of each candidate's name a Designated Voting Space for the elector to press to make a selection. When the Designated Voting Space is touched the name of the candidate highlights and an "X" appears in the box.
- (2) Subsection (1) applies with necessary modifications for by-laws and questions.
- (3) Users press directly upon the Touch Screen in designated locations on the screen. These designated locations fall into two categories,
  - (a) the boxes for specific user choices such as an election official selecting the appropriate ballot type for an elector or an elector moving from one page to the next; or
  - (b) the box an elector presses to select a candidate to vote for or an answer to a by-law or question.

### **Programming of the PEBs and Voter Terminals**

- 5. (1) The Master PEBs and the Voter Terminals shall be programmed so that a printed record can be obtained of the number of votes cast for each candidate and for the answer to any by-law or question.
- (2) The Supervisor PEBs shall be programmed to contain all ballot faces for the election.

### **Testing of the Voter Terminals**

- 6. (1) Prior to the advance voting, the Clerk shall test the Master PEBs, Supervisor PEBs and Voter Terminals to ensure that they will accurately count and report the votes cast for all candidates, by-laws and questions.

- (2) When testing the Master PEBs, Supervisor PEBs and Voter Terminals, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or programmes and that no remote devices are capable of gaining access to the PEBs and Voter Terminals.
  - (3) The Clerk shall give notice of the date and time of the testing to candidates and the public.
7. (1) The test shall be conducted by,
- (a) testing each Master PEB to ensure it will successfully open and close the Voter Terminals;
  - (b) testing each Supervisor PEB to ensure it contains all ballot faces and can load each ballot successfully onto the Voter Terminal;
  - (c) voting a pre-audited number of votes for each candidate and on any by-law or question on each of the Voter Terminals; and
  - (d) comparing the output of the tabulation against the pre-audited results.
- (2) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved.
  - (3) The Clerk shall, at the conclusion of the test, retain any programmes, test materials and documentation in the same manner as is provided in the *Act* for the keeping of election records.

### **Candidates and Scrutineers**

8. (1) A candidate may have a scrutineer at each Designated Election Official's station in the voting place where a voters' list is available.
- (2) To protect the secrecy of the vote, candidates and scrutineers will not be able to examine the ballots or to object to ballots or to the counting of votes in a ballot as the ballots are being cast by the electors on the Voter Terminals.

### **Opening the Voter Terminals**

9. (1) At a location designated by the Clerk, the Designated Election Official shall, in the presence of all candidates and scrutineers present

at the time, open the Voter Terminals by inserting the Master PEB into the PEB Slot and selecting the option to open the terminal.

- (2) After opening the last Voter Terminal for each voting place in the location designated by the Clerk, the Designated Election Official shall attach the Communications Pack to this terminal and print two copies of the totals in the memory devices of the Voter Terminals confirming zero totals.
- (3) If the totals are zero for all candidates, by-laws and questions, the Designated Election Official shall deliver the Voter Terminals to the voting place together with one copy of the zero printout for posting in the voting place.
- (4) If the totals are not zero for all candidates, by-laws and questions, the Designated Election Official shall determine which Voter Terminal is not functioning, service the terminal to make it operational and repeat the procedures in subsection (2) until a zero printout is obtained.
- (5) The Designated Election Official shall secure the Master PEBs and one copy of the zero printouts for safe keeping at a location designated by the Clerk until the closing procedures set out in section 14 are followed.

**Procedure at the Voting Place using the Voter Terminal**

10. (1) After determining which ballot an elector is entitled to, the Designated Election Official shall,
  - (a) proceed to the Voting Booth with the elector;
  - (b) insert the Supervisor PEB into the PEB Slot on the Voter Terminal;
  - (c) select the elector's ward number on the Ward Selection Screen;
  - (d) select the appropriate ballot type for the elector on the Ballot Selection Screen;
  - (e) remove the Supervisor PEB from the Voter Terminal;
  - (f) leave the Voting Booth to permit the elector to cast his or her ballot in privacy; and

- (g) listen for the sounds emitted from the Voter Terminal to ensure that the elector has pressed the Vote Button to cast his or her ballot before leaving the Voting Booth. If the elector leaves the voting place without casting his or her ballot, the Designated Election Official shall cancel the ballot.
- (2) The elector shall,
    - (a) proceed to the Voting Booth with the Designated Election Official;
    - (b) vote by pressing the Touch Screen in the box to the right of the candidate(s) of his or her choice or for the answer to any by-law or question; and
    - (c) after making all of his or her selections, press the Vote Button to cast his or her ballot.
  - (3) If the elector wishes to cast a blank ballot, he or she may do so by pressing the Vote Button without casting any votes and confirming this intention by pressing the Vote Button again in response to the message asking the elector if he or she wants to cast a blank ballot.

**Procedure at the Voting Place using the Audio Ballot Feature**

- 11. (1) If an elector wishes to use the audio ballot feature, after determining which ballot an elector is entitled to, the Designated Election Official shall,
  - (a) proceed to the Voting Booth with the elector;
  - (b) hand the elector the audio headset;
  - (c) insert the Supervisor PEB into the PEB Slot on the Voter Terminal;
  - (d) select the elector's ward number on the Ward Selection Screen;
  - (e) select the appropriate ballot type for the elector on the Ballot Selection Screen;
  - (f) select the audio ballot feature;
  - (g) remove the Supervisor PEB from the Voter Terminal;

- (h) leave the Voting Booth to permit the elector to cast his or her ballot in privacy; and
  - (i) listen for the sounds emitted from the Voter Terminal to ensure that the elector has pressed the Vote Button to cast his or her ballot before leaving the Voting Booth. If the elector leaves the voting place without casting his or her ballot, the Designated Election Official shall cancel the ballot.
- (2) The elector shall,
- (a) proceed to the Voting Booth with the Designated Election Official;
  - (b) put on the audio headset;
  - (c) navigate through the audio ballot by following the voice instructions and using the Braille-embossed buttons on the Voter Terminal; and
  - (d) after making all of his or her selections, press the Vote button and, following the voice instructions, may return to the ballot to make changes to the selections or cast the ballot by pressing the Vote Button again.
12. If one of the Voter Terminals available in the voting place fails to operate, the Designated Election Official shall immediately notify the Clerk.

**Procedure at Advance Voting**

13. (1) At the beginning of each of the advance voting days, the Designated Election Official shall,
- (a) remove the Voter Terminals and Supervisor PEBs from the secure location where they have been stored;
  - (b) unlock the Voter Terminals; and
  - (c) complete a statement of the Public Count Number to confirm the beginning number for the day is the same as the closing number of the previous advance voting day. Any candidate or scrutineer present may sign the statement.
- (2) At the conclusion of each of the advance voting days, the Designated Election Official shall,

- (a) lock the Voter Terminals to prevent any ballots being cast;
- (b) secure each of the Voter Terminals and Supervisor PEBs in a location where no one may gain access to the equipment; and
- (c) complete a statement of the Public Count Number to indicate the number of electors who voted during the advance voting day. Any candidate or scrutineer present may sign the statement.

**Procedure for Closing the Voter Terminals**

14. (1) After the conclusion of the advance voting the Designated Election Official shall return the Voter Terminals and Supervisor PEBs to the location and person designated by the Clerk.
- (2) At this location, the Designated Election Official shall close the Voter Terminals in the presence of any candidates or scrutineers present.
- (3) The Voter Terminals and the Master and Supervisor PEBs shall be secured at the location designated by the Clerk until 8:00 p.m. on voting day.
- (4) The total of the votes from the advance voting shall not be available until 8:00 p.m. on voting day.
- (5) For this purpose, the Designated Election Official shall, at 8:00 p.m. on voting day, attend at the location designated by the Clerk with the Master PEBs and the Voter Terminals to print the results tape and complete the voting place final statement.
- (6) The Designated Election Official shall post a copy of the results tape at the designated location indicating the votes given for each candidate and, if applicable, the votes given for or against any by-law or the answer to any question.
- (7) The Clerk shall give candidates notice of the location designated by the Clerk for these purposes.

**Recounts**

15. (1) If a recount is held of the votes cast on the Voter Terminals, the Designated Election Official shall cause to be printed another copy of the results tapes from the Voter Terminals.
- (2) If a judge provides that the recount shall be held in a different manner than the original count, the Real Time Audit Log shall be used for the purposes of counting the votes.



## 9.0 FINANCIAL RESPONSIBILITIES

*Sections 66 to 79 of the Municipal Elections Act, 1996, as amended*

### 9.1 Duties of a Candidate

Candidates are responsible for the following duties:

- Opening a separate bank account in the name of the candidate's election campaign to be used only for campaign purposes.
- Ensuring all contributions accepted are in accordance with the *Act*.
- Tracking donations from associated corporations to ensure they do not exceed the contribution limit (see 10.6).
- Ensuring all contributions are deposited **intact** into the campaign account.
- Ensuring all campaign expenses, except the nomination filing fee, are paid from the campaign account.
- Ensuring contributions of goods or services are properly valued and recorded.
- Issuing receipts for all contributions received.
- Obtaining receipts for campaign expenses.
- Candidates must keep records of:
  - The receipt issued for every contribution.
  - The value of every contribution.
  - Whether a contribution is money or goods or services.
  - The contributor's name and address.
  - All expenses.
  - Any claim for payment of an expense that the candidate disputes or refuses to pay.
  - Funds raised and expenses incurred at each fund-raising event.
  - Money received at a fund-raising event by donations of \$10 or less.
  - Any campaign account loan.



**Track  
donations  
from  
associated  
corporations.**

- Giving proper direction to any person who is authorized to incur campaign expenses and accept contributions.
- Returning any improper contributions to the contributor, or if not possible, to the Clerk.
- Paying all anonymous contributions to the Clerk. Note: This does not include “pass the hat” contributions held at fund-raising events (see 10.11).
- Filing the financial statement with the Clerk.

## 9.2 Helpful Hints

- The *Municipal Elections Act, 1996* states that a candidate must open a separate bank account specifically for the campaign (see “Notice to Banks” in the “Forms and Notices” tab). Do not use your personal bank account for campaign purposes.
- Do not advance any money into your campaign account with the intention of getting it back from future fund-raising. Instead obtain a line of credit or bank loan (deposited directly into the campaign account). Only candidates with a surplus may refund their own contribution at the end of their campaign.
- Issue receipts for all contributions.
- Contributions of money by a candidate and their spouse are contributions and a receipt must be issued.
- Deposit all contributions intact into the campaign account. Contributions that have not been deposited cannot be used to pay off debts or pay for purchases.
- Contributions over \$25 must be made by cheque, credit card or money order.
- Pay all expenses by cheque or money order from the campaign account other than the nomination filing fee. **Do not use your own funds** as this may be deemed a contribution by the candidate to their campaign.
- Consider establishing a petty cash fund for small purchases.
- Keep proper records of contributions and expenses. These records must be kept until December 1, 2010.



**Open an account prior to accepting any contributions or spending any money other than the payment of the nomination filing fee.**

- When closing your campaign account make sure:
  - All your bills have been paid.
  - All your cheques have cleared the bank.
  - All bank charges have been paid.
  - A cheque, bank draft or money order is made payable to the “Treasurer, City of Toronto” for any surplus over \$500.
- Once the campaign is closed you can file your financial statement early. Financial Statement forms can be downloaded from [www.toronto.ca/elections](http://www.toronto.ca/elections) or you may be able to use the Electronic Financial Filing System (EFFS) to enter all your information on line.

### 9.3 Campaign Period

The campaign period for candidates begins on the day the candidate files their nomination paper (starting on January 3, 2006) and ends on January 2, 2007. A candidate cannot accept any contributions or incur any expenses until they file the nomination paper. If the candidate withdraws their nomination or the Clerk rejects a nomination, the campaign period ends on the day of the withdrawal or rejection.

If a candidate has a deficit as of January 2, 2007, they can extend their campaign. The candidate **must** notify the Clerk on the prescribed form (Form 6 – Notice of Extension of Campaign Period) on or before 5:00 p.m., January 2, 2007. **Faxed forms cannot be accepted, as an original signature is required on all election documents filed with the Clerk.**

The campaign period will continue until:

- The candidate erases the deficit;
- The candidate runs for another office on council in a subsequent by-election;
- December 31, 2007; or
- The candidate advises the Clerk they no longer intend to raise funds.



**The candidate must notify the Clerk, in writing, as soon as they have finished campaigning.**

**If the candidate waits until the filing deadline before notifying the Clerk, they will be obligated to file an additional statement.**

## 9.4 Appointment of an Auditor

An auditor must be appointed for those candidates who:

- Wish to participate in the contribution rebate program;
- Accept contributions or incur expenses over \$10,000.

Only a person who is licensed under the *Public Accounting Act, 2004* may be appointed as an auditor. The auditor is required to report whether the information contained in the candidate's accounting records is reflected accurately in the financial statement. The auditor must complete the "Auditor's Report" on the financial statement.

If the financial statement does not have the "Auditor's Report" completed or the auditor licence number is not provided, the statement will not be accepted by the City Clerk's Office.

## 9.5 Campaign Staff

A candidate may recruit staff to work on their campaign and assign them duties. While a candidate may designate staff to perform certain duties, the ultimate responsibility for compliance with the *Municipal Elections Act, 1996* rests with the candidate.

## 9.6 Record Keeping and Accounting

For audit purposes the candidate must retain:

- All deposit slips;
- Records of all contributions of goods or services and their market value;
- A listing of names and address of all contributors, if they are individuals, corporations or trade unions and the amount of the contribution;
- Records of any contributions that are returned to the contributor or paid over to the Clerk (in the case of anonymous contributions);
- Cancelled cheques and bank statements;
- Cheque stubs;
- Invoices, petty cash slips and other vouchers showing all payments made and goods or services contributions that have been accepted.



**Candidates  
must keep  
their  
accounting  
records  
until  
December  
1, 2009.**

A candidate must also record the following:

- Accounts payable – expenses incurred but not paid;
- Accounts receivable – amounts owing to the campaign at the end of the campaign period;
- Income on deposits which has been earned but not yet received;
- Expenses incurred by virtue of contributed goods or services;
- Contributions received prior to the end of the campaign period but not deposited until after the end of the period.

An accounting system that meets the requirements of the Act and suits the candidate's needs should be used. For example:

- Bank deposit slips may be used as a record of contributions;
- A file of thank you letters to contributors as the record of their name and addresses;
- Cheque stubs as record for payment of expenses.

Candidates should contact their auditor to discuss the best accounting system to use. This may help reduce costs when the auditor reviews the financial statement.

## **9.7 Electronic Financial Filing System (EFFS)**

It is anticipated that Council will pass a by-law to allow for electronic financial filing for the 2006 Election.

- Contributor information (name, postal code and amount of the contribution) as well as the candidate's financial statement will be posted on the City's web site.
- Candidates **must** register before issuing receipts. The electronic filing system will provide candidates with printed receipts.
- Candidates who register prior to the launch of the electronic filing system will receive a Microsoft Excel spreadsheet. All contributions received can be entered onto the spreadsheet. Once the system is available, candidates can



**Candidates  
must  
determine if  
they wish to  
use electronic  
filing before  
issuing  
receipts.**

upload the information directly into the electronic filing system and print receipts.

- An information package will be sent to all candidates who have registered for electronic filing. This package will contain information on how to complete the financial statement on line.

More information regarding electronic filing will be available on the City's web site and from the election office.

**Candidates  
should notify  
their  
contributors  
that  
contribution  
information  
will be posted  
on the City's  
web site.**

## 10.0 CONTRIBUTIONS & FUND-RAISING

*Sections 66 and 68 to 75 of the Municipal Elections Act, 1996, as amended*

Contributions cannot be accepted until a nomination paper has been filed with the Clerk's Office. Any contributions accepted outside the campaign period must be returned to the contributor, or if this is not possible, the amount must be turned over to the Clerk.

The value of all contributions must be reflected on the financial statement that is filed with the Clerk. In addition, a candidate must list on the financial statement the names and addresses of those contributors donating more than \$100.

### 10.1 Campaign Contributions

Money, goods or services given to a candidate for their campaign are contributions.

Contributions include:

- The ticket price for a fund-raising event;
- The difference of the amount paid and the market value of a good or service sold at a fund-raising event;
- The difference between the amount paid and the market value of a good or service purchased for the campaign; and
- Any unpaid but guaranteed balance of a campaign loan.

The following are not contributions:

- Voluntary unpaid labour;
- Services provided voluntarily by employees provided they do not receive any additional compensation from their employer;
- \$10 or less that is donated at a fund-raising event;
- Free political advertising (see 4.6); and
- The amount of a campaign loan obtained by the candidate or spouse.

### 10.2 Contribution Limit

The limit on contributions from a single contributor in money, goods or services is:

\$2,500	for mayoralty candidates
\$750	for councillor candidates



**Volunteer  
unpaid  
labour is not  
a  
contribution**

An individual, corporation or trade union may make a large single contribution or multiple contributions. It is advisable that the candidate records the name and address of each contribution to ensure that they do not accept more than the allowable limit.

### **10.3 Accepting Campaign Contributions**

Only the candidate and those persons authorized by the candidate may accept campaign contributions. Contributions of money up to \$25 may be accepted in cash. Any contributions over \$25 must be made by cheque, money order or credit card.

### **10.4 Receipts for Contributions**

A candidate must issue a receipt for every contribution they receive whether it is in the form of money, goods or services.

Candidates participating in the contribution rebate program:

- **Must** determine whether they will use a manual or electronic method before issuing receipts.
  1. Manual – candidates can pick up paper copies of the receipts at Elections and Registry Services, City Hall, 1<sup>st</sup> floor, North. Candidates will be required to sign for the receipts and will be responsible for accounting of all the receipts.
  2. Electronic – candidates will be able to enter all contributions on line and print the receipts.
- Surpluses from candidates participating in the contribution rebate program become the property of the City of Toronto.

Candidates not participating in electronic filing or the contribution rebate program may use any type of receipt as long as it shows the name and address of the contributor and the amount contributed. These receipts should be numbered and have duplicate copies so both the candidate and the contributor receive a copy of the receipt.

If a candidate receives a contribution on the last day of the campaign period and it cannot be deposited, the candidate must record in their records an outstanding bank deposit and a receipt issued as of that date. Each outstanding deposit should be deposited the next banking day.



**Candidates must decide prior to issuing receipts whether they will be filing manually or electronically.**

If it is necessary to issue a replacement receipt, cross-reference the two receipts. Candidates participating in the rebate program **must** attach a copy of both the voided and replacement receipt to the financial statement.

### 10.5 Acceptable Contribution Sources

Contributions to candidates may **only** be made by:

- Individuals living in Ontario;
- Corporations carrying on business in Ontario;
- Trade unions holding bargaining rights for employees in Ontario; and
- The candidate or their spouse.

A contribution may only be made from the contributor's own funds. If a cheque is from a joint personal bank account the receipt must have the name of the person signing the cheque. If both people sign the cheque, the candidate must determine how much each person contributed and issue separate receipts to each person.

### 10.6 Corporations

To be eligible to make a contribution, a corporation must carry on business in Ontario. Prior to accepting a corporate donation, the candidate must satisfy themselves that the corporation does carry on business in Ontario.

Corporations that are associated with one another, as defined by section 256 of the *Income Tax Act (Canada)*, are considered to be a single corporation for the purpose of campaign contributions. Many corporations carry on business through subsidiaries and affiliated companies. Such corporations are deemed to be a single corporation and may only make a maximum contribution of \$750 to a councillor candidate or \$2,500 to a mayoralty candidate.

### 10.7 Unincorporated Groups

If an unincorporated group, such as a law partnership or ratepayers' group, makes a campaign contribution, the candidate must request a list of the names and addresses of the individual contributors who shared in the contribution and the amount contributed by each individual. The receipts **must be issued to the individual contributors, not the unincorporated group**. The individual's portion of the group's contribution counts towards that individual's campaign contribution limit of \$750 (councillor candidate) or \$2,500 (mayoralty candidate).



**Only individuals are eligible for a contribution rebate.**



**Check to see if the corporation has associated companies. If so, it is deemed to be a single corporation.**



**Corporations or Trade Unions are no longer eligible for a contribution rebate.**

## 10.8 Ineligible Contributors

The following may not make contributions:

- A federal political party, constituency association or a registered candidate at a federal election;
- A provincial political party, constituency association or a registered candidate or leadership contestant;
- The Crown in right of Canada or Ontario, a municipality or local board;
- Charitable organizations or corporations that have been established for charitable purposes and public corporations such as public hospitals, crown agencies, boards or commissions, which are, in general, prohibited by statute or common law from making political donations.

## 10.9 Candidate's Own Funds

A person who wishes to run for office must not contribute to his or her own campaign until they are a nominated candidate. There is no limit on the contributions from the candidate or their spouse to the candidate's campaign, but it must be reported as a contribution and a receipt must be issued.

## 10.10 Contributions of Goods and Services

All contributions of money, goods or services are subject to the contribution limit of \$750 to a councillor candidate or \$2,500 to a mayoralty candidate.

Services donated by people acting on a volunteer basis are not considered contributions. If an employer makes employees available (who have volunteered their time) to work on a campaign and does not pay them extra for this work, this does not count as a contribution. However, if the employer pays them in addition to their regular wage, the amount of the extra wages is a contribution and is subject to the contribution limits.

Free political advertising provided by a broadcaster is not deemed to be a contribution, provided it is done in accordance with the provisions, regulations and guidelines of the *Broadcasting Act (Canada)* and is available equally to all candidates.

All other donations of goods or services are contributions and should be supported by an invoice from the contributor. The contribution must be valued at current market value and a receipt issued for that value. This includes



**Contributions of goods and services are no longer eligible for a contribution rebate.**

materials the candidate brings into the campaign from a previous campaign, such as brochures, signs and stakes.

If part of the cost of the purchase of a good or service is considered by the supplier to be a contribution, the supplier should provide an invoice for the total amount and indicate the amount he or she is donating as a contribution.

If a supplier charges a candidate less than market value for the purchase of a good or service, the difference between the amount charged and the market value is considered a contribution. For example, if a candidate is billed \$150 for printing brochures, but the lowest market price available to other customers is \$275, then the difference of \$125 is a contribution from the printer to the candidate, and a receipt must be issued for the \$125.

If a supplier of goods or services is not paid or has agreed not to accept payment, the value of the good or service is a contribution and receipt must be issued. All suppliers should be paid promptly within the normal credit terms as provided by the supplier.

### **10.11 Anonymous Contributions**

An anonymous contribution cannot be accepted; it must be turned over to the Clerk. The only exception to this rule is an anonymous contribution received at a fund-raising event, i.e., “pass the hat”. Each of these contributions must be \$10 or less and the total amount collected must be reported on the candidate’s financial statement.

### **10.12 Refund of Contributions**

A candidate is required to refund contributions when they are:

- Received outside the candidate’s campaign period;
- From an anonymous contributor (except “pass the hat” contributions);
- From ineligible sources (see 10.8);
- Over the \$750 (councillor candidate) or \$2,500 (mayoralty candidate) limit;
- Cash contributions over \$25; or
- Funds not belonging to the contributor.

If an official receipt has already been issued, the candidate should not refund the contribution until the contributor’s copy has been recovered. If the candidate is participating in the campaign contribution rebate program and cannot recover the contributor’s copy of the receipt, the candidate must attach a letter to the financial statement providing information regarding the contribution that has

been refunded and the “voided” copy of the receipt. The candidate must also reflect the refund in their records.

### **10.13 Fund-Raising Events**

Fund-raising events are held for the purpose of raising money for a candidate. Such events include dinners, dances, garden parties, etc. for which there is an admission charge, as well as events for which there is no admission charge such as auctions, button sales, etc.

The price of the ticket to a fund-raising event is a campaign contribution and a receipt must be issued for the full amount. For example, if a ticket cost \$50, a receipt for \$50 must be issued and a contribution of \$50 must be recorded, regardless of the costs of organizing and holding the event. If the price of the ticket exceeds \$100, the name and address of the contributor must be recorded in the financial statement. If the ticket price is over \$25, the amount must be paid by cheque, money order or credit card.

### **10.14 Borrowing and Lending**

A candidate may not loan money to their campaign with the intention of getting it back through future contributions or fund-raising events. A candidate or their spouse may borrow money for campaign purposes only from a chartered bank or other recognized lending institution. **The full amount of the loan must be paid directly into the campaign account.** Only a candidate and their spouse may guarantee a loan for campaign purposes. Any unpaid but guaranteed balance of a loan is considered to be a contribution.

## 11.0 CAMPAIGN EXPENSES

*Sections 67, 68, 69 and 76 of the Municipal Election Act, 1996, as amended; and Ontario Regulation 101/97, as amended*

### 11.1 General Information

- A person can not incur expenses unless they are a candidate and only during their campaign period.
- Payment of any campaign expenses, except the nomination filing fee, must be made by cheque from the candidate's campaign account.
- All expenses must be reported on the financial statement.
- Only the candidate and persons authorized by the candidate, preferably in writing, can incur expenses.

### 11.2 Campaign Expenses

Any expense incurred in whole or in part for goods or services for a candidate's campaign is a campaign expense. It includes the market value of any goods held in opening inventory (such as signs and brochures) and any contribution of goods or services to a candidate during the campaign period. Where contributions of goods or services are received, an expense in the equivalent value is considered to be have been incurred.

### 11.3 Campaign Inventory

Campaign expenses include the value of any goods held in inventory by a candidate for use during a campaign period, such as stakes, usable literature, signs and other campaign materials.

For those candidates who ran in a previous election, all materials from a previous campaign that are brought into the current campaign must be included in the opening inventory. In valuing campaign materials, current market value must be used. Proper documentation should be prepared to substantiate any opening inventory value.

The inventory of reusable campaign materials remaining on hand at the end of a campaign must be valued and reported as closing inventory on the financial statement. **The value of any inventory is not to be deducted from the campaign expenses.**



**Always  
use  
current  
market  
value.**

## **11.4 Campaign Expense Limits**

There are limits on the amount a candidate may spend during the period starting the day the candidate files a nomination paper and ending on voting day. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office. The Clerk will inform the candidate of their campaign spending limit on or before Tuesday, October 10, 2006.

Mayoralty candidates	\$7,500 + 70 cents per elector
Councillor candidates	\$5,000 + 70 cents per elector

The following is a list of expenses that are not included in the spending limits:

- The nomination filing fee;
- Auditor's and accounting fees;
- Interest on loans;
- Expenses incurred in holding a fund-raising event;
- Expenses incurred for parties and other expressions of appreciation after the close of voting;
- Expenses relating to a court action for a controverted election;
- Expenses relating to a recount; and
- Expenses incurred after voting day.

For reference purposes only, the 2003 maximum expense limits are available on our website at [www.toronto.ca/elections](http://www.toronto.ca/elections).

## 12.0 CONTRIBUTION REBATE PROGRAM

*Section 82 of the Municipal Elections Act, 1996, as amended; and  
City of Toronto By-law No 972-2005*

### 12.1 What's New for 2006

Upon approval of Council, candidates will be able to use the EFFF (Electronic Financial Filing System) to track contributions and print receipts. A training seminar will be held in July 2006. Candidates will be able to register and start using the system immediately. Candidates who register prior to July will receive a Microsoft Excel spreadsheet to enter their contributions. Once the system is available, candidates will be able to upload their contributions into the EFFF and print receipts.

- Candidates **must** determine whether they will be using the electronic system prior to issuing any receipts.
- Contributions from corporations and trade unions are no longer eligible for a rebate. Candidates cannot use the rebate receipts provided by the City for these contributions.
- Contributions of goods and services are no longer eligible for a rebate. Candidates cannot use the rebate receipts provided by the City for these contributions.
- The deadline for the contributors rebate application has been extended to:

For contributions made in 2006:      January 31, 2008

For contributions made in 2007  
for extended campaigns:              6 months from the date the  
receipt was issued

- Surpluses from candidates participating in the contribution rebate program become the property of the City of Toronto.



**Candidates  
can enter their  
contributions  
and print  
receipts  
electronically.**

## 12.2 General Information

The City of Toronto Council has passed a by-law allowing candidates running for office to the City of Toronto Council to participate in a contribution rebate program.

- Contributions less than \$25 are not eligible for a rebate.
- A candidate's contribution of inventory from a prior election is not eligible for a rebate.
- A candidate and their spouse cannot receive a rebate until after the candidate has closed their campaign.
- The maximum amount of the rebate is \$1,000 to a contributor regardless of the total contributions they made to all candidates. For example, Jane contributed \$100 each to 5 different candidates for a total contribution of \$500. The rebate is calculated on the \$500; therefore she will receive \$325.
- The rebate is calculated as follows:
  - Less than \$25                      not eligible for a rebate
  - \$25 to \$300                      75% of total contributions
  - \$301 to \$1,000                  \$225 plus 50% of the difference between the total contributions and \$300
  - over \$1,000                      the lesser of:
    - (a) \$575 plus 33 1/3% of the difference between the total contribution and \$1,000; and
    - (b) \$1,000



**Refer to the  
Rebate By-  
Law in the  
“By-laws,  
Municipal  
Code &  
Procedures”  
tab.**

The following are a few sample calculations:

TOTAL CONTRIBUTIONS TO ALL CANDIDATES	AMOUNT OF THE REBATE
less than \$25	0.00
25.00	18.75
50.00	37.50
100.00	75.00
250.00	187.50
500.00	325.00
750.00	450.00
1,000.00	575.00
1,500.00	741.67
2,000.00	908.33
2,250.00	991.67
2,275.00 and over	1,000.00

Please refer to the Rebate Bulletin in the “Forms and Notices” tab for more information and calculations.

### 12.3 How to Receive a Rebate

In order for the candidate’s contributors to receive a rebate, the candidate must:

- File an Audited Financial Statement (Form 5) by the filing deadline and attach **copies** of all the campaign expense invoices and **all** the receipts issued;
- Not exceed the expense limit for the office; and
- Pay any surplus over \$500 to the Clerk by the filing date.

The contributor must comply with the following rules:

- The rebate application must be on the form provided by the Clerk and signed by the candidate or a representative. The applicant must complete and sign the “Contributor Section” on the front of the form;
- The Clerk must **receive** the application no later than 5:00 p.m., January 31, 2008 for all contributions made between January 3, 2006 and January 2, 2007;



The rebate bulletin can be downloaded from [www.toronto.ca/elections](http://www.toronto.ca/elections). Candidates may photocopy this bulletin and give it to their contributors.



Contributors must apply for a rebate by signing the original receipt and mailing it to 3 Dohme Avenue on or before the deadline date.

- If the candidate’s campaign period is continuing to erase a deficit, the Clerk must receive the application for contributions made after January 2, 2007 within 6 months from the date the receipt is issued; and
- Applications are to be mailed to the City Clerk, 3 Dohme Avenue, Toronto, ON M4B 1Y7.

Rebate cheques will be mailed out:

<b>Rebate Applications received by:</b>	<b>Payment sent:</b>
July 31, 2007	September 2007
January 31, 2008	March 2008

### **12.4 Receipts**

Candidates who are participating in the contribution rebate program have one of two receipt options:

1. Manual – candidates can pick up paper copies of the receipts at Elections and Registry Services, City Hall, 1<sup>st</sup> floor, North. Candidates will be required to sign for the receipts and will be responsible for accounting of all the receipts; or
2. Electronic –candidates will be able to enter all contributions on line and print the receipts. Prior to the availability of the electronic filing, candidates will be given a Microsoft Excel spreadsheet to enter all their contributions. Once the system is available, candidates will be able to upload their contribution information and print receipts.



**Candidates must determine whether they will use the electronic or manual process before issuing receipts.**

## 12.5 How to Complete the Receipt

Manual Process (paper copies):

These step-by-step instructions will assist candidates in completing the contribution receipt form.

**Date Accepted:** Insert date the contribution is accepted.

**Date Issued:** Insert date the receipt is issued.

**Amount Accepted:**

Insert the amount of the contribution. There is a limit to the amount that a contributor may give to any one candidate (\$750 to a councillor candidate and \$2500 to a mayoralty candidate). Candidates must refund any contribution over these amounts.

While contributions less than \$25 are not subject to a rebate, a receipt must still be issued.

**Name of Individual:**

Indicate the first and last name of the individual. Receipts that do not have a complete name will be returned to the candidate (e.g., Mr. Smith).

*Unincorporated Groups* (e.g., law firms, accounting firms, ratepayers group partnership). The candidate must request a listing of the individual(s) in the group that participated in the contribution and how much each contributed. **A receipt is to be made out to each individual from the group who made the contribution, not to the name of the unincorporated group.**

*Sole Proprietorship* (business owned by an individual). The receipt is to be made out in the owner's name, not the name of the business.

**Name and Signature of Candidate:**

Clearly print the name of the candidate and either the candidate or their representative must sign the receipt.

Electronic Process:

Candidates will enter all the above information using the EFFS (Electronic Financial Filing System). The receipts will be printed with all the above information. Candidates or their representative must sign each receipt.



**Candidates should ensure the receipts are properly completed to avoid any delays in contributors receiving rebates.**

**Incorrect or incomplete receipts will be returned to the candidate.**



## **12.6 How to Void Receipts**

Manual Process (paper copy):

If a contribution rebate form needs to be voided, the following steps apply:

If the candidate has all 3 parts of the form.

- Void the receipt; and
- Attach the white and pink voided receipts to the financial statement. The yellow copy of the 3 part form is to remain with the candidate for their records.

If the candidate has sent out the original (white) copy to the contributor:

- Void the pink and yellow copies;
- Write a replacement receipt;
- Ensure all information on the new receipt is exactly the same as the voided receipt;
- Cross reference the voided receipt number on the new receipt (e.g., receipt #12345 was voided, write “replacing receipt #12345” on the new receipt); and
- Attach voided pink receipt to the financial statement.

Electronic Process:

If a contribution rebate form needs to be voided, the following steps apply:

If the candidate has all copies of the form:

- Write “void” on all copies of the receipts;
- Void the receipt electronically; and
- A copy is to remain with the candidate for their records.

If the candidate has sent out the original copy to the contributor:

- Void the remaining copies;
- Using the City’s electronic financial filing system, search for the contributor, void the receipt and produce a replacement receipt, if applicable;
- Ensure all information on the new receipt is exactly the same as the voided receipt;
- A cross reference of the voided receipt will be shown on the replacement receipt (e.g., “Replaces Receipt #12345” will be printed on the new receipt.); and
- A copy is to remain with the candidate for their records.

## 13.0 FINANCIAL REPORTING & DISCLOSURE

*Sections 77 to 79 of the Municipal Elections Act, 1996, as amended; and  
Ontario Regulation 101/97, as amended*

A Candidate Information Session will be held on Thursday, December 14, 2006 to explain how to complete the financial statements.

### 13.1 Filing Financial Statements

All candidates must report their contributions and expenses as of Tuesday, January 2, 2007 by filing the required financial statement with the Clerk.

These candidates include:

- Those elected to office;
- Those not elected;
- Those who withdrew their nomination;
- Those whose nomination was rejected by the Clerk.

The financial statement must be filed by **5:00 p.m., Monday, April 2, 2007**. Financial statements will be accepted at Toronto City Hall, 1st floor, North. It is the responsibility of the candidate to file a **complete** and **accurate** financial statement **on time**.

There are two types of financial statements:

- **Financial Statement (Form 4)** – to be completed by those candidates whose total contributions and total expenses are **each** equal to or less than \$10,000 and who do not wish to participate in the City’s contribution rebate program.
- **Audited Financial Statement (Form 5)** – to be completed by those candidates whose total contributions **or** total expenses are more than \$10,000 or who wish to participate in the City’s contribution rebate program.

If a candidate wishes to extend their campaign period in order to eliminate a deficit, the candidate must file a **“Notice of Extension of Campaign Period” (Form 6)** with the Clerk by **5:00 p.m., Tuesday, January 2, 2007**. In addition to the first financial statement, the candidate must also file supplementary financial statements by the supplementary filing dates. A supplementary reporting period covers each six month period in the twelve month period



**Faxed or photocopied financial statements cannot be accepted, as an original signature is required on all election documents filed with the Clerk.**

following the year of the election and the financial statement must be filed within 60 days of the end of each supplementary reporting period.

<b>Reporting Period</b>	<b>Filing Deadline</b>
Date nomination paper filed to January 2, 2007	April 2, 2007
Date nomination paper filed to July 3, 2007	September 4, 2007
Date nomination paper filed to December 31, 2007	February 29, 2008

The Clerk will advise you, at least 30 days before the April 2, 2007 financial filing deadline, of all the filing requirements under the *Act*. The Clerk is not required to give additional notice for each supplementary filing date.

Candidate's financial statements are filed with the Clerk and are public documents. These documents may be inspected by any person upon request at the office of the Clerk (Toronto City Hall, 1st floor, North) during normal office hours. Any person may write down or have copies of the documentation (copies are fifty cents per impression). The information obtained from these records shall be used only for election purposes.

Note: Whether the candidate is participating in electronic filing or not, the contributor information (name, postal code and amount of the contribution) will be posted on the City's web site. It is suggested that candidates **notify** their contributors of this fact.

### **13.2 Surplus**

When a candidate files a financial statement, they must pay over all surplus monies to the Clerk. However, if the total amount of the surplus is \$500 or less, the candidate is not required to pay that amount to the Clerk.

Prior to paying over surplus monies to the Clerk, the candidate is entitled to refund contributions made to the campaign by the candidate or their spouse. The amount that may be refunded is the lesser of the amount of the contributions or the amount of the surplus.

The Clerk is required to place the candidate's surplus monies in a trust fund for use by the candidate in the next regular election or by-election for the City of Toronto Council. If the candidate does not seek election, the surplus becomes the property of the City of Toronto. For those candidates participating in the contribution rebate program, surpluses will automatically become the property of the City of Toronto.

If applicable, once a candidate has filed a nomination in a subsequent election or by-election, the Clerk shall release the surplus funds being held in trust. The funds received from the Clerk must be deposited into the campaign account, be



**Contributor information will be posted on the City's web site.**



**Surpluses become the property of the City if the candidate is participating in the rebate program.**

recorded as income in the campaign records and may only be used for election purposes.

### **13.3 Financial Statement (Form 4)**

The Financial Statement (Form 4) is a straightforward declaration requiring candidates to list contributors who donated more than \$100 and indicate the surplus or deficit position. The Form 4 must be commissioned before a Commissioner of Oaths. Election staff is available to do this.

### **13.4 Audited Financial Statement (Form 5)**

The following will help you to complete an Audited Financial Statement.

#### **Summary of Campaign Income and Expenses**

- Campaign Expense Limitation – record the expense limit received from the Clerk.
- Campaign Expenses Subject to Limitation – report the campaign expenses subject to limitation from the statement of campaign period income and expenses.
- Total Campaign Income – report the total income (Line A from the statement of campaign period income and expenses).
- Total Period Expenses – report all campaign expenses, both expenses subject to limitation and expenses excluded from the limitation (Line B from the statement of campaign period income and expenses).

#### **Statement of Assets and Liabilities**

- Cash – include all cash on hand and on deposit.
- Accounts Receivable – include all amounts owing to the candidate's campaign at the end of the campaign period.
- Other Assets – include and provide details of any other assets that the candidate's campaign owns for which no other category has been specified.
- Accounts Payable – report the total of all invoices that are unpaid at the end of the campaign period.



**Financial Statements cannot be altered once the document has been filed with the Clerk.**

- Borrowing, Overdraft – report the outstanding balance of any bank loan or overdraft.
- Other Liabilities – include estimates and provide details of any other liabilities of the campaign.
- Excess (Deficiency) of Income over Expenses – this amount must agree with the last line on the statement of campaign period income and expenses.

**Statement of Determination of Surplus or Deficit and Disposition of Surplus**

The excess (deficiency) of income over expenses from the last line of the statement of campaign period income and expenses should be reported in Line A.

From this amount deduct the amount of any deficit carried forward by the candidate from the 2003 municipal election (Line B).

The resultant amount is the candidate's surplus (deficit) for the campaign period (Line C).

If there is a surplus, deduct any refund of contributions made to the candidate's campaign by the candidate or his or her spouse (Line D). The amount that may be deducted is the lesser of the amount of the contributions or the surplus.

Should the candidate's campaign have a surplus in Line E greater than \$500, the candidate must pay over the surplus funds to the Clerk at the time of filing the audited financial statement.

**Statement of Campaign Period Income and Expenses**

The statement of campaign period income and expenses should include all income received and expenses incurred during the campaign period.

**Income**

- Candidate's Surplus – this is the amount of any surplus from the 2003 municipal election released by the Clerk to the candidate, together with the interest earned during the time the money was held in trust by the Clerk.
- Contributions – report the total contributions from Schedule 1, including contributions of goods or services.

- Fund-Raising Activities – enter the amount from Part III of Schedule 2 (Other Revenue Not Deemed a Contribution).
- Interest Income – enter any interest earned on deposits.
- Other – report here any income that could not be classified elsewhere. Provide full details.

### **Expenses**

This section distinguishes between expenses subject to limitation from those that are excluded from the limitation. The candidate must, upon request, be prepared to provide an explanation of why he or she classified certain expenses as excluded expenses. All expenses incurred in the campaign period whether paid, owing to suppliers or contributed as a good or service must be reported on the statement of campaign period income and expenses.

- Accounting & Audit – include all audit and accounting fees.
- Advertising – include all payments for media advertising, except media advertising considered part of any other expenses such as fund-raising or meeting expenses.
- Bank Charges – include all bank service charges, cheque printing, etc.
- Brochures – include all payments for brochures including design fees, graphics, printing and distribution for use in whole or in part during the campaign period.
- Fund-Raising Expenses – include all expenses **directly related** to the fund-raising event, which may include advertising, catering, entertainment, postage, refreshments, hall rental, etc. Revenues and expenses must each be recorded separately and not used to offset each other.
- Interest on Loans – include all interest paid on any loans, overdrafts, lines of credit, etc.
- Inventory Contributed to Candidate's Campaign (from Schedule 3) – candidates using material from a previous campaign **must** cost this material at current market value and report this value as a campaign expense.

- Meeting Hosted – include all related expenses, including advertising, hall rental, refreshments, etc.
- Nomination Filing Fee – report the prescribed nomination filing fee of \$100 (councillor candidate) or \$200 (mayoralty candidate).
- Office Expenses – include all expenses for the candidate’s campaign office, such as rent, furniture and equipment, insurance, utilities, office supplies, telephone.
- Recount Expenses – include all expenses relating to a recount in respect of the election.
- Salaries, Benefits and Professional Fees – include all salaries and benefits, other than those related to specific activities, such as accounting.
- Signs – include all payments for sign deposit, printing, distribution, etc.
- Voting Day Party and Appreciation Notes – include all expenses directly related to a function held following the close of the voting such as advertising, catering, entertainment, refreshments, hall rentals, etc. and any amounts related to other notices of appreciation, such as newspapers advertising.
- Other – include any expense that could not be classified elsewhere. Provide full details.

**Schedule 1 – Contributions**

- Part 1 – Contributions

Contributions must be broken down into separate totals:

- a total of contributions from contributors who contributed more than \$100
- a total of contributions from contributors who contributed \$100 or less.

Details of contributions returned to the contributor or paid or payable to the Clerk must also be reported.

- Part 2 - Fund-Raising Activities

Contributors whose contributions totalled more than \$100 must be listed by name, address and amount of contribution. If you require additional space, attach a supplementary list using this format.

**Schedule 2 – Fund-Raising Activities**

A separate schedule must be completed for each fund-raising event. Expenses must not be deducted from revenue but are to be reported as a fund-raising expense on the statement of campaign period income and expenses.

- Part 1 – Ticket Revenue

All ticket and admission charges are considered contributions and must also be included as contributions on Schedule 1 and be acknowledged by receipts.

- Part II – Other Revenue Deemed a Contribution

Any amount paid at a fund-raising event for goods or services in excess of their fair market value is considered to be a contribution. Examples would include goods sold at an auction or refreshment sales in excess of the fair market value. These contributions must also be included on Schedule 1 and be acknowledged by receipts.

- Part III – Other Revenue Not Deemed a Contribution

Report all revenue from the fund-raising event that is not deemed to be a contribution, such as a refreshment sales at cost and contributions of \$10 or less collected at the fund-raising event. This revenue is **not** to be included as a contribution on Schedule 1 but is to be reported as income on the statement of campaign income and expenses.

**Schedule 3 – Inventory of Campaign Goods and Materials Contributed to Candidate’s Campaign**

This schedule requires information on the description, acquisition date, supplier, quantity and value of all inventory of reusable campaign materials the candidate brings into their campaign.

In valuing campaign materials available for the candidate’s use, current market value should be used. All materials from a previous campaign should be included in the opening inventory. Proper documentation

should be prepared to substantiate any inventory value. A receipt must be issued to the candidate for all inventory contributed.

**Schedule 4 – Inventory of Campaign Goods and Materials at the end of the Campaign Period**

The candidate must determine the quantity and market value of all reusable campaign materials.

**Auditor's Report**

The auditor must complete the standard auditor's report unless he or she wishes to submit a qualified report or a denial of opinion.

## 14.0 ENFORCEMENT & PENALTIES

*Sections 80 and 91 to 94 of the Municipal Elections Act, 1996, as amended*

### 14.1 General Information

There are penalty provisions in the *Municipal Elections Act, 1996* that are applicable to candidates who fail to meet the disclosure and reporting requirements of the *Act*.

If a candidate fails to pay over a surplus to the Clerk or exceeds their election spending limit, the candidate forfeits any office they have been elected to and is ineligible to run for or to be appointed to any office in Ontario until after the 2009 election.

If a candidate fails to file a financial statement by the filing date (April 2, 2007), the candidate has an additional 91 days in which to file. If a candidate was elected, they are suspended without pay from office until they file the financial statement. If the candidate has not filed the financial statement by the 91<sup>st</sup> day, the candidate is ineligible to run for or be appointed to any office in Ontario until after the 2010 election and forfeits any office that they have been elected to.

A candidate may make an application to the Ontario Court of Justice prior to the 91<sup>st</sup> day to extend the time for filing the financial statement beyond the 91 days. If the court is satisfied that the circumstances justify a later date for filing, an extension may be granted. If the candidate fails to file the financial statement by the extended deadline, the above-noted penalties will apply.

A corporation or trade union that contravenes the campaign financing provisions of the *Municipal Elections Act, 1996* is liable to fines up to \$25,000. An individual, including a candidate, who contravenes these provisions, is liable to fines up to \$5,000. Individual contributors are not subject to penalties for making a contribution in excess of the allowable amount. However, it is an offence for candidates to accept campaign contributions exceeding this limit.



**The court no longer has the authority to waive the penalties for non-compliance.**

## 14.2 Notice of Penalties

In accordance with section 33.1 of the *Municipal Elections Act, 1996*, the City Clerk shall before voting day, notify all candidates of the penalties under subsection 80(2) and 92(5) related to election campaign finances.

### ***“80(1) Penalties – additional – applicable circumstances***

*A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act, if*

- (a) he or she fails to file a document as required under section 78 by the relevant date;*
- (b) a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by section 79 to the clerk by the relevant date; or*
- (c) a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76.”*

### ***“80(2) Penalties – additional***

*The following penalties apply:*

- 1. In the case of the defaults described in clauses (1) (b) and (c),
  - i the candidate forfeits any office to which he or she was elected and the office shall be deemed to be vacant,*
  - ii until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.**
- 2. In the case of the defaults described in clause (1) (a), the candidate is suspended without pay from any office to which he or she was elected until the document is filed and subparagraphs 1 i and ii apply if the candidate has not filed the document within 91 days after the last day the document was required to be filed under section 78.”*

***“92(5) Election campaign finance offence – by candidate***

*A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in paragraph 1 of subsection 80(2), if he or she,*

- (a) files a document under section 78 that is incorrect or otherwise does not comply with that section; or*
- (b) incurs expenses that exceed what is permitted under section 76.”*



## **15.0 FORMS AND NOTICES**

The following pages contain forms and notices for candidates. These forms can be photocopied and are also available on our website at [www.toronto.ca/elections](http://www.toronto.ca/elections).

Forms:

- Appointment of Representative
- Appointment of Scrutineer
- Election Sign Deposit Form
- Freedom of Information Release Form
- Request for Voters' List Form
- Withdrawal Form

Notices:

- Notice to Banks
- Rebate Bulletin
- Election Sign Pamphlet