

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

(Corporate Seal)