

Authority: Executive Committee Item 37.2, adopted as amended,
by City of Toronto Council on December 2, 2009

Enacted by Council: December 2, 2009

CITY OF TORONTO

BY-LAW No. 1178-2009

To authorize the electronic filing of financial statements under the Municipal Elections Act, 1996 by candidates seeking office in any regular election or by-election in the City of Toronto and to establish the Electronic Financial Filing System (“EFFS”).

WHEREAS subsection 78(7) of the *Municipal Elections Act, 1996*, as amended (the “Act”), provides that a municipality may, by by-law, authorize candidates seeking election to municipal office to file their financial statements and any required auditors’ reports (the “financial statements”) electronically, subject to such conditions and limits as are set out in the by-law; and

WHEREAS the filing of candidate financial statements is mandated by the Act and the forms for filing those financial statements are prescribed by O. Reg. 101/97, as amended; and

WHEREAS O. Reg. 101/97, as amended, provides that financial statements may be electronically filed if the local municipal council has passed an enabling by-law; and

WHEREAS the financial statements prescribed by O. Reg. 101/97, as amended, require candidates to sign the financial statements and make declarations before a Commissioner for Taking Affidavits or the City Clerk as to the truth and correctness of the content of the financial statements and must be accompanied by signed auditors’ reports, if required; and

WHEREAS section 14 of the Act states that any document to be filed with an election official under the Act that is required to be signed shall bear an original signature; and

WHEREAS candidates who choose to file financial statements electronically under the provisions of this by-law must also file original financial statements with the Clerk in accordance with the requirements and deadlines set out in the Act; and

WHEREAS candidates who choose to file financial statements electronically under the provisions of this by-law must also issue all contribution receipts electronically even if the candidates are not participating in the City of Toronto contribution rebate program established by Toronto City Council;

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

1. The electronic filing of financial statements by candidates seeking office in the City of Toronto in any regular municipal election or by-election is authorized, and candidates are to use the City’s Electronic Financial Filing System (“EFFS”) for this purpose.
2. Candidates seeking election to office in any regular election or by-election in the City of Toronto may file the required financial statements electronically with the City Clerk in accordance with this by-law, the Act and associated regulations.

3. Prior to using EFFF, candidates must sign the Agreement Regarding Electronic Filing of Contribution Information – City of Toronto Municipal Election or By-Election, as the case may be, in content and form satisfactory to the City Clerk and the City Solicitor, and must agree to issue all contribution receipts electronically in accordance with this by-law and, if the candidates are participating in the contribution rebate program, in accordance with the applicable City of Toronto contribution rebate by-law.
4. Contribution receipts issued through the EFFF must have either the original or electronic signature of the candidate or their designate.
5. Candidates may designate up to two individuals who may utilize the EFFF on the candidate's behalf, and those two designated individuals will also be required to sign the agreement identified in section 3 of this by-law.
6. Campaign workers, other than those identified in section 5 of this by-law, authorized by candidates to use the EFFF must first have read, understood and accepted, electronically, the Terms of Use Agreement on the EFFF secured site, in content and form satisfactory to the City Clerk and the City Solicitor.
7. Once candidates have signed the necessary agreement and registered to use the EFFF, any additional guidelines and requirements on the use of the EFFF and all further documents and communications from the City Clerk with respect to the election will be sent to the candidates by e-mail transmission, subject to any notification which requires registered mail delivery under the Act or other legislation.
8. Despite candidates' participation in the EFFF, candidates must still file original financial statements, bearing original signatures, in accordance with the provisions of the Act and, in particular, section 78 of the Act.
9. The original financial statements must be filed with the City Clerk in accordance with the requirements and deadlines set out in the Act.
10. Electronic financial statements must be posted to the EFFF by candidates either within 48 hours of filing the original financial statements with the City Clerk, or no later than within 48 hours after the filing deadlines set out in the Act, whichever is earlier. Electronic financial statements will not be verified or amended by the City Clerk, and in the event of any discrepancy between the EFFF financial statements and the original financial statements filed with the City Clerk, the original documents shall govern.
11. The financial statements prescribed by the Act require candidates to record the name, address and amount of every contributor who contributes more than \$100, and, subject to section 10 of this by-law, that information as entered by candidates into the EFFF will be posted on the City of Toronto election website.

- 12.** For greater certainty, this by-law applies to all elections and by-elections and to all candidates for office on the school boards related to the geographical area of the City of Toronto, as well as candidates for office on the council of the City of Toronto.

ENACTED AND PASSED this 2nd day of December, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)