

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

Enacted by Council: December 4, 2009

CITY OF TORONTO

BY-LAW No. 1257-2009

To authorize the payment of rebates to individuals who make contributions to candidates for an office on the municipal council in the 2010 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; and

WHEREAS subsection 78(7) of 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 auditor’s reports (the “financial statements”) electronically, subject to such conditions and limits as are set out in the by-law; and

WHEREAS O. Reg. 101/97, as amended, provides that the financial statements may be electronically filed if the local council has passed an enabling by-law [the “Electronic Financial Filing System (EFFS) By-law”], being City of Toronto By-law No. 1178-2009; and

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

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 2010 election is authorized.
- 2.** An individual who, during the 2010 municipal election, makes a contribution to a candidate for an office on the council of the City of Toronto may, on or after January 4, 2010, 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 4:30 p.m., six months after the end of the supplementary reporting period.

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 the application deadline set out in section 4, 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 any financial statement and auditor report required by Act by relevant filing dates set by s. 77, s. 79.1 or by court order under s. 80 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 and 79.1 of the Act within the time period stipulated in that section; and

- (f) The time for an application for a compliance audit under section 81 of the Act has expired and any proceedings in relation to a compliance audit have been completed.
- 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 the provisions of the Act, any election campaign surplus funds at the end of the campaign period, paid to the Clerk under the Act by any candidate for office on Toronto City Council, will become the property of the City of Toronto and will be deposited into the Elections Reserve Fund XR1017.

- 15.** If candidates choose to participate in the Electronic Financial Filing System, the following provisions apply:
- (1) Candidates must issue all contribution receipts electronically (whether or not eligible for a contribution rebate) as well as file the prescribed financial statements in accordance with the Act, this by-law and the EFFF By-law.
 - (2) Despite section 7, contribution receipts issued through the EFFF must have either the original or electronic signature of the candidate or their designate.
 - (3) Despite subsection 8(b), candidates are not required to attach paper copies of their contribution receipts with the original financial statements filed with the City Clerk, provided the contribution receipts are electronically issued through the EFFF. Candidates must still attach copies of their campaign expense invoices to the original financial statement filing.
 - (4) Despite subsection 8(b), candidates must submit their electronic contribution receipts, as part of filing their electronic financial statements through the EFFF, within 48 hours of filing the original financial statements with the City Clerk, and no later than within 48 hours after the filing deadlines set out in the Act, whichever is earlier.
- 16.** This by-law comes into effect when Bill 212, *Good Government Act, 2009*, Schedule 21, s. 8 comes into force.

ENACTED AND PASSED this 4th day of December, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)