

Election complaints	City Clerk's Office – Election Services
	Policy No.: POL-PE-002

1. Policy

Elections staff make every effort to promptly resolve complaints about services within the unit's jurisdiction and in accordance with the City Clerk's Office Complaints Procedure.

Certain services and processes have legislated procedures for complaints and appeals that are outside the City Clerk's jurisdiction. Complaints regarding services and processes within the jurisdiction of Election Services are directed to the Manager responsible.

2. Application

This policy applies to all City Clerk's Office staff, election officials designated by the City Clerk, and complainants during City of Toronto municipal elections and/or by-elections.

3. Authority/Legislative reference(s)

City Clerk's Office Complaints and Suggestions Process at <https://www.toronto.ca/city-clerks-office-complaints-compliments/>

4. Implementation

The City Clerk's Office has established a Complaints Process for acknowledging and reviewing complaints related to the services and processes within its jurisdiction. In extraordinary circumstances (e.g., on or around the date of the municipal election, during labour disruption, etc.), the City Clerk's Office may not be in a position to guarantee these standards can be satisfied.

Election-related services and processes outside of the scope of the City Clerk's Office Complaints Procedure are outlined in Appendix "A".

Date Approved: June 2018

Appendix "A"

Election Related Complaints Procedures

Matter	Complaints & Review Process, Authority
Accessibility	<p>A complaint regarding accessibility for people with disabilities can be made by e-mail, verbally and in writing. Email: AccessibleElections@toronto.ca Phone: 416-338-1111, then press 6 Fax: 416-395-1300 Address: Toronto Elections 89 Northline Road Toronto, ON M4B 3G1 TTY: 416-338-0TTY (0889)</p>
Campaign Finance Offences	<p>A corporation or trade union that contravenes any of the campaign financing provisions of the Municipal Elections Act ("the Act") is guilty of an offence and is liable on conviction to a fine of up to \$50,000.</p> <p>An individual that contravenes any of the campaign financing provisions of the Act is guilty of an offence and is liable on conviction to a fine of up to \$25,000.</p> <p>A candidate or registered third party is guilty of an offence if they file an incorrect financial statement or exceed the spending limits. In addition to any other penalty that may be imposed under the Act, the candidate forfeits any office to which they were elected, is ineligible to be elected or appointed to any office until after the next regular election and is liable to a fine equal to the excess spending. Registered third parties that contravene this section of the Act are ineligible to register as a third party until after the next regular election and are liable to a fine equal to the excess spending. Authority: <i>MEA s. 92 and s. 94.1</i></p>
Candidates Meetings and Events held During the Election	<p>The City Clerk performs an administrative function in the conduct of the municipal election within the legislative framework established by the province. Candidate-related events organized by other institutions or organizations during Toronto municipal elections, such as all-candidates debates, do not fall within the mandate, authority or responsibility of the City Clerk's Office.</p>
Conduct of a Candidate or Member of Council	<p>The City Clerk performs an administrative function in the conduct of the municipal election within the legislative framework established by the province. The <i>Municipal Elections Act, 1996</i> does not provide the City Clerk with any investigative or enforcement powers. An individual with concerns about the conduct of a candidate may seek legal counsel or contact Toronto Police Services if the matter relates to an offence under the <i>Criminal Code (Canada)</i>.</p>

	<p>The Integrity Commissioner plays a role in investigating complaints (formal or informal) about the conduct of Members of Council. Information on how to file a complaint is available at: http://www.toronto.ca/integrity/complaints-procedure.htm</p>
<p>Conduct of Voting Place Staff</p>	<p>A complaint regarding the conduct of voting place staff can be made by e-mail, verbally and in writing and directed to the attention of Manager, HR, Training at: Email: elections@toronto.ca Phone: 416-338-1111 Fax: 416-395-1300 Address: Toronto Elections 89 Northline Road Toronto, ON M4B 3G1 TTY: 416-338-0TTY (0889)</p>
<p>Corrupt Practices</p>	<p>If a judge convicts a person of an offence under section 89, and finds that the person committed the offence knowingly, the offence also constitutes a corrupt practice and the person is also liable to a term of imprisonment of not more than six months. A person convicted of bribery (in connection with the exercise or non-exercise of an elector's vote or to induce a person to become a candidate or withdraw his or her candidacy) is also guilty of a corrupt practice and is liable on conviction to a fine of up to \$25,000, a term of imprisonment of up to six months and is disqualified from voting until the next regular election has taken place. The City Clerk or an election official is guilty of a corrupt practice if they wilfully fail to perform a duty imposed by the Act and is liable upon conviction to a fine of up to \$25,000 and a term of imprisonment of up to six months. If a candidate is convicted of a corrupt practice under the Act or of an offence under the <i>Criminal Code (Canada)</i> in connection with an act or omission relating to an election, any office to which they were elected is forfeited and they are ineligible to be nominated for or elected or appointed to any office until the next two regular elections have taken place. Authority: <i>MEA s. 90, s. 91 and s. 94</i></p>
<p>Election Results</p>	<p>An eligible elector may apply to the Superior Court of Justice to challenge the validity of an election. The order of this Court may be appealed to the Divisional Court. Authority: <i>MEA ss. 83 to 87</i></p>

<p>Election Campaign Financing</p>	<p>An eligible elector may apply to the City Clerk for a compliance audit of a candidate's or registered third party's campaign finances. The City Clerk shall forward the application to the City's Compliance Audit Committee. The Committee shall consider the application and make a decision within 30 days whether to accept or reject the application. The decision of the Committee to grant or reject an application for a compliance audit may be appealed to the Superior Court of Justice. If an audit is approved and conducted, the Committee may commence legal proceedings against a candidate for any apparent contraventions of the Act. A person may also lay an information under the <i>Provincial Offences Act</i> or take any other legal action at any time with respect to an alleged contravention of the Act relating to election campaign finances. Authority: <i>MEA s. 88.33, s. 88.35 and s. 88.37</i></p>
<p>Election Signs</p>	<p>Responsibility for enforcing the election sign provisions of the Toronto Municipal Code rests with Municipal Licensing and Standards Division. Link to Municipal Code: http://www.toronto.ca/legdocs/municode/1184_693.pdf Authority: <i>MEA ss. 88.3 to 88.5, s. 88.7</i> and Chapter 693 of Toronto Municipal Code</p>
<p>Late Filing of Financial Statements</p>	<p>All candidates and registered third parties must file a financial statement (and auditor's report in certain circumstances) with the City Clerk by 2 p.m. on the last Friday in March in the year following the election, or by the legislated deadline date where a supplementary and/or subsequent financial statement is owing. If a candidate or third party advertiser misses the filing deadline, they may file within a 30-day grace period, provided a \$500 late filing fee is paid.</p> <p>The candidate or registered third party may also, before the last day for filing, apply to the Superior Court of Justice for an order extending the time for filing the financial statement. The judge may grant an extension for the minimum period of time necessary for the candidate or registered third party to file the statement but the court shall not grant an extension of more than 90 days. Authority: <i>MEA s. 88.23 and s. 88.27</i></p>
<p>Municipal Elections Act, 1996 provisions (complaints against the Act)</p>	<p>The City Clerk performs a statutory role in the conduct of an election and must follow the provisions of the Act. Any complaints against the provisions of the Act are referred to the Minister of Municipal Affairs who has ministerial responsibility for the Act. Authority: <i>MEA s. 11 (2)</i></p>
<p>Municipal Questions on the Ballot</p>	<p>The Minister of Municipal Affairs, or any other person or entity, may appeal to the Chief Electoral Officer (CEO) of the Province of Ontario on the limited grounds that the question is not clear, concise and neutral or that it is incapable of being answered in the affirmative or negative. The CEO shall hold a hearing within 60 days and dismiss the appeal or allow the appeal in whole or in part. Authority: <i>MEA s. 8.1</i></p>

<p>Offences (under the Municipal Elections Act)</p>	<p>An individual is guilty of an offence and liable upon conviction to a fine of not more than \$25,000 if they, among other matters, vote without being entitled to, vote more times than the Act allows, induce a person to vote when that person is not entitled to do so, publish a false statement of a candidate’s withdrawal or furnish false or misleading information to an election official. (See section 89 for a complete listing of the offences.) A corporation or trade union that is convicted of an offence is liable to a fine of not more than \$50,000. Authority: <i>MEA s. 89 and s. 94.1</i></p>
<p>Recounts</p>	<p>Council may pass a resolution requiring the City Clerk to conduct a recount. Council may also, by by-law, adopt a policy with respect to the circumstances in which the City Clerk must hold a recount of the votes cast in an election. This by-law must be passed on or before May 1 in the year of an election, or 60 days before voting day in the case of a by-election. Authority: <i>MEA ss. 56 to 64</i></p>
<p>Third Party Advertising</p>	<p>A complaint regarding the Act's third party advertising provisions can be made in writing by filling out the form at the link below and submitting it to the attention of Manager, Third Party Advertising at:</p> <p>Email: thirdpartyinfo@toronto.ca Fax: 416-395-1300 Address: Toronto Elections 100 Queen Street West, 1st floor North Toronto, ON M5H 2N2</p> <p>Complaints form: https://www.toronto.ca/wp-content/uploads/2018/06/9099-Third-Party-Advertising-Complaint.pdf</p> <p>While the Act does not provide the City Clerk with investigative or enforcement powers related to third party advertising, the Act does allow for the municipality to require the removal or discontinuance of advertising if satisfied there has been a contravention.</p> <p>Written complaints received by Toronto Elections may be escalated to the City Manager's Office for review and possible enforcement action. Authority: <i>MEA ss.88.7</i></p>
<p>Voting Locations</p>	<p>A complaint regarding a voting location can be made to the attention of Manager, Geographic and Voter Data Services at:</p> <p>Email: elections@toronto.ca Phone: 416-338-1111 Fax: 416-395-1300 Address: Toronto Elections 89 Northline Road Toronto, ON M4B 3G1 TTY: 416-338-0TTY (0889)</p>