

VOTE

October 24

toronto.ca/elections

Manage Your Campaign

August 24, 2022

Agenda

- Campaign Finances (presented by the Ministry of Municipal Affairs & Housing)
- Contribution Rebate Program
- MyCampaign and the Electronic Financial Filing System (EFFS)
- Election Signs (presented by Municipal Licensing & Standards)
- Voters' Lists
- Ballots
- All-Candidate Debates
- Canvassing – Before and During Voting
- Advance Vote and Election Day
- Scrutineers
- Election Night Results

Candidate Information Session 2022 Municipal Election

**City of Toronto
Thursday July 14, 2022**

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only.
- The slides should not be considered legal advice. These slides are not meant to replace provincial legislation. For more specific information, please refer to the relevant legislation and regulations which can be found online at <https://www.ontario.ca/laws>.
- Since local facts and circumstances vary, users should obtain their own legal and professional advice when specific issues arise.
- Please note that some terms referred to on the following slides may not be terms from the *Municipal Elections Act, 1996* but are terms that are commonly referred to in the context of municipal elections and are provided for general information and ease of understanding only.

Overview

- Campaign finances
- Compliance audit
- Resources



Contributions

- Candidates do not have to open a bank account if they do not raise or spend money.
- A contribution includes money, goods or services.
- Contributions to candidates from trade unions and corporations are prohibited in municipal elections.
- Municipalities and local boards must establish rules and procedures regarding the use of municipal or board resources during the campaign period.
- Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution.



Contributions (Cont'd)



- Candidates can accept contributions from:
 - individuals who are normally resident in Ontario
 - the candidate and their spouse

Contributions (Cont'd)

- Candidates cannot accept contributions from:

- ✗ a federal political party, constituency association or registered candidate in a federal election
- ✗ a provincial political party, constituency association or registered candidate or leadership contestant
- ✗ federal or a provincial government
- ✗ a municipality
- ✗ a school board
- ✗ a business or group
- ✗ a corporation
- ✗ a trade union

Contributions (Cont'd)

- Contributions over \$25 may be by cheque or money order or by a method that clearly shows where the funds originated.
- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution.
- Donations under \$25 at fundraising events are not contributions.
- Ticket price of fundraiser is a contribution.
- Receipts must be issued for each contribution and should include the name and address of the contributor and the amount and date of the contribution.
- No anonymous contributions except for pass the hat collections (limited to \$25).

Contribution Limits

- The limit on contributions to any one candidate is \$1,200.
- Contributors are limited to an aggregate total of \$5,000 to any number of candidates running for the same council or school board.
- Limit applies whether it is one large contribution or the total of a number of smaller contributions or combination of money, goods and services.
- Candidates are required to inform contributors of contribution limits.

Self-Funding Limits

- There is a limit on the amount that a candidate for a municipal council can make to their own campaign. This limit also applies to contributions made by the candidate's spouse.
- This limit is based on the number of electors voting for the office, to a maximum of \$25,000 per candidate:
 - \$7,500 + \$0.20 per elector for head of council
 - \$5,000 + \$0.20 per elector for other council offices
- These contributions must be deposited into the campaign account, a receipt provided and the contributions reported on the financial statement.



Borrowing



- Loans can only be borrowed from a bank or other recognized lending institution in Ontario and must be directed into the campaign account.
- Loans may only be guaranteed by the candidate or their spouse.

Campaign Expenses

- For the purposes of the *Municipal Elections Act, 1996*, the following are considered campaign expenses:
 - Candidates – costs incurred for goods or services by or under the direction of a candidate wholly or partly for use in their election campaign are expenses.



Campaign Expenses (Cont'd)



- A campaign expense includes:
 - ✓ any expense incurred for goods and services in relation to an election
 - ✓ the replacement value of any goods held in inventory from a previous election
 - ✓ the equivalent value of any contribution of goods and services for use in whole or in part

Spending Limits

General Spending Limit:

- Head of council: $\$7500 + 85 \text{ cents per elector}$
- All other offices: $\$5000 + 85 \text{ cents per elector}$

Spending Limit for Parties, etc.

- Maximum amount for parties etc. after voting day – 10% of the above calculated amounts.

The clerk will provide candidates with two certificates:

- preliminary estimate – when filing a nomination form based on the 2018 voters' list and
- amount based on the 2022 voters' lists which will be provided by September 25

The higher of the two amounts is the spending limit

The clerk's calculation of the spending limit is final



Expenses Not Subject to The Spending Limits

- Expenses that are not subject to the general campaign spending limit include:
 - holding a fundraising event or activity
 - expenses related to a recount
 - expenses incurred by a candidate with a disability that are directly related to the disability
 - audit and accounting fees
 - expenses related to a compliance audit
 - expenses related to a court action for a controverted election
 - expenses incurred after voting day

CAMPAIGN FINANCE RULES



- Campaign finance rules for candidates (sections 88.8-88.11 and 88.15-88.20 of the *Municipal Elections Act, 1996*).
- A campaign bank account must be opened for election campaign purposes prior to spending money or accepting contributions.
- All contributions of money must be deposited in the campaign account.

Campaign Finance Rules (Cont'd)

- Accurate record keeping is a legislated requirement.
- Candidates must keep records of:
 - receipts issued for every contribution
 - value of every contribution
 - whether contribution is in form of money, goods or services
 - contributor's name and address
 - every expense including the receipts obtained for each expense.
- All campaign financial records must be retained until after November 15, 2026, when the new council/local board has been sworn in.



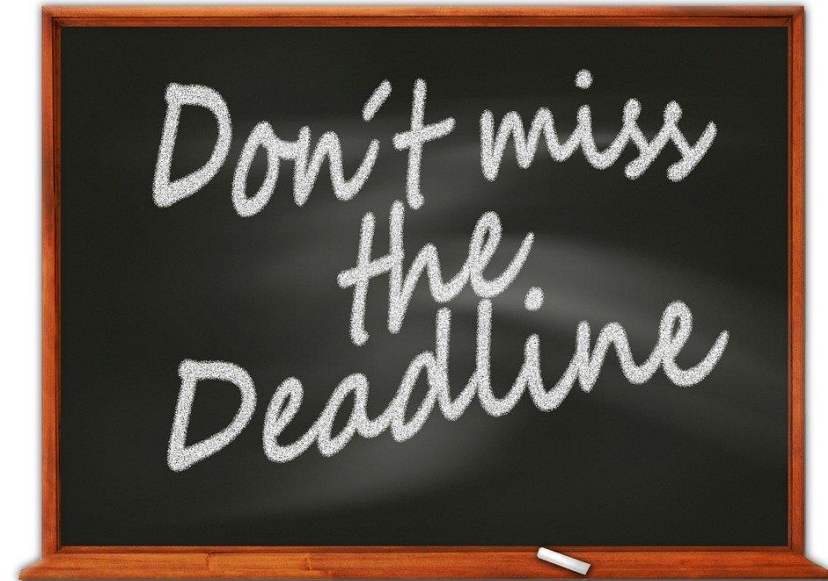
Campaign Finance Rules (Cont'd)

- As a best practice, candidates should:
 - ensure that receipts are stored in a secure place
 - have a multi-part receipt (one for contributor, one for candidate to keep).
 - make sure that receipts are sequentially numbered
 - consider including contribution limits on the receipt
 - have the bank provide monthly statements and cancelled cheques for the account
 - produce duplicate deposit slips for every deposit
 - maintain a petty cash fund



Financial Statement

- Candidates must file their financial statement on or before 2:00 pm Friday, March 31, 2023.
- If a candidate feels that they will not meet the deadline, they may apply to the courts for an extension prior to the March 31, 2023 deadline.



Financial Statement (Cont'd)

- All contributions must be reported.
- The names of contributors who contribute more than \$100 must be reported on the financial statement.
- The clerk is required to make financial statements available to the public in an electronic format free of charge.
- Financial statements must include an auditor's report if expenses or contributions exceed \$10,000.



Financial Statement (Cont'd)

- Candidates can close their campaign and file their financial statement after voting day until January 3rd, 2023 (adjusted from December 31st as it falls on a Saturday).
- Clerks are required to make public by April 30, 2023 (or within 90 days of a by-election) a report (on a website or in another electronic format) setting out all candidates indicating whether each candidate complied with the filing requirements.
- Clerks can determine conditions and limits regarding electronic filing of financial statements.

Financial Statement (Cont'd)

- The candidate's nomination fee is refundable only if the financial statement is filed on time.
- A candidate who misses the filing deadline may file within the 30-day grace period, provided a \$500 late filing fee is paid to the municipality.
- A candidate may resubmit a financial statement to correct an error up until the filing deadline.



Surplus



- Entire amount of a campaign surplus must be paid to the clerk.
- A candidate is entitled to a refund of any contributions they (or their spouse, if an individual) made to the campaign before the filing of the financial statement and the payment of the surplus to the clerk.
- The clerk holds the surplus monies in trust for the candidate in the event of a compliance audit.
- If there is no compliance audit, the surplus becomes the property of the municipality or school board.

Third-Party Advertiser

- A third-party advertiser is an individual, corporation or trade union that is registered in the municipality to promote, support or oppose a candidate or a “yes” or “no” answer to a question on the ballot.
- An individual, corporation or trade union must register with the municipal clerk to be a third-party advertiser in a municipality.
- Being registered in a municipality allows the third-party advertiser to advertise to the voters in that municipality. This includes candidates running for local council, school trustee and candidates running for offices on an upper tier council.
- A third-party advertiser can only advertise to voters in the municipality where they are registered. There is no limit on the number of municipalities where a third-party advertiser can register. If a third-party advertiser wants to advertise to voters in more than one municipality, they must register in each municipality where they want to advertise.

Compliance Audit

- Every council and school board must establish a compliance audit committee.
- Members of the committee cannot be a candidate, a member or employee of a council or school board or a registered third-party advertiser.
- The clerk reviews contributions to candidates. If the clerk determines that a contributor has exceeded the contribution limits, the clerk will provide a report to the compliance audit committee, which will determine whether or not to proceed with legal action.
- The clerk sends the report regarding contributors to trustee candidates to the secretary of the school board, who will forward the report to the school board's compliance audit committee.
- A qualified elector may apply to the compliance audit committee for a review of a candidate's campaign finances even if the candidate hasn't filed a financial statement.
- The committee will consider the application and decide whether to retain an auditor.

Compliance Audit (cont'd)

- Compliance audit committee meetings are required to be open to the public but the committee may deliberate in private.
- The compliance audit committee is required to provide brief written reasons for its decision.
- If the auditor's report concludes that a contravention of the *Municipal Elections Act, 1996* has occurred, the committee will decide whether or not to proceed with legal proceedings.



Offences



- It is an offence to directly or indirectly:
 - offer, give, lend or promise to give any valuable consideration connected to the exercise or non-exercise of an elector's vote.
 - offer a person money or other valuables in order to convince them to run for office or refrain from running for office.
 - give, procure or promise to procure an office or employment to induce a voter to vote or not vote, or a candidate to run or not run for office.

Penalties

In general, the following penalties are available to the courts upon conviction for an offence under the *Municipal Elections Act, 1996*:

Individual	Candidate	Trade Union or Corporation
<ul style="list-style-type: none">• Maximum fine of \$25,000• Up to six months imprisonment• Ineligibility to run in the next general election or, if convicted of a corrupt practice, to vote in next general election	<ul style="list-style-type: none">• Penalties for an individual, plus<ul style="list-style-type: none">• fine for excess campaign expenses• forfeiture of office if offence committed knowingly	<ul style="list-style-type: none">• Maximum fine of \$50,000

Resources

- Legislation
 - [*Municipal Elections Act, 1996*](#)
 - [*Municipal Act, 2001*](#)
 - [*Municipal Conflict of Interest Act*](#)
 - [*Education Act*](#)
- [MMAH Municipal Elections Resources](#)
- [Municipal World](#)
- [Municipal Councillor's Guide](#)
- [Election Forms](#)



Questions



Ministry of Municipal Affairs and Housing
Municipal Services Office - Central

Diane Ploss

Municipal Advisor,

diane.ploss@ontario.ca

647-624-8831

Contribution Rebate Program

The Contribution Rebate Program allows contributors to receive a portion of their contribution back (based on a formula)

- Only applies to candidates running for mayor or councillor
- Only monetary contributions are eligible for a rebate (does not apply to contributions of goods or services)
- Total contributions of \$25 or less are not eligible for a rebate

Contributor's rebate amount is based on **all** contributions they made to **all** candidates participating in the rebate program

- Maximum amount a contributor can receive back is \$1,000

Rebate Program – Overview

The Candidate:

- Issues a Contribution Rebate Receipt/Application form for every monetary contribution (even if it's not eligible for a rebate)
- Completes the 'Contribution Receipt' section of the form
- Sends the form to the contributor to complete

The Contributor:

- Submits their rebate claim by either:
 - Using the new online rebate claim portal
 - Mailing the completed form to Toronto Elections, 89 Northline Rd

Deadline for submitting rebate applications is December 29, 2023

- Eligible contributors will receive their rebate cheque by mail in early 2024.

TORONTO		Receipt & Application Contribution Rebate	
Contribution Receipt (completed by candidate)			
Election	Date Accepted	Amount Accepted	Receipt No.
Contributor Last Name or Single Name			
Contributor First Name			
Contributor Mailing Address		Unit	City Postal Code
Candidate Name			Office/Ward
Candidate Signature			Date (yyyy/mm/dd)
Rebate Application (completed by contributor)			
Last Name or Single Name <input type="checkbox"/> I have a legally registered single name			First Name
Mailing Address		Unit	City Postal Code
email			Daytime Phone
Contributor Signature			Date (yyyy/mm/dd)
Terms and Conditions			
<ul style="list-style-type: none">• Contributor agrees to the terms and conditions on this form and acknowledges that the City Clerk has the authority to request additional information to accept or deny this application• Contributor shall complete all sections of this application and mail the original to Election Services: 89 Northline Rd., Toronto, ON M4B 3G1• Election Services must receive this application by 4:30 p.m., December 30, 2019			
Information for Contributors			
<ul style="list-style-type: none">• Rebates are based on all contributions made to all candidates up to a maximum of \$1,000• Rebates will not be paid for contributions of \$25.00 or less, or donations of goods and services• A contributor cannot contribute \$5,000 or more to two or more candidates on the same council• Contributor's information is posted on the City's website for contributions totalling more than \$100• Rebates are payable after the candidate has closed their campaign, filed an audited financial statement and complied with all requirements of the <i>Municipal Elections Act, 1996</i> and the Contribution Rebate By-law• Rebates cannot be paid until any proceeding in relation to a compliance audit is complete• Municipal campaign contributions are not eligible for federal income tax purposes• Keep a copy of this application for your records• For complete instructions visit our website: www.toronto.ca/elections			

Rebate Program – Requirements

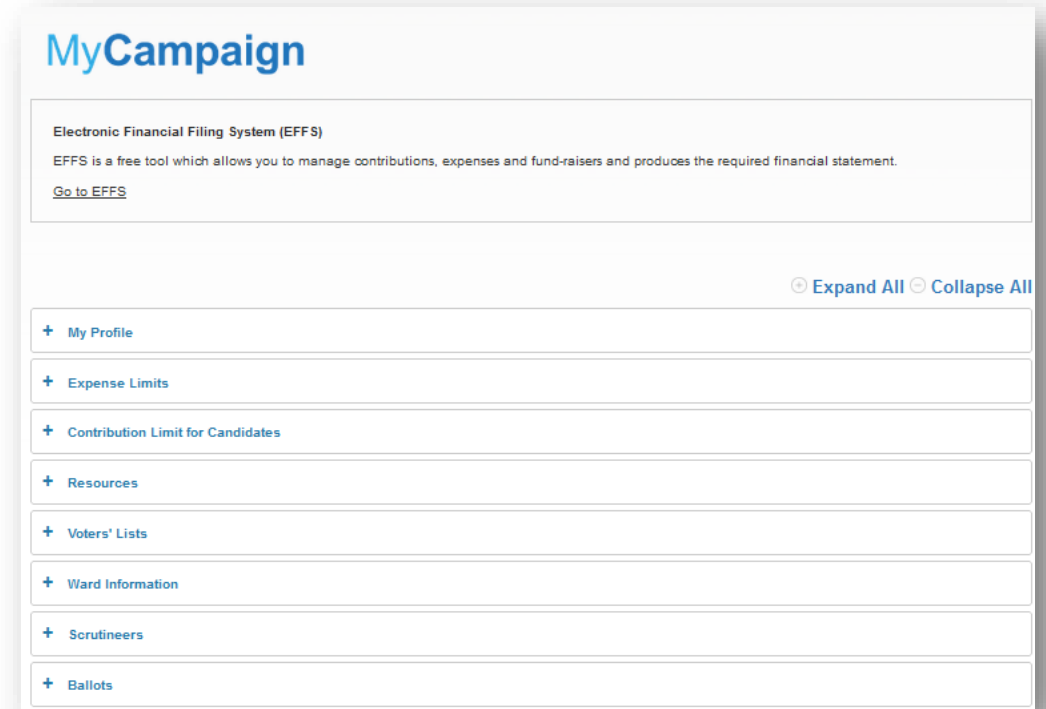
In order to participate, candidates must submit the following to the City Clerk:

- Audited financial statement
 - Auditor's Report is required, no matter how much money was raised or spent
 - Financial statement must be received by the deadline date (2 p.m. on March 31, 2023)
- All contributor / contribution information, submitted either:
 - Electronically, using the Electronic Financial Filing System (EFFS) **OR**
 - Manually, using the pink copies of the contribution rebate

MyCampaign

Through MyCampaign, candidates can:

- Access spending and self-contribution limits
- Submit contact info to be displayed on public List of Candidates webpage
- Download ward maps and list of voting places (beginning September 1st)
- View a sample ballot for their ward (beginning in October)
- Find the number of scrutineers allowed in each voting place (beginning in October)



Electronic Financial Filing System (EFFS)

EFFS is a free tool for candidates that is designed to make financial filing easier.

It allows candidates to:

- Record expenses and fundraising activities
- Add contributors and record their contributions
- Produce receipts for each contribution (including Contribution Rebate Receipt Applications)
- Produce a completed financial statement, doing the calculations
- Submit the financial statement electronically
 - If a candidate has a surplus, the financial statement must be submitted in-person

Election Signs

Municipal Election Candidates Information Session
Thursday July 14, 2022
7:00 p.m.

Presenters: Natasha Sokolovski & Chris Alexander



Presentation Purpose

We will cover the following:

- General Information
- Sign Placements: Public and Private
- ML&S Role
- Sign Storage and Disposal
- Top 10 Election Sign Complaint Types
- Resources

About TMC 693 Article II



- Election Signs are regulated by Article II of the Toronto Municipal Code Chapter 693
- Election & campaign office signs can be erected on **September 29, 2022**
- All Election Signs **MUST** be removed **within 72 hours after Voting Day**
- **There are no permit or sign retrieval fees**

What is an Election Sign?

A sign which has been displayed **with the authorization, direction or involvement** of a candidate that:

- Advertises or promotes a candidate in a federal, provincial or **municipal election**, including an election of a local board or commission
- or
- Is intended to influence persons to vote for or against any candidate or any question or bylaw submitted to the electors (Outsider Election Sign)

General Restrictions

Election Signs **cannot** interfere with:

- the safe operation of vehicular traffic
- the safety of pedestrians
- the City's maintenance operations
- the City's underground utilities
- the sightlines on roadways



General Restrictions

Election Signs **cannot**:

- be illuminated, have flashing lights, emit sounds or simulate motion
- include/use the City logo, crest, seal in whole or in part
- be larger than 1.2 square metres in area, except election signs on campaign offices
- be higher than two metres above ground level, except on campaign offices or secured to windows or balconies

Placement on Public Property

Election Signs **cannot** be attached to:

- Utility poles or boxes
- Light poles or traffic lights
- Trees
- Fences
- TTC property or structures without a permit



Placement on Public Property

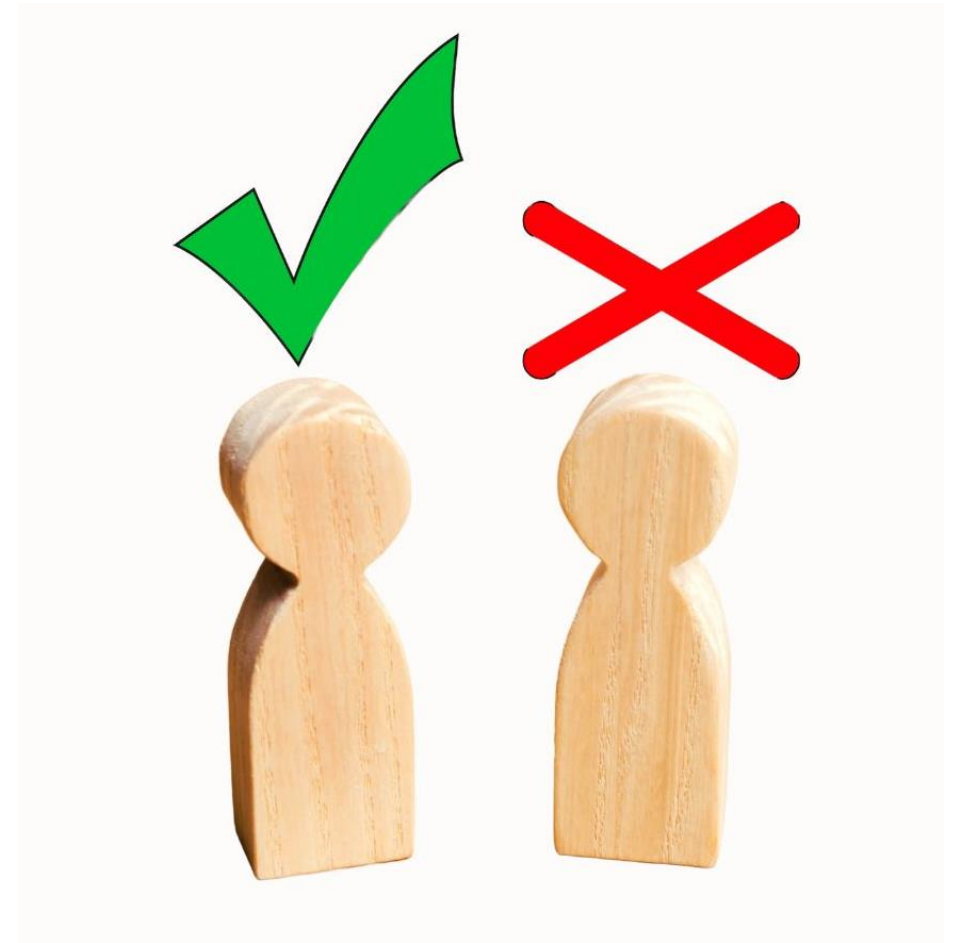
On streets, election signs **cannot** be displayed:

- within 1.5 metres of the curb
- within 0.6 metres of either side of a sidewalk
- within 15 metres of an intersection of a collector or arterial road
- within 3 metres of an intersection of a local road
- on a median or island
- adjacent to a voting place, City park or a facility owned or operated by the City; and
- without the consent of the owner/occupant of the property

Placement on Private Property

Election Signs may not be placed:

- Without **the consent of the owner or occupant** of the property
- Less than one metre from any other Election Sign on private property without the consent of the owner or occupant
- Within the 0.6 metres of the private side of a sidewalk



Placement Restriction Diagram



Permitted



Not Permitted



Campaign Office



- Must meet the permanent sign requirements under TMC Chapter 694, that would otherwise apply to the sign on the property or unit; or
- Grandfathered under a permit issued under the authority of a sign bylaw passed by the City or former area municipality
- Candidates for council and trustee may only display Election Signs in one campaign office while candidates for Mayor may display Election Signs in up to four campaign offices

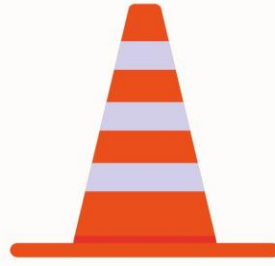
Size and Height Restrictions

Election signs **cannot** be larger than 1.2 square metres in area and higher than 2 metres above ground level, **except**:

- on campaign offices
- on TTC dedicated advertising spaces
- on street installation dedicated advertising spaces
- on third party advertising spaces (e.g. billboards)
- when displayed indoors



Safety Precautions



Take proper safety precautions to ensure your safety and the safety of the public including:

- All persons working near roadways should wear reflective clothing and safety footwear
- Signs should be installed and removed outside of peak travel times and not at night
- Vehicles should be parked to minimize impact to other motorists, pedestrians and cyclists
- Ensure signs are properly placed to avoid being damaged or removed

ML&S Role in 2022 Municipal Election



INVESTIGATE COMPLAINTS

Enforcement is reactive and not proactive (Complaint-based)
ML&S does not investigate stolen or damaged Election Signs



SIGN REMOVAL

Election Signs found in violation will be removed without notice



SUPPORT

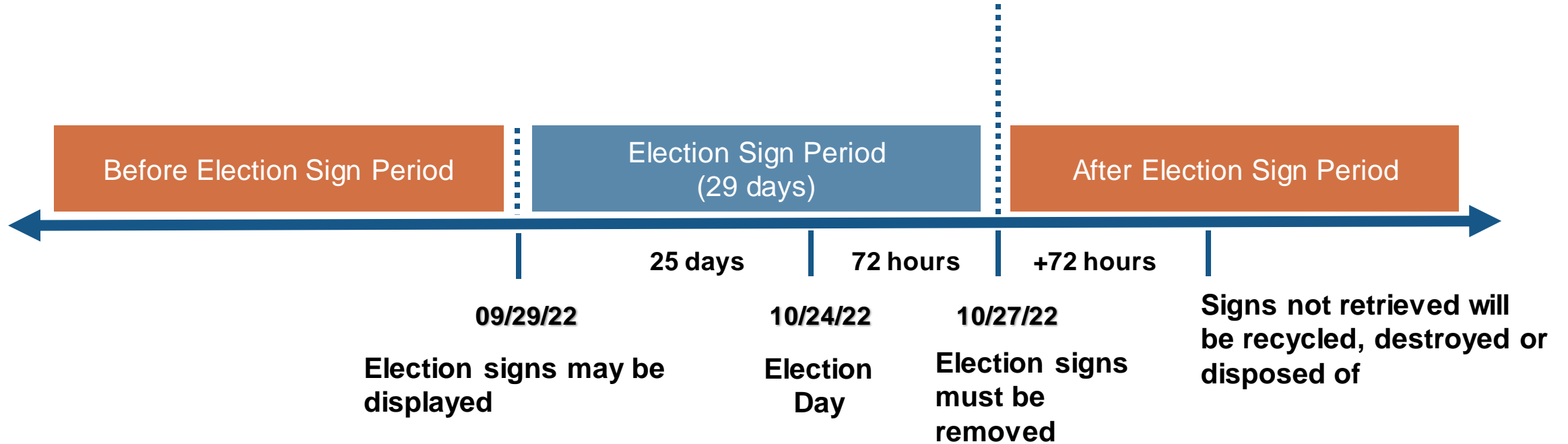
Answer questions/concerns via email or by telephone

Storage and Disposal of Election Signs

- Election signs that have been removed by City Officials for being improperly displayed will be stored for the duration of the Election Sign Period
- Candidates may retrieve their election signs at designated locations after voting day
- Any signs not retrieved will be recycled or disposed of by the City



Timeframes: Display of Municipal Election Signs



TOP 10

Here is a list of the top 10 Election Sign complaint types:

- Placed on private property w/o consent
- Too close to an intersection (sightlines)
- Blocking driveway sightlines
- Being erected more than 25 Voting Day
- Uprooted and damaged signs
- Not removed within 72 hrs after the Voting Day
- On or around voting place or advance poll
- On public property
- Posted on fences
- Too close to sidewalks



Web Link to the City of Toronto Road Classification System:

<https://www.toronto.ca/services-payments/streets-parking-transportation/traffic-management/road-classification-system/maps-and-indices/>



How to contact us. **We are here to** **help!**

Email address:

ElectionSigns@toronto.ca

Telephone: 416-392-4125

Monday- Friday, 8:00am-4:00pm



Voters' List – Getting on the List

Up until August 2nd

- Electors can check to see if they are on the voters' list using MPAC's online tool (www.voterlookup.ca)



From September 1st to election day:

- Electors can check if they are on the voters' list through the City's MyVote online registration tool (www.toronto.ca/elections/myvote)
- Electors can use the registration tool to add themselves to the voters' list, or correct their info, up until September 23rd at 11:59 p.m.



Voters' List – Getting Your Copy

The voters' list will be accessed through a new application called **candidateaccess**

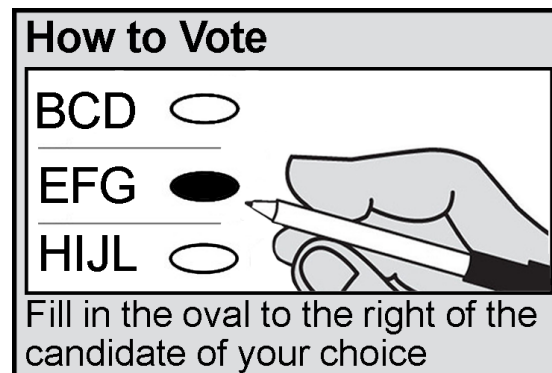
- Candidates will receive an email in late August with instructions on how to set up their CandidateAccess account

Candidates will have access to three types of voters' lists:

1. Preliminary list of electors (available Sept 1, 2022)
2. Interim list of changes (available Sept 23, 2022)
3. List of electors who voted at Advance Vote (available after each day of the Advance Vote period)
4. List of electors who voted by mail (available October 22)

Ballots

- Sample ballots will be available on approximately the first week of October
- Sample ballots can be viewed using:
 - MyCampaign (for candidates) or MyVote (for the public)
- Names on ballot are listed in alphabetical order and each candidate is numbered
- Vote by filling in the oval to the right of the candidate name



All-Candidate Debates

- Municipal Elections Act, 1996 does not require all-candidates meetings to be held
- The City Clerk's Office is not responsible for organizing meetings or debates
 - Often organized by community groups, business improvement areas, candidates, media, or other interested individuals
- May take place on City property only if all candidates for an office have been invited to attend the event

Canvassing

Before voting day(s):

- Canvassing can start as soon as you register as a candidate
- Candidates (and representatives) are allowed access to apartments/condos from 9 a.m. – 9 p.m.
- Candidates cannot canvass on City-owned property
 - Exception: canvassing is permitted in public parks and some City-managed public squares

On voting day(s):

- Canvassing is allowed during advance vote and on election day
- Cannot canvass on the property where voting is held (including the parking lot)
 - Exception: apartments/condos being used as voting locations:
 - Canvassing is permitted on floors where people live
 - Canvassing is not permitted in common areas

Mail-In Voting

- Electors can request a mail-in voting package from September 1st to September 23rd at 4:30 p.m.
 - Requests can be made online or by phone
 - Candidates cannot request a mail-in voting package on behalf of an elector
- Completed mail-in voting packages can be returned in either of two ways:
 - By mail through Canada Post, using the pre-paid, pre-addressed envelope; **or**
 - By placing the package in a secure drop box, from Friday, Oct 7 to Friday, Oct 21 at noon
- Toronto Elections must receive completed mail-in voting packages by noon on Friday, October 21
- For more information, review the Mail-In Voting Procedures provided to you or visit www.toronto.ca/VoteByMail

Mail-In Voting

- List of electors who voted by mail-in ballot available through candidate access
 - Provided on October 22nd
- Mail-in ballot processing and tabulation will be open to candidates/scrutineers to observe
 - Candidates and scrutineers will be able to view the processing of return packages and separation of secrecy envelopes
 - Tabulation dates are still being determined and the number of dates will be based on the volume of applications received
- Dates and time of tabulation will be provided to all candidates once they are determined

Scrutineers

- Observe the voting process and the generation of election results
 - Cannot communicate with electors
 - Cannot interfere with the voting process
- Candidates must complete a “Scrutineer Appointment Notice” for each scrutineer
- Candidates are allowed one scrutineer for each ballot issuer at a voting place, as well as for the vote tabulator
- Scrutineers or candidates will be removed from a voting place if they are interfering with the voting process or causing a disruption

Advance Vote and Election Day

- Advance Vote is 8 days
 - October 7 – October 14, from 10 a.m. – 7 p.m.
 - Two advance vote locations in each ward
- Election Day
 - Monday, October 24, from 10 a.m. – 8 p.m.
 - Electors must vote at their assigned voting location



Election Night Results

- Unofficial results
 - Available in real time on the City's website after polls close on election night
- Advance vote results
 - Results are generated after polls close on election night
 - Candidates/scrutineers may be present to observe the process at 89 Northline Rd
- Mail-in voting results
 - Results are generated after polls close on election night
 - Candidates/scrutineers may be present to observe the process at 18 Dyas Rd
- Official results
 - Posted a few days after election day
 - Includes poll-by-poll results

Questions?

Toronto Elections

- candidateinfo@toronto.ca
- 416-395-0025

Municipal Licensing and Standards (election signs)

- ElectionSigns@toronto.ca
- 416-392-4125 (candidate questions about sign rules)
- 311 (public and candidate reporting of signs)

Ministry of Municipal Affairs & Housing (legislation)

- diane.ploss@ontario.ca
- 647-624-8831

