

Document 3 - Proposed amendments to the *Contribution Rebate By-law*

Contribution Rebate Program By-law (By-law No. 2026-XX)

A by-law of the City of Ottawa to authorize the payment of rebates to individuals who make monetary contributions to participating candidates for office on the municipal council and to repeal By-Law No. 2022-76.

WHEREAS Subsection 88.11(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 individuals who make contributions to candidates for office on municipal council;

THEREFORE the Council of the City of Ottawa enacts as follows:

1. In this by-law:

“applicant” means an individual seeking the payment of a rebate.

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family.

“contribution receipt” means a receipt in the form prescribed by the City Clerk that is issued by a participating candidate to an individual who made a monetary contribution to a participating candidate’s campaign.

“individual” means an individual residing in the Province of Ontario who has contributed money to a participating candidate’s campaign.

“participating candidate” means a candidate for an office on the municipal council in the City of Ottawa who has submitted the completed prescribed application form to the City Clerk by 2 pm on Nomination Day for the purpose of participating in the Contribution Rebate Program and who meets the requirements of this by-law.

“rebate application” means a request for the payment of a rebate for a monetary contribution made to a participating candidate’s campaign in the form prescribed by the City Clerk.

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

2. The payment of rebates to individuals who make contributions to participating candidates for an office on the municipal council is authorized provided such participating candidate has submitted a completed application form in person at the City of Ottawa's Elections Office or to the City Clerk, by 2 pm on Nomination Day, using the form prescribed for that purpose by the City Clerk, and that the requirements of this by-law are met. Contributions to candidates for school board trustee and registered third party advertisers are not eligible for the payment of rebates.
3. Subject to Section 6, an individual who makes a contribution to a participating candidate during a municipal election or by-election, may apply to the City Clerk for payment of a rebate on or after the date the contribution receipt is issued by the participating candidate who accepted the contribution.
4. Despite Section 88.15 of the Act, for the purposes of this by-law only a contribution of money that is a minimum of \$25.01 and is accepted by a participating candidate will be eligible for the payment of a rebate. The following are not eligible for the payment of a rebate:
 - a. contributions of goods or services;
 - b. contributions of inventory from a prior election; and
 - c. contributions made by a participating candidate, a participating candidate's spouse, or a participating candidate's child to any participating candidate's campaign.
5. To participate in the Contribution Rebate Program, an individual must submit the completed and signed version of the rebate application prescribed by the City Clerk, which must be received by the City of Ottawa's Elections Office on or before 4:30 pm, on the date that is 60 days after the filing deadline for the supplementary financial statements, as set out in Section 88.30 of the Act.
6. The applicant's rebate application shall:
 - a. be in the form prescribed for that purpose by the City Clerk;
 - b. be signed by the applicant;
 - c. include the contribution receipt, signed by or on behalf of the candidate, in the form prescribed by the City Clerk; and
 - d. match the information on the copy of the contribution receipt submitted by the participating candidate.
7. A participating candidate shall:
 - a. file a financial statement and auditor's report in accordance with the Act by the relevant filing dates set out in Sections 88.30, 88.32, or 88.25 of the Act;

- b. include with the documents filed under Section 88.25 of the Act a copy of the contribution receipt issued for each contribution;
 - c. include with all documents filed under Section 88.25, an auditor's report prepared by an auditor licensed under the *Public Accounting Act, 2004* regardless of whether the total contributions received, and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000, despite Subsection 88.25(8) of the Act; and
 - d. include with all documents filed under Section 88.25, an auditor's statement, in the form prescribed by the City Clerk, upon which the auditor confirms that they have verified all contributions against a bank statement for the campaign account.
8. The City Clerk or their designate shall review the rebate application filed by the applicant and the copy of the contribution receipt filed by the participating candidate to determine consistency and may request further information from the applicant or participating candidate in order to determine whether a payment of a rebate may be made in accordance with the requirements of this by-law.
9. The City Clerk shall pay the applicant the rebate in accordance with Sections 10 and 11 if the following conditions are met to the satisfaction of the City Clerk:
 - a. the rebate application complies with Sections 5 and 6 inclusive;
 - b. the participating candidate has complied with Section 7;
 - c. the contribution receipt filed by the applicant and the copy filed by the participating candidate are consistent;
 - d. the participating candidate has filed the documents required by Section 88.25 of the Act by the relevant filing date and that no such document shows on its face that the participating candidate has incurred expenses exceeding what is permitted under Section 88.20 of the Act;
 - e. the participating candidate has paid any surplus in accordance with the provisions of Section 88.32 of the Act within the time period stipulated in that Section;
 - f. in the case of a contribution made to a participating candidate during an election campaign period as defined in Subsection 88.24(1) of the Act, the time for an application for a compliance audit under Section 88.33 of the Act has expired, any proceedings in relation to a compliance audit have been completed, and the compliance audit

committee or prosecutor decides not to commence legal proceedings and the participating candidate is not otherwise convicted of an offence with respect to an alleged contravention of the Act;

- g. in the case of a contribution made to a participating candidate during an election campaign period that is extended pursuant to paragraph (4) of Subsection 88.24(1) of the Act, the time for an application under Section 88.33 of the Act has expired, any proceedings in relation to a compliance audit have been completed and the compliance audit committee or prosecutor decides not to commence legal proceedings and the participating candidate is not otherwise convicted of an offence with respect to an alleged contravention of the Act; and
- h. the applicant has not been identified in the report prepared by the City Clerk as appearing to have made contributions exceeding what is permitted under Section 88.9 or 88.13 of the Act, any proceedings in relation to the City Clerk's review of contributions to candidates and registered third party advertisers on financial statements have been completed and the compliance audit committee or prosecutor decides not to commence legal proceedings, or any legal proceedings commenced by the compliance audit committee or prosecutor in relation to the contribution limits permitted under Section 88.9 or 88.13 have concluded without a conviction.

10. Subject to Section 11, the rebate to an eligible applicant shall be calculated as follows:

- a. a minimum contribution of \$25.01 is required to be eligible for a rebate;
- b. if the contribution is \$25.01 but not more than \$100.00, the rebate is 50% of the contribution;
- c. if the contribution is \$100.01 but not more than \$200.00, the rebate is \$50.00 plus 25% of the amount by which the contribution exceeds \$100.00; and
- d. the maximum rebate to an individual shall not exceed \$75.00.

11. An individual who makes contributions to more than one participating candidate may apply for the payment of a rebate in respect of each contribution but is not entitled to receive total rebates amounting to more than the following maximums:

- a. a minimum contribution to each participating candidate is required to be \$25.01;

- b. if the total of the individual's contributions to all participating candidates is not more than \$100.00, the rebate is 50% of the total contributions;
 - c. if the total of the individual's contributions to all participating candidates is more than \$100.01 but not more than \$200.00, the rebate is \$50.00 plus 25% of the amount by which the total contributions exceed \$100.01; and
 - d. the maximum rebate to an individual shall not exceed \$75.00, except for participating candidates who withdraw their nomination in accordance with the Act, in such circumstance, the rebate to an individual is 75% up to a maximum of \$900.00.
12. By-law No. 2017-375 entitled "A by-law of the City of Ottawa to authorize the payment of rebates to individuals who make contributions to candidates for office on the municipal council and to repeal By-Law No 2005-505 as amended", is repealed.
13. By-law No. 2005-505 entitled "A by-law of the City of Ottawa to authorize the payment of rebates to individuals who make contributions to candidates for office on the municipal council" as amended, is repealed.
14. By-law No. 2018-33 entitled "A by-law of the City of Ottawa to authorize the payment of rebates to individuals who make contributions to candidates for office on the municipal council and to repeal By-Law No. 2017-375 to correct typographical errors" is repealed.
15. By-law No. 2022-76 entitled "A by-law of the City of Ottawa to authorize the payment of rebates to individuals who make contributions to candidates for office on the municipal council and to repeal By-law No. 2018-33" is repealed.