

## Document 6 - Proposed amendments to the *Contribution Rebate By-law*

BY-LAW NO. 2018 – 33

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.

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:

**“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 his or her family;**

“individual” means an individual residing in the Province of Ontario.

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

**“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 candidate has submitted a completed application form in person at the Municipal Elections Office or to the City Clerk, by 2 pm on nomination day, using the form established for that purpose by the City Clerk, and that the requirements of this by-law are met. Contributions to candidates for school board Trustee are not eligible for the payment of rebates. Contributions to registered third parties in relation to the election in the municipality are also not eligible for the payment of rebates.

3. Subject to Section 6, an individual who makes a contribution to a participating candidate for an office on the council of the City of Ottawa during a municipal election or by-election, may apply to the City Clerk for payment of a rebate on or after the date the 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 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;**
- c. Contributions made by a candidate, a candidate's spouse, or a candidate's child to any candidate's campaign; and**

~~4. Despite Section 88.15 of the Act,~~

- ~~a. only a contribution of money accepted by the participating candidate will be eligible for the payment of a rebate;~~
- ~~b. a contribution of services and goods are not eligible for the payment of a rebate; and~~
- ~~c. a candidate's contribution of inventory from a prior election is not eligible for the payment of a rebate.~~

5. **To participate in the Contribution Rebate Program,** an individual must submit the original, signed version of the form established by the City Clerk, which must be received by the Municipal Elections Office or the City Clerk on or before 2 pm, on the date that is sixty (60) days after the filing deadline for the financial statement for the participating candidate, unless the participating candidate's campaign period is extended under paragraphs 4 or 5 of Subsection 88.24(1) of the Act. If a participating candidate's campaign period is extended, the individual application for a contribution rebate for the extended period shall be made on or before 2 pm on the date that is sixty (60) days after the filing deadline for the supplementary financial statements, **as set out in Section 88.30 of the Act.** ~~for the participating candidate.~~

6. The individual's application for the payment of a rebate shall:

- a. be in the form established for that purpose by the City Clerk;

- b. **be signed by the applicant;**
- c. **include** a receipt, **in the prescribed receipt form approved by the City Clerk** issued by the participating candidate who accepted the contribution; **and**
- ~~d. the receipt shall be in the prescribed receipt form approved by the City Clerk; and~~
- d.** the receipt must be signed by or on behalf of the candidate.

~~7. The individual's application for the payment of a rebate shall include:~~

- ~~a. a receipt issued by the participating candidate who accepted the contribution;~~
- ~~b. the receipt shall be in the prescribed receipt form approved by the City Clerk; and~~
- ~~c. the receipt must be signed by or on behalf of the candidate.~~

8. **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 88.23 of the Act;** ~~comply with Subsections 88.25(1) to (7) inclusive of the Act;~~
- b. include with the documents filed under ~~Subsection~~ **Section** 88.25(1) ~~or (7)~~ of the Act, ~~as the case may be,~~ a copy of the receipt issued for each contribution;
- c. submit an auditor's report and an auditor's statement, 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;
- d. submit an additional form, one established for that purpose by the City Clerk, upon which the auditor confirms that he or she has verified all contributions against a bank statement for the campaign account; and

- e. Notwithstanding **Subsection** 88.25(8) of the Act, all financial statements submitted must be audited and include an auditor's report.

~~40.~~ **8.** The City Clerk shall review the receipt filed by the applicant seeking payment of a rebate and the copy 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. — Despite Sections 2, 3 and 4 of this by-law, a candidate for an office on municipal council, a spouse of a candidate or any dependant child of a candidate or a candidate's spouse are not eligible to receive a rebate for any contribution of money made to any participating candidate.~~

~~41.~~ **9.** The City Clerk shall pay the applicant the rebate in accordance with Sections **10 and 11** ~~12 and 13~~ if the following conditions are met to the satisfaction of the City Clerk:

- a. the application complies with Sections **5, 6 and 7** ~~6, 7 and 8~~ inclusive;
- b. the participating candidate has complied with Section **7.9**;
- c. the 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 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. the participating candidate has filed an auditor's report as required by Section 88.25 of the Act, and auditor's statement, in the form established for that purpose by the City Clerk, stating that the auditor has verified all contributions against a bank statement for the campaign account;
- g. 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 candidate is not otherwise convicted of an offence with respect to an alleged contravention of the MEA; and

- h. 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 MEA;
- i. **the applicant has not been identified by the City Clerk as appearing to have made contributions exceeding what is permitted under Section 88.9 or 88.13 of the Act;**
- j. **any proceedings in relation to the City Clerk's review of contributions to candidates and registered third parties on financial statements have been completed and the compliance audit committee or prosecutor decides not to commence legal proceedings; and**
- k. **the applicant is not otherwise convicted of an offence with respect to an alleged contravention of the MEA.**

~~12.10.~~ Subject to Section ~~11~~ 43, the rebate to an eligible individual 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.

~~13.~~**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 candidate is required to be \$25.01;
- b. if the total of the applicant'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 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 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.**

~~14.~~**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.

~~15.~~**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.