



SUBJECT: By-law to authorize the Campaign Contribution Rebate Program for the 2022 Municipal Election

TO: Mayor and Members of Council

FROM: Office of the City Clerk

Report Number: CL-15-22

Wards Affected: all

File Numbers: 165-16

Date to Committee: April 6, 2022

Date to Council: April 19, 2022

Recommendation:

Enact a by-law to authorize the Campaign Contribution Program for the 2022 Municipal Election, attached as Appendix A to the Office of the City Clerk report CL-15-22; and

Receive and file supplemental report CL-15-22 having explored additional measures for increasing candidate participation in the election.

PURPOSE:

To authorize a by-law to implement the Campaign Contribution Rebate Program for the City of Burlington with the principle purpose of the program to encourage candidate participation in municipal elections by reducing the financial burden placed on candidates and campaign donors. This is a supplemental report to the Office of the City Clerk report CL-12-22.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

In July 2021 Council directed staff to bring forward options for a modest campaign contribution program. On April 6, 2022 Office of the City Clerk report CL-12-22 was put

forward to CSSRA Committee with three (3) options and the recommendation to approve one of the options and direct the City Clerk to prepare a by-law to authorize the program, or to file and receive the report. The three (3) options are summarized as follows:

Burlington Contribution Rebate Program Options			
	Option 1	Option 2	Option 3
Minimum Contribution	\$25	\$100	\$100
Rebate rate	25%	50%	75% for the first \$100 25% for amount beyond \$100
Maximum rebate amount	\$150 per elector	\$200 per elector	\$300 per elector

The Corporate Services, Strategy, Risk and Accountability Committee approved a modified Option 2, with the minimum eligible contribution modified to \$50, the maximum rebate decreased to \$100 and the rebate rate at 50%. In addition, by way of motion, Committee directed the City Clerk to explore the following items for the 2022 Municipal Election:

1. City-wide distribution of marketing material profiling all candidates
2. City led “Meet the Candidates” events; and
3. Any additional financial and/or marketing opportunities that the Office of the City Clerk can identify to support and encourage the registration of new candidates.

Strategy/process

In exploring the items outlined in the direction, staff considered the following legislation. Section 88.11(1) of the *Municipal Elections Act*, 1996 (MEA), states that a municipality may, by by-law, provide rebates to individuals who make financial contributions to candidates running for municipal office. Under Section 88.11 (4) the by-law may provide for the payment of different amounts to different individuals on any basis. The MEA does not provide the manner in which a contribution rebate program is to be set out. Additionally, section 88.8 (4) prohibits a municipality from making a contribution to any candidate. A contribution may take the form of money, goods or services. To ensure the City of Burlington complies with the MEA, a Use of Corporate Resources During an Election has been established. A corporate resource is defined in the policy as facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the City.

Options Considered

The following are underlying principles supported by the Office of the City Clerk for the municipal election:

- (a) the secrecy and confidentiality of the voting process is paramount;
- (b) the election shall be fair and non-biased;
- (c) the election shall be accessible to the voters;
- (d) the integrity of the voting process shall be maintained throughout the election;
- (e) there is to be certainty that the results of the election reflect the votes cast;
- (f) voters and candidates shall be treated fairly and consistently; and
- (g) the proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible.

The municipality plays an important role in running the election and must be neutral, it is also tasked with performing legislative and administrative functions in support of the MEA, a complex and nuanced piece of legislation. Be mindful that the municipality is also a corporation and is bound by certain obligations as a corporation under the MEA.

The Office of the City Clerk's goal is to ensure that all eligible electors are provided with a ballot and may cast a ballot without experiencing any barriers, (physical, technology, societal) it is not concerned with voter turnout. At present there is a KPI regarding voter turn-out which will be changed to measure the success of remote voting. Community engagement does not start or stop at the ballot box, there must be considerable effort and coordination invested to support participation in all aspects of municipal governance which in turn may help to raise voter turnout. This is a long-term goal of the office of the City Clerk, but at present our priority is to support the review and creation of foundational policies and procedures that are required to administer operations.

1. City-wide distribution of marketing material profiling all candidates.

Making information public on a website or in another electronic format is permissible under the *MEA* as this does not constitute a contribution to a candidate. Currently, it is standard practice to have a list of all registered candidates including their contact information and website information on a municipality's website, complying with section 88.8 (9) of the *MEA*.

However, section 3 (d)(i) of the Use of Corporate Resources During an Election states that corporate resources shall not be used for printing and distribution of any material that illustrates that a member of Council or any other individual is registered or intends to run for office. Section 3 (d)(ii) adds that corporate resources shall not be used for the printing or distribution of any campaign material that makes reference to, or contains the names or photographs, or identifies registered candidates.

2. City-led “Meet the Candidates” events

In order to ensure that the City of Burlington complies with section 88.8 (4) of the MEA, that states that a municipality cannot contribute to a candidate campaign, the Use of Corporate Resources During an Election was developed and approved by Council on March 22, 2022. Section 2(d) specifically states that although registered candidates may attend City organized, hosted or funded events during a campaign period, they may not display or distribute any campaign materials or engage in any election related activities. This section of the policy does not permit the City as a corporation to lead or host “Meet the Candidates” events.

3. Additional financial and/or marketing opportunities that the Office of the City Clerk can identify to support and encourage the registration of new candidates.

The MEA is very prescriptive in regards to election campaigns and campaign contributions. Whereas the *MEA* provides for the establishment of the contribution rebate program by by-law, it does not allow the municipality much wiggle room to support election campaigns to ensure the transparency and integrity of the election. However, the office of the City Clerk has been working with Communications and Engagement to increase election participation while complying with the MEA and the Use of Corporate Resources During an Election Policy. There are multiple information sessions planned in the upcoming months to provide those thinking of running for office with information on how to become a candidate. This information has been posted to the Elections microsite and advertised in print and online. Additionally, a candidate guide specific for the City of Burlington has been developed to assist any potential candidates to navigate through the campaign.

Corporate Communications and Engagement review of Council Motion

The Corporate Communications and Engagement team has further explored the option put forth in the motion and does not recommend producing additional marketing materials profiling all candidates in a City Talk issue. The cost for this option is prohibitive with a ward specific mailer being over \$75,000 and a city-wide mailer over \$32,000. The 2022 election budget is focused on voter turnout, however a section in summer issue of City Talk can direct readers to the City’s election site for more information about candidates. All registered candidates will be listed on myvoteburlington.ca and residents can subscribe to a newsfeed to receive a notification daily or weekly when a new candidate is added. Information provided will include name, contact information and campaign website.

Additional information regarding a candidate's campaign or platform is not recommended. Considerable staff time and resources would be required to gather and vet the information provided by all candidates. In 2018, there were 63 registered candidates and with Council approving the Campaign Contribution Rebate Program with the intent to increase candidate participation, the number of registered candidates is expected to increase. Furthermore, in 2018 there were significant inconsistencies in the information provided by registered candidates, e.g. where some provided a name and phone number, others included a website and social media handles. In some cases, where a website URL was provided, the website was not published, resulting in broken links. By publishing an issue of City Talk that profiles each candidate, the City's reputation as an organization that runs a fair and unbiased election may be challenged where information provided by candidates is missing, broken, incorrect or inconsistent. City Staff would also have to seek approval from candidates if they wanted to be included in a City-wide mailer, if a candidate refuses for whatever reason questions may be raised by residents as to why particular candidates were not included.

Note, Corporate Communications and Engagement team has confirmed with the Burlington Post that they will publish profiles on each of the declared candidates. Cogeco TV also offers free air time to declared candidates.

Supporting candidate nomination communications:

Communications and engagement support for the candidate nomination process is also being provided. A summary of communications tactics planned to support candidate nominations can be found in Appendix C.

Financial Matters:

Costs presented in Office of the City Clerk report CL-12-22 have been adjusted for the approved rebate formula. Depending on the uptake of the program, the cost based on 2018 figures is estimated at about \$41,000+

The funds for this rebate program will come out of the tax base as there is no reserve funding for the program and additional dollars will be added to the list of unfunded activities for the 2023 budget.

Total Financial Impact

\$41,000+ increase to the election budget, depending on the uptake of the program.

Source of Funding

Tax base funding

Other Resource Impacts

This program will have resource impacts on the Office of the City Clerk who will administer the program as well as Finance and Communications departments.

Climate Implications

Not applicable

Engagement Matters:

This report is supplemental in nature to present the Campaign Contribution Rebate by-law to Council to be enacted.

In a survey of local municipalities in Halton, all identified that no direct mail from the municipality is planned to support registered candidates during the election period.

- Milton – election team primary contact with registered candidates. Will not be placing paid ads or sending direct mail to profile the candidates. Will have a candidate listing available on their website and plan to issue organic communications to let the public know where they can learn more about the candidates
 - Halton Hills – social media and newsletter content to support opening of nomination day and link to candidate resources webpage.
 - Oakville – information session for candidates in early summer and a one-page document about how to vote (translated into 5 languages) that candidates can share as part of their campaign if they choose.
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Conclusion:

As directed, staff have prepared a by-law to authorize the Campaign Contribution Rebate Program to in accordance with section 88.11 of the MEA. Staff does not recommend actioning the options put forth in the amending motion made at CSSRA April 6, 2022.

Respectfully submitted,

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City Clerk

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Appendices: (if none delete section)

- A. By-law 39-2022 Campaign Contribution Rebate Program By-law
- B. Use of Corporate Resources During an Election Policy
- C. Overview of planned tactics to support Burlington's 2022 municipal election

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.