

The Corporation of the City of Burlington

City of Burlington By-law 39-2022

A by-law to authorize the payment of rebates to eligible individuals who contribute to candidates running for council office in the 2022 Municipal Election.

File:165-16 (CL-12-22)

Whereas section 88.11 (1) of the *Municipal Elections Act*, 1996, as amended, permits a municipality to enact a by-law providing for the payment of rebates to individuals who made contributions to candidates running for office on the municipal council;

Whereas section 88.11 (3) of the *Municipal Elections Act*, 1996, as amended, provides that the by-law shall establish the conditions under which an individual is entitled to a rebate; and

Whereas section 88.11 (4) of the *Municipal Elections Act*, 1996, as amended, provides that the by-law may provide for the payment of different amounts to different individuals on any basis.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART 1: DEFINITIONS

1.1 DEFINITIONS

For the purposes of this by-law the following definitions shall apply:

“Act” means the *Municipal Elections Act (MEA)*, 1996, as amended;

“Candidate” means a person who has been nominated under the *Municipal Elections Act*, 1996, as amended;

“City Clerk” means the City Clerk of the City of Burlington, or a person delegated by them.

“Eligible elector” means a person who is a Canadian citizen, at least 18 years of age on voting day, resident in the City of Burlington, who is not prohibited from voting according to subsection 17(3) of the Act.

“Family member” means a parent, spouse, or child of a candidate, whether related by blood, marriage or adoption.

PART 2: BY-LAW TITLE

2.1 This by-law shall be referred to as the “Campaign Contribution Rebate Program By-law”

PART 3: ELIGIBILITY

3.1 Participation in the contribution rebate program is optional and any candidate participating in the program shall comply with the provisions set out in this by-law.

3.1.1 Candidate wishing to participate in the campaign contribution rebate program shall advise the Clerk no later than Nomination Day, August 19, 2022 by 2:00pm.

3.1.2 Candidates must advise the Clerk that they wish to participate in the campaign contribution rebate program by the deadline in section 3.1.1 in order for eligible electors who contribute to the candidate’s campaign to be eligible for a rebate.

3.2 A candidate, who participates in the contribution rebate program, shall file a financial statement in accordance with section 88.25 of the *Act*.

3.3 An eligible elector, who is a resident of the City of Burlington may, in accordance with this by-law, may apply to the City Clerk for a rebate for a contribution made to a candidate during the municipal election.

3.3.1 The deadline for applications for the contribution rebate program must be filed with the City Clerk within 90 days after the candidate deadline for filing financial statements which is March 31, following the election, unless the candidate’s campaign period is extended under section 88.24(1) of the *Act*. If the candidate campaign period is extended and a contribution is made during the extended period, the application for rebate shall be submitted within 90 days after the date the receipt was issued.

3.4 The following shall not be eligible to receive a rebate under the program:

- a. A corporation or a trade union;
- b. Non-resident eligible electors

- c. Candidate for office in the City of Burlington Municipal election;
- d. Family member of a candidate for municipal office; and
- e. Any individual who has been convicted of contravening section 88.9 of the Act in connection with an act or omission with respect to a municipal election if the voting day in that election is less than eight years prior to Monday, October 24, 2022.

4.3 Contributions must not be in the form of cash.

4.3.1 Notwithstanding Section 88.15 of the Municipal Elections Act, 1996, for the purposes of this By-law, only a contribution of money will be eligible for rebate.

4.4 Only contributions made in a manner that associate the contributor's name and account with the payment or made by a money order signed by the contributor will be eligible for a campaign contribution rebate.

4.4 Amounts charged for admission to a fundraising function are not eligible for a rebate.

PART 5: ADMINISTRATION

5.1 The City Clerk may establish forms and procedures for the administration of this program.

5.2 The application for a rebate shall:

- a. be in the form of a receipt;
- b. be signed by or on behalf of the candidate at the time of issuance to contributor; and
- c. be issued to the contributor immediately upon receipt of any eligible contribution.

5.3 The Clerk shall compare the receipt filed by the applicant and the copy filed by the candidate to ensure consistency.

5.4 A candidate who participates in the rebate program shall include with the documents filed under section 88.25 of the Act, a copy of the receipt issued for the contribution.

5.5 The Clerk shall pay the eligible elector a rebate in accordance with Part 7 of this by-law if the following conditions are met:

- a. application complies with the provisions in this by-law;
- b. the candidate has elected to participate in the contribution rebate program and complied with the provisions of the *Act* and this by-law;
- c. the Clerk is satisfied that the receipt filed by the applicant and the copy filed by the candidate are consistent;
- d. the Clerk is satisfied that the applicant has not made contributions to candidates in excess of what is permitted under the *Act*.

PART 6: CALCULATION OF REBATE

6.1 The amount of the rebate shall be calculated as follows:

- a. A minimum contribution of \$50 is required to be eligible for a rebate.
- b. The rebate amount shall be 50% of the contribution, up to a maximum of \$100.

6.2 An eligible elector who makes contributions to more than one candidate may receive a rebate in respect to each contribution but is not entitled to receive total rebates amounting to more than the maximum amount stated in section 7.1 (b) of this by-law.

7. This by-law should come into force and effect immediately upon passing

8. Enacted and passed this 19th day of April, 2022.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____