



Town of Whitby

By-law # 7585-19

Contribution Rebate By-law

Being a By-law to authorize the Town of Whitby Municipal Election Campaign Contribution Rebate Program.

Whereas Section 88.11(1) of the Municipal Elections Act, 1996, permits that a municipality may, by by-law, provide for the payment of rebates to individuals who made contributions to candidates for office on the municipal council;

Whereas Section 88.11(3) of the Act permits that the by-law enacted according to Section 88.11(1) shall establish the conditions under which an individual is entitled to a rebate;

Whereas Section 88.11(4) of the Act permits that the by-law enacted according to Section 88.11(1) may provide for the payment of different amounts to different individuals on any basis;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. **Act** means the Municipal Elections Act, 1996, S.O., 1996, c. 32, Sched.
- 1.2. **Campaign Period** means the time between when the candidate files his or her nomination and the day the candidate's campaign period concludes in accordance with the Act, including any supplementary period if applicable.

2. Rebate Eligibility

- 2.1. Notwithstanding Section 88.15 of the Act, for the purposes of this By-law, only a contribution of money to a candidate for office on the Town of Whitby's Council will be eligible for rebate.
- 2.2. In order to qualify for a rebate, a person who makes a contribution must be entitled to be an elector on voting day at an election held in the Town of Whitby in accordance with the Act.
 - 2.2.1. Notwithstanding Section 2.2 of this By-law, a candidate or the spouse or child of a candidate is ineligible for a rebate.
- 2.3. An individual who, during the Campaign Period, makes a contribution to a candidate may apply to the Clerk for a rebate in accordance with procedures established by the Clerk for this purpose.

3. Rebate Conditions

- 3.1. The Clerk shall issue a rebate to an individual if the following conditions are met:
 - 3.1.1. the individual has not been found to be in contravention of the Act;
 - 3.1.2. the candidate to whom the contribution was made has not contravened or appear to have contravened the Act; and,
 - 3.1.3. the time for a report from the Clerk to the Compliance Audit Committee or application for a compliance audit has expired and any proceedings in relation to a contributor who appears to have contravened any of the contribution limits, a compliance audit of a candidate's campaign finances, and/or resulting court proceeding(s) is complete.
- 3.2. The provisions of Section 3.1.3 of this By-law do not prevent the Clerk from issuing rebates to those contributors for which the time period in Section 3.1.3 has elapsed, regardless of whether other contributors and/or candidates continue to be the subject of Compliance Audit Committee hearings or court proceedings. For greater clarity, this provision is intended to facilitate the timely payment of rebates to contributors at such time as all conditions for payment of a rebate have been met.

4. Rebate Calculation

- 4.1. Rebates to eligible individuals in accordance with this By-law will be calculated as follows:
 - 4.1.1. Total contributions of \$25.00 or less will not receive a rebate;
 - 4.1.2. If the total of the applicant's contribution(s) to all candidates is \$100.00 or less, the rebate paid shall be 75% of that total; and,
 - 4.1.3. If the total of the applicant's contribution(s) to all candidates is \$100.01 or more, the rebate paid is 75% of \$100.00 plus 25% of the difference between the total contribution and \$100.00, up to a maximum rebate of \$200.00.

5. Procedures

- 5.1. The Clerk shall establish forms and procedures for the administration of the Contribution Rebate Program, including a deadline for the submission of rebate applications.
- 5.2. The Clerk's decision to issue or deny a rebate based on the criteria set out in this By-law or an applicable procedure established by the Clerk shall be final.

6. Repeal of Existing By-law

- 6.1. By-law # 6351-10 is hereby repealed on December 31, 2019, save and except it shall continue to apply to the administration of contribution rebates for the 2018 Regular Election as necessary.

7. Effective Date

- 7.1. This by-law shall come into force and effect on January 1, 2020.

By-law read and passed this 16th day of December, 2019.

Original Approved and Signed.

Don Mitchell, Mayor

Original Approved and Signed.

Christopher Harris, Town Clerk