

CITY OF MARKHAM
ONTARIO



BY-LAW 2018-17

**A By-law to authorize the payment of rebates to eligible individuals
who make contributions to candidates for an office on Markham
City Council**

This By-law is printed under and by authority of the Council of the Town of
Markham

(Consolidated for convenience only to January 2022)

(Schedule/Attachment Included)

Amended by:

By-law 2021-121 – December 14, 2021



By-law 2018-17

A By-law to authorize the payment of rebates to eligible individuals who make contributions to candidates for an office on Markham City Council.

Whereas the *Municipal Elections Act, 1996*, as amended, (“the Act”) provides that a municipality may, by by-law, provide for the payment of rebates to persons who make contributions to candidates for an office on the municipal council;

Therefore The Council of The Corporation of The City of Markham enacts as follows:

1. The payment of rebates to individuals who are eligible electors of the City of Markham and Permanent Residents of Canada residing in the City of Markham who make financial contributions to candidates for an office on Markham City Council is authorized.

(Amended by By-law 2021-121)
2. Trade unions, Corporations and registered third parties are not eligible to receive rebates.
3. Notwithstanding the Act, the following are not eligible for a contribution rebate:
 - a) contribution of goods and services; and
 - b) a candidate’s contribution of inventory from a prior election.
3. Notwithstanding the Act, only the net contribution from a fundraising event shall qualify for a rebate.
4. The application for rebate shall be in the form established for that purpose by the City Clerk, which shall include an online application to be completed by contributors and submitted directly to the City via the City Clerk and a receipt in the form provided by the City Clerk that is signed by, or on behalf of, the candidate.
5. A candidate for an office on Markham City Council who participates in the Rebate Program shall:
 - a) In accordance with the Act, submit their Financial statement with an auditor’s report; and
 - b) Include with the Financial statement(s) filed in accordance with the Act, as the case may be:
 - a copy of the receipt issued for the contribution, if requested by the City Clerk;
 - a copy of all campaign expense invoices incurred as part of the campaign, if requested by the City Clerk;
 - an electronic file containing a list of all campaign contributors of \$50.00 or more, in the format prescribed by the City Clerk;
 - a separate list of contributors to fundraising events, in the format prescribed by the City Clerk; and,
 - an Auditor’s Statement that the Auditor has verified all contributions against a bank statement for the campaign account.
6. A candidate who is not participating in the Rebate Program shall notify their contributors and obtain their consent, in writing, that their contribution will not be submitted for a rebate.
7. The City Clerk shall pay the contributor a rebate in accordance with section 8

where the City Clerk is satisfied that the following conditions are met:

- a) the application complies with the provisions of this By-law;
- b) the eligible contributor applies for the rebate by the date determined by the City Clerk using the form and method prescribed by the City Clerk;
- c) the candidate has complied with the provisions of the Act and has filed a Financial statement and auditor's report in accordance with the Act;
- d) the City Clerk is satisfied with the receipt filed by the candidate, if requested to be provided;
- e) the City Clerk is satisfied with the campaign expense invoices submitted by the candidate, if requested to be provided;
- f) the City Clerk is satisfied that the candidate has filed the documents required by 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 the Act;
- g) the City Clerk is satisfied that the candidate has paid any campaign surplus to the Corporation;
- h) the candidate has agreed to participate in the Rebate Program established by this By-law;
- i) the time for an application for a Compliance Audit under the Act has expired; and,
- j) the contributor made a contribution between the date of the candidate's nomination filing up to and including the end of the candidate's Campaign Period, and,
- k) The contributor is an eligible elector in the City of Markham, as defined under the *Municipal Elections Act, 1996*, or a Permanent Resident of Canada residing in the City of Markham during the applicable municipal election or by-election.

(Amended by By-law 2021-121)

8. The rebate is calculated as follows:

- a) the minimum contribution qualifying for a rebate is \$50.00;
- b) the rebate is 75 per cent of the eligible contribution amount to a maximum of \$150 per contributor; and,
- c) the rebate is based on the sum total of all eligible contributions made by the contributor to one or more candidates for office on Markham City Council in the same municipal election or by-election.

(Amended by By-law 2021-121)

9. The City Clerk may establish forms and procedures for the administration of this Rebate Program.

10. That By-law 2009-198 be repealed in its entirety.

Read a first, second, and third time and passed on April 3, 2018.

Kimberley Kitteringham
City Clerk

Jack Heath
Deputy Mayor