



## BY-LAW 2009-198

A By-law to authorize the payment of rebates to residents of the Province of Ontario who make contributions to candidates for an office on the Town of Markham municipal council

---

WHEREAS subsection 82(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 persons who make contributions to candidates for an office on the municipal council;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. The payment of rebates to individuals who are residents in the Province of Ontario who make financial contributions to candidates for an office on the municipal council is authorized.
2. Notwithstanding section 66 of the Act, the following are not eligible for a contribution rebate:
  - a) contribution of goods and services;
  - b) a candidate’s contribution of inventory from a prior election;
  - c) contributions made by corporations and trade unions.
3. Notwithstanding section 66 of 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 Clerk, which shall include a receipt in the form provided by the Clerk that is signed by, or on behalf of, the candidate.
5. A candidate for an office on the municipal council who participates in the rebate program:
  - a. shall comply with subsections 78(1) to (4) of the Act; and
  - b. shall include with the documents filed under subsection 78(1) or (2) of the Act, as the case may be:
    - a copy of the receipt issued for the contribution if requested by the Clerk,
    - a copy of all campaign expense invoices incurred as part of the campaign if requested by the Clerk,
    - an electronic file containing a list of contributors \$50.00 or more, including the net contribution amount to fund raisers in the format prescribed by the Clerk,
    - a separate list of contributors to fund raising events, 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 Clerk shall pay the contributor a rebate in accordance with section 8, if the following conditions are met:

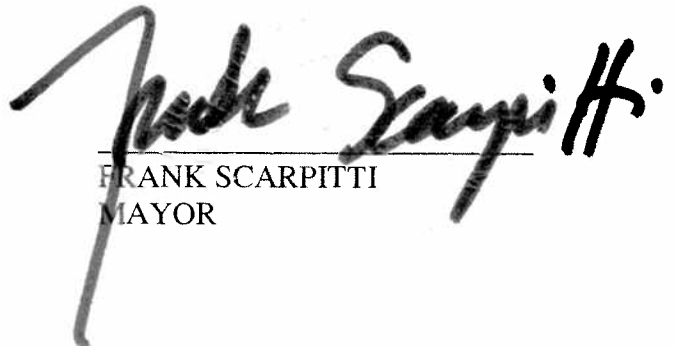
- a. the application complies with the provisions of this by-law;
- b. the candidate has complied with the provisions of the Act and has filed a financial statement and auditor's report in accordance with Section 78(1) of the Act;
- c. the Clerk is satisfied with the receipt filed by the candidate if requested to be provided;
- d. the Clerk is satisfied with the campaign expense invoices submitted by the candidate if requested to be provided;
- e. the Clerk is satisfied that the candidate has filed the documents required by section 78 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 76 of the Act;
- f. the Clerk is satisfied that the candidate has paid any campaign surplus to the Corporation; and
- g. the candidate has agreed to participate in the rebate program established by this By-law.

8. The rebate shall be calculated as follows:

- a. the minimum contribution qualifying for a rebate shall be \$50.00;
- b. if the contribution is \$300.00 or less, the rebate is 75 per cent of the contribution;
- c. if the contribution is greater than \$300.00, the rebate is 75 percent of \$300.00 plus 50 percent of the difference between the total contribution and \$300.00, to a maximum rebate of \$350.00 regardless of the number of contributions made by any individual eligible contributor.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
15<sup>TH</sup> DAY OF DECEMBER, 2009.

  
KIMBERLEY KITTINGHAM  
TOWN CLERK

  
FRANK SCARPITTI  
MAYOR