

TORONTO CITY COUNCILLORS

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Hon. J. Watson, Minister
Ministry of Municipal Affairs and Housing
13th Floor, 777 Bay Street
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Dear Minister Watson:

Re: Municipal Elections Act Review

We are very encouraged that you are now concluding a public consultation in preparation for possible amendments to the Municipal Elections Act, 1996. The residents whom we represent have been requesting meaningful reform of this Act for many years.

At our meeting with you on November 24, 2008, we recommended several reforms to the Municipal Elections Act, 1996, that would both improve fairness in elections and result in increased accountability of elected representatives. In particular:

- 1. Elimination of Corporate and Union Contributions to Municipal Election Candidates.** While Mayor Miller and the City's Executive Committee have directed the City Clerk to prepare an implementing by-law for consideration by Council in September, we believe that the merits of this reform (i.e. reducing the perception of undue influence, leveling the playing field for new candidates) is such that it would be beneficial for all municipalities in the Province of Ontario.
- 2. Elimination of the Retention by Candidates of Surplus Campaign Contributions for use in the Following Election.** Mayor Miller and the City's Executive Committee have directed the City Clerk to report on this reform and I believe that it will be adopted by Council later this year. However, again the merits (i.e. leveling the playing field for new candidates) transcend Toronto and it would be beneficial for all municipalities in the Province of Ontario.
- 3. Monitoring and Enforcement of the Municipal Elections Act by Elections Ontario.** The status quo is clearly inadequate. Frivolous complaints, whose only value is harassment, are too frequent. On the other hand, some obvious infractions remain completely unaddressed. In addition, there is an inadequate range of penalties. Some infractions by candidates are so serious that they merit removal from office. Other less serious infractions may not merit removal from office - lesser penalties should be considered. Experience has shown that it is ineffective to reply on City Council to enforce the rules upon its own members. But, in any case, Elections Ontario is an arms-length body that is more appropriate for oversight,

as well as investigation and adjudication of election complaints. This proposed oversight by Elections Ontario could be done in the City of Toronto as a pilot program for the Province of Ontario during the 2010 municipal election and could be used to inform future revisions to the Municipal Elections Act, 1996. The additional cost to Elections Ontario for monitoring Toronto's election and enforcing the provisions of the Municipal Elections Act, 1996, can be charged back to the City of Toronto.

4. **Inclusion of Fundraising Expenses within the Election Expenses Limits.** The abuses of the current system of unlimited expenses for fundraising are numerous: campaign materials with a fundraising "add-on" to avoid inclusion in spending limits; large "fundraising" parties for voters that don't even break even; candidates who pay persons (who could be family members) very generous amounts to raise funds. The best answer is to fix an amount for fundraising (perhaps 25% of current spending limits), add that to the permissible spending limit and include fundraising expenses within the Election Expenses Limits.
5. **Limitation of total donations to Candidates in a municipality by any contributor.** Some contributors donate huge sums of money to multiple candidates – in some cases, to 20 or more, with each donation often being the maximum permissible. Often, these contributors have a financial interest in the outcome of decisions made by City Council. In the eyes of our citizens, there can be only one motivation for such widespread donations, and that is to ensure widespread influence. For example, in one municipality (outside of Toronto), a contributor who frequently made development applications bragged that he had made donations to "all-but-one" of the elected Councillors. While he claimed that he was only achieving "access", others believe he was actually achieving "undue influence". A reasonable contribution limit for the office of Councillor is \$750. A contributor should have the option of donating an amount up to that to one candidate or dividing it among several candidates.

Thank you again for your consideration of our recommendations. We continue to believe that they would improve fairness in elections and improve the accountability of elected representatives.

We request a reply at your earliest convenience.

Yours sincerely,

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Ward 22, St. Paul's

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