



Ministry of Municipal Affairs and Housing
Ministère des Affaires municipales et du Logement

Candidates' Information Session

2010 Municipal Election

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only. They are a simplified summary of some of the changes to the *Municipal Elections Act, 1996*.
- The slides should not be relied on for legal or official purposes. For authoritative text, recourse may be had to the official volumes (which include, but are not limited to, the *Municipal Elections Act, 1996*, the *Municipal Act, 2001* and the applicable regulations). As local facts and circumstances are variable, users may wish to consider obtaining their own legal advice when particular legal issues or decisions arise.

Niagara Falls City Council Chambers 1910



Overview

- **Nomination Process & Withdrawals**
- **Key Dates**
- **Eligibility to Run for Office**
- **Candidate Duties**
- **List of Electors**
- **Scrutineers**
- **General Campaign Rules & Running an Accessible Campaign**
- **Election Finances**
- **Compliance Audits**

Nomination Process

- Nominations Began **January 4, 2010**
- Nomination Day is **September 10, 2010**
(between 9 am and 2 pm)
- Filing Fee is \$200 for head of council
\$100 all other offices
- Clerk must provide candidates with estimate of
maximum campaign expenses

Withdrawal of Nomination

- Must be filed with clerk's office **in writing before 2:00 pm on Nomination Day**
(Friday, Sept. 10, 2010)
- Recommend that the candidate personally attend clerk's office to withdraw candidacy

Key Dates

Voting Day:	Monday, October 25, 2010
Campaign Period:	From when nominated to December 31, 2010
Request to Extend Campaign Deadline:	December 31, 2010
Finance Filing:	March 25, 2011 2:00 pm

Eligible to Run for Municipal Office

- A resident, non-resident owner or tenant or spouse
- A Canadian citizen
- At least 18 years of age
- Not legally prohibited from voting
- Not disqualified by any legislation from holding municipal office
- Must remain qualified throughout election and if elected, throughout four year term of office

Not Eligible for Municipal Office

- Any person not eligible to vote in the municipality
- An employee of the municipality (unless leave of absence taken before nomination and resigns if elected)
- A Judge of any court
- A member of the Ontario Legislature, Senator or Member of House of Commons
- Non Canadian citizen
- An inmate of a penal or correctional institute under sentence of imprisonment

Eligible to Run for School Board

- Must be an elector
- Must be eligible to vote for school board (i.e. religious/language support)
- Must be resident in board's area of jurisdiction
- An employee of a school board may be nominated, but must take an unpaid leave of absence on or before nomination day and resign their employment in order to hold office on any school board if elected

Candidate Duties

- Accurate record keeping is a legislated requirement
- Campaign bank account opened for purposes of election campaign
- All contributions of money deposited
- All payments for expenses except nomination filing fee made from campaign account
- Contribution of goods or services are valued
- Receipts are issued for every contribution and obtained for every expense

Candidate Duties

Candidates must keep records of:

- The receipts issued for every contribution
- The value of every contribution
- Whether contribution is in form of money, goods or services
- The contributor's name and address
- Every expense including the receipts obtained for each expense

See *Municipal Elections Act, 1996* for complete list

Voters' List

- One copy per municipal candidate or trustee candidate (request must be made to the clerk in writing)
- Clerk able to revise the voters' list upon application

Voting Proxy

Issuance of Proxy Forms

- No appointments until nominations closed
- From eligible voter to identified eligible voter
- Eligible voter may exercise only one proxy vote: unless the proxy is acting on behalf of a spouse, sibling, parent, child, grandparent or grandchild
- Cannot act for both

Alternative Voting Methods

By June 1, 2010

- Councils must pass by-laws authorizing vote counting equipment and alternative voting methods (mail, telephone, internet)
- Clerks must establish procedures and forms and provide to candidates

QUICK QUIZ



Scrutineers

- No age restriction
- Written proof of authorization
- Oath of secrecy (optional)
- During regular election process - only one candidate or scrutineer per ballot box
- No “campaigning” within the voting place

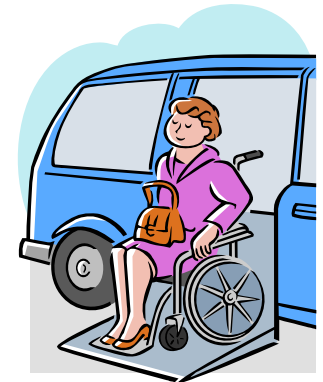
Campaigning

- Access for canvassing purposes/distribution of material.
 - Apartments - *Residential Tenancies Act, 2006* s. 28
 - Condominiums - *Condominium Act* s. 118

- Municipal sign by-laws

Running an Accessible Election

- barriers remain that prevent the full and equal political participation of all Ontarians before they go to the polls
- lack of opportunity exists for people with disabilities to interact with the candidates during the election process
- Political candidates have the opportunity to engage this portion of the voting public by taking steps to ensure that their campaign is accessible to everyone.



Running an Accessible Election

Since you never know who may want to interact with you during the election process, it is important that you plan to include all people including those electors with:

- Physical Disabilities
- Vision Loss
- Deafness and Hearing Loss
- Speech Disabilities
- Cognitive Disabilities
- Mental Illness



Running an Accessible Election

- Make your campaign office accessible
- ensure that information and communications such as campaign literature, advertising and Internet communications are accessible
- Use accessibility as a budget line item when you begin your financial planning
- Provide enough funds to cover such services as sign language interpretation, Braille translation, TTY number and real-time captioning

Running an Accessible Election

Reference Materials from Ministry
Of Community and Social Services:
Count Us In: Removing Barriers to
Political Participation Quick Reference
Guide to Accessible Campaign Information
And Communication

<http://www.mcass.gov.on.ca/en/mcass/publications/accessibility/informationAndCommunication/tableOfContents.aspx>

Election Finances

Campaign spending limits: O. Reg. 101/97

Head of council - \$7500 + 85 cents per elector

All other offices - \$5000 + 85 cents per elector

EXAMPLE 1: If there are 2800 electors, candidates for mayor could spend \$7500 + (2800 x .85 = \$2380)

$$\underline{\$7500 + \$2380 = \$9880}$$

EXAMPLE 2: If there are 2800 electors, candidates for all other offices could spend \$5000 + (2800 x .85 = \$2380)

$$\underline{\$5000 + 2380 = \$7380}$$

EXAMPLE ONLY

CERTIFICATE OF MAXIMUM CAMPAIGN EXPENSES

TO: Diane Ploss Office: Mayor
ADDRESS: 123 First Street, Pleasantville, Ontario, ABC 123

FROM: Yvonne Hurst, City Clerk, City of Pleasantville

I HEREBY CERTIFY THAT THE MAXIMUM CAMPAIGN EXPENSE THAT A CANDIDATE IS PERMITTED TO INCUR FOR THE OFFICE OF MAYOR IN THE MUNICIPAL ELECTION TO BE HELD OCTOBER 25, 2010 IS **\$ 14,130**

Date

Signature of Clerk (or designate)

calculation is \$7500 plus (85 cents X 7800 electors) = \$7500 + \$6630 = **\$14,130**

What is a Campaign Expense?

- Any expense incurred for goods and services in relation to an election
- Includes the replacement value of any goods held in inventory from a previous election
- Includes equivalent value of any contribution of goods and services for use in whole or in part
- Nomination filing fee is an expense

Campaign Expenses Exempt from Spending Limit

- Holding a fundraising function
- Parties and other expressions of appreciation after close of voting
- Relating to a court action for a controverted election
- Relating to a recount
- Relating to a compliance audit
- Expenses incurred by a candidate with a disability that are directly related to the disability
- Audit and accounting fees

Borrowing

- Loan guarantee only by candidate or spouse
- Loan - only from bank or other recognized lending institution in Ontario

Campaign Contributions

- Money, goods, or services = contribution
- \$750 limit
- Cash up to \$25
- Over \$25 = cheque, money order, credit card
- Ticket price of fundraiser = contribution
- Receipts with name, address, amount, type
- No anonymous contributions except for pass the hat collections (limited to \$10)

Campaign Contributions

WHO MAY CONTRIBUTE?

- Individuals living in Ontario
- Corporations that carry on business in Ontario
- Unions that hold bargaining rights for employees in Ontario
- Candidate and his/her spouse

WHO MAY **NOT** CONTRIBUTE?

- Federal political party, constituency association or a registered candidate in a federal election
- Provincial political party, constituency association or a registered candidate or leadership contestant
- A federal or provincial government
- A municipality
- A school board

Campaign Period - Closing

Campaigns automatically close December 31, 2010 unless:

- campaign has deficit and candidate notifies clerk in writing before December 31, 2010 of intention to extend their campaign

Financial Reporting Requirements

- Forms are prescribed by MMAH to file financial contributions & expenses
- Financial statements are required to be audited if expenses or contributions exceed \$10,000
- All contributors of more than \$100 must be reported on financial statement
- Financial statements must be filed on or before 2 pm Friday, March 25, 2011.

Recounts

- Automatic recounts are conducted only for tied votes
- Within 30 days of the official results, council may pass a resolution directing a clerk to conduct a recount for an office
- In each of the above circumstances a recount is held within 15 days

Court Ordered Recounts

- Eligible elector can apply to Superior Court of Justice for a recount
- Application commenced within 30 days after clerk declares results of election
- Recount to be held within 15 days after clerk receives court order
- Recount to be conducted in same manner as original count unless ordered differently

Compliance Audits

- Councils must appoint a compliance audit committee by October 1, 2010
- Not fewer than 3 and not more than 7 members
- Shall not include employees or officers of municipality or local board, members of council or local board, any persons who are candidates
- Term of office same as council – 4 years

Helpful Hints

- Before closing campaign account ensure:
 - Bills/invoices have been paid;
 - Cheques have cleared; and
 - Bank charges have been taken into account.
- Consider having a petty cash fund for those small items (stamps, etc.)
- Financial filing is required once nomination has occurred whether or not nomination is withdrawn
- Withdrawal prior to any contributions or expenses still requires filing of a financial report

QUICK QUIZ



Resources

MMAH – 2010 Municipal Elections Guide

www.mah.gov.on.ca

E-Laws Website

www.e-laws.gov.on.ca

Municipal World Magazine

www.municipalworld.com

MMAH Contacts

Diane Ploss, Municipal Advisor

(416) 585-7037

Diane.Ploss@ontario.ca

Karren Wallace,, Municipal Advisor

(416) 585-6352

Karren.Wallace@ontario.ca

Or 1-800-668-0230