



City of
Peterborough

MUNICIPAL ELECTIONS
INFORMATION GUIDE
2006

Election Day
November 13, 2006

Issued – December 21, 2005
(Revisions may be produced)

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KEY DATES FOR 2006 ELECTION

Qualification period for electors	September 5 to November 13, 2006
Preliminary List of Electors Reproduced	On or before September 1, 2006
Last date for Revised List of Electors to be Reproduced	October 9, 2006 (This is Thanksgiving)
Revision Period	September 5, 2006 to November 13, 2006 (8:00 p.m.)
Nomination Period	January 2, 2006 to September 28, 2006 (8:30 a.m. to 4:30 p.m.) (normal business hours) September 29, 2006 (9:00 a.m. to 5:00 p.m.)
Nomination Day	September 29, 2006 (9:00 a.m. to 5:00 p.m.)
Proxy Issuance	On or after October 6, 2006
Advance Voting Dates	To be determined
Voting Day	November 13, 2006 (10:00 a.m. to 8:00 p.m.)
Official Election Results Posted	November 15, 2006
Campaign Period	The day on or after Monday, January 2, 2006, on which the candidate files a nomination through to December 31, 2006
File Financial Statement Deadline	March 31, 2007

ENUMERATION

The 2006 preliminary List of Electors for the City of Peterborough is prepared by the Ministry of Finance of the Province of Ontario from an enumeration undertaken by the Regional Assessment Commissioner and contains the names, addresses and school support of each person who meets the qualifications of an elector. The list will be available on September 1, 2006.

TERM OF OFFICE

The term of office is four years, beginning on December 1, 2006, and ending November 30, 2010.

CANDIDATES TO BE ELECTED

MAYOR

1 to be elected by general vote. Mayor is also an ex-officio member of the Police Services Board and the Board of Governors of Peterborough Regional Health Centre.

COUNCILLOR

2 to be elected from each of five wards.

TRUSTEE, KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

2 to be elected by general vote of English Language Public School electors.

TRUSTEE, PETERBOROUGH, VICTORIA, NORTHUMBERLAND AND CLARINGTON CATHOLIC DISTRICT SCHOOL BOARD

2 to be elected by general vote of English Language Separate School electors.

CONSEILLER(ÈRE), LE CONSEIL SCOLAIRE DE DISTRICT DU CENTRE-SUD-QUEST

1 to be elected by general vote of French Language Public School electors - nomination forms to be filed at a location to be determined at a later date.

CONSEILLER(ÈRE), CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE CENTRE-SUD

1 to be elected by general vote of French Language Separate School electors - nomination forms to be filed at a location to be determined at a later date.

QUALIFICATIONS OF ELECTORS

Elector Qualifications - Council

Section 17 of the Municipal Elections Act, 1996 “Qualifications of Electors”

Qualifications of electors

17. (1) Repealed: 2002, c. 17, Sched. D, s. 5 (1).

Qualifications

- (2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
- a) resides in the local municipality or is the owner or tenant of land there, or the spouse or same-sex partner of such owner or tenant;
 - b) is a Canadian citizen;
 - c) is at least 18 years old; and
 - d) is not prohibited from voting under subsection (3) or otherwise by law, 2002, c. 17, Sched. D, s. 5 (2).

Persons prohibited from voting

- (3) The following are prohibited from voting:
- a) A person who is serving a sentence of imprisonment in a penal or correctional institution.
 - b) A corporation.
 - c) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
 - d) A person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than four years after voting day in the election in respect of which he or she was convicted. 1996, c. 32, Sched., s. 17 (3).
- (4) Repealed: 2002, c. 17, Sched. D, s. 5 (3).

Elector Qualifications - School Board

Despite provisions of this or any other Act, including subclause 17(2)a) of the Municipal Election Act, 1996, for the purposes of regular elections in and after 1997 and by-elections after 1997, a person is not qualified to vote for a member of a district school board or school authority in an area unless that person resides in the area. Non-resident owners or tenants of commercially and industrially assessed lands are not eligible to vote for school Board purposes.

Separate School Elector

Means an elector who is a Roman Catholic Separate School Supporter, or who is Roman Catholic and the spouse of such supporter, and any persons entitled to be a separate school elector under the Education Act.

Public School Elector

Means an elector who is not a separate school elector.

French-language District School Board Elector

- a) The person is a public school elector or a separate school elector;
- b) The person has the right under subsection 23(1) or (2) without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario;
- c) The person has chosen to vote for members of a body providing French-language instruction; and
- d) The person has not withdrawn the choice referred to in clause c).

DEFINITION OF RESIDENCE

Section 2 of the Municipal Elections Act, 1996

Residence

- (1) For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return. 1996, c. 32, Sched., s. 2 (1).

Rules

- (2) The following rules apply in determining a person's residence:
 - a) A person may only have one residence at a time.
 - b) The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
 - c) If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence. 1996, c. 32, Sched., s. 2 (2).

Rules if no permanent lodging place

- (3) If a person has no permanent lodging place as described in subsections (1) and (2), the following rules apply in determining his or her residence:
 - a) The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is his or her residence.
 - b) If the person returns with equal frequency to one place to sleep and to another to eat, the place to which he or she returns to sleep is his or her residence.
 - c) Multiple returns to the same place during a single day, whether to eat or to sleep, shall be considered one return.
 - d) A person's affidavit regarding the places to which he or she returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary. 1996, c. 32, Sched., s. 2 (3).

QUALIFICATIONS OF MUNICIPAL COUNCIL CANDIDATES

MAYOR AND COUNCILLORS

A person is qualified to be elected or to hold office who is:

1. Entitled to be an elector under Section 17 of the Municipal Elections Act, 1996 (See Qualifications of Electors - Page 3).
2. Not disqualified for violations of financial requirements or violation of requirements for filing financial information.
3. Not disqualified by any legislation from holding municipal office.

DISQUALIFICATION OF MUNICIPAL COUNCIL CANDIDATES

1. Persons disqualified from seeking election to Council or local boards where the provisions of the Municipal Act apply
 - a) Except during a leave of absence under Section 30 of the Municipal Elections Act, 1996, an employee of a municipality or a local board as defined in the Municipal Affairs Act, other than a person appointed under Section 256 of the Municipal Act
 - b) A judge of any court
 - c) A member of the Ontario Legislature
 - d) A member of the House of Commons
 - e) A member of the Senate
 - f) A Crown Employee within the meaning of the Public Service Act who is a Deputy Minister or who is in a position or classification designated in the regulations made under that Act for the purposes of Section 11 thereof
 - g) A person who is serving a sentence of imprisonment in a penal or correctional institution
 - h) A corporation
 - i) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with Section 44 of the Municipal Elections Act, 1996
 - j) A person who was convicted of the corrupt practice described in subsection 90(3) of the Municipal Elections Act, 1996 if voting day in the current election is less than four years after voting day in the election in respect of which he or she was convicted
 - k) A person who was convicted of a corrupt practice under this Act or an offence under the Criminal Code (Canada) in connection with any act or omission that relates to an election to which this Act applies, is ineligible to be nominated for, or elected, or associated to any office until the sixth anniversary of voting day
 - l) A person disqualified for violations of financial requirements or violations of requirements for filing financial information

DISQUALIFICATION OF MUNICIPAL COUNCIL CANDIDATES

2. A member of Council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she:
 - a) Ceases to be a Canadian citizen;
 - b) Is not a resident of the municipality; the owner or tenant of land in the municipality or the spouse or same-sex partner of an owner or tenant in the municipality; or
 - c) Would be prohibited under this or any other Act from voting in an election for the office of a member of Council of the municipality if an election was held at that time.

QUALIFICATIONS OF SCHOOL BOARD CANDIDATES

Qualifications of School Board Members

Section 219 of the *Education Act*

219. (1) A person is qualified to be elected as a member of a district school board or school authority if the person is qualified to vote for members of that district school board or that school authority and is resident in its area of jurisdiction. 1997, c. 31, s. 112.
- (2) A person who is qualified under subsection (1) to be elected as a member of a district school board or school authority is qualified to be elected as a member of that district school board or school authority for any geographic area in the district school board's or school authority's area of jurisdiction, regardless of which positions on that district school board or school authority the person may be qualified to vote for. 1997, c. 31, s. 112.

Eligibility for re-election

- (3) A member of a district school board or school authority is eligible for re-election if otherwise qualified. 1997, c. 31, s. 112.

DISQUALIFICATION OF SCHOOL BOARD CANDIDATES

Section 219 of the *Education Act*

- (4) Despite subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,
- a) an employee of a district school board or school authority;
 - b) the clerk or treasurer, or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority;
 - c) a member of the Assembly or of the Senate or House of Commons of Canada; or
 - d) otherwise ineligible or disqualified under this or any other Act.
- (5) Despite subsection (4), none of the following persons is ineligible to be a candidate for, or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:
- a) An employee of a district school board or school authority.
 - b) The clerk, treasurer, deputy clerk or deputy treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of a district school board or school authority. 2002, c. 18, Sched. G, s. 9 (2).
- (5.1) Subsections 30 (2) to (7) of the *Municipal Elections Act, 1996*, apply with necessary modifications to an individual referred to in subsection (5), 2002, c. 18, Sched. G, s. 9 (2).
- (9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority, 1997, c. 31, s. 112.

DISQUALIFICATION OF SCHOOL BOARD CANDIDATES

- (10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election. 1997, c. 31, s. 112.
- (11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that district school board or that school authority is vacated. 1997, c. 31, s. 112.

NOTE: See Section 219(7) and (8) of the *Education Act* for additional disqualifications for a by-election.

ADVANCE VOTES

Advance voting will be held for the purpose of receiving votes of electors who expect to be unable to vote on Election Day. Advance voting dates and locations will be determined at a future date.

REVISION OF PRELIMINARY LIST OF ELECTORS

The preliminary list of electors will be printed by September 1, 2006. Applications for amendments to the voters list will be accepted by the Clerk commencing on September 5, 2006 and ending at 4:30 p.m. on voting day, November 13, 2006. Applications for amendments will also be taken at the advance voting places and on voting day at the voting places until 8:00 p.m. on each day.

The list of electors may be viewed during regular business hours at the locations and dates listed below:

City Hall, City Clerk's Office
500 George Street North, Peterborough
Monday – Friday 8:30 am to 4:30 pm

ELECTION DAY (VOTING DAY)

Election day (voting day) is Monday, November 13, 2006, with voting places open from 10:00 a.m. to 8:00 p.m. The counting of votes will take place at City Hall after the closing of the vote.

VOTING LOCATION

The candidate will be provided with an up-to-date copy of a list of voting locations for the area in which the candidate is standing for elective office, when they receive the revised list of electors. In the event that any voting location is subsequently changed due to circumstances beyond the Clerk's control, a notice of such change will be mailed to the candidates concerned.

VOTING NOTICE

Pursuant to the Municipal Elections Act, 1996, the Clerk will advise each resident elector of the date and time of voting, including advance voting, and of the locations of the voting place at which that elector is to vote by mailing a notice to each elector.

FORM OF BALLOTS

The City of Peterborough will determine the type of alternate voting methods and ballots at a future date. Each elector will receive a ballot, which contains all ballots for every office for which they are entitled to vote. There will be different ballots for Public School Electors, Resident and Non-Resident, and Separate School Electors, Resident and Non-Resident, so that no electors will receive a ballot for offices for which they are not entitled to vote.

ELECTORS ABSENCE FROM WORK

An elector is entitled to have three consecutive hours to vote on voting day (November 13, 2006). If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the polls, their employer must allow them to be absent. The absence shall be timed to suit the employer's convenience as much as possible.

PROXY VOTING

A person who is not able to attend the voting place to vote may appoint another person as a voting proxy to vote on their behalf. The person acting as a proxy must also be an eligible elector. No person shall appoint more than one voting proxy and no person can act as a proxy for more than one person unless the persons they are voting for are spouses, or same-sex partners or siblings of each other, parent and child, or grandparent and grandchild.

Proxies can only be appointed after nomination day and the withdrawal date for nominations has passed. (October 6, 2006)

The person appointed a voting proxy shall complete an application in the prescribed form, including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the City Clerk's Office during normal office hours, or during the period from 12:00 noon to 5:00 p.m. on the day of an advance vote. No application shall be approved by the Clerk after "normal office hours on voting day" (4:30 p.m.). The Clerk shall, if satisfied that the person who appointed the voting proxy is qualified to appoint a proxy and the person so appointed is qualified to act as a proxy voter, give a certificate in the prescribed form. This certificate must be presented at the voting place designated for the elector for whom they are voting.

SCRUTINEER

Each candidate may appoint in writing any number of persons as are necessary to act as a scrutineer and to represent them at the voting place and to be present during the counting of the votes.

Scrutineers must be appointed in writing and upon request shall show proof of his or her appointment to an election official.

Only one scrutineer may be in the voting place for each ballot box. If a candidate enters the voting place, they are considered to be a scrutineer.

Candidates and scrutineers have the following rights:

- (a) To be present when ballot boxes and materials related to the advance voting and the ballot boxes and statement of the results are being delivered to the Clerk.
- (b) To enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots, and all other election documents but not so as to delay the opening of the voting place.
- (c) To place his or her own seal on the ballot box before the opening of the voting place.
- (d) To place his or her own seal on the ballot box after the close of voting on an advance vote so ballots cannot be withdrawn or deposited without breaking the seal.
- (e) To examine each ballot as the votes are being counted, but not to touch the ballot.
- (f) To object to a ballot or to the counting of votes in a ballot.
- (g) To sign the statement of the results of an election.
- (h) To place his or her own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited.

SCRUTINEER

Scrutineers and candidates are prohibited from the following:

- (a) Attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate.
- (b) Displaying a candidate's election campaign material in a voting place.
- (c) Compromise the secrecy of the voting.
- (d) Interfere or attempt to interfere with an elector who is marking a ballot.
- (e) Obtain or attempt to obtain, in a voting place, any information about how an elector intends to vote or has voted.
- (f) Communicate any information obtained at a voting place about how an elector intends to vote or has voted.

PROHIBITION OF CANVASSING IN VOTING PLACE

The Clerk is the lessee of the premises used as voting places. As the lessee of such premises, the Clerk does not permit electioneering of any nature in or on the premises used as a voting place on Election Day. The premises are deemed to include the entire building and the property on which it is located.

Section 48(2) of the Municipal Elections Act, 1996, provides as follows:

"No person shall display a candidate's election campaign material or literature in a voting place"

Deputy Returning Officers are instructed to remove forthwith from any voting place any material or literature of any nature which may be deposited therein.

In view of the substantial number of school buildings used for voting purposes, the attention of candidates is also drawn to the policies of the school boards and provisions of the Education Act which provide as follows:

- a) No agent or representative may canvass in the schools, nor exhibit advertising material in the schools or on the school property, without the approval in writing of the Director of Education
- b) All visitors to school must report to the office
- c) It is the duty of a principal of a school, in addition to his duties as a teacher, to maintain a visitors' book in the school when so determined by the Board

Thus, it should be noted from the foregoing that in connection with municipal elections, only persons attending a school building for the purpose of casting their ballot, duly qualified election officials, candidates or their authorized agents in, or going to or from the voting place, may be present on school premises.

ELECTION SIGNS

Election signage can play an effective and colourful role in the campaign process. However, on occasion, the placement of election signs in inappropriate locations causes difficulty. Candidates should be sensitive and tasteful in the placement of election signs and, for the most part, attempt to place such signage on privately owned property.

As per the City of Peterborough Sign By-law 05-250, Election campaign signs shall not be permitted on any property owned by The Corporation of the City of Peterborough prior to Labour Day, for a Municipal Election, and shall be removed not later than three (3) days following voting day in any such election.”

Election signs must not be placed on public property in such a manner as to create a safety hazard for pedestrians or motorists, or to create an operational difficulty for City work crews. Public Works may remove any sign that is inappropriately located.

ACCESS TO RENTED PREMISES

Section 22 of the Tenant Protection Act provides that:

“No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material.”

This does not permit canvassing in that part of the building that has been designated as a voting location during voting hours.

ACCESS TO CONDOMINIUMS

Section 118 of the Condominium Act provides as follows:

“No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.”

OFFICIAL RESULTS

The Clerk shall publicly announce the certified results of the election and declare to be elected those candidates with the highest number of votes on Wednesday, November 15, 2006, in the City Clerk's Office.

NOMINATION AS A CANDIDATE

Nomination day is Friday, September 29, 2006. Nomination papers may be filed on that day between the hours of 9:00 a.m. and 5:00 p.m. at the office of the Clerk. Nomination papers may also be filed on any day during a regular election year at a time when the Clerk's Office is open, commencing January 2, 2006.

In order to raise campaign funds or incur campaign expenses, you must first be nominated.

How to be Nominated

- (a) Obtain nomination papers (Form 1) from the Clerk's Office
- (b) Bring your completed and signed nomination papers to the Clerk between 9:00 a.m. and 5:00 p.m. on nomination day, Friday, September 29, 2006, or during normal office hours between Monday, January 2, and Thursday, September 28, inclusive (8:30 a.m. to 4:30 p.m.)
- (c) Bring completed Declaration of Office
- (d) The prescribed nomination filing fee of \$100 for Councillor or \$200 for Mayor, must be paid at the time of filing the nomination (CASH, CERTIFIED CHEQUE OR MONEY ORDER ONLY payable to the municipality). A candidate is entitled to a refund of the filing fee if he or she is elected, receives two per cent of the votes cast for the office, or withdraws the nomination.
- (e) A nomination paper may be filed in person or by an agent. The Municipal Elections Act, 1996, prohibits any election document to be filed by fax.

The municipal Clerk will certify your nomination paper by 4:00 p.m. on the Monday, following nomination day (October 2, 2006). You may be required to show proof of your identity and qualifications prior to certification.

Withdrawal of Candidacy

If you decide that you want to withdraw from the election, you must notify the Clerk in writing on or before 5:00 p.m. on Monday, October 2, 2006.

If withdrawing, you are entitled to a refund of the nomination filing fee. You are still required to submit a financial disclosure covering the financial transactions made up to the point at which you withdrew.

Changes in Office

To Same Council or Local Board

If, after filing nomination papers for an office, you decide to seek election for another office on the same municipal Council or local board, you may file a second nomination for the new office. The first nomination is deemed to have been withdrawn at the time the second nomination is filed. Under such circumstances, the nomination filing fee is transferred to the new office.

For example, a candidate nominated for the office of Councillor elected by a general vote in a municipality may decide to file a new nomination for the office of Mayor. The original nomination for the office of Councillor is deemed to have been withdrawn at the time the nomination for Mayor is filed. All contributions received and expenses incurred for the office of Councillor are transferred to and are deemed to be contributions and expenses for the new office, the office of Mayor. Only one financial disclosure is required to be filed as the campaigns are deemed to be a single campaign.

If you change offices on the same Council or local board, but one or both of the offices is elected by ward, the nomination filing fee is transferred to the new office. However, the two campaigns are separate campaigns; contributions and expenses cannot be transferred to the new office and two separate financial disclosures must be filed, one for each office.

For example, a candidate nominated for the office of ward Councillor may file a new nomination for the office of Mayor. The original nomination for the office of ward Councillor is deemed to be withdrawn at the time the nomination for Mayor is filed. Each campaign - that for ward Councillor and that for Mayor - is a separate campaign; contributions and expenses may not be transferred. The candidate is required to file two separate financial disclosures, one for the ward Councillor campaign and one for the Mayoralty campaign. The candidate will also have to pay the additional filing fee that is legislated for Mayoral candidates.

To a Different Council or Local Board

If after becoming nominated for an office, a candidate decides to seek election to an office on a different Council or local board, the candidate may file another nomination for the new office. The first nomination is deemed to be withdrawn at the time of filing the second nomination. The nomination filing fee is not transferred; it will be necessary to pay a second filing fee for the new office. Each campaign is a separate campaign; contributions and expenses may not be transferred. The candidate is required to file two separate financial disclosures, one for each office.

For example, a candidate who is nominated for the office of Councillor may decide to seek election instead for the office of school board trustee. At the time of filing the new nomination for trustee, the original nomination for Councillor is deemed to be withdrawn and a second nomination filing fee must be paid. Each campaign is a separate campaign; contributions and expenses may not be transferred. The candidate is required to file two financial disclosures, one for the office of Councillor and one for the office of school board trustee.

CERTIFICATE OF NOMINATION BY CLERK

The Clerk shall examine each nomination that has been filed, in accordance with the following timetable:

All nominations filed on or before nomination day shall be examined before 4:00 p.m. on Monday, October 2, 2006.

If satisfied that a person is qualified to be nominated, and that the nomination complies with this Act (Municipal Elections Act 1996), the Clerk shall certify the nomination by signing the nomination paper.

If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the Clerk shall reject the nomination.

When the Clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.

The Clerk's decision to certify or reject a nomination is final.

Since it is a responsibility of the candidate to ensure they meet all the qualifications and file proper nomination papers, each candidate should contact the Municipal Clerk to ensure that their nomination forms are in order. Since the Clerk may examine the nomination papers after the nomination period ends and may reject them, a candidate may find that their papers have been rejected and they are too late to file additional information or provide proof to the Clerk of their qualifications. Candidates may wish to contact the Clerk of the municipality and determine the method to be used to certify nomination papers in order to prevent any misunderstanding. If nomination papers are filed early it will assist the Clerk in certifying the papers before nominations close.

Additional Nominations

If necessary, additional nominations will be received between 9:00 a.m. and 5:00 p.m. on Wednesday, October 4, 2006.

ACCLAMATIONS

If, at 5:00 p.m. on Monday, October 2, 2006, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate or candidates elected by acclamation.

ELECTION CONTRIBUTIONS AND EXPENSES

The *Municipal Elections Act, 1996* imposes limitations on the expenses for candidates in municipal elections and also imposes requirements on the candidate to report the contributions received and the funds expended.

CAMPAIGN CONTRIBUTIONS

What is a campaign contribution?

A contribution means money, goods and services given to and accepted by or on behalf of a person for his or her election campaign and includes the following:

- (a) an amount charged for admission to a fund-raising function,
- (b) if goods and services are sold at a fund-raising function for more than their market value, the difference between the amount paid and market value,
- (c) if goods and services used in a person's election campaign are purchased for less than their market value, the difference between the amount paid and market value, and
- (d) any unpaid but guaranteed balance in respect of a loan.

The following amounts are not considered contributions:

- (a) the value of services provided by voluntary unpaid labour,
- (b) the value of services provided voluntarily, under the person's direction, by an employee whose compensation from all sources for providing them does not exceed the compensation the employee would normally receive for the period the services are provided,
- (c) an amount of \$10 or less that is donated at a fund-raising function
- (d) the value of political advertising provided without charge on a broadcasting undertaking as defined in Section 2 of the *Broadcasting Act (Canada)*, if
 - (i) it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - (ii) it is provided equally to all candidates for office on the particular Council or local Board,
- (e) the amount of a loan

What is the value of goods and services donated as contributions?

The value of goods and services provided as a contribution is the lowest amount that the contributor or a business supplying similar goods and services charges to the public in the same market area at the same time.

When may a candidate conduct fund-raising and incur campaign expenses?

The candidate may incur campaign expenses and may accept donations on the day he or she files a nomination. This is the start of the campaign period. The campaign period ends:

- (a) on December 31 in the election year, or
- (b) on the day the nomination is withdrawn or deemed to be withdrawn, or
- (c) on Nomination Day if the nomination is rejected, or
- (d) if the candidate has a deficit at the time the campaign period would otherwise end and notifies the Clerk in writing on or before December 31, 2006, the campaign period is extended until the earliest of the following:
 - (i) December 31, 2007
 - (ii) the day he or she is nominated in a subsequent election, for an office on the Council or local Board in respect of which the deficit was incurred
 - (iii) the day the candidate notifies the Clerk in writing that he or she will not accept further contributions, and
 - (iv) The day A equals the total of B and C, where:

- A = any further contributions
- B = the expenses incurred during the extension of the election campaign period,
- C = the amount of the candidates deficit at the start of the extension of the election campaign period.

NOTE: In the event of a recount, a candidates campaign period could be affected. See Section 68(5) of the *Municipal Elections Act, 1996* for details.

What are the responsibilities of the candidate with respect to campaign finances?

It is the responsibility of the candidate to ensure that:

1. One or more campaign accounts are opened at a financial institution exclusively for the purposes of the election and in the name of the candidate's election campaign,
2. All contributions of money are deposited into the campaign accounts,
3. All payments for expenses are made from the campaign accounts (except for filing fee),
4. All contributions are valued,
5. Receipts are issued for every contribution and obtained for every expense,
6. Financial filings are made as required by the *Municipal Elections Act 1996*,
7. Proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions of behalf of the candidate,
8. Any contribution of money in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention. That any such contribution not returned is paid to the Clerk,
9. Any anonymous contribution is paid to the Clerk,
10. Records are kept of the following:
 - a. receipts issued for contributions, the value of every contribution, whether a contribution was in the form of money, goods or services, and the contributors name and address;
 - b. every expense including the receipts obtained for each expense;
 - c. any claim for payment of expenses that the candidate disputes or refuses to pay;
 - d. the gross income from a fund-raising function and gross amount of money received at a fund-raising function by donations of \$10 or less;
 - e. any loan and its terms,
11. The records described in clause 10 are retained for the term of office of the members of the Council or local Board and until their successors are elected and the newly elected Council or local Board is organized.

Who can make contributions?

Contributions can only be made to candidates who are nominated and it is illegal to make a contribution to a candidate who is not nominated.

The following may make contributions:

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario;
- (c) A trade union that holds bargaining rights for employees in Ontario;
- (d) The candidate and his or her spouse, or same sex partner.

Who cannot make contributions?

- (a) A federal political party, a federal constituency association or a candidate at a federal election endorsed by a party,
- (b) A provincial political party, constituency association, registered candidate or leadership contestant, registered under the *Elections Finances Act*,
- (c) The Crown in Right of Canada or Ontario, a municipality or local Board.

What limits are there on contributions?

Contributions under \$25 may be made in cash. Any contribution over that amount must not be cash. No contributor may contribute in excess of \$750 to any one candidate in an election regardless of the number of offices for which the candidate has been nominated. There are no limits on the amount an individual or a spouse or same sex partner, may contribute to their own campaign.

No person shall make contributions of money that does not belong to the contributor with the exception of loans granted by a lending institution, which are permitted under the Act.

What restrictions are there on fund-raising events?

The legislation prohibits fund-raising functions for a person who is not a candidate. In addition, fund-raising events can only be held during the candidate's campaign period.

Can I borrow money for my campaign?

The candidate or their spouse, or same sex partner, may borrow money for their campaign from any bank or other recognized lending institution in Ontario. The money must be paid to the candidate's campaign account. No person other than the candidate, or his or her spouse or same sex partner, may guarantee the loan.

CAMPAIGN EXPENSES

Expenses are considered to be costs incurred for goods or services by, or on behalf of, a person wholly or partly for use in his or her election campaign and, without restricting the generality of the forgoing, includes the following:

1. The replacement value of goods retained by the person from any previous election and used in the current election,
2. The value of contributions of goods and services,
3. Audit and accounting fees,
4. Interest on loans,
5. The cost of holding fund-raising functions,
6. The cost of holding parties and making other expressions of appreciation after the close of voting,
7. Expenses relating to a recount,
8. Expenses relating to invalid elections,
9. The nomination filing fee.

It is to be noted that the maximum campaign expense allowed for a candidate does not apply in respect of expenses described in items 3 to 9 inclusive above.

Campaign expenses may only be incurred after a candidate is nominated and only incurred by the candidate or an individual acting on behalf of the candidate. It is the responsibility of the candidate to ensure that copies of receipts are kept for all expenses.

What Limits Are There On Campaign Spending?

The *Municipal Elections Act, 1996*, provides that the Minister has prescribed the campaign spending limits in *O. Regulation. 383/02*.

1. *Subsection 1(1) of Ontario Regulation 101/97 is amended by adding at the end "except for the office of head of Council of a municipality, in which case the filing fee is \$200".*
2. *Paragraphs 1 and 2 of section 5 of the Regulation are revoked and the following substituted:*
 - a) *In the case of a candidate for the office of head of Council of a municipality, the amount shall be calculated by adding together \$7,500 plus 70 cents for each elector entitled to vote for the office.*
 - b). *In the case of a candidate for another office, the amount shall be calculated by adding together \$5,000 plus 70 cents for each elector entitled to vote for the office.*
 - c) *This Regulation comes into force on January 1, 2006*

The Clerk will provide a calculation of the number of voters eligible to vote in the election within 10 days after Nomination Day, Monday, October 9, 2006.

FINANCIAL REPORTING

On or before March 31, in the year following an election year, each candidate shall file the necessary financial reports with the Clerk.

Expenses Under \$10,000

If the candidate's campaign expenses and contributions were each less than \$10,000 he or she must file a financial statement in the prescribed form.

Expenses Over \$10,000

If the candidate's expenses or contributions were over \$10,000 they are required to submit, in the prescribed forms, a financial statement and an auditors report licensed under the *Public Accountancy Act*.

Campaign Surpluses

Any surplus in a candidate's campaign in excess of \$500 must be paid to the Clerk. The Clerk will hold that amount in trust for the candidate and will return it, with interest, to the candidate for the next election, if the candidate runs for office on the same Council or local Board. If the candidate does not run again, the surplus becomes the property of the municipality or local Board.

Campaign Deficits And Extending Campaign Periods

If a candidate has a deficit in their campaign they may extend the campaign period beyond December 31, 2006, to obtain additional contributions in order to eliminate the deficit, by notifying the Clerk in writing of the extension on or before December 31, 2007.

The campaign may be extended until:

- (a) The deficit is eliminated, or
- (b) The day the candidate is nominated for a new election on the same council or local board (if such nomination is before December 31, 2007), or
- (c) The day the candidate notifies the clerk that no further donations will be accepted, or
- (d) December 31, 2007

If a candidate extends the campaign period, supplementary reporting period financial statements (and auditor's reports) will be required. The first supplementary reporting period will end on June 30, 2007, and the second will end on December 31, 2007. There are no further extensions of any campaign period beyond December 31, 2007. The financial statements and auditor's reports must be filed on August 30, 2007, and March 1, 2008, respectively.

Penalties For Non Compliance

If a candidate fails to:

- a) file the required documents,
- b) pay a surplus over \$500 to the Clerk, or
- c) file documents showing on its face that the candidate exceeded the spending limits.

in addition to any other penalty imposed under the *Municipal Elections Act*, a candidate is subject to the following penalties:

1. In the case of the defaults described in clauses b) and c),
 - (i) the candidate forfeits any office to which he or she was elected and the office shall be deemed to be vacant,
 - (ii) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

In the case of the defaults described in clause a), the candidate is suspended without pay from any office to which he or she was elected until the document is filed and subparagraphs 1(i) and (ii) apply if the candidate has not filed the document within ninety one [91] days after the last day the document was required to be filed.

NOTICE OF DEFAULT

The Clerk is required to notify a candidate within ten [10] days after a default in filing. The candidate will be provided an opportunity to correct the default within the period of the twelve [12] days following the day the notice was mailed by the Clerk.

APPLICATION TO EXTEND THE TIME TO FILE THE REQUIRED DOCUMENTS

A candidate, may, within ninety one [91] days after the last day for filing a document under Section 78 of the *Municipal Elections Act*, apply to the Ontario Court of Justice to extend the time for filing the document under that section and, if the Court is satisfied there are mitigating circumstances justifying a later date for filing the document, the Court may grant an extension for the minimum period of time necessary for the candidate to file the document.

NOTE: Section 80(6) of the *Municipal Elections Act*, which provides for the extension of the filing date, refers only to the failure to file documents required under Section 78 of the Act. It does not appear to apply to the payment of any surplus funds to the Clerk as required under Section 79 of the Act.

EFFECT OF EXTENSION

If an extension for filing a document is granted:

- a) the suspension of a candidate under Subsection (2) is extended until the earlier of the day the document is filed and the end of the extension; and
- B) the penalties under subparagraphs 1(i) and (ii) of Subsection (2) for failing to file the document only apply if the candidate has not filed the document before the end of the extension.

WHEN PENALTIES IN EFFECT

If a candidate was elected to office and fails to file a required financial statement or auditors report (or any other document required under Section 78 of the *Municipal Elections Act*) within the twelve [12] day period after the Clerk has mailed a notice of default to the candidate, the candidate is suspended, without pay from any office to which he or she was elected until the document is filed.

Such a candidate does have the remainder of the ninety one [91] day period to apply for an extension of time to file the documents; however, the suspension is imposed and remains in effect until the earlier of the day the document is filed and the end of the extension period. If the document is not filed in accordance with the time set by the Court, the penalties outlined in Subsections 1(i) and (ii) in "**Penalties For Non Compliance**" as outlined above apply.

If a candidate that was not elected does not comply with the filing requirements and does not apply to the Ontario Court of Justice for an extension, the penalties will take effect ninety one [91] days after the last day for filing the required documents. If such a candidate does apply to the Ontario Court of Justice and fails to file the documents by the date established by the Court, the penalties will take effect at the end of the period of extension.

Compliance Audits

An elector may apply to the Clerk of the municipality or the secretary of a local Board for a compliance audit of the campaign of any candidate within ninety [90] days of the filing of the financial reports of the candidate. The Clerk of the municipality or the Secretary of a local Board shall place the matter before Council or the local Board and a decision must be made whether to grant the audit within thirty [30] days. Council or local Board may delegate the power to make a decision to a Committee.

FURTHER INFORMATION

For further information candidates may call the City Clerks Office at (705) 742-7777 ext. 1820.

Publications

The following publications relate to municipal elections and may be of interest to candidates:

Municipal Elections Act, 1996

Government of Ontario Book Store
880 Bay Street
Toronto, Ontario
(416) 326-5300

also available on-line: http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/96m32_e.htm

Municipal Election Law 2006

Municipal World Inc.
Box 399, St. Thomas, Ontario
N5P 3V3
(519) 633-0031

Candidates and Electors

Municipal World Inc.
Box 399, St. Thomas, Ontario
N5P 3V3
(519) 633-0031

How to Campaign for Elected Office

Municipal World Inc.
Box 399, St. Thomas, Ontario
N5P 3V3
(519) 633-0031