

# **MUNICIPAL ELECTIONS 2010**



## **CANDIDATES PACKAGE**



## FEE/DEPOSIT

### REQUIRED AT TIME OF FILING NOMINATION PAPERS FOR THE 2010 MUNICIPAL AND SCHOOL BOARD ELECTION FOR THE TOWN OF GEORGINA

The following fee/deposit is payable by:

- Cash or Debit Card
- Certified Cheque made payable to the Town of Georgina
- Money Order made payable to the Town of Georgina

|  |          |
|--|----------|
| Office of the Mayor                          | \$200.00 |
| Office of Councillor or School Board Trustee | \$100.00 |

The filing fee is pursuant to:

[Section 1\(1\) of Ontario Regulation 101/97](#)

For the purpose of clause 33(2)(c) of the Act, the prescribed nomination filing fee is \$100.00 except for the office of head of council of a municipality, in which case the filing fee is \$200.00

[Section 33\(2\)\(c\) of the Municipal Elections Act, 1996](#)

The nomination shall be accompanied by the prescribed nomination filing fee.

A candidate is entitled to a refund of the nomination filing fee if he or she withdraws the nomination, is elected to the office or received more than 2% of the percentage of the votes cast in the election for that office.



# FORM 1 – NOMINATION PAPER

Municipal Election 2010

## MUNICIPAL ELECTIONS ACT, 1996 (SECTIONS 33 AND 35)

**PLEASE NOTE:** A Nomination Paper may only be filed in person or by an agent; it may not be faxed or e-mailed.

**It is the responsibility of the person being nominated to file a complete and accurate nomination paper.**

Nomination Paper of a person to be a candidate at an election to be held in the Town of Georgina.

**PLEASE PRINT OR TYPE INFORMATION – EXCEPT FOR SIGNATURES**

|  |                                      |   |
|--|--------------------------------------|---|
| <b>Nominated for the Office of</b><br>_____                  | <b>Ward No.</b><br>(if any)<br>_____ | Name as it is to appear on the ballot paper<br>_____                                    |
| <b>Nominee's full qualifying address within municipality</b> |                                      | <b>If nominated for school board, full address of residence within its jurisdiction</b> |
| _____<br>Street number and street name                       |                                      | _____<br>Street number and street name  |
| _____<br>Town Postal Code                                    | _____<br>Town Postal Code            | _____<br>Town Postal Code   |
| _____<br>Home Business Fax Number                            |                                      |   |
| <b>E-mail Address home:</b> _____                            |                                      |   |
| <b>E-mail Address work:</b> _____                            |                                      |   |

**FORM 1 – NOMINATION PAPER**

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**DECLARATION OF QUALIFICATION**

I, \_\_\_\_\_, the nominee mentioned in this nomination paper, declare that I am presently legally qualified, or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada, to be elected and to hold the office for which I am nominated and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the Town )  
 )  
of Georgina, in the Region of York )  
 )  
this \_\_\_\_ day of \_\_\_\_\_, 2010 )

\_\_\_\_\_  
(Signature of nominee)

\_\_\_\_\_  
(Signature of Clerk or Commissioner, etc.)

**DATE FILED:** \_\_\_\_\_ 2010 **TIME FILED:** \_\_\_\_\_ AM or PM

Initial of Nominee \_\_\_\_\_ or Initial of Agent \_\_\_\_\_

Signature of Clerk: \_\_\_\_\_

Signature of Designate: \_\_\_\_\_

**CERTIFICATE**

I, the undersigned Clerk of this Municipality, do hereby certify that I have examined the nomination paper of the aforesaid nominee filed with me and am satisfied that the nominee is qualified to be nominated and the nomination complies with the Act.

\_\_\_\_\_  
(Signature of Clerk or Designated)

\_\_\_\_\_  
(Date Certified)



## ESTIMATE OF MAXIMUM CAMPAIGN EXPENSES BASED UPON ELECTORAL INFORMATION FROM MUNICIPAL PROPERTY ASSESSMENT CORPORATION

The electoral information noted below is from the Elector Count Extract provided by MPAC as of nomination day in 2006.

1. There is a limit of \$750.00 per individual contribution.
2. A contributor shall not make contributions exceeding a total of \$5,000.00 to candidates running for office on the same Council.
3. Limits are placed on expenses based on a formula relating to the number of electors. For the office of the Mayor, it is \$7,500.00 + 85¢ per elector. For all other offices it is \$5,000.00 + 85¢ per elector in each Ward.

| <i>WARD</i> | <i>NUMBER OF ELECTORS</i> |
|-------------|---------------------------|
| 1           | 8,310                     |
| 2           | 6,445                     |
| 3           | 4,505                     |
| 4           | 5,858                     |
| 5           | 5,024                     |
| TOTAL       | 30,142                    |

| OFFICE                              | TOTAL EXPENSES PERMITTED          | MAXIMUM AMOUNT             | TOTAL LIMIT |
|-------------------------------------|-----------------------------------|----------------------------|-------------|
| MAYOR                               | $85¢ \times 30,142 = \$25,620.70$ | $\$7,500.00 + \$25,620.70$ | \$33,120.70 |
| REGIONAL COUNCILLOR                 | $85¢ \times 30,142 = \$25,620.70$ | $\$5,000.00 + \$25,620.70$ | \$30,620.70 |
| WARD 1 COUNCILLOR                   | $85¢ \times 8,310 = \$7,063.50$   | $\$5,000.00 + \$7,063.50$  | \$12,063.50 |
| WARD 2 COUNCILLOR                   | $85¢ \times 6,445 = \$5,478.25$   | $\$5,000.00 + \$5,478.25$  | \$10,478.25 |
| WARD 3 COUNCILLOR                   | $85¢ \times 4,505 = \$3,829.25$   | $\$5,000.00 + \$3,829.25$  | \$8,829.25  |
| WARD 4 COUNCILLOR                   | $85¢ \times 5,858 = \$4,979.30$   | $\$5,000.00 + \$4,979.30$  | \$9,979.30  |
| WARD 5 COUNCILLOR                   | $85¢ \times 5,024 = \$4,270.40$   | $\$5,000.00 + \$4,270.40$  | \$9,270.40  |
| ENGLISH PUBLIC SCHOOL BOARD TRUSTEE | $85¢ \times 26,417 = \$22,454.45$ | $\$5,000.00 + \$22,454.45$ | \$27,454.45 |

Prior to September 20<sup>th</sup>, 2010, the Clerk will send by registered mail a copy of the Final Campaign Spending Limit advising as to the amount of total campaign expenses that may be incurred by each certified Candidate. A NEW provision in the Act permits Candidates to use the higher amount of either the Estimate of Maximum Campaign Expenses or the Final Maximum Campaign Expenses limit.

The 2010 Municipal Election boundaries for School Board Trustee will be determined by the School Board prior to March 31<sup>st</sup>, 2010.



**CANDIDATE INFORMATION REQUEST FORM**  
FOR THE 2010 MUNICIPAL AND SCHOOL BOARD ELECTION  
FOR THE TOWN OF GEORGINA

I, \_\_\_\_\_, being a candidate for the Office of  
\_\_\_\_\_, hereby request the Clerk to provide me with  
the following information when it becomes available:

PLEASE APPROPRIATE BOX:

a copy of the Voters' List (on or before September 7<sup>th</sup>, 2010) **please note** that a copy of all revisions made to the Voters' List will be provided on or before September 29<sup>th</sup>, 2010

**OR**

an electronic copy of the Voters' List (on or before September 7<sup>th</sup>, 2010) **please note** that a copy of all revisions made to the Voters' List will be provided on or before September 29<sup>th</sup>, 2010

**AND**

a copy of the lists showing the name of each person who has voted at each advance vote.

I, the undersigned, do hereby agree to use the Voters' List for election purposes only and I understand that I am prohibited by the Municipal Elections Act 1996, as amended, from using the Voter's List for commercial purposes.

---

Please print your name on the line above

---

Signature of Candidate

---

Date



Form 18A

**DECLARATION OF QUALIFICATIONS**  
FOR THE 2010 MUNICIPAL ELECTION  
FOR THE TOWN OF GEORGINA

**MUNICIPAL CANDIDATES**

I, \_\_\_\_\_, a nominated candidate for the Office of:

PLEASE ONE:

Mayor  
Regional Councillor  
Councillor for Ward \_\_\_\_\_

Do Solemnly Declare That:

1. I am qualified pursuant to the ***Municipal Elections Act***, 1996, and the ***Municipal Act***, 2001 to be elected and to hold the office of:

PLEASE ONE:

Mayor  
Regional Councillor  
Councillor for Ward \_\_\_\_\_

2. Without limiting the generality of paragraph 1, I am at least eighteen (18) years of age, a Canadian citizen, a resident of the Town of Georgina or the owner or tenant of land in the Town of Georgina or the spouse or same sex partner of such owner or tenant.
3. I am not ineligible or disqualified under the ***Municipal Elections Act***, 1996, the ***Municipal Act***, 2001, the ***Municipal Conflict of Interest Act*** or any other ***Act*** to be elected to or to hold the above mentioned office.
4. Without limiting the generality of paragraph 3,
  - a) I am not an employee of the Town of Georgina or if I am an employee of the Town of Georgina, I am on an unpaid leave of absence as provided for by section 30 of the ***Municipal Elections Act***, 1996.
  - b) I am not a judge of any court.
  - c) I am not member of the ***Assembly*** as provided in the ***Legislative Assembly Act*** or of the ***Senate*** or ***House of Commons of Canada*** or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Town of Georgina prior to 2:00 pm on Nomination Day, Friday, September 10<sup>th</sup> 2010. I understand that the Clerk of the Town of Georgina will reject my Nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
  - d) I am not a member of the Executive Council of Ontario or a Federal Minister of the Crown.





Form 18B

**DECLARATION OF QUALIFICATIONS**  
FOR THE 2010 MUNICIPAL ELECTION  
FOR THE TOWN OF GEORGINA

**SCHOOL BOARD TRUSTEE**

I, \_\_\_\_\_, a nominated candidate for the Office of  
School Trustee for Ward \_\_\_\_\_ for the following Board:

PLEASE ONE:

York Region District School Board (English Public)  
York Catholic District School Board (English Catholic)  
Le Conseil Scolaire de District Catholique Centre-Sud (French Catholic)  
Le Conseil Scolaire de District du Centre-Sud-Ouest (French Public)

Do Solemnly Declare That:

1. I am qualified pursuant to the ***Municipal Elections Act***, 1996, and the Education Act to be elected and to hold the office of School Trustee in Ward \_\_\_\_\_ for the above-noted School Board.
2. Without limiting the generality of Paragraph 1, I am a resident of the area of jurisdiction of the School Board, a Canadian Citizen and at least eighteen (18) years of age.
3. I am qualified under the ***Education Act*** to vote for members of the School Board to which I am seeking office.
4. I am not ineligible or disqualified under the ***Municipal Elections Act***, 1996, the ***Education Act***, the ***Municipal Conflict of Interest Act*** or any other ***Act*** to be elected to or hold the above-mentioned office.
5. Without limited the generality of paragraph 4,
  - a) I am not an employee of a School Board, or if I am an employee of a School Board, I am on an unpaid leave of absence as provided for by Section 219 of the ***Education Act*** and Section 30 of the ***Municipal Elections Act***, 1996.
  - b) I am not a Clerk or Treasurer or Deputy-Clerk of Deputy-Treasurer of any Municipality within the area of jurisdiction of the School Board or if I am such a person, I am on an unpaid leave of absence as provided for by Section 219 of the ***Education Act*** and Section 30 of the ***Municipal Elections Act***, 1996.
  - c) I am not member of the ***Assembly*** as provided in the ***Legislative Assembly Act*** or of the ***Senate*** or ***House of Commons of Canada*** or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Town of Georgina prior to 2:00 pm on Nomination Day, Friday, September 10<sup>th</sup> 2010. I understand that the Clerk of the Town of Georgina will reject my Nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
  - d) I am not a member of the Executive Council of Ontario or a Federal Minister of the Crown.

..../2

**DECLARATION OF QUALIFICATIONS - 2**  
**FOR THE 2010 MUNICIPALELECTION**  
**FOR THE TOWN OF GEORGINA**

**SCHOOL BOARD TRUSTEE**

- 6. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act*, 1996.
- 7. Without limiting the generality of paragraph 6,
  - a) I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
  - b) I am not a person who was convicted of a corrupt practice described in Subsection 90(3) of the *Municipal Elections Act*, 1996.
- 8. I am not a Candidate who was convicted of a corrupt practice under the Municipal Elections Act, 1996 or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election.
- 9. I am not disqualified from being elected to or holding office by reason of any violation of the election campaign financial requirements or violations for not filing the financial statement pursuant to the Municipal Elections Act, 1996.

**AND I** make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED before me at the Town )  
 )  
of Georgina, in the Region of York )  
 )  
this \_\_\_\_ day of \_\_\_\_\_, 2010 )  
 )  
 )

\_\_\_\_\_  
(Signature of Candidate)

\_\_\_\_\_  
(Signature of Clerk or Commissioner, etc.)

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996 and will be used for the nomination process for office in the Municipal Election and will be available for public inspection in the office of the Clerk, Town of Georgina until the next Municipal Election. Questions about this collection of personal information should be directed to the Clerk at the Town of Georgina, 26557 Civic Centre Rd., Keswick, Ontario L4P 3G1. Telephone: 905-476-4301 extension 257.



**CONSENT BY CANDIDATE**  
**TO ACCESS TO CANDIDATE CONTACT INFORMATION FOR THE**  
**2010 MUNICIPAL AND SCHOOL BOARD ELECTION**

After a candidate files a nomination paper, the news media and the public frequently wish to make contact with him or her. The information contained in a nomination paper is deemed to be a public record by Subsection 88(5) of the *Municipal Elections Act*, 1996 and may be inspected by any person at the Town Clerk's office at a time when the office is open. However, the media and members of the public generally do not wish to take the time to go to the office to view the information. They would prefer instead to be able to obtain contact information by telephone or on the internet.

A candidate wishing to establish a campaign profile may find such contact to be of assistance. Therefore, in order to make this initial contact easier, a candidate may wish to authorize the Clerk's staff to release telephone or e-mail contact information. This could be in response to a specific request, or, through the posting of same on the Municipal Elections website. **PLEASE NOTE THAT THERE IS NO OBLIGATION ON THE PART OF A CANDIDATE TO AUTHORIZE THE RELEASE OF THIS CONTACT INFORMATION.**

**Candidate decision/instruction with respect to release of a contact number:**

I have read the above explanation with respect to the limitations which exist in regard to the release of contact information. Having considered the information, I hereby provide the following direction to the Clerk's Staff.

PLEASE THE APPROPRIATE BOXES BELOW:

Do not release my contact information, except as provided for in the *Municipal Elections Act* (i.e. by making it available for public viewing at the Town Clerk's Office).

I hereby authorize the release of the following contact information in response to Requests for information made to the Town Clerk or Town Staff.

Telephone number: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

I hereby authorize the posting of the following contact information on the Town's Municipal Elections Website.

Telephone number: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date



Form 21

**PENALTY NOTICE**  
**FOR THE 2010 MUNICIPAL AND SCHOOL BOARD ELECTION**

Pursuant to Section 33.1 and 78(6) of the Municipal Elections Act, 1996, where the Clerk is required to give notice to each person nominated for an office regarding the penalties under Subsections 80(2) and 92(5) relating to election campaign finances, attached for you information are the appropriate sections of the Act highlighted in bold and underlined.

I, \_\_\_\_\_, do hereby acknowledge that I  
(Please print)

am in receipt of the Clerk's notice regarding penalties relating to election campaign finances.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Election Campaign Finances

### Excerpt from Municipal Elections Act, 1996, S.O. 1996, c. 32

Please pay particular attention to Section 80(2) & 92 (5)

Act available at [www.e-laws.gov.on.ca/html/statutes/english/elaws](http://www.e-laws.gov.on.ca/html/statutes/english/elaws)

Contributions

#### Section 66(1)

For the purposes of this Act, money, goods and services given to and accepted by or on behalf of a person for his or her election campaign are contributions.

#### Section 66(2)

Without restricting the generality of subsection (1), the following rules apply in determining whether an amount is a contribution:

1. The following amounts are contributions:

- i. an amount charged for admission to a fund-raising function,
- ii. 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,
- iii. 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
- iv. any unpaid but guaranteed balance in respect of a loan under section 75.

2. The following amounts are not contributions:

- i. the value of services provided by voluntary unpaid labour,
- ii. 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,
- iii. an amount of \$10 or less that is donated at a fund-raising function,
- iv. the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada), if,
  - A. it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - B. it is provided equally to all candidates for office on the particular council or local board,
- v. the amount of a loan under section 75.

## Value of Goods and Services

The value of goods and services provided as a contribution is,

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- (b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

## No penalty

No employer shall impose any penalty on an employee who refuses to provide services voluntarily as described in subparagraph ii of paragraph 2 of subsection (2).

## Expenses

### Section 67(1)

For the purposes of this Act, costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign are expenses.

### Section 67(2)

Without restricting the generality of subsection (1), the following amounts are expenses:

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 under section 75.
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 proceedings under section 83 (controverted elections).
- 8.1 Expenses relating to a compliance audit.
- 8.2 Expenses that are incurred by a candidate with a disability are directly related to the disability, and would not have been incurred but for the election to which the expense relate.
9. The nomination filing fee referred to in section 33.

## Section 67(2.1)

For greater certainty, the cost of holding fundraising functions under paragraph 5 of subsection (2) does not include costs related to,

- a) events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- b) promotional materials in which the soliciting of contributions is incidental.

## Expenses incurred after election campaign period

### Section 67(3)

The expenses described in paragraphs 7 and 8 of subsection (2) include expenses relating to recounts and proceedings under section 83 (controverted elections) from a previous election for an office on the same council or local board, if the expenses were incurred after the person's election campaign period for that office in the previous election ended under subparagraph ii of paragraph 4 or subparagraph ii of paragraph 5 of subsection 68 (1).

## Election campaign period

### Section 68(1)

For the purposes of this Act, a candidate's election campaign period for an office shall be determined in accordance with the following rules:

1. The election campaign period begins on the day he or she files a nomination for the office under section 33.
2. The election campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
3. Despite rule 2, the election campaign period ends,
  - i. on the day the nomination is withdrawn under section 36 or deemed to be withdrawn under subsection 29 (2), or
  - ii. on nomination day, if the nomination is rejected under section 35.
4. Despite rules 2 and 3, if the candidate has a deficit at the time the election campaign period would otherwise end and the candidate notifies the clerk in writing on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of,
  - i. the following June 30 in the case of a regular election and the end of the 6 month period following the 60th day after voting day in the case of a by-election,
  - 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 candidate's deficit at the start of the extension of the election campaign period.

- 5. If, after the election campaign period ends under rule 2, 3 or 4, the candidate incurs expenses relating to a recount or to a proceeding under section 83 (controversed elections) and the candidate notifies the clerk in writing, the campaign period is deemed to have recommenced, subject to subsection (2), and to have run continuously from the date of nomination until the earliest of,
  - i. the day the total of A and B equal the total of C and D, where,
    - A= any amount released to the candidate under subsection 79 (7),
    - B= any further contributions,
    - C= the expenses incurred after the election campaign period recommences,
    - D= the amount of the candidate's deficit, if any, before the election campaign period recommenced,
  - 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 expenses referred to in subparagraph i were incurred,
  - iii. the day the candidate notifies the clerk in writing that he or she will not accept further contributions, and
  - iv. the following June 30 in the case of a regular election, and
  - v. the end of the 6 month period following the 60<sup>th</sup> day after voting day in the case of a by-election.

### Section 68(2)

An election campaign period that has ended under subparagraph ii of paragraph 4 or subparagraph ii of paragraph 5 of subsection (1) cannot recommence under paragraph 5.

### Multiple and combined campaigns

#### Section 68(3)

The following rules apply if a person is a candidate, at different times in the same election, for more than one office on the same council or local board:

- 1. The person's campaigns for offices for which the election is conducted by general vote shall be deemed to be one campaign for the last office for which he or she is nominated, but the election campaign period begins on the day of the first nomination.

2. Each campaign for an office for which the election is conducted by ward is a separate campaign.

## Duties of candidate

### Section 69(1)

A candidate shall ensure that,

- a) one or more campaign accounts are opened at a financial institution, exclusively for the purposes of the election campaign and in the name of the candidate's election campaign;
- b) all contributions of money are deposited into the campaign accounts;
- c) all payments for expenses, except for a nomination filing fee, are made from the campaign accounts;
- d) contributions of goods or services are valued;
- e) receipts are issued for every contribution and obtained for every expense;
- f) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (iv) the contributor's name and address;
- g) records are kept of every expense including the receipts obtained for each expense;
- h) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- i) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$10 or less;
- j) records are kept of any loan and its terms under section 75;
- j.1) the records described in clauses (f), (g), (h), (i) and (j) are retained by the candidate 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;
- k) financial filings are made in accordance with section 78 and 79.1;
- l) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions on behalf of the candidate;
- m) a contribution of money made or received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- n) a contribution not returned to the contributor under clause (m) is paid to the clerk with whom the candidate's nomination was filed; and
- o) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed.

## Contributions paid to clerk

### Section 69(2)

Contributions paid to the clerk under clause (1) (n) or (o) become the property of the local municipality.

## Contributions only after nomination

### Section 70(1)

A contribution shall not be made to or accepted by or on behalf of a person unless he or she is a candidate. Only during election campaign period

### Section 70(2)

A contribution shall not be made to or accepted by or on behalf of a candidate outside his or her election campaign period.

## Who may contribute

### Section 70(3)

Only the following may make contributions:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.
4. Subject to subsection (5), the candidate and his or her spouse.

### Section 70(4)

For greater certainty, and without limiting the generality of subsection (3), the following shall not make a contribution:

1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
3. The Crown in right of Canada or Ontario, a municipality or local board.

## Non-resident candidate, spouse

### Section 70(5)

If not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

## Who may accept contribution

### Section 70(6)

A contribution may be accepted only by a candidate or an individual acting under the candidate's direction.

### Contributors

### Section 70(7)

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

### Cash

### Section 70(8)

A contribution of money in cash that exceeds \$25 shall not be made to or accepted by or on behalf of a candidate.

## Maximum, each candidate

### Section 71(1)

A contributor shall not make contributions exceeding a total of \$750 to any one candidate in an election.

### More than one office

### Section 71(2)

If a person is a candidate for more than one office, a contributor's total contributions to him or her in respect of all the offices shall not exceed \$750.

## Exception, candidates and spouses

### Section 71(3)

Subsections (1) and (2) do not apply to contributions made to a candidate's own election campaign by the candidate or his or her spouse.

## Associated corporations

### Section 72

For the purposes of sections 66 to 82, corporations that are associated with one another under section 256 of the Income Tax Act (Canada) shall be deemed to be a single corporation.

## Restrictions re fund-raising functions

### Section 73

A fund-raising function shall not be held,

- (a) for a person who is not a candidate; or
- (b) outside the candidate's election campaign period. 1996, c. 32, Sched., s. 73.

## Restriction: Use of own money

### Section 74(1)

A contributor shall not make a contribution of money that does not belong to the contributor.

## Exception, will

### Section 74(2)

Subsection (1) does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate out of the funds of the estate.

## Campaign account loan

### Section 75(1)

A candidate and his or her spouse may obtain a loan from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account.

## Who may guarantee

### Section 75(2)

No person other than the candidate and the spouse shall guarantee the loan.

## Expenses

### Section 76(1)

An expense shall not be incurred by or on behalf of a person unless he or she is a candidate.

### Only during election campaign period

### Section 76(2)

An expense shall not be incurred by or on behalf of a candidate outside his or her election campaign period.

### Who may incur expense

### Section 76(3)

An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

### Maximum amount

### Section 76(4)

During the period that begins on the day a candidate is nominated under section 33 and ends on voting day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

### Prescribed formula

### Section 76(4.1)

The following June 30, in the case of a regular election, i.1 the end of the six month period following the 60<sup>th</sup> day after voting day, in the case of a by-election.

### Exception

### Section 76(5)

Subsection (4) does not apply in respect of expenses described in paragraphs 3, 5 and 8.2 of subsection 67 (2).

## Number of electors

### Section 76(6)

For the purpose of subsection (4), the number of electors is the greater of,

- a) the number determined from the voters' list from the previous election, adjusted for applications under section 24 and 25 that were approved as of the day; and
- b) the number determined from the voters' list for the current election, as it exists on nomination day of the current election, adjusted for applications under sections 24 and 25 that are approved as of that day.

## Duty of clerk

### Section 76(7)

Within 10 days after nomination day, the clerk shall,

- a) calculate the maximum permitted by subsection (4) for each office for which nominations were filed with him or her; and
- b) give a certificate of the applicable maximum to each candidate.

## Clerk's calculation final

### Section 76(8)

The clerk's calculation is final.

## Filing date, reporting period

### Section 77

For the purposes of documents to be filed under sections 78,

- a) the filing date is,
  - i) in the case of a regular election, the last Friday in March following the election, and
  - ii) in the case of a by-election, 60 days after voting day;
- b) the supplementary filing date is the last Friday in September;
- c) the supplementary reporting period is,
  - i) in the case of a regular election, the six-month period following the year of the election, and,
  - ii) in the case of a by-election, each six-month period following the 60<sup>th</sup> day after voting day.

## **Financial statement and auditor's report**

### **Section 78(1)**

On or before **2 p.m.** on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- a) in the case of a regular election, as of December 31 in the year of the election; and
- b) in the case of a by-election, as of the 45th day after voting day.

## **Supplementary financial statement and auditor's report**

### **Section 78(2)**

If the candidate's election campaign period continues during all or part of a supplementary reporting period, he or she shall, on or before **2 p.m.** on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.

## **Supplementary report**

### **Section 78(3)**

A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1) and in any previous supplementary statement or report under subsection (2), as the case may be, updated to reflect the changes to the candidate's election campaign finances during the supplementary reporting period.

## **Auditor**

### **Section 78(4)**

An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.

## **Exception re auditor's report**

### **Section 78(5)**

No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000.

## **Notice by clerk**

### **Section 78(6)**

At least 30 days before the filing date, the clerk shall give every candidate whose nomination was filed with him or her notice by registered mail.

- a) of all the filing requirements of this section; and
- b) of the penalties set out in subsections 80(2) and 92(5).

## **Deemed time of receipt**

### **Section 78(6.1)**

The notice is deemed to have been received on the fifth day after mailing.

## **Electronic filing**

### **Section 78(7)**

The council of a local municipality may pass a by-law authorizing electronic filing under this section subject to such conditions and limits as are set out in the by-law.

## **Surplus and deficit**

### **Section 79(1)**

A candidate has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true.

## **Total credits**

### **Section 79(2)**

For the purposes of subsection (1), the total credits are the sum of,

- a) the candidate's contributions under section 66;
- b) any amounts equal to or less than \$10 that were donated at fund-raising functions;
- c) interest earned on campaign accounts;
- d) revenue from the sale of election materials; and

## **Total debits**

### **Section 79(3)**

For the purposes of subsection (1), the total debits are the sum of,

- a) the candidate's expenses under section 67; and
- b) any deficit from a previous election campaign of the candidate if that campaign,

- i) related to an office on the same council or local board as the present campaign, and
- ii) was in the previous regular election or a subsequent by-election.

### Surplus paid to clerk

#### Section 79(4)

If the candidate's financial statement or supplementary financial statement shows a surplus **exceeding \$500** and the election campaign period has ended at the time the statement is filed he or she shall, when the statement is filed, pay the total surplus to the clerk with whom the candidate's nomination is filed, **reduced by the amount of any refund under subsection (6)**.

### Surplus held in trust by clerk

#### Section 79(5)

The clerk shall hold the amount paid under subsection (4) in trust for the candidate.

### Refund

#### Section 79(6)

If a candidate who has a surplus or his or her spouse has made contributions to the election campaign, the candidate may, after the election campaign period ends but before filing the financial statement or supplementary financial statement, as the case may be, refund to himself or herself or to the spouse, as the case may be, an amount that does not exceed the lesser of,

- a) the relevant contributions;
- b) the surplus.

### Release of amount if campaign recommences

#### Section 79(7)

If the candidate's election campaign period recommences under rule 5 of subsection 68 (1), the clerk shall pay the amount held in trust to the candidate, with interest. Release of amount at next regular election

### Amount to become property of municipality of local board

#### Section 79(8)

The amount becomes the property of the municipality or local board as the case may be, when all of the following conditions are satisfied:

- 1. the campaign period has ended under rule 1, 2, 3 or 4 of subsection 68(1).

2. it is no longer possible to recommence the campaign period under rule 5 of subsection 68(1).
3. no recount or proceeding under section 81 (compliance audit) or section 83 (controverted election) has been commenced.
4. the period for commencing a recount or a proceeding under section 81 or 83 has expire.

## Transition, 2010 regular election and earlier

### Section 79(9)

Clause (2)(e) and subsection (8), (9) and (10), as they read immediately before the re-enactment of this section by subsection 8(44) of Schedule 21 of the *Good Government Act, 2009*, continue to apply with respect to the 2010 regular election and with respect to any be-election that takes place before the 2010 regular election.

## Return of surplus for subsequent expenses

### Section 79.1(1)

This section applies if all of the following circumstances exist:

1. A candidate has paid a surplus to the clerk under subsection 79(4).
2. The campaign period has ended under rule 2, 3 or 4 of subsection 68(1).
3. It is no longer possible to recommence the campaign period under rule 5 of subsection 6(1).
4. The candidate subsequently incurs expenses relating to a recount or a proceeding under section 81 (compliance audit) or section 83 (controverted elections).

## Return of surplus

### Section 79.1(2)

If the candidate notifies the clerk in writing that the candidate is incurring subsequent expenses relating to a recount or to a proceeding under section 81 or 83, the clerk shall return the amount of the surplus, with interest, to the candidates.

## Effect of return of surplus

### Section 79.1(3)

If the surplus is returned to the candidate, the candidate is permitted to incur expenses relating to a recount or to a proceeding under section 81 or 83 but no other expenses may be incurred by the candidate.

## **Reporting periods**

### **Section 79.1(4)**

The candidate's first reporting period under this section begins on the day after the surplus is returned to the candidate and ends 90 days later, and each successive period of 90 days is a further reporting period.

## **Financial statements**

### **Section 79.1(5)**

For each reporting period, the candidate shall file with the clerk with whom the nomination was filed a financial statement in the prescribed form reflecting the candidate's expenses for the reporting period, and the financial statement must be filed no later than 2 p.m. on the 10<sup>th</sup> day after the end of the reporting period.

## **Final financial statements**

### **Section 79.1(6)**

If, during a reporting period, the amount of surplus is reduced to zero or any remaining surplus is no longer required by the candidate for expenses relating to a recount or to a proceeding under section 81 or 83, the candidate shall file a final financial statement.

## **Repayment of remaining surplus**

### **Section 79.1(7)**

If the final financial statement indicates that there is any remaining surplus, the candidate shall pay the remaining surplus to the clerk when the financial statement is filed.

## **Remaining surplus held in trust by clerk**

### **Section 79.1(8)**

The clerk shall hold the amount of the remaining surplus in trust for the candidate.

## **Release of amount if another recount, etc.**

### **Section 79.1(9)**

If, after the candidate pays the remaining surplus to the clerk, another recount or proceeding under section 81 or 83 commences, subsections (2) to (8) apply, with necessary modifications, with respect to the subsection recount or proceeding.

## Amount to become property of municipality or local board

### Section 79.1(10)

The amount of the remaining surplus becomes the property of the municipality or local board, as the case may be, when the re count or proceeding under section 81 or 83 has expired.

## Additional penalties

### Section 80(1)

A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act, if,

- a) he or she fails to file a document as required under section 78 by the relevant date;
- b) a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by section 79(4) to the clerk by the relevant date; or
- c) a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or
- d) if a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1(7) by the relevant date.

### Section 80(2)

In the case of a default described in subsection (1).

- a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- b) 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.

### Section 80(2.1)

In the case of the default described in subsection (1), the clerk shall notify the candidate and the council or board in writing that the default has occurred.

## Application to court

### Section 80(3)

The candidate may, before the last day for filing a document under section 78 or 79.1, apply to the Ontario Court of Justice to extend the time for filing the document under the 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 but the court shall not grant an extension of more than 90 days.

### Section 80(3.1)

If a candidate makes an application under subsection (3), the candidate shall notify the clerk in writing before 2 p.m. on the last day for filing documents under 78 or 79.1 that the application has been made.

### Effect of extension

### Section 80(4)

If the court grants an extension under subsection (3), the penalties set out in subsection (2) apply only if the candidate has not filed the document before the end of the extension.

## Corrupt Practices and Other Offences, Penalties and Enforcement

### Offences, penalties and enforcement

### Section 89

A person is guilty of an offence if he or she,

- a) votes without being entitled to do so;
- b) votes more times than this Act allows;
- c) votes in a voting place in which he or she is not entitled to vote;
- d) induces or procures a person to vote when that person is not entitled to do so;
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g) before or during an election, publishes a false statement of a candidate's withdrawal;
- h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i) without authority, supplies a ballot to anyone;
- j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k) takes a ballot away from the voting place;
- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m) attempts to do something described in clauses (a) to (l).

## Corrupt practices: certain offences committed knowingly

### Section 90(1)

If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

## Corrupt practices: bribery

### Section 90(2)

An offence described in subsection (3) constitutes a corrupt practice and a person who commits it is liable, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in this Act.

### Section 90(3)

No person shall, directly or indirectly,

- a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;
- b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;
- c) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
- e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

## Corrupt practices by election officials: miscounting votes

### Section 90(4)

A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice.

## Same: false ballot

### Section 90(5)

A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice.

## Neglect of duty

### Section 90(6)

A clerk or other election official who willfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt.

## Ineligibility, bribery or corrupt practice by candidate

## Corrupt practices and ineligibility for office

### Section 91(1)

If a person is convicted of a corrupt practice under this Act, or of an offence under the *Criminal Code (Canada)* in connection with an act or omission that relates to an election to which this Act applies, then, in addition to any other penalty provided for in this Act,

- a) any office to which he or she was elected is forfeited and becomes vacant and
- b) the person is ineligible to be nominated for or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

## Exception

### Section 91(2)

However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code (Canada)* without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply. Election campaign finance offences

## Election campaign finance offences

## Additional penalty

### Section 92(3)

If the expenses incurred by or on behalf of a candidate exceed the amount determined for the office under section 76, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

## Offences by candidate

### Section 92(5)

A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 80 (2), if he or she,

- a) files a document under section 78 or 79.1 that is incorrect or otherwise does not comply with that section; or
- b) incurs expenses that exceed what is permitted under section 76.

### Exception

### Section 92(6)

However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 80(2) do not apply.

### Obstruction, etc.

### Section 93

No person shall obstruct a person making an investigation or examination under this Act or withhold, conceal or destroy anything relevant to the investigation or examination.

### General offence

### Section 94

A person who contravenes a provision of this Act is guilty of an offence.

### General penalty, individual

### Section 94.1(1)

An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:

1. for any offence, a fine of not more than \$25,000.00
2. for any offence other than a corrupt practice, the penalties described in subsection 80(2).
3. for an offence under section 90, imprisonment for a term of not more than six months.
4. for any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months.

## General penalty, corporation or trade union

### Section 94.1(2)

A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000.00 in addition to any other penalty provided for in this Act.

### Limitation period

#### Section 94.2(1)

No prosecution for an offence under this Act in relation to a regular election shall be commenced after December 1 of the fourth year following the year in which the regular election was held.

#### Section 94.2(2)

No prosecution for an offence under this Act in relation to a by-election shall be commenced after December 1 of the year of the next regular election after the by-election.