

Town of Georgina

Candidates' Guide 2010

This guide is prepared for information purposes only. Reference should always be made to the relevant legislation and regulations.

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INTRODUCTION

General Information

This guide has been prepared for individuals wishing to be nominated for office in the Town of Georgina. The contents of this document are intended only as a guide and candidates should refer to the relevant legislation and regulations.

Candidates must satisfy themselves, through their own determination or with the assistance of their own legal counsel, of the various statutory provisions relating to their candidacy. Candidates must ensure they are complying with all of the requirements relating to election campaign finances.

IMPORTANT: The *Municipal Elections Act, 1996* (MEA) was recently amended by the *Good Government Act, 2009* (Bill 212). Persons should ensure that they are using the most up-to-date version of the legislation. The updated MEA can be found online at [*Municipal Elections Act, 1996*](#).

New For 2010

Nominations must be filed by 2:00 p.m. on the second Friday in September (September 10th, 2010).

Candidates wishing to withdraw their nomination must do so by 2:00 p.m. on the second Friday in September (September 10th, 2010).

Voting day is the fourth Monday in October (October 25th, 2010).

A contributor is limited to a maximum of \$5,000 in total contributions to candidates running for office on the same council or board. Contributors who exceed this limit may be liable to penalties under the *Municipal Elections Act, 1996*.

Municipalities may use information held by the municipality to revise and update the voters' list.

Every Clerk must ensure that all voting places are accessible to electors with disabilities.

Electors voting at a voting place must show identification prior to obtaining a ballot.

Penalties for contravening the *Municipal Elections Act, 1996* have been increased. An

individual who contravenes the contribution rules may face a fine of up to \$25,000 (\$50,000 for corporations and trade unions) and/or up to six months in prison if the offence was committed knowingly. Candidates who are convicted of contravening certain provisions of the Act also forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.

The nomination filing fee and interest on loans are now expenses subject to the campaign spending limit.

Expenses relating to a compliance audit are not subject to the spending limit. Expenses incurred by a candidate with a disability that are directly related to the candidacy are also not subject to the spending limit.

To avoid arguments that expenses incurred in holding a fundraising function may not be exempt from the spending limit, candidates should ensure that raising money is the primary purpose of the function. Events or materials promoting the candidate in which fundraising is incidental do not qualify as fundraising functions and are therefore not exempt from the spending limit.

The spending limit formula is the base amount, which varies by office, plus \$0.85 cents per elector.

A candidate will receive an initial spending limit estimate when filing their nomination, and will receive a final spending limit after the close of nominations. Whichever of these two amounts is higher becomes the candidate's official spending limit.

The deadline for filing financial statements is 2:00 p.m. on Friday, March 25th, 2011. If a candidate does not file by this deadline, and has not applied to the courts for an extension, the candidate forfeits any office won in the election, is ineligible to be elected and may not be appointed to any office until after the next regular election.

A candidate who has a deficit may extend their campaign to June 30th, 2011. A candidate who incurs expenses related to a recount, controverted election or compliance audit after their campaign has ended on December 31st, 2010 may re-open their campaign. All campaigns end on June 30th, 2011.

All surplus funds must be turned over to the Clerk to be held in trust. A candidate may access his or her surplus if he or she subsequently incurs expenses related to a recount, controverted election or compliance audit.

Surplus funds not required for such expenses become the property of the municipality or school board. Surplus funds may not be carried forward for use by the candidate in a subsequent election.

Financial filing forms have been revised. All candidates must now use the most up-to-date version of Form 4.

Form 4 is available online at: www.town.georgina.on.ca/pn-election-2010.aspx

Every council and school board must appoint a compliance audit committee by October 1st, 2010.

VOTING DAY IS MONDAY, OCTOBER 25th, 2010.

OFFICES OF MEMBERS TO BE ELECTED

Members will be elected for a four (4) year term commencing on December 1st, 2010 and ending on November 30th, 2014.

- A) Mayor [one (1) to be elected by all electors of the Town].
- B) Regional Councillor [one (1) to be elected by all electors of the Town].
- C) Councillors [one (1) to be elected for each of Wards 1 to 5 inclusive].
- D) York Region District School Board (English Public) one (1) to be elected by all English language public school electors of the Town.
- E) York Catholic District School Board (English Catholic) one (1) to be elected by all English language separate school electors of the Town.
- F) Le Conseil scolaire de district catholique Centre-Sud (French Catholic) one (1) to be elected by the French language separate school electors of the Region of York.
- F) Le Conseil scolaire de district du Centre-Sud-Ouest (French Public) one (1) to be elected by the French Language public school electors of the Region of York.

NOTE:

If a particular office has been filled by ACCLAMATION, it will not be listed on a ballot and NO BALLOT WILL BE PROVIDED TO THE ELECTOR.

Candidates

Persons wishing to seek elected municipal or school board office should read the relevant legislation and regulations for qualifications required for the office, e.g., the *Municipal Act, 2001*, the *Education Act*, and the *Municipal Elections Act, 1996*.

It is the responsibility of the candidate to determine whether he or she is qualified to be elected to and hold office.

Candidates can only be nominated for one office on a municipal council or school board in the Province of Ontario at a time. If a person is nominated for a second office, the first nomination is deemed to be withdrawn.

Municipal Office

Qualifications

A candidate for municipal office must, upon nomination, be a qualified municipal elector and fulfill all of the following requirements:

- resides in the local municipality, or a non-resident owner or tenant of land in the municipality, or the spouse of such non-resident owner or tenant;
- a Canadian citizen;
- at least 18 years old;
- not legally prohibited from voting; and
- not disqualified by any legislation from holding municipal office.

See Sections 256 & 258 of the *Municipal Act, 2001*

NOTE:

- A candidate, if nominated, must remain qualified throughout the election and, if elected, throughout the term of office;
- A candidate for the office of ward councillor is not required to reside within the ward he or she represents.

Municipal Employees

An employee of a municipality who wishes to run for office in the municipality that is their employer must take an unpaid leave of absence prior to being nominated. If elected, the employee must resign his or her employment with the municipality.

If an employee of an upper tier or lower tier municipality wishes to run for office of the opposite tier, they can run without taking an unpaid leave of absence or resigning provided that being elected to the opposite tier does not include sitting on the other tier.

Section 30, *Municipal Elections Act, 1996*

Example:

An employee of a region wishes to run for council in a local municipality. The employee does not need to take a leave to run for office. If elected, the employee cannot sit on regional council without resigning their employment. If the employee is not required to sit on regional council, the employee can retain their job.

Role of Council

See Sections 224 and 225 of the *Municipal Act, 2001*

Disqualifications

The following persons **are disqualified** from being elected to municipal office:

- any person not eligible to vote in the municipality;
- an employee of a municipality unless he or she takes an unpaid leave of absence before being nominated, and resigns, if elected to the office. He or she must provide the Clerk with the original documentation showing that he or she has taken a leave of absence and the effective date;
- a person who is not an employee of the municipality but who is the Clerk or Treasurer of the municipality or who holds any administrative position of the municipality except in accordance with Section 30 of the *Municipal Elections Act, 1996*;
- a judge of any court;
- a member of the Legislative Assembly of Ontario, a senator or a member of the House of Commons. The member must resign his or her office by the close of nominations at 2:00 p.m. Friday, September 10th, 2010 and proof of resignation must be provided to the Clerk or the Clerk will refuse to certify nominations;
- an inmate of a penal or correctional institution under sentence of imprisonment except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any regulations made under that part, a public servant within the meaning of the Act;
- a candidate who has failed to file the necessary financial statements in the last municipal election or by-election;
- a member of council must maintain his/her qualifications throughout the entire term of office or else his or her seat will become vacant;
- a member of council is disqualified from holding office if he or she;
 - ceases to be a Canadian citizen
 - is not a resident, owner or tenant of land in the municipality, or the spouse of an owner or tenant of land in the municipality;
 - would be prohibited under this or any other act from voting

NOTE:

An employee must provide the Clerk with the original documentation showing that he or she has taken a leave of absence and the effective date of the leave.

See Section 258 (1) and (2) of the *Municipal Act, 2001*

School Board

Qualifications

A candidate for a school board must, upon nomination, be a qualified municipal elector and fulfill all of the following requirements:

- a resident within the jurisdiction of the board; .
- a supporter of the board; .
- a Canadian citizen;.
- at least 18 years old;
- Roman Catholic (if running for a separate school board);
- not legally prohibited from voting; and
- not disqualified by any legislation from holding school board office.

NOTE:

A candidate, if nominated, must remain qualified throughout the election and, if elected, throughout the term of office. School board candidates should confirm that they have the qualifications described in Section 219 of the *Education Act*.

School Board Employees

An employee of a school board who wishes to run for office on **any** school board must take an unpaid leave of absence prior to being nominated. If elected, the employee must resign. A person may not be employed by one school board and hold office on a different school board.

Disqualifications

A candidate for school board office cannot be a Clerk, Deputy Clerk, Treasurer or Deputy Treasurer of a municipality within the jurisdiction of a board.

The following persons are **disqualified** from being elected to school board office:

- any person not eligible to vote in the municipality;
- an employee of a school board unless he or she:
 - takes an unpaid leave of absence before being nominated, and
 - resigns, if elected to the office;
- a judge of any court;
- a member of the Legislative Assembly of Ontario, a senator or a member of the House of Commons; or
- an inmate of a penal or correctional institution under sentence of imprisonment.

NOTE:

Despite the above disqualification, MPs, MPPs and senators may be nominated for municipal or school board office without having to resign their current seat in Parliament, the Legislature or the Senate. However, by 2:00 p.m. on Friday, September 10th, 2010 (nomination day), MPs, MPPs and senators are required to resign their current seat should they wish to continue to seek municipal or school board office. Federal or provincial cabinet ministers must step down from Cabinet prior to filing their nomination, and resign their seat by nomination day. If an MP, MPP or senator does not resign prior to the close of nominations, their nomination will be rejected.

Electors

Municipal Office

Qualifications

A person is entitled to be an elector at an election held in a local municipality, if on voting day he or she is:

- a Canadian citizen;
- at least 18 years old;
- residing in the local municipality or an owner or tenant of land there, or the spouse of such owner or tenant; and
- not otherwise prohibited from voting.

Ineligible Voters

The following cannot vote in a municipal election:

- a person serving a sentence of imprisonment in a penal or correctional institution;
- a corporation; or
- a person convicted of a corrupt practice described in Subsection 90 (3) (Offences & Corrupt Practices) if voting day in the current election is less than five (5) years after voting day in the election in respect of which he or she was convicted;
- a person who is acting as an executor, trustee, or in any other representative capacity (e.g., power of attorney), cannot vote on behalf of the person they are representing unless they have been appointed as a voting proxy in accordance with Section 44 (Proxy Voting).

NOTE:

The owner of a business that is a corporation does not have the right to vote 17(3.2).

Number of Votes

A voter is only entitled to vote once in a municipality and once in a school board even if the voter has more than one qualifying property address within the municipality or school board. The place where they vote is where they reside. In a municipality with wards, if a voter resides in one ward but has other properties in different wards in the same municipality, he or she may only vote in the ward where he or she resides. A voter may only have one permanent residence.

Students

A student may vote in the municipality where he or she is temporarily residing while attending school as well as at his or her permanent home in a different municipality, provided that he or she does not intend to change his or her permanent home.

Section 2 (2.1) *Municipal Elections Act, 1996***NOTE:**

See Sections 17 (2) and (3) of the *Municipal Elections Act, 1996*

Homeless Persons

If a person has no permanent residence, then the following rules determine his or her residence:

1. The place in which the person most frequently returns to sleep or eat during the five weeks preceding the determination.
2. If the person returns with equal frequency to one place to sleep and another to eat, the place in which he or she sleeps.
3. Multiple returns to the same place during a single day, to eat or sleep, are considered to be one return.

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.

School Board**Eligible Voters**

A person is entitled to be an elector at an election held in a local municipality, or in territory without municipal organization within the area of jurisdiction of the district school board if, on voting day, he or she:

- is a Canadian citizen;
- is at least 18 years old;
- has not already voted in the election for school trustees elsewhere in the school board's area of jurisdiction;
- resides in the local municipality or territory or is the owner or tenant of a residential property, or is the spouse of such owner or tenant; and
- is not otherwise prohibited from voting.

To vote in an **ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD**, an elector in addition to the above, must:

- be a supporter of the English-language public district school board; or
- not be a supporter of any board, nor have qualified him or herself as an elector for a separate or French-language school board in the election.

To vote in an **ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD**, an elector must be a Roman Catholic who must:

- qualify as an elector for the English-language separate district school board; or
- be a supporter (or be the spouse of a supporter) of the English-language separate district school board.

To vote in a **FRENCH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD**, the elector must be a French-language rights holder (see ss. 23(1) and (2) of the *Canadian Charter of Rights and Freedoms* for criteria) who must:

- qualify as an elector for the French-language public district school board; or
- be a supporter (or the spouse of a supporter) of the French-language public district school board.

To vote in a **FRENCH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD**, an elector must be a Roman Catholic and a French-language rights holder (see the Charter for criteria) who must:

- qualify as an elector for the French-language separate district school board; or
- be a supporter (or the spouse of a supporter) of the French-language separate district school board.

Ineligible Voters

The following cannot vote in a school board election:

- a person serving a sentence of imprisonment in a penal or correctional institution;
- a corporation; or

- a person convicted of a corrupt practice for an election held within four years of voting day.

A person who is acting as an executor or in any other representative capacity (e.g., power of attorney), cannot vote on behalf of the person they are representing unless they have been appointed as a voting proxy.

NOMINATIONS

A person must be qualified at the time of filing the nomination.

Nomination papers may be filed in the office of the Clerk from the first day of January 2010 that municipal offices are open (January 4th, 2010 in most municipalities), until 2:00 p.m. on nomination day, Friday, September 10th, 2010.

The nomination must be in the prescribed form and accompanied by the prescribed fee (Form 1).

The municipal Clerk must certify or reject the nomination paper by 4:00 p.m. on Monday, September 13th, 2010.

Sections 29 & 30 *Municipal Elections Act, 1996*

Nomination Process

1. Obtain nomination papers (Form 1) from the Clerk of the municipality.
2. A candidate must be nominated **prior to raising** any campaign funds or incurring any campaign expenses.
3. The nomination paper must have original signatures, filed in person by the candidate or by the agent and may not be faxed, mailed or emailed. Either the candidate or the agent must bring the completed and signed nomination papers to the office of the Clerk.
4. Beginning January 4th, 2010 and continuing through to nomination day on September 10th, 2010, nominations for the Office of Mayor, Regional Councillor or Ward Councillor can be filed with the Clerk at any time that the Clerk's Department is open. Normal office hours are Monday to Friday 8:30 a.m. to 4:30 p.m. On nomination day, nominations will be received between the hours of 9:00 a.m. and **2:00 p.m.** (Please note the time change from previous elections.)
5. The prescribed nomination fee of **\$200.00** (cash, certified cheque or money order payable to the Town of Georgina) for the office of **Mayor**, and **\$100.00** (cash,

- certified cheque or money order payable to the Town of Georgina) for **all other offices** must be paid at the time of filing the nomination. 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 before nomination day.
6. If an agent is filing the nomination paper on behalf of a candidate, the candidate's nomination paper and the Declaration of Qualification must be commissioned by a Commissioner of Oaths prior to the agent filing the paper with the Town. If the commissions have not been sworn, the Clerk **will not** accept the documentation.
 7. Candidates are required to show proof of identity and qualifying address when filing a nomination form. This is to ensure that only the names of qualified candidates appear on the Town's ballot. If an agent is filing the nomination on behalf of a candidate, the agent must also provide the Clerk with documentation to prove the candidate's identity and qualifying address.
 8. Acceptable pieces of identification must include the name of the candidate and their qualifying address:
 - Government issued identification or form that contains the name and qualifying address i.e. driver's licence, income tax assessment, etc;
 - Town of Georgina's tax bill
 - Utility bill (hydro, gas, water, telephone, cell
 - Insurance policy or mortgage/rental agreement.
 9. The first day which candidates can post election signs **is Friday, September 10th, 2010**. Candidates are, however, permitted to erect campaign signs on their campaign offices once the candidate has filed his or her nomination papers and paid the required filing fee.

Election signs must be removed from municipal property no later than seven (7) days following election day if on a local municipal road (schedule B) and three (3) days if on a regional road (schedule A).

Section 34 *Municipal Elections Act, 1996* and section 261, *Municipal Act, 2001*.

Withdrawal of Nominations

- A person nominated may withdraw his or her nomination by completing a form which is available in the Clerk's Department before **2:00 p.m.** on nomination day, Friday, September 10th, 2010 (or by 2:00 p.m. on Wednesday, September 15th, 2010 if the nomination period is extended). Please note that this is **new**. Candidates can no longer wait until after the close of nominations to withdraw their nominations. The deadline for withdrawals is the same deadline as the close of nominations.

- Either the candidate or an agent of the candidate must file the withdrawal form in person. The withdrawal form may not be faxed or e-mailed, as original signatures are required on all election documents filed with the Clerk.
- If an agent is filing the withdrawal form on behalf of a candidate, the candidate must provide the agent with a signed letter authorizing the agent to file the withdrawal on his or her behalf. In addition, at the time of filing the withdrawal form, the agent must provide the Clerk with satisfactory identification.
- **Please note that there are no provisions in the Act for late withdrawal.** If a candidate has not withdrawn their nomination by **2:00 p.m.** on Friday, September 10th, 2010, their name **will** appear on the ballots unless they are no longer qualified to be a candidate (see Section 39 of the *Municipal Elections Act, 1996*).
- If a candidate withdraws before Nomination day, he or she is entitled to a refund of the nomination filing fee and is still required to file a financial statement which is due no later than **2:00 p.m.** on Friday, March 25th, 2011.

NOTE:

Form 4 is available online at: www.town.georgina.on.ca/pn-election-2010.aspx

Nomination to More Than One Office

A person may only be a candidate for one office. If a person who is nominated for an office files a second nomination for a different office, the first nomination is deemed to be withdrawn.

If a person's name appears on more than one ballot and he or she is elected to any of those offices, his or her election is void and the office is vacant.

See Section 261(1) *Municipal Act*

Declaration of Qualification

Each person who files a nomination paper will also be required to complete a "Declaration of Qualification". This declaration ensures that only qualified candidates run in the municipal election. If an agent is filing on behalf of a candidate, the declaration must be commissioned by a Commissioner of Oaths prior to filing.

Certification of Nomination

The Clerk will certify nominations by 4:00 p.m. on Monday, September 13th, 2010 pursuant to Section 35 of the *Municipal Elections Act, 1996*.

Once a candidate is certified, his or her name will be placed on the ballot unless the candidate withdraws or the candidate's name is removed by court order. Nomination papers are public documents and are available for inspection in the Clerk's Department.

It is the responsibility of the candidate to ensure that they meet all the qualifications and file proper nomination papers.

See Sections 35 and 39 of the *Municipal Elections Act, 1996*

Changing Offices

To Same Council or School Board

If, after filing nomination papers for an office, a candidate decides to seek election to another office on the **same** municipal council or school board:

- the first nomination is deemed to be withdrawn at the time the second nomination is filed;
- the nomination filing fee is transferred to the new office; and
- if both offices are to be elected by a general vote of all electors in the municipality, contributions received and expenses incurred for the original office are transferred to the new office.

Example

A candidate nominated for the office of councillor elected by a general vote in a municipality decides prior to the close of nominations on nomination day 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 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 the candidate changes offices on the same council or school board, but one or both of the offices is **elected by ward**:

- the nomination filing fee is transferred to the new office;
- the two campaigns are deemed to be separate campaigns;
- contributions and expenses **cannot** be transferred to the new office; and
- two separate financial disclosures must be filed, one for each office.

Example

A candidate nominated for the office of ward councillor files 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 – one for ward councillor and one for mayor – is considered a separate campaign and contributions and expenses cannot be transferred. The candidate is required to file two separate financial disclosures, one for the ward councillor campaign and one for the mayoralty campaign.

To a Different Council or School Board

If, after being nominated, a candidate decides to seek election to an office on a **different** council or school board:

- the first nomination is deemed to be withdrawn at the time of filing the second nomination and the first election campaign period ends;
- a second filing fee for the new office must be paid;
- the two campaigns are separate campaigns;
- contributions and expenses **cannot** be transferred to the new office; and
- the candidate must file two separate financial disclosures, one for each office.

Example

A candidate nominated for the office of councillor decides to seek election instead for the office of school board trustee. Upon 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.

Acclamations and Additional Nominations

If, on Monday, September 13th, 2010 at 4:00 p.m. the number of certified candidates is the same as the number to be elected, the Clerk will declare the candidates elected by acclamation.

Where the number of certified candidates is fewer than the number of positions to be elected, the Clerk shall declare those candidates elected and call for additional nominations. Additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on

Wednesday, September 15th, 2010 and certified by the Clerk by 4:00 p.m. on Thursday, September 16th, 2010.

New for 2010

Nominations must be filed by 2:00 p.m. on the second Friday in September (September 10th, 2010).

Candidates wishing to withdraw their nomination must do so by 2:00 p.m. on the second Friday in September (September 10th, 2010).

Voting day is the fourth Monday in October (October 25th, 2010).

Access to Documents

- Please note that all **documents, financial statements, reports and declarations filed with the Clerk are public records and may be inspected by any person upon request** at the office of the Clerk during normal office hours.
- The Clerk is required to make available all documents pertaining to financial statements or surpluses for public viewing on the internet as soon as possible after the filing of the documents. This means that the personal information of all donors who make a contribution of more than \$100 will be posted on the Town's website. **The Town will provide all candidates with receipt books which include a warning clause to potential donors that their personal information will be posted on the internet.**

NOTE: Sections 88 (5) (6) (70 (8) and Section 88 (9.1) *Municipal Elections Act, 1996*

Documents for Candidates

All candidates are entitled to:

- one free paper copy of the voters' list containing the names of the electors entitled to vote for the office (available September 1st, 2010). [*Candidates for the office of mayor and regional councillor will receive a complete voters' list whereas candidates for ward councillor will only receive a voters' list for the ward.*];
- one free paper copy of the ward boundary map (available approximately June 30th, 2010);

- one free paper copy of the Interim List of Changes to the Voters' List (available September 20th, 2010); and
- one free paper copy of the "Electors who Voted at the Advance Vote" for the office (see section on Advance Vote for times when available).
- The Voters' List can **ONLY** be used for campaign purposes. It cannot be used for commercial purposes (i.e. by a real estate company) nor can it be used by non-profit organizations.

Change of Address

All election documents are sent to candidates via registered mail. Please ensure that you pick up your letter or package when you receive the notification. Election documents will continue to be sent to you well into 2011. If you move anytime before you have filed all required forms, please notify the Clerk's Department so we can update our records.

ACCESSIBILITY

There are **NEW** provisions in the *Municipal Elections Act, 1996* to enhance accessible elections:

- Municipalities must ensure that all voting places are accessible.
- Within 90 days after the election, the Clerk must report to council about the identification, removal and prevention of barriers that affected electors and candidates with disabilities.
 - The Town would appreciate the assistance of all candidates in this matter. If candidates are made aware of any barriers that electors with disabilities are facing, staff would appreciate if you would advise us as soon as possible so that we have an opportunity to address the issue.
- Candidates with a disability are able to charge expenses which would not have been incurred except for the election towards their campaign and these expenses are excluded from the candidate's spending limit. Some examples could include:
 - the cost of a sign-language interpreter for door-to-door campaigning;
 - the cost of accessible transportation to attend campaign events/candidate's meetings; and
 - the cost of specialized software.

IDENTIFICATION TO VOTE

- As a **NEW** requirement, pursuant to the *Municipal Elections Act, 1996* electors who are on the voters' list will be required to provide proof of identity and proof of address before being given a ballot. If the elector is on the voters' list, but show up at the voting place without any identification, they will be permitted to take a statutory declaration. Ontario Regulation 500/09 prescribes the acceptable forms of identification.
- Electors requesting additions, corrections or deletions will be asked to show proof of identity and qualifying address. If the elector does not have identification with them, they will be required to take statutory declaration. If the elector refuses to show identification or take the declaration, the changes will not be made. If the elector wishes to add their name to the voters' list and refuses to either provide the required identification or take the declaration, the elector will be denied a ballot.

See Ontario Regulation 500/09 (Schedule "E")

VOTER NOTIFICATION CARDS

Voter notification cards are expected to be mailed out to all eligible electors approximately the first week of October, 2010.

The cards will advise all electors on the voters' list of:

- the date and time of voting on election day and at the advance votes;
- electors with a disability will be encouraged to vote at one of the advance votes;
- the location of the voting place where the elector is entitled to vote;
- requirements for identification;
- where voting proxies are available and how electors may use voting proxies.

VOTING PLACES

- The final list of voting places will be mailed to each candidate on or before Monday, September 20th, 2010.
- Campaigning of any nature is prohibited at the voting places. The voting place is designated as consisting of the entire building and property, **including the parking lot** - not just the room where voting is taking place. The *Municipal Elections Act, 1996* provides that while an elector is in a voting place, no one shall attempt, directly or indirectly, to influence how the elector votes and no one shall display a candidate's campaign material or literature in a voting place.

Election officials will remove all campaign material or literature from all voting places.

- Election signs are prohibited on vehicles parked in the parking lot of a voting place and campaign buttons cannot be worn by anyone in the voting place.

ROVING VOTING PLACE

- The *Municipal Elections Act* permits the Town to pass a by-law that reduces the hours of operation at institutions and retirement homes as defined in the Act. This permits the Town to create a “roving voting place” which will service the locations identified in the by-law.
- Roving voting places will be held at the locations identified in the by-law (Schedule “C”).

VOTERS’ LIST

- The voters’ list for the 2010 election is provided by the Municipal Property Assessment Corporation (MPAC) based upon the information contained within their database. The voters’ list contains the names, addresses and school support of eligible electors. The voters’ list will be posted September 1st, 2010.
- The Clerk revises the list and may do so until the end of voting on voting day.
- Section 23 (4) of the *Municipal Elections Act, 1996*, requires the Clerk to only provide the portion of the voters’ list for the ward in which the candidate is running for office.
- Each candidate will be provided with **ONLY one** paper copy of the voters’ list. Preparation of additional copies will be the responsibility of the candidate.
- The voters’ list can **ONLY** be used for campaign purposes. It cannot be used for commercial purposes (i.e. by a real estate company) nor can it be used by non-profit organizations.

See Section 23 *Municipal Elections Act, 1996*

Revisions to the Voter’s List

- The voters’ list is available for review at the Clerk’s Department, Civic Centre **and** at the main circulation desk of the Keswick, Sutton and Pefferlaw Public Libraries commencing September 1st, 2010.

- As of September 7th, 2010, electors will be able to check to see if their own name is included on the voters' list by accessing the Town's website.
- Between September 7th and September 10th, 2010, a person may make an application at the Clerk's Department requesting that another person's name be removed from the voters' list (i.e. son/daughter, etc.)
- Between September 7th and 8:00 p.m. on October 20th, 2010, eligible voters who wish to make additions, corrections to, or deletions to their own electoral information as shown on the voters' list may do so at the Clerk's Department during this period. After October 20th, any changes to the elector's own electoral information must be made at the voting place on October 25th, 2010.
- Electors requesting additions, corrections or deletions will be asked to show proof of identity and qualifying address.
- For acceptable forms of identification, please turn to the section pertaining to "Identification to Vote" (page 22 of this Guide).
- **See Sections 22, 24 and 25 of the *Municipal Elections Act, 1996***

WHAT IS A VOTE?

- A VOTE is a mark made within the circle or circular space to the right of the name of the candidate for whom the elector intends to vote. ANY MARK which was clearly intended to be within the circle or circular space should be allowed and counted.
- When counting votes the (DRO) must REJECT all ballots where:
 - a) the ballot was not supplied by the DRO;
 - b) the ballot is marked, torn, defaced or otherwise dealt with in such a way that the elector can be identified thereby;
 - c) more candidates have been voted for than the number to be elected to that office;
 - d) the vote is NOT marked WITHIN the circle or circular space to the right of the name of the candidate. (Any mark which was clearly intended to be within the circle or circular space would be allowed and counted.)

- However, no word, letter, or mark, written or made or omitted to be written or made by the DRO on a ballot voids it or warrants its rejection. (This includes the omission of the DRO's initials, should the DRO forget to initial a ballot.)
- In the case of Items **(a)** and **(b)** of the above, the entire ballot will have to be rejected. But in the case of Items **(c)** and **(d)**, if the votes for one office are rejected, it does NOT invalidate the votes which have been properly marked for the other offices. (REMEMBER: each office on the composite ballot is treated as a "separate ballot".)
- A candidate or a scrutineer at a voting place may object to the counting of votes on any ballot in WHOLE (where the objection is to the entire ballot) or in PART (where the objection is for one office on a composite ballot). The objection shall be based on one or more factors for rejecting a ballot, as listed above. The final decision as to whether a vote should be counted is the sole responsibility of the DRO.
- A scrutineer shall NOT in any way impede the progress of the counting of the votes. If the DRO and the poll clerk agree that the total votes cast for each candidate is correct, THEY ARE NOT REQUIRED to recount the ballots.
- The DRO shall list all objections to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number.

One Vote Only

- All voters are allowed to vote **only once** regardless of how many properties they own in the municipality.
- **A resident voter must vote at the voting subdivision where he or she resides.**
- **A non-resident voter may only vote once in the Municipal Election.** Where a non-resident voter owns more than one property in the municipality, his or her name will appear only once on the voters' list.
- However, when a person votes as a voting proxy, he or she is also entitled to vote in his or her own right.
- Students who are attending school in one municipality but have their permanent residence in another municipality, have the ability to vote in both municipalities.

Proxy Voting

- A person who is unable to attend the voting place to vote may appoint another person to act as their voting proxy to vote on their behalf. The person acting as the proxy must also be an eligible elector. No person shall appoint more than one proxy and no one can act as a proxy for more than one person unless that person on whose behalf they are voting is their spouse, sibling, parent, child, grandparent or grandchild.
- Voting proxies expire after the election for which they are used. As a result, if an elector appointed someone to act as their proxy in the 2006 election, it would no longer be valid for the 2010 election.
- Proxies can only be appointed after it is no longer possible for a candidate to withdraw their nominations. The deadline for withdrawals is 2:00 p.m. on Friday, September 10th, 2010 (nomination day) or if the nomination period is extended, Thursday, September 16th, 2010.
- Electors wishing to appoint a proxy can obtain the proxy form (Form 3) from the Clerk's Department any time that the offices are open. If requested, the Clerk's Department staff will go to the home of an elector with a disability to assist with the completion of the Appointment of Voting Proxy certificate. In addition, on each day of an advance vote, the Clerk's office will be open until 5:00 p.m. for the purposes of issuing proxies.
- The elector will need to complete the form (Form 3) and forward it to the person whom they are appointing to be their proxy. The person acting as proxy will need to bring the completed form into the Town office so that the Clerk (or designate) can approve the appointment by certifying the form. If possible, staff will endeavour to make arrangements to meet with both the elector and their proxy at the same time so that the paperwork can be completed all at once.
- The proxy person must attend the voting place designated for the elector for whom they are voting and they must present the proxy form to the DRO.
 - If the elector and their proxy person live in different wards, the proxy person may wish to check for an advance vote which would accommodate their ability to vote in both wards simultaneously.
- It should be noted that a Court ruling was made after the 1991 Municipal Election which deemed blank proxies to be invalid. Proxies **cannot** be signed in blank by the elector and subsequently completed by the person casting the ballots by inserting their name. In his Reasons for Judgement, Justice Gerald Morin stated, "Counsel urges me to read into the legislation a right on the part of the elector to

delegate his choice of the person appointed as voting proxy to some other individual by simply executing the proxy form in blank, without filling in the name of his voting proxy at the time of signing. I am unable to do so. The wording of Section 67 is clear and unambiguous.” As a result, blank proxies will not be provided to candidates. If candidates receive enquiries about proxies, those enquiries should be directed to the Clerk’s Department.

- The information contained within the proxy form is deemed to be a public record. (Section 88 (5), *Municipal Elections Act, 1996*)

NOTE:

The requirement to show identification prior to receiving a ballot also applies to a person voting as a proxy.

Frequently Asked Questions

Can I be a proxy for a non-relative and a family member at the same time?

No. However, you may be a proxy for more than one family member at the same time, provided the family member is your spouse, sibling, parent, child, grandparent or grandchild.

BALLOTS

- In 1997, the Province passed legislation which made all non-resident owners or tenants of commercial or industrial property or spouses thereof, ineligible to vote for school board trustees.
- In 1999, the Province passed further legislation requiring that all election material provided for French school boards be provided in French. A composite ballot including French school boards would have to be translated into French.
- As a result of these two pieces of legislation, the school boards will not be included on the composite ballot. There will be a composite ballot for municipal council which will include the mayor, regional councillor and ward councillor and there will be separate ballots for English Language District School Board (English Public); French Language District School Board (French Public); English Language Catholic District School Board (English Separate); and French Language Catholic District School Board (French Separate).

See Section 41 (2) of the *Municipal Elections Act, 1996*

ADVANCE VOTE DAY

- We strongly recommend that those who might find it difficult to vote on election day take advantage of the advance vote days.

Supply Box

- DROs and poll clerks who are working at the advance votes and roving voting places will be given a “supply box” in addition to their ballot box.
- At the close of an advance vote, the ballot box will remain sealed and all supplies and leftover ballots will be placed in the supply box, which in turn is also sealed. The supply box and the ballot box will be stored by the Town in a secured location until the night of the election.

ELECTION DAY

- Election Day is **Monday, October 25th, 2010**. Voting places will be open from 10:00 a.m. to 8:00 p.m. A listing of the voting places will be forwarded to the candidates on or before September 20th, 2010.
- At 8:00 p.m. the doors to the voting place will be closed. Anyone inside the voting place at 8:00 p.m. will be permitted to vote.

Scrutineers

Scrutineers play a very important role in monitoring the election and ensuring the integrity of the vote and as such their presence is welcomed at the poll. However, there are some rules which must be followed:

- Election officials [deputy returning officer (DRO), poll clerk, constable or revision officer] cannot act as scrutineers while acting in their appointed capacities.
- A candidate who is acclaimed is prohibited from being in the voting place unless another candidate has appointed him or her as a scrutineer.
- The scrutineer must be appointed in writing. Upon arriving at the voting place, scrutineers must present the DRO with a signed Appointment of Scrutineer form (Form 8-G). Form 8-G is available at the Clerk’s Department. This appointment form **MUST** be shown to the DRO at the voting place. DROs have been directed to **NOT** take the Scrutineer Appointment form from the scrutineers as scrutineers may have been asked by the candidate to cover more than one voting

subdivision and will need the appointment form for the other voting subdivisions. However, the DRO needs to review the form and administer the oral oath.

- Each candidate may appoint **one** scrutineer to be present and observe the voting process at each voting station. The *Municipal Elections Act, 1996*, has removed the age restriction on scrutineers, however, the DRO has the authority to evict anyone (including scrutineers) who are causing a disturbance at a voting place. Candidates and scrutineers forfeit their right to be present at a voting place, if they disrupt the voting place.
- All scrutineers will be required to take an Oath of Secrecy, which the DRO will administer at the voting place. It only takes a few moments to take the oral oath. To be certain that the scrutineer has taken the oath, the DRO has been directed to ask each new scrutineer visiting their voting station to take the oath, even if the scrutineer says that they have already said the oath to another DRO at another voting station.
- The candidate AND his or her scrutineer ARE NOT permitted to be present at the voting station at the same time. If a candidate or scrutineer wishes to have a discussion with another scrutineer or candidate, they must leave the voting station and carry on their discussion outside of the voting place. Please note that there is a difference between a voting station and a voting place. The voting station is comprised of the table where the DRO and poll clerk distribute ballots to the electors and the voting screen where the electors vote. The voting place is the actual location which houses the voting stations and includes the parking lot. Some voting places may have more than one voting station. Obviously, at these locations, a candidate is permitted to have the same number of scrutineers as voting stations.

As noted above, the role of candidates and scrutineers in the voting place is to scrutinize the integrity of the process; it is not a communicative role. As a result, candidates and scrutineers cannot:

- speak to any electors, especially in languages that are not understood by voting place staff;
- act as an interpreter (the elector must make his or her own arrangements); or
- provide assistance to an elector.
- Scrutineers/candidates are permitted to listen to discussions between the DRO/poll clerk and the elector but they are not permitted to observe how an elector votes.

- During the fifteen minutes before the opening of the voting place, the scrutineers and/or candidates who have taken the Oath of Secrecy are entitled to inspect the ballots, forms, documents and ballot boxes.
- Scrutineers/candidates are permitted to place their own seal on the ballot box immediately before the opening of the voting place so that ballots can be deposited in the box but cannot be withdrawn without breaking the seal; **and** immediately after the close of each of the advance vote days and election day so that ballots cannot be deposited or withdrawn without breaking the seal.
- The seal **MUST NOT** contain any writing which could be considered “election campaigning”, therefore, the name of the candidate **IS NOT** permitted on the seal. In addition, “campaign colours” which could identify the candidate are also not permitted.
- **HOWEVER**, Section 55 (5) of the *Municipal Elections Act, 1996*, states:
“(55) (5) Despite subsection 88 (6) (records), the Clerk may, if he or she considers it necessary in order to interpret the statement of results, examine any of the documents and materials in a ballot box in the presence of the relevant deputy returning officer.”
In other words, if the DRO Statement of Election Results is **NOT** complete or contains an error, the ballot box will be opened in the presence of the Clerk and the DRO in order to resolve the discrepancy. It is **NOT** a requirement that candidates and/or scrutineers be notified or be present when this takes place.
- Scrutineers/candidates may examine the voters’ list periodically to determine who has voted, or to count how many electors have voted. However, this periodic examination should not slow down the voting process.
- Scrutineers/candidates should supply their own clipboards as they are not permitted to sit at the table provided for the DRO and poll clerk.
- No campaign material or literature of any nature whatsoever shall be displayed within the voting place. The boundaries of the voting place are the boundaries of the property where the voting place is located and this **includes** the parking lot. Campaign signs are not permitted on the property where the voting place is located. Candidates, supporters and scrutineers are **NOT** permitted to wear campaign material, hand-out campaign material, or park a vehicle displaying campaign material in the parking lot of the voting place. Anyone breaking these rules will be asked to remove the campaign material immediately.
- Candidates/srutineers wishing to observe the count **MUST** be at the voting place **prior to 8:00 p.m.** No one will be admitted to the voting place after 8:00 p.m.
- After the close of the voting place and during the counting of the votes, scrutineers may examine all ballots but **SHALL NOT** handle them. Scrutineers

may object to the counting of a ballot and any objection will be noted on the back of a ballot. The final decision as to whether a vote should be counted is the sole responsibility of the DRO. Scrutineers/candidates shall not, in any way, impede the progress of the counting of the votes.

- The final decision as to whether a vote should be counted is the sole responsibility of the DRO.
- Candidates/scrutineers wishing to observe the count of the advance votes will be able to do so at the Town office.
- Candidates/scrutineers have the right to sign the DRO Statement of Election Results after the votes have been counted.
- A copy of an Appointment for Scrutineer (Form 8-G) is attached as an appendix "F" to this guide.

Language/Assistance to Vote

- Should an elector require the assistance of an interpreter, the elector must make his or her own arrangements. Candidates and scrutineers are not permitted to provide this assistance.
- If an elector requires assistance to vote for any other reason other than language, the election officials will be able to provide such assistance. Candidates and scrutineers are not permitted to provide this assistance.

CANVASSING APARTMENT BUILDINGS AND CONDOMINIUMS

- *Landlord Protection Act, 1997, Section 22* states:
 - "(22) 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."
- *Condominium Act, Section 118* states:
 - "(118) 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 any office in a municipal government or school board if

access is necessary for the purpose of canvassing or distributing election material.”

- Candidates experiencing difficulty in gaining access to these premises should contact the owner of the rental building or the board of directors for the condominium.

ELECTION SIGNS

- All candidates are asked to advise their workers to follow the restrictions as set out in the Town’s election sign by-law (Schedule “B”) and the Region’s election sign by-law (Schedule “A”).
- The Courts have ruled that a complete prohibition of signs is contrary to the Canadian Charter of Rights, however, the Courts did note that municipalities do have the right to regulate the size, location and time frames for posting and removal. All candidates will be provided with a copy of the Town’s and Region’s sign by-laws.
- Please note that with the exception of the campaign headquarters of the candidate, signs cannot be erected or displayed prior to nomination day (September 10th, 2010).

CAMPAIGN STAFF

- A candidate may recruit staff to work on his or her campaign and assign them duties that the candidate deems to be necessary. While a candidate may designate staff to perform certain duties, the ultimate responsibility for compliance with the *Municipal Elections Act, 1996* rests with the candidate.
- An individual, who is employed to work for the Town during an election, must not campaign for any candidates nor post a sign for any candidates on their property. If they do show bias towards any candidates, the Town will terminate their services as an election assistant.
- Staff may not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours.

While not prohibited, it is recommended that municipal staff remain neutral and not show support for any municipal candidate. Staff are strongly discouraged from actively working in support of a municipal candidate. This recommendation includes, but is not limited to, lieu time, float day, vacation leave, after work hours or weekends, as well as staff who are on a leave of absence or other long term absence from employment with or without pay.

USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. The *Act* also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a member of council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the Town to the member, which is a violation of the *Act*. (Schedule "G")

As a result, corporate resources and funding may not be used for any election-related purposes.

- It is recognized that carrying two cell phones is cumbersome and awkward. An acceptable alternative would be for the member of council to assume the operating costs of the cell phone in order for the cell phone to be used for campaign purposes.
- Members of council may not use their office or any Town provided facilities for any election-related purposes, which includes displaying of any campaign related signs in the windows or on the premises, as well as displaying any election-related material in the office;
- Members of council may not print or distribute any material paid by Town funds that illustrates that a member of council or any other individual is registered in any election or where they will be running for office;
- Members of council are responsible to ensure that the content of any communications material, including printed materials such as newsletters, advertising, etc. funded by the Town is not directly election related;
 - Newsletters are not permitted after July 31st in an election year, unless directed and approved by council.
- Websites or domain names that are funded by the Town shall not include any election-related campaign material.
- The biographies for each of the members of council be removed from "Members of Council" section of the web page on nomination day. The pictures and contact

information will remain on the website. No changes to the contents of the information on the website will be entertained from January 1st, 2010, through to nomination day.

- Members of council may not use the Town's voice mail system to record election related messages.

See Section 70 (4) of the *Municipal Elections Act, 1996*

USE OF TOWN CREST OR LOGO

- All candidates for municipal office are prohibited from using the Town's crest or logo in campaign material.

UNOFFICIAL RESULTS

- **Unofficial** results will be posted in the Council Chambers at 26557 Civic Centre Road. Candidates and their election workers are welcome to attend and remain there throughout the evening. In addition, unofficial results will be posted on the Town's website. The results of election night are **NOT** official and are provided for **information only**.

OFFICIAL RESULTS

- The Clerk shall publicly announce the official results no later than Thursday, October 28th, 2010.

DECLARATION OF OFFICE

- Declaration of Office must be taken by all those who are elected. If the elected candidate fails to take such declaration, they shall be deemed to have resigned.
- A copy of the Declaration of Office is included in the appendix. (Schedule "H")
- The Inaugural meeting of the new council will take place on December 1st, 2010, at 7:00 p.m.

RECOUNT

- See Sections 56, 57, 58, 60, 61, 62, 63 and 64 of the *Municipal Elections Act, 1996*
- Please note that under the *Municipal Elections Act, 1996* there are **NO** provisions for an automatic “close vote” recount.

“LAME DUCK” PERIOD

The term “lame duck” period refers to the period of time after nomination day (September 10th, 2010) when council could be restricted from taking certain actions.

There are a number of possible permutations, so calculating this process is not easy to define. The emphasis is on determining when 3/4 of the members of council WILL NOT be returning to serve on the next council. The following helps illustrate the various factors that would have to be considered when determining the when or if the “lame duck” period would apply.

1. If 3/4 of the council were acclaimed, then there would not be a “lame duck” period at all since we would be sure that 3/4 of the council would be returning to council.
2. If 3/4 of council decide not to run again, then there would be a lame duck period from September 10th, 2010, straight through to December 1st, 2010, because we would be sure that 3/4 of the council would NOT be returning.
3. If 3/4 of council put their names forward as candidates, then there would NOT be a “lame duck” period from September 10th, 2010, through to October 25th, 2010, because it would not be certain that 3/4 of council would NOT be returning. After October 25th, 2010, it would depend upon the number of council members re-elected in order to determine whether the “lame duck” period would start on October 25th, 2010, and run through to December 1st, 2010.
 - (a) If 3/4 of the incumbents were re-elected, then the “lame duck” period would NOT commence on October 25th, because we would know for sure that 3/4 of the council would be returning.
 - (b) If 3/4 of the incumbents were NOT re-elected, then the “lame duck” period would commence on October 25th and continue to December 1st because we would know for sure that 3/4 would NOT be returning.

See Section 275 of the *Municipal Act, 2001*

COMPLIANCE AUDIT

- As a result of a **NEW** requirement of the *Municipal Elections Act, 1996* all municipalities are required to have Compliance Audit Committees.
- Council and the local board must establish a Compliance Audit Committee on or before October 1st, 2010. The committee shall consist of between 3 and 7 members and cannot include any employees or officers of the municipality (or the local board), or any members of council, or any candidate in the election for which the committee is established. The term of office is the same as that of council.
- Nothing precludes municipalities from sharing a Compliance Audit Committee in a similar manner as has been done with closed meeting investigators. Requests for compliance audits are usually rare occurrences. As a result, a shared committee should be able to handle the potential workload.
- Any elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996* pertaining to election campaign finances, may apply in writing to the Clerk, or the secretary for the local board, for a compliance audit of the candidate's election campaign finances. The application must be made within 90 days of the financial statement filing date (prior to June 24th, 2011). The Clerk, or the secretary for the local board, then has 10 days to forward the written request to the Compliance Audit Committee and copy to members of council, or the local board as the case may be. Within 30 days of receiving the appeal, the committee must consider the application and decide whether it should be granted or rejected. The decision of the committee may be appealed to the Ontario Court of Justice within 15 days of the decision.
- If the committee decides to grant the application, it appoints an auditor to conduct the audit. The auditor then prepares a report which is submitted to the candidate, council (or the local board), the Clerk with whom the candidate filed his or her nomination, the secretary for the local board, if applicable, and the applicant. Within 10 days of receiving the report, the Clerk of the municipality, or the secretary for the local board, must forward the report to the Compliance Audit Committee. The municipality or the local board is responsible for paying the auditor's costs of performing the audit and all costs in relation to the committee's operation and activities. Within 30 days of receiving the auditor's report, the committee must consider it.
- If the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee must determine whether to commence legal proceedings against the candidate. If the report concludes that the candidate did not contravene the

Act, the committee must make a finding as to whether there were reasonable grounds for the request for the audit. If the committee determines that there were no reasonable grounds, then the council, or the local board, is entitled to recover the auditor's costs from the applicant.

FINANCIAL RESPONSIBILITIES

The following information is provided to assist candidates. However, any questions relating to financial statements should be directed to the Ministry of Municipal Affairs and Housing. The municipal representative at the Ministry is Karen Wallace and her telephone number is 416-585-6352.

Duties of Candidate

As a candidate, you are responsible for the following duties:

- opening a separate bank account in the name of the candidate's election campaign to be used only for campaign purposes;
- ensuring that all contributions accepted are in accordance with the Act;
- tracking donations from associated corporations to ensure they do not exceed the contribution limit of \$750. It is an offence for candidates to accept contributions which exceed this limit;
- advising contributors that the aggregate total of contributions that they can make to candidates running for office on the same council is a total of \$5,000;
- ensuring all contributions are deposited **intact** into the campaign account including contributions made by the candidate and his or her spouse;
- ensuring all campaign expenses, except the nomination filing fee, are paid from the campaign account;
- ensuring contributions of goods or services are properly valued and recorded;
- ensuring receipts are issued for all contributions received;
- ensuring receipts for campaign expenses are obtained;
- you must keep records of:
 - the receipts issued for every contribution including the acceptance date of the contributions and issuance date of the receipt;
 - the value of every contribution, whether a contribution is money, goods or services;
 - the contributor's name and address;

- all expenses including the receipts obtained for each expense;
 - any claim for payment of an expense that the candidate disputes or refuses to pay;
 - funds raised and expenses incurred at each fundraising event;
 - money received at a fundraising event by donation of \$10 or less; and
 - any campaign account loan.
-
- ensuring that proper direction is given to any person who is authorized to incur campaign expenses and accept contributions;
 - ensuring that any improper contributions are returned to the contributor, or if not possible, are forwarded to the clerk;
 - ensuring that all anonymous contributions are forwarded to the Clerk, and;
 - ensuring that the financial statement is filed with the Clerk;
 - report the surplus (deficit) of the campaign period and any contributions refunded from the surplus to the candidate or the spouse of the candidate;
 - list contributors by name, address and amount of contribution, if the contribution totalled more than \$100, and;
 - maintain all election finance records for the term being sought and until the new council is organized following the next regular election.

Campaign Accounts

The following information will assist Candidates when going to a Financial Institution to establish a Municipal Campaign Account.

- The *Municipal Elections Act, 1996* does not contain any prohibition against a candidate being a signing officer on the campaign account, nor does it require a candidate to have a chief financial officer, as is the case with provincial and federal candidates.

See Section 69 (1) of the *Municipal Elections Act, 1996*

Campaign Period

- The campaign period for candidates begins on the day that the candidate files his or her nomination paper (starting January 4th, 2010) and ends on December 31st, 2010. A candidate cannot accept any contributions or incur any expenses until he or she files the nomination paper. If the candidate withdraws his or her nomination or the Clerk rejects a nomination, the campaign period ends on the day of the withdrawal or rejection.

- A candidate may re-open the campaign if prior to June 30th, 2011 the candidate incurs costs related to a recount, controverted election or compliance audit. Any surplus held by the Town would be turned over to the candidate, with interest, when the campaign is re-opened. If this occurs, the candidate may fundraise and accept contributions. The candidate must file a supplementary financial report by **2:00 p.m. on September 30th, 2011.**
- After June 30th, 2011, a candidate may apply to have the surplus returned, with interest, if the candidate incurs costs related to a recount, controverted election or compliance audit. However, the candidate will not be able to re-open their campaign and therefore cannot fundraise or accept donations. The candidate must file a financial report 90 days after receipt of the surplus and every 90 days thereafter until the surplus is \$0 or the candidate no longer requires funds and returns any remaining surplus.
- If a candidate has a deficit as of December 31st, 2010, he or she can extend his or her campaign. The candidate must notify the Clerk on the prescribed form (Form 6 - Notice of Extension of Campaign Period) on or before **2:00 p.m., December 31st, 2010.** The campaign period will continue until **June 30th, 2011.** The supplementary filing date after the extension of the campaign period will be **2:00 p.m. on September 30th, 2011.** There are no further extensions for supplementary reporting.
- **See Section 68 (1) (5) of the *Municipal Elections Act, 1996***

Helpful Hints

- Open a separate bank account specifically for the campaign - **do not** use your personal bank account for campaign purposes. Open the account **prior to** accepting any contributions or spending any money other than the payment of the nomination filing fee.
- Do not advance any money into your campaign account with the intention of getting it back from future fundraising. Obtain a line of credit or bank loan deposited directly into the campaign account.
- Contributions of money by a candidate and his or her spouse are contributions and a receipt must be issued.
- Contributions over \$25 must be made by cheque, credit card or money order.
- Issue receipts for all contributions. The Town provides all candidates with receipt books for this purpose.
- Pay all expenses by cheque or money order from the campaign account other than the nomination filing fee. Do not use your own funds.

- Consider establishing a petty cash fund for small purchases. Set up the petty cash with funds from your campaign account.
- Keep proper records of contributions and expenses. All records must be kept until December 1st, 2014.
- When closing your campaign account make sure:
 - all your bills have been paid
 - all your cheques have cleared the bank
 - all bank charges have been paid, and
 - you have a cheque, bank draft or money order payable to “Town of Georgina” for any surplus.
- File your financial statement early.
- Any anonymous donations must be handed over to the Clerk.
- Follow the rules regarding fundraising.

Best Practices

- Store receipt forms in a secure place as they are valuable documents. Receipts must be signed by the candidate or his or her designate. It is good practice to have a receipt that is a multi-part form, one for the contributor and one or more for the candidate’s records. Receipts should be sequentially numbered.
- Open a bank account which provides monthly statements and cancelled cheques.
- Produce duplicate deposit slips for every deposit, listing the names of the contributors and the amounts received from each; and
- maintain a petty cash fund to handle minor expenses and obtain invoices to support all payments from the fund. At any time the cash on hand plus the total amount of invoices should equal the original amount of the petty cash fund. The fund can be replenished periodically by a cheque drawn on the campaign account in an amount equal to the total amount of the invoices.

New for 2010

Financial filing forms have been revised. All candidates must now use Form 4. Please ensure you are using the most up-to-date form.

FINANCIAL STATEMENT & APPOINTMENT OF AN AUDITOR

- All nominated candidates, including:
 - those elected to office;
 - those acclaimed to office;
 - those not elected;
 - those who withdrew their nominations, or
 - those whose nominations were rejected by the clerk **must** report their contributions and expenses as of Friday, December 31st, 2010, by filing a financial statement (Form 4) with the Clerk.

- The *Municipal Elections Act, 1996* now has **only one** financial reporting form (**Form 4**). All candidates must complete this form. Those candidates that raise/spend less than \$10,000 can no longer complete an abbreviated form.

- Those candidates that raise/spend in excess of \$10,000 will be required to attach an auditor's report to their Form 4 financial statement. The auditor's report is no longer a form letter; the auditor will be required to write a report.

- The auditor's report must be done in accordance with the generally accepted auditing standards. It must set out the scope of the examination and provide an opinion as to the completeness and accuracy of the financial statement including an opinion as to whether the financial statement is free of any material misstatement.

- Only a person who is licensed under the *Public Accountancy Act* may be appointed as an auditor.

- Faxed, e-mailed or photocopied financial statements cannot be accepted, as an original signature is required on all election documents filed with the Clerk.

- The deadline for filing your financial statement is **2:00 p.m. on Friday, March 25th, 2011**. It is the responsibility of the candidate to file a complete and accurate financial statement on time. If a candidate does not file prior to this deadline, and has not applied to the courts for an extension, the candidate forfeits any office won in the election and is ineligible to run or be appointed to any office until after the next regular election.

- If a candidate intends to seek an extension through the Ontario Court of Justice, he or she must do so **before** March 25th, 2011. The maximum extension to which the courts can grant is 90 days.

- If a candidate wishes to extend his or her campaign period in order to eliminate a deficit, the candidate must file a "Notice of Extension of Campaign Period" (Form 6) with the Clerk by **2:00 p.m., Friday, December 31st, 2010**. This will extend

the campaign period until June 30th, 2011. In addition, to the first financial statement, the candidate must also file a supplementary financial statement by the supplementary filing date (**2:00 p.m. Friday, September 30th, 2011**).

- The Clerk will advise you at least 30 days before Friday, March 25th, 2011, financial filing deadline, of all the filing requirements under the Act. A letter will be sent by registered mail to all candidates on or before February 23rd, 2011. The Clerk is **not** required to give additional notice for the supplementary filing date.
- The candidate's financial statement is filed with the Clerk and is deemed to be a public document. The Act now requires that the Clerk post this information on the Town's website. In addition, these documents may be inspected by any person upon request at the office of the Clerk (26557 Civic Centre Road, Keswick) during normal office hours. Anyone may write down information contained in the documents or have copies made. The charge for photocopies is \$1.00 per page. The information obtained from these records can only be used for election purposes.

Record Keeping/Accounting

- The accounting records must be kept until December 1st, 2014.
- A record must be kept for all amounts received and all amounts paid out. This can be accomplished most effectively by observing the following practices:
 - ensuring that all bank accounts are of the type where a monthly statement and cancelled cheques are received;
 - making up duplicate deposit slips for every deposit, listing the names of the contributors and the amounts received from each;
 - making all payments by cheque drawn on the campaign account; retaining invoices from suppliers and other documentation pertaining to expenses;
 - keeping a petty cash fund to handle minor expenses normally paid in cash and obtaining invoices to support all payments from the fund. At any point in time the cash on hand plus the total amount of invoices should equal the original amount of the petty cash fund. The fund can be replenished periodically by a cheque drawn on the campaign account in an amount equal to the total of the invoices; and
 - depositing intact into the campaign account all amounts accepted. If any contribution is unacceptable for any reason, the contribution should be returned before it is deposited, if possible. Un-deposited cash contributions must not be used to pay off debts or to pay for purchases.

- For audit purposes, a candidate should retain:
 - all deposit slips, showing the contributors' names;
 - records of all contributions of goods and services and their market value;
 - a listing of names and addresses of all contributors; whether they are individuals, corporations or trade unions and the amount of the contributions;
 - records of any contributions that are returned or paid over to the Clerk (in the case of anonymous contributions);
 - cancelled cheques and bank statements;
 - cheque stubs; and
 - invoices, petty cash slips and other vouchers showing all payments made and goods or services contributions that have been accepted.
- A candidate must also record the following:
 - accounts payable - except incurred but not paid;
 - accounts receivable - amounts owing to the campaign at the end of the campaign period;
 - income on deposits, which has been earned but not yet received;
 - expenses incurred by virtue of contributed goods or services; and
 - contributions received prior to the end of the campaign period but not deposited until after the end of the period.
- An accounting system that meets the requirements of the Act and suits the candidate's needs should be used. For example:
 - bank deposit slips may be used as a record of contributions;
 - a file of thank you letters to contributors as the record of their names and addresses;
 - cheque stubs as record for payment of expenses.
- Candidates should contact their auditors to discuss the best accounting system to use. This may help reduce costs when the auditor reviews the financial

statement and will ensure that the bookkeeping procedures to be followed are satisfactory.

CAMPAIGN CONTRIBUTIONS

- Contributions cannot be accepted until the person has filed a nomination paper with the Clerk's Department. Any contributions accepted outside the campaign period must be returned to the contributor, or, if not possible, the amount must be turned over to the Clerk.
- The value of all contributions must be reflected on the financial statement that is filed with the Clerk. In addition, a candidate must file on the financial statement the names and addresses of those contributors donating more than \$100. The Clerk is required to make available all documents pertaining to financial statements or surpluses for public viewing on the internet as soon as possible after the filing of the documents. This means that the personal information of all donors who make a contribution of more than \$100 will be posted on the Town's website. **The Town will provide all candidates with receipt books which include a warning clause to potential donors that their personal information will be posted on the internet.**
- Money and/or goods or services given to a candidate for his or her campaign are contributions.
- Contributions include:
 - the ticket price for a fundraising event;
 - the difference of the amount paid and the market value of a good or service sold at a fundraising event;
 - the difference between the amount paid and the market value of a goods or services purchased for the campaign; and
 - any unpaid, but guaranteed balance of a campaign loan.

The limitation applies whether the contribution consists of one large donation or is the total of a number of smaller contributions of money, goods or services from the same contributor or from related companies.

The following are not contributions:

- voluntary unpaid labour;
- services provided voluntarily by employees provided they do not receive any additional compensation from their employer

- \$10 or less that is donated at a fundraising event;
- free political advertising (if it is provided equally to all candidates for office on the particular council or local board); and
- the amount of a campaign loan obtained by the candidate or spouse;
- contributions by the candidate or the candidate's spouse to the candidate's campaign;
- contributions made to a recipient for a question on the ballot.

Contributions Limit

- The limit on contributions from a single contributor in money and or goods or services to any one candidate is \$750 regardless of the number of offices the candidate was nominated for during the election period. There is also an aggregate contribution limit for contributors of \$5,000 towards candidates running for office on a single council.
- An individual, corporation or trade union may make a large single contribution or multiple contributions. It is advisable that the candidate records the name and address of each contribution to ensure that he or she does not accept more than the allowable limit.

Note:

Each municipal council or each school board is a separate jurisdiction.

Accepting Campaign Contributions

- Only the candidate, and those persons authorized by the candidate, may accept campaign contributions. Contributions of money up to \$25 may be accepted in cash. Any contribution over \$25 must be made by cheque, money order or credit card.
- The legislation prohibits fundraising for a person who is not a candidate. In addition, fundraising events can only be held during the candidate's campaign period.

Receipts for Contributions

- A candidate must issue a receipt for every contribution he or she receives whether it is in the form of money or goods or services. The Town will provide candidates with receipt books for this purpose.

- If a candidate receives a contribution on the last day of the campaign period and it cannot be deposited into the election account, the candidate must record the contribution in his or her records as an outstanding bank deposit and a receipt issued as of that date. Each outstanding deposit should be deposited the next banking day.
- Before issuing a receipt for a contribution that is received by cheque, the candidate should ensure that the cheque is honoured at the bank and, if the contribution is:
 - from an individual, ensure the contributor meets the requirement of being a resident in Ontario and that the receipt is made out in the contributor's name;
 - from a corporation, ensure that it meets the requirement of carrying on a business in Ontario (and that it meets the definition of a corporation); or
 - from a trade union, including central, regional or district labour councils, ensure that the union has bargaining rights in Ontario for its members.

Because a contribution can only be made by one individual, if a cheque for a contribution is drawn from a joint personal bank account, the receipt must be issued only to the person who signed the cheque. Where two people have signed a cheque drawn from the joint personal account, the candidate must determine who made the contribution and issue the receipt to that person.

Contributions Received

- 1) in an envelope postmarked prior to the end of the campaign period but received after the campaign period; or
- 2) on the last day of the campaign period which cannot be deposited because the financial institution where the account is held is closed,

should be recorded in the accounting records as an outstanding bank deposit on the last day of the campaign period and receipts issued as of that date. Each outstanding bank deposit should be deposited on the next available banking day.

When it is necessary to issue a replacement receipt, the replacement receipt should include the word "replacing" and indicate the serial number of the original receipt being replaced. All details on the replacement receipt should be the same as those shown on the original receipt.

To facilitate audit examination of records, duplicate deposit slips should be prepared for all bank deposits listing the names of the contributors from whom cheques, money orders and credit card vouchers were received.

If an official receipt has already been issued, the candidate should not refund the contribution until the contributor's copy has been recovered.

Contribution Refunds

Where a candidate learns a contribution has been made or accepted in contravention of any provision of the *Municipal Elections Act, 1996*, the candidate must return the contribution. If the contribution cannot be returned it must be paid to the Clerk.

Contribution refunds should be returned to the contributor or paid to the Clerk, where the contribution is:

- made outside the candidate's campaign period;
- from anonymous sources (except "pass the hat" collections);
- from ineligible sources (e.g., individuals not residents of Ontario or from a business or organization that is not a corporation);
- in excess of the \$750 limit or the \$5,000 total limit;
- a cash contribution in excess of \$25; or
- from funds not belonging to the contributor.

Helpful Hints

Since it will be impossible to determine in advance whether the total contributions from any one contributor will exceed the limit of \$750, the candidate should record the name and address of each contributor and the amount contributed.

Frequently Asked Questions – Contributions

How can contributions of cash be made?

Cash contributions may only be accepted up to \$25; contributions more than \$25 must be made by cheque, money order or credit card.

Can I contribute more than \$750 to one candidate?

No, a maximum contribution of \$750 can be made to one nominated candidate.

Can I contribute to more than one candidate?

Yes, you may make contributions to more than one candidate. However, your contributions to candidates running for office on the same council or the same school board may not exceed more than \$5,000.

How are goods and services to be valued as contributions?

All contributions of goods or services the candidate receives are considered contributions and should be supported by an invoice from the contributor of the goods or services. The contribution must be recorded just as if it were money.

If part of the agreed upon fee for the purchase of a good or service is considered by a supplier to be a contribution, the supplier should render an account for the total amount and indicate on the statement of account the amount which he or she considers a contribution.

If a supplier charges the candidate less than the market value for the purchase of a good or service, the difference between the amount charged and the market value is a contribution.

If suppliers of goods or services are not paid or have agreed not to accept payment, such non-payment will constitute a contribution of a good or service and must be receipted as such.

Do the value of goods and services contributed count towards the \$750 and \$5,000 contribution limits?

Yes.

Who can accept campaign contributions?

Only the candidate and those persons authorized by the candidate can accept campaign contributions. Contributions can only be accepted during the campaign period and only from a person or entity entitled to make a contribution.

How are anonymous contributions handled?

An anonymous contribution cannot be accepted. It must be turned over to the Clerk to become part of the general funds of the municipality.

The only exception to this rule is a donation received at a fund-raising function held on behalf of a candidate, e.g., "pass the hat." Each of these donations must be \$10 or less and the total revenue from this source must be reported on the candidate's financial disclosure form. (These donations are not considered to be contributions.)

What are the consequences for contravention of contribution rules?

Candidates and individuals who are found to have contravened the *Municipal Elections Act, 1996*, may face a fine of up to \$25,000 and/or up to six months in prison if the offence was committed knowingly. For corporations and trade unions the fine may be up to \$50,000.

Candidates who are found to have contravened certain provisions of the Act forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.

New for 2010

A contributor is limited to a maximum of \$5,000 in total contributions to candidates running for office on the same council or board.

Penalties for contravening the *Municipal Elections Act, 1996*, have been increased. A contributor who contravenes the contribution rules may face a fine of up to \$25,000 (\$50,000 for corporations and trade unions) and/or up to six months in prison if the offence was committed knowingly. Candidates who are convicted of contravening certain provisions of the Act also forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.

The Clerk is required to make candidates' financial statements available to the public in an electronic format, free of charge.

Reporting of Contributions

Candidates are required to include the name and address of each contributor who contributes more than \$100 in total to their campaign in their campaign finance statement. The total amount of any funds raised for a candidate at a fundraising function such as a dinner, dance, garden party or other event. This document must be filed with the Clerk after the election, and is a public document.

Clerks are required to make campaign finance statements available to the public in an electronic format free of charge.

Acceptable Contributions Sources

Contributions to candidates may only be made by:

- individuals living in Ontario;
- corporations that carry on business in Ontario;
- trade unions that hold bargaining rights for employees in Ontario;
- the candidate or his or her spouse.

A contribution may only be made from the contributor's own funds.

If a cheque is from a joint personal bank account, the receipt must have the name of the person signing the cheque. If the cheque is signed by both people, the candidate must determine how much each person contributed and issue separate receipts to each person.

Corporations

- To be eligible to make a contribution, a corporation must carry on business in Ontario. Prior to accepting a corporate donation, the candidate must satisfy himself or herself that the corporation does carry on business in Ontario.
- Corporations that are associated with one another, as defined by Section 256 of the *Income Tax Act (Canada)*, are considered to be a single corporation for the purposes of campaign contributions. Many corporations carry on business through subsidiaries and affiliated companies. Such corporations **are deemed to be single corporations** and may only make a **maximum contribution of \$750**. In addition, corporations are restricted to a maximum aggregate contribution limit of \$5,000 towards candidates running for office on a single council.

Unincorporated Groups

- If an unincorporated group, such as a law partnership or ratepayers' group, makes a campaign contribution, the candidate must request a list of the names and addresses of the individual contributors that shared in the contribution and the amount contributed by each individual. The receipts **must be issued to the individual contributor, not the unincorporated group**. The individual's portion of the group's contribution counts towards the individual's campaign contribution limit of \$750. Individuals are limited to a maximum aggregate contribution limit of \$5,000 towards candidates running for office on a single council.

Note:

A person does not have to be an eligible elector in order to contribute to a campaign.

Ineligible Contributions

The following may not make contributions:

- a federal political party, constituency association or a registered candidate at a federal election;
- a provincial political party, constituency association or a registered candidate or leadership contestant;
- the Crown in right of Canada or Ontario, a municipal or local board;
- charitable organizations or corporations that have been established for charitable purposes and public corporations such as public hospitals, crown agencies, boards or commissions, which are, in general, prohibited by statute or common law from making political donations.

Anonymous Contributions

- An anonymous contribution cannot be accepted; it must be turned over to the Clerk. The only exception to this rule is an anonymous contribution received at a fundraising event, i.e. "pass the hat". Each of these contributions must be \$10 or less and the total amount collected must be reported on the candidate's financial statement.
- If a candidate "passes the hat" and more money is collected than \$10 multiplied by the number of people in attendance, then the candidate must turn over the excess amount to the Clerk.

Contributions of Goods and Services

- All contributions of goods or services are subject to the contribution limit of \$750 and the maximum aggregate total of \$5,000 towards candidates running for office on a single council.
- Services donated by people acting on a volunteer basis are not considered contributions. If an employer makes employees available (who have volunteered their time) to work on a campaign and does not pay them extra for this work, this does not count as a contribution. However, if the employer pays them in addition to their regular wage, the amount of the extra wages is a contribution and is subject to the contribution limits.
- Free political advertising provided by a broadcaster is not deemed to be a contribution, provided it is done in accordance with the provisions, regulations and guidelines of the *Broadcasting Act (Canada)* and is available equally to all candidates.
- All other donations of goods or services are contributions and should be supported by an invoice from the contributor. The contributor must be valued at **current market value** and a receipt issued for that value. This includes **materials the candidate brings into the campaign from a previous campaign**, such as signs, wooden stakes and brochures.
- If part of the cost for the purchase of a good or service is considered by the supplier to be a contribution, the supplier should provide an invoice for the total amount and indicate the amount that he or she is donating as a contribution.
- If a supplier charges a candidate less than the market value for the purchase of a good or service, the difference between the amount charged and the market value is considered a contribution. For example, if a candidate is billed \$150 for printing brochures, but the lowest market price available to other customers is \$275, then the

difference of \$125 is a contribution from the printer to the candidate, and a receipt must be issued for the \$125.

- If a supplier of goods or services is not paid or has agreed not to accept payment, the value of the good or service is a contribution and a receipt must be issued. All suppliers should be paid promptly within the normal credit terms as provided by the supplier.

Fundraising Events

- In order to claim fundraising functions as an expense, “fundraising” must be the main purpose of the event, activity or promotional material and not merely incidental.
- Some examples of fundraising functions include:
 - social functions with an admission fee or ticket charge (such as dinners, dances, garden parties, etc.);
 - auctions, button sales, car washes, etc.
- Fundraising **does not** include:
 - rallies or similar events for the purpose of public awareness of the candidate and at which soliciting contributions is incidental;
 - promotional material such as advertisement or brochures in which soliciting contributions is incidental.
- The price of the ticket to a fundraising event is a campaign contribution and a receipt must be issued for the full amount. For example, if a ticket costs \$50, a receipt for \$50 must be issued and a contribution of \$50 must be recorded, regardless of the cost of organizing and holding the event. If the price of the ticket exceeds \$100, the name and address of the contributor must be recorded in the financial statement and will be posted on the Town’s website as per the requirements under the *Municipal Elections Act, 1996*. If the ticket price is over \$25, the amount must be paid by cheque, money order or credit card.
- Fundraising functions can only be held for a candidate and only during that candidate’s campaign period. The gross income (both admission revenue and other revenue) and expenses from each function must be recorded and reported in the candidate’s financial disclosure form.
- If goods or services are offered for sale during a fundraising function at more than fair market value, or are offered by auction and sold for more than market value, the difference between the fair market value and the amount paid is considered to be a contribution and is subject to the prescribed limits.

Candidates' Own Funds

- A person who wishes to run for office must not contribute to his or her own campaign until he or she is a nominated candidate. There is no limit on the contributions from the candidate or his or her spouse to the candidate's campaign, but it must be reported as a contribution and a receipt must be issued.
- The candidate or their spouse may borrow money for their campaign from any bank or other recognized lending institution in Ontario. The money must be paid into the candidate's campaign account. No person other than the candidate, or his or her spouse, may guarantee the loan.
- Contributions to a candidate's (or spouse's) own campaign do not count toward the \$5,000 limit.
- If a campaign ends in a surplus, a candidate may withdraw from the campaign surplus the value of the candidate's contribution.

Borrowing and Lending

- A candidate may not loan money to his or her campaign with the intention of getting it back through future contributions or fundraising events. Only if a candidate has a surplus can the candidate refund the contributions that he or she made to their campaign.
- A candidate or his or her spouse may borrow money for campaign purposes only from a chartered bank or other recognized lending institution. The full amount of the loan must be paid directly into the campaign account. Only a candidate and his or her spouse may guarantee a loan for campaign purposes. Any unpaid, but guaranteed, balance of a loan is considered to be a contribution.

CAMPAIGN EXPENSES

- Any expense incurred in whole or in part for goods or services for a candidate's campaign is a campaign expense. It includes the market value of any goods held in opening inventory (such as signs and brochures) and any contributions of goods or services to a candidate during the campaign period. Where contributions of goods or services are received, an expense in the equivalent value is considered to have been incurred.
- A person cannot incur expenses unless he or she is a candidate and only during his or her campaign period.

- Payment of any campaign expenses must be made by cheque from the candidate's campaign account and a receipt providing the details and proof of payment must be obtained.
- All expenses must be reported on the financial statement (Form 4) to be filed by the candidate with the Clerk.
- Only the candidate and persons authorized by the candidate, preferably in writing, can incur expenses.
- Expenses now **included** in spending limit:
 - interest on loans
 - nomination fee
- Expenses now **excluded** from spending limit:
 - expenses related to compliance audit
 - auditor's and accounting fees;
 - expenses incurred in holding a fundraising event;
 - expenses incurred for parties and other expressions of appreciation after the close of voting;
 - expenses relating to a court action for a controverted election;
 - expenses relating to a recount; and
 - expenses related to candidate's disability.

NOTE:

Expenses related to fundraising functions are exempt from the campaign spending limit. However, in order to qualify as a fundraising function, an event must have the raising of money as its primary purpose. Campaign events at which incidental fundraising takes place do not qualify as fundraising functions. Similarly, a brochure promoting awareness of a candidate that contains contact information to make campaign contributions does not qualify as a fundraising function, and the expenses related to the brochure are not exempt from the spending limit.

Deadline for Claiming Expenses

The campaign period ends on December 31st, 2010. Candidates should request suppliers to submit bills on or before this time.

Candidates with Disability

Candidates with a disability are able to charge expenses which would not have been incurred except for the election towards their campaign and these expenses are excluded from the candidate's spending limit.

Some examples could include:

- the cost of a sign-language interpreter for door-to-door campaigning;
- the cost of accessible transportation to attend campaign events/candidate's meetings; and
- the cost of specialized software.

Campaign Inventory

- Campaign expenses include the value of any goods held in inventory by a candidate for use during a campaign period, such as stakes, usable literature, signs and other campaign materials.
- For those candidates who ran in a previous election, all materials from a previous campaign that are brought into the current campaign must be included in the opening inventory even if the material was not included in the closing inventory of the previous campaign. In valuing campaign materials, **current market value must be used**. Proper documentation should be prepared to substantiate any opening inventory value.
- The inventory of reusable campaign materials remaining on hand at the end of a campaign must be valued and reported as closing inventory on the financial statement. The value of any inventory is not to be deducted from the campaign expenses.

Helpful Hints

The candidate should determine the quantity of reusable campaign materials at the end of the campaign and the value of each item. A detailed list of reusable items and their value should be made and determined as follows:

- if on hand at the start of the campaign, use the value determined at that time; or
- if acquired during the campaign, value at invoice price.

Campaign Expense Limits

- There are limits on the amount a candidate may spend during the period starting the day the candidate files a nomination paper and ending on election day. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office plus a base rate. The base rate for the office of mayor is \$7,500 and the base rate for all other offices is \$5,000.
- Upon filing your nomination papers, the Clerk will provide you with an estimate of maximum campaign expense limit which is based upon electoral numbers as of nomination day in 2006. The Clerk will also provide you with the final campaign spending limit on or before Monday, September 20th, 2010. The higher of the two

spending limits will prevail as your campaign spending limit. This is one of the **NEW** amendments to the *Municipal Elections Act, 1996*.

- mayoralty candidates - \$7,500 (base rate) + 85 cents per eligible elector
- councillor candidates - \$5,000 (base rate) + 85 cents per eligible elector

Frequently Asked Questions – Expenses

Who can incur a campaign expense?

Only the candidate and persons authorized by the candidate can incur campaign expenses. Expenses can only be incurred during the campaign period.

What is a campaign expense?

Any expense incurred for goods and services in relation to an election is a campaign expense.

Campaign expenses include the replacement value of any goods held in inventory by the candidate from a previous election and any contribution of goods and services to the candidate for use in whole or in part during the campaign period. Where a contribution of goods or services is received, an expense for equivalent value is considered to be incurred and must be reported.

New for 2010

The nomination filing fee and interest on loans are expenses subject to the spending limit.

Expenses relating to a compliance audit are not subject to the spending limit.

Expenses incurred by a candidate with a disability that are directly related to the candidacy are not subject to the spending limit.

To avoid arguments that expenses incurred in holding a fundraising function may not be exempt from the spending limit, candidates should ensure that raising money is the primary purpose of the function. Events or materials promoting the candidate in which fundraising is incidental do not qualify as fundraising functions and are therefore not exempt from the spending limit.

SURPLUS

- When a candidate files a financial statement, he or she must pay all surplus monies over to the Clerk (not just those funds in excess of \$500). **This is NEW.**

- Prior to paying over surplus monies to the Clerk, the candidate is entitled to refund contributions made to the campaign by the candidate or his or her spouse. The amount that may be refunded is the lesser of the amount of the contributions or the amount of the surplus.
- The Clerk is required to place the candidate's surplus monies in a trust fund for use by the candidate for a recount, controverted election or compliance audit. The funds received from the Clerk must be deposited into the campaign account, be recorded as income in the campaign records and may only be used for election purposes.
- If there are no requests for a recount, controverted election or compliance audit, the surplus becomes the property of the Town of Georgina. **This is NEW.** There is a transition period for the 2010 where surplus funds from the 2006 election will be returned, however for any subsequent elections or by-elections, the money will be retained by the municipality.

Surplus/Deficit Calculation

The surplus (deficit) position is to be calculated as follows:

1. determine the excess (deficiency) of income versus expenses
 2. deduct from this amount any deficit from the immediately preceding election if the offices are in the same jurisdiction
 3. the resultant amount is the surplus (deficit) of the campaign period
- A candidate who had a surplus at December 31st, 2010, and who incurs expenses related to a recount, an application for a controverted election, or a compliance audit after December 31st, 2010, may apply to the Clerk to re-open their campaign. The candidate will receive the surplus funds they had turned over to the Clerk, and may accept campaign contributions until the end of the supplementary campaign period (June 30th, 2011).
 - A candidate who incurs expenses related to a recount, an application for a controverted election or a compliance audit after June 30th, 2011, may not re-open their campaign, but may apply to the clerk for the release of the surplus funds held in trust on the candidate's behalf.
 - The surplus funds may be used only for expenses related to a recount, an application for a controverted election or a compliance audit.
 - A candidate who has received their surplus from the Clerk after June 30th, 2011, must file a financial report (Form 5) every 90 days until;
 - the surplus is exhausted;
 - no further eligible expenses are incurred; or
 - the candidate indicates that he or she will no longer be using the surplus funds, whichever occurs earliest.

- Any surplus funds remaining must be returned to the Clerk, along with a final report on how the funds were spent.

NOTE:

A candidate may not accept contributions or fundraise after June 30th, 2011. Form 5 is available online.

New for 2010

Spending limit formula is base amount, which varies by office, plus \$0.85 cents per elector.

- A candidate who has a deficit may extend their campaign to June 30th, 2011. A candidate who incurs expenses related to a recount, controverted election or compliance audit after their campaign has ended on December 31st, 2010 may re-open their campaign. All campaigns end on June 30th, 2011.
- All surplus finds must be turned over to the Clerk to be held in trust. A candidate may access his or her surplus if he or she subsequently incurs expenses related to a recount, controverted election or compliance audit.
- Surplus funds not required for such expenses become the property of the municipality or school board. Surplus funds may not be carried forward for use by the candidate in a subsequent election.

ENFORCEMENT AND PENALTIES

There have been significant amendments to the *Municipal Elections Act, 1996* with respect to the penalty provisions applicable to Candidates who fail to meet the disclosure and reporting requirements of the Act.

- Contributors who exceed the individual or aggregate contribution limit may be subject to a fine or other penalty.
- The following penalties are available to the courts upon conviction:

Individual:

- maximum fine of \$25,000;
- up to six months imprisonment for corrupt practices;
- ineligibility to vote or run in next election and to run for 8 years if offence committed knowingly.

Candidate:

- above penalties plus, forfeiture of office if offence committed knowingly.

Unions and Corporations:

- maximum fine of \$50,000.

NOTE:

The courts do not have the authority to waive the penalties for non-compliance.

Candidates

Candidates, whether elected or not, who do not file a financial disclosure form, either the initial one or, if applicable, the supplementary one, are ineligible to hold municipal office in Ontario for the period up to and including the next regular election. In addition, a candidate who files a financial statement that shows a surplus and fails to pay the amount to the Clerk is also liable to penalty. A candidate who files a statement that shows that the candidate spent in excess of his or her campaign expense limit is also liable to a fine equal to the amount by which the campaign expenses exceed the expense limit for that office.

Sitting Council or Board Members

A sitting council or board member who does not file on time and has not made an application for an extension to the courts prior to the filing deadline forfeits his or her office and is barred from holding office or from running in the next municipal election.

New for 2010

Candidates who do not meet the filing deadline for campaign finance reports and who have not obtained an extension prior to the deadline forfeit any office to which they were elected, and are ineligible to run in the next election.

Penalties have been increased. Any person who contravenes the Act is liable to a fine of up to \$25,000 and/or up to six months imprisonment if the offence was committed knowingly. The fine for corporations and trade unions is increased to \$50,000.

Every council and school board must appoint a compliance audit committee.

QUESTIONS ON THE BALLOT

Contributions to Campaigns in Respect of Questions on the Ballot

An individual, corporation, or trade union eligible to make contributions may register as a 'yes' or 'no' proponent if spending money on a campaign regarding a question on the

ballot. Once registered they may accept maximum contributions of \$750 from each person or entity.

The *Municipal Elections Act, 1996* establishes rules and processes for placing questions on municipal ballots and regulates campaigns that arise in support of or in opposition to questions on the ballot.

Who Can Place A Question On The Ballot?

Those permitted to place questions on the ballot are the following:

- municipal councils;
- school boards;
- other elected local boards; and
- the Minister of Municipal Affairs and Housing.

The Minister / school board must submit a question to the Clerk by the deadline of June 1st, 2010.

Processes For Placing A Question On The Ballot

Notice of Intention

A council proposing to pass a by-law to place a question on the ballot must give notice of intention to pass a by-law at least ten (10) days before passing the by-law.

The notice must include the wording of the question and any financial implications if the result becomes binding.

The Question

The question must relate to a matter within the jurisdiction of the municipality, must not be deemed to be of provincial interest, must be clear, concise and neutral and must be answerable by either “yes” or “no.”

Regulation 425/00 describes matters of provincial interest. Matters of provincial interest are matters where:

- the municipality requires an action by the provincial government in order to implement the results of the question;
- the municipality does not have the authority to implement all aspects of the results of the question;
- the question involves casinos and charities (see definitions in the *Ontario Lottery and Gaming Corporations Act, 1999*); or

- the question involves municipal restructuring.

Appeal of the Question

- The municipality must give notice within 15 days of the passage of the by-law to the electors and to the Minister.
- Electors and the Minister have up to 20 days to file with the Clerk an appeal as to whether the question is clear, concise and neutral or whether it can be answered by a “yes” or “no.” (Please note that the subject matter of the question cannot be appealed.)
- After receiving an appeal, the Clerk has a maximum of 15 days to forward the appeal to the Chief Electoral Officer of Ontario. The Chief Electoral Officer, or designate, has 60 days from the receipt of the appeal from the Clerk to hold a hearing and dismiss or allow the appeal in whole or in part.
- If the Chief Electoral Officer or designate allows the appeal in whole or in part, he/she may either make an amending order or direct the municipality to amend the by-law.

Campaign Period for a Question

- A trade union, corporation or individual must register if they intend to spend money with respect to a municipal question on the ballot. Registrants are entitled to receive a copy of the voters’ list from the Clerk.
- Raising or spending money in support of a yes or no answer to the question cannot commence until the appeal period has expired and any appeals have been disposed of.
- Contribution limits are \$750 per question from any single contributor. A financial report must be completed. NOTE: Contributions to a question do not count toward a contributor’s \$5,000 aggregate contribution limit.
- If the expenses exceed \$10,000, the trade union, corporation or individual must have their financial report audited.
- Spending limit is \$0.50 per elector. Registrants will be given an estimated spending limit upon filing of the registration, and a final spending limit after nomination day. The higher amount becomes the official spending limit.

Results of Vote

The results are binding on the council if at least 50 per cent of eligible electors in the municipality vote on the question.

Implementation

- If there is a “yes” vote, with 50 per cent or greater turnout, council must do everything in its power to implement the results of the question within a timely manner.
- If there is a “no” vote, with 50 per cent or greater turnout, council may not do anything in its jurisdiction to implement the matter that was the subject of the question during the next term of office.
- Results for a Minister’s question are not binding on the Legislature or government.

Exceptions to Implementing the Results of a Binding Question

- Conditions under other legislation must be observed prior to implementing the results of a binding question. For example, if there were a binding “yes” vote to build a community centre and a zoning change was needed, all legislation dealing with zoning changes would have to be complied with.
- The question cannot eliminate or override the legal rights of any person affected. For example, if there is a vote to elect council by wards, an appeal of ward boundaries to the Ontario Municipal Board cannot be removed.
- Implementation of the results of a question can be delayed or cancelled if conditions substantially change. For example, if there is a binding “yes” vote to build a community centre and the municipality experiences substantial financial difficulties, then the municipality has the option not to proceed with implementation.

Timeline

- Before a municipality decides to put a question on the ballot, it must determine that implementation of the answer is within its authority. If the answer is “no,” it cannot proceed.

- The time period for the process of placing a question on the ballot is 190 days, commencing from when the notice of intent to pass a by-law is given. Council may require additional time prior to that date to consider the potential question.

190 Days before Voting Day – Sunday, April 18th, 2010

The last day the municipality can give notice of a public meeting for the passing of a by-law to place a question on the ballot. A copy must be sent to the Minister of Municipal Affairs and Housing. The notice should contain a clear unbiased explanation in plain language as to potential effects of the outcome, including any cost implications. A description as to how to appeal the wording of the question should also be included.

180 Days – Wednesday, April 28th, 2010

Last day for passing a by-law to submit a question to the electors. The question must be able to be answered by a “yes” or a “no.”

165 Days – Thursday, May 13th, 2010

Last day for the Clerk to give notice to the public and to the Minister that a by-law to submit a question to the electors has been passed.

146 Days – Tuesday, June 1st, 2010

Last day for submission of a question from the Minister, school board or upper-tier municipality and for a petition to council for a question on fluoridation.

145 Days – Wednesday, June 2nd, 2010

Last date for filing an appeal to the Chief Electoral Officer as to the clarity of the wording of the question. The appeal must be filed with the municipal Clerk.

130 Days – Thursday June 17th, 2010

Last day for the Clerk to forward the appeal to the Chief Electoral Officer.

70 Days – Monday, August 16th, 2010

Last day for the Chief Electoral Officer to decide on the wording of the question.

45 Days – Friday, September 10th, 2010

Last day for withdrawal of a question on the ballot.

Monday, October 25th, 2010 – Voting Day**+14 Days – Monday, November 8th, 2010**

Earliest day to implement the results of the question if there is a binding “yes” vote.

+182 Days – Monday, April 25th, 2011

Last day to implement the results of the question if there is a binding “yes” vote.

Frequently Asked Questions – Question On The Ballot

Are citizen-initiated questions allowed on the ballot?

No. Questions must come from either council, school boards, local boards or the Minister.

Can a municipality ask a non-binding question?

No, all questions asked by the municipality have the potential to be binding. The result is non-binding if the turnout is less than 50 per cent.

OFFENCES & CORRUPT PRACTICES

See Sections 89, 90, 91, 92, 93, 94, 94.1, and 94.2 of the *Municipal Elections Act, 1996* (Schedule “I”)

OTHER ISSUES

Frequently Asked Questions

What are the election sign requirements?

The *Municipal Elections Act, 1996* does not address where campaign signs may be located. The regulation of signs generally falls within the jurisdiction of the local or upper-tier municipality or, when signs are placed near a provincial highway, the Ministry of Transportation. Candidates should check with the municipal Clerk to determine any sign by-law requirements.

Do all municipalities give contribution rebates?

No, each municipality determines if it is to establish a rebate program.

What is a permanent residence for voting purposes?

The following rules determine residence for voting purposes:

- an elector may only have one permanent residence;
- the place where an elector’s family resides is his or her permanent residence, unless the elector moves elsewhere with the intention of changing his or her permanent lodging place;

- if an elector 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 considered a permanent residence; or
- whenever absent, the permanent lodging place to which the elector intends to return.

Can a person in jail vote?

A person in jail, under sentence of imprisonment, is not entitled to vote.

If I do not have, or forget to bring, identification, will I be able to vote?

An elector who is on the voters' list but does not have the required identification may vote after signing a statutory declaration that they are the person shown on the list. A person who is not on the voters' list will be required to show proof of identification and proof of address in order to get onto the list.

Are citizen-initiated questions allowed on the ballot?

No. Questions must come from either council, school boards, local boards or the Minister.

Can a municipality ask a non-binding question?

No, all questions asked by the municipality have the potential to be binding. The result is non-binding if the turnout is less than 50 per cent.

What is the term of office?

The term of office is four years for municipal council and school board trustees. The term of office begins on December 1st, 2010. The term of office for a person elected in a by-election to fill a vacancy is the remainder of the term for that office.

TIMETABLE OF EVENTS

2010

***Please note that the time for all filing deadlines involving candidates or the public is now 2:00 p.m.**

Mon, Jan 4	<p>Earliest date when candidates may file nomination. Nominations may be filed by candidates from January 4th through to Nomination Day (September 10th). (Office hours are Monday to Friday, 8:30 a.m. - 4:30 p.m.) On nomination day nominations may be filed between the hours of 9:00 a.m. and <u>2:00 p.m.</u></p> <p>The campaign period is defined as the day (on or after January 4th, 2010) on which the candidate files his or her nomination through to Friday, December 31st, 2011 unless the candidate withdraws his or her nomination or the Clerk rejects the nomination or the candidate is continuing his or her campaign to erase a deficit.</p> <p>Estimate of maximum campaign expenses Clerk to provide candidates with the estimate of maximum campaign expense limit based upon the number of electors on the list as of nomination day in the 2006 election</p>
Approx. Wed, Mar 31	<p>Voting subdivision maps Voting subdivision maps will be available in the Clerk's Department by approximately Wednesday, March 31st, 2010.</p>
Wed, Sept 1	<p>Voters' list posted The voters' list will be posted for inspection at the town office (in the Clerk's Department) and at the 3 public libraries (Keswick, Sutton and Pepperlaw). Each candidate will be entitled to 1 copy of the voters' list. Candidates for ward councillor will <u>only</u> receive a voters' list for the applicable ward.</p>
Starting Sept 7	<p>Ability to check website for own electoral information Commencing September 7th, residents will be able to check their electoral information online at www.townofgeorgina.ca</p>
Tues, Sept 7 up to 8:00 pm Mon. Oct 25	<p>Revisions to own electoral information Eligible voters who wish to make additions, corrections, or deletions their <u>own</u> electoral information as shown on the voters' list may do so in the Clerk's Department during this period.</p> <p>Qualifications: <u>To be eligible to vote for the office of mayor, regional councillor and councillor, persons must be:</u></p>

- at least 18 years of age
- a Canadian citizen
- either reside in the municipality , **or** be a non-resident owner or tenant of residential property within the Town of Georgina or spouse, provided all other qualifications are met.

New Provincial legislation requires that all electors show proof of identification and address at the voting place. If the elector's name is on the voters' list and they have forgotten their identification, they will be permitted to vote after swearing an oath.

Notes:

- a person who changes residence from one local municipality to another is entitled to be a resident elector only in the local municipality where he or she resided last.
- a homeless person is entitled to vote. The residence of a homeless person means the place to which the person most frequently returns to sleep, or the place to which the person most frequently returns to eat, whichever is more frequented by that person.
- a corporation is prohibited from voting, therefore, non-resident owners of businesses that are incorporated are prohibited from voting as the corporation is the legal owner of the property and corporations do not meet the qualifications to be an elector.
- a resident owner of a business **MUST** vote where they reside.
- students who are attending school in one municipality but have their permanent residence in another municipality, have the ability to vote in both municipalities.

**Tues, Sept 7 to
8:00 pm Mon
Oct 25**

Ability to check voters' list on Town's website

Electors will be able to check if their own name is on the voters' list through the Town's website commencing Sept. 7th through to election day.

**Tues, Sept 7 to
Fri, Sept 10
(9:00 am to
2:00 pm)**

Deletion of another person's name from voters' list

A person may make an application to the Clerk requesting that another person's name be removed from the voters' list (i.e. son/daughter, etc.)

- Fri, Sept 10** **Nomination day -last day for filing nomination**
 On Friday, September 10th, nominations may be filed with the Clerk by candidates or their agent between the hours of 9:00 a.m. and **2:00 p.m.**
 Faxed or e-mailed documents WILL NOT be accepted.
- Fri, Sept 10** **Withdrawal of nominations**
 Candidates wishing to withdraw from the election must notify the Clerk in writing by **2:00 p.m.** on nomination day (Friday, September 10th, 2010). Faxed or e-mailed documents WILL NOT be accepted. (If you withdraw, you are entitled to a refund of your nomination filing fee, but you are still required to file a financial statement.)
- Mon, Sept 13** **Certification of nominations**
 The Clerk will certify nominations by 4:00 p.m. on Monday, September 13th, 2010.
- Mon, Sept 13** **Acclamations**
 The Clerk will declare acclamations, if any, after 4:00 p.m. on Monday, September 13th, 2010.
- Sept 13- Oct 25** **Appointment of Voting Proxy certificates**
 The Appointment of Voting Proxy certificates can only be issued the day after the last opportunity for candidates to withdraw their nomination has expired. Therefore, if there are sufficient candidates for all the offices, including school board trustees, by Friday, September 10th, then the first day that Appointments of Voting Proxy certificates can be issued would be Monday, September 13th. (See September 16th, if there the nomination period is extended.)
- Appointment of Voting Proxy certificates do not remain in force after voting day (Mon, October 25th, 2010).
- Electors can obtain Appointment of Voting Proxy certificates from the Clerk's Department any time that the offices are open. If requested, the Clerk's Department staff will go to the home of an elector with a disability to assist with the completion of the Appointment of Voting Proxy certificate. On each day of an advance vote, the Clerk's office and the advance vote locations will be open until 5:00 p.m. for the purposes of issuing proxies.
- Wed, Sept 15** If there are insufficient candidates for any office, including school board trustees, on September 10th, then the last nominations will be extended until 2:00 p.m. on Wednesday, September 15th, 2010.

Wed, Sept 15 The Clerk will certify supplementary nomination papers, if necessary before 4:00 p.m. and declare any resulting acclamations after 4:00 p.m. The last day for withdrawal of supplementary nominations would be 2:00 pm on September 15th, 2010.

Thurs, Sept 16 If nominations are extended, the first day the Appointment of Voting Proxy certificates can be issued will be September 16th, 2010.

On or before Mon, Sept 20 **Interim list of changes to the voters' list**
 On or before September 20th, 2010 the Clerk shall prepare an interim list of the changes to the voters' list that have been approved **on or before nomination day** (September 10th, 2010) for each of the candidates.

Mon, Sept 20 **Certificate of maximum campaign spending limits**
 On or before September 20th, 2010, the Clerk shall send by registered mail a copy of the certificate of maximum campaign spending limits. Please note that the "final" campaign spending limit is to be based upon the **higher** of:

- the number of electors as of nomination day in the 2010 election; or
- the number of electors included in the estimate of maximum campaign expense limit provided to the candidates at the time they filed their nomination paper.

Approx Mon, Sept 20 **Voting places**
 The final list of voting places will be mailed to each candidate by approximately September 20th, 2010.

Fri, Sept 10 **Election signs**
 The Town's election sign by-law prohibits the posting of election signs prior to Friday, September 10th, 2010. Candidates are, however, permitted to erect election signs on their campaign offices once the candidate has filed his or her nomination papers and paid the required filing fee.

Approx Fri, Oct 8 **Voter notification cards**
 Voter notification cards are expected to be mailed out to all eligible electors by the first week of October.

Sat, Oct 16 **Advance Vote** **10 AM-6 PM** **See Schedule "D"**

Sun, Oct 17 **Advance Vote** **10 AM-6 PM** **See Schedule "D"**

Wed, Oct 20 **Advance Vote** **2 PM-10 PM** **See Schedule "D"**

Thur, Oct 21 **Advance Vote** **2 PM-10 PM** **See Schedule "D"**

- Wed, Oct 20** **Final day for amendments to voters' list at Clerk's Office**
Amendment to the voters' list will be accepted up to 8:00 p.m. on Wednesday, October 20th, 2010. After this date, electors requesting amendment to their own electoral information will be directed to do so at the voting place.
- Mon, Oct 25** **Voting day**
Polls are open between the hours of 10:00 a.m. and 8:00 p.m. (except for roving voting places). **Employers shall allow employees three consecutive hours to vote.**
- ASAP after Mon, Oct 25** **Official results**
The Clerk will post the official results of the election at the town offices as soon as possible after October 25th, 2010.
- On or before Oct 28** **All election signs to be removed**
All election signs must be removed as per the election sign by-law. See Schedules "A" and "B"
- Tues, Nov 30** **End of term of office**
November 30th, 2010 is the last day in the term of office for the council of 2006 - 2010.
- Wed, Dec 1** **Inaugural**
The Inaugural first meeting of the council of 2010-2014 will take place on December 1st, 2010. The elected members of the council must take the oath of office prior to taking his or her seat.
- Fri, Dec 31** **End of 2010 municipal election campaign period**
The end of the 2010 municipal election campaign period is Friday, December 31st, 2010. Candidates may not raise funds or incur expenditures beyond this date unless they have a deficit and have notified the Clerk of the extension to their campaign period.
- Candidates should request suppliers to submit bills on or before this date.
- If a candidate wishes to extend his or her campaign period in order to eliminate a deficit, the candidate must file a "Notice of Extension of Campaign Period" (Form 6) with the clerk by **2:00 p.m., Friday, December 31st, 2010**. This will extend the campaign period until June 30th, 2011. In addition to the first financial statement, the candidate must also file a supplementary financial statement by the supplementary filing date (**2:00 p.m. Friday, September 30th, 2011**).

2011

**Prior to Wed,
Feb 23**

The Clerk will advise candidates of all the filing requirements under the Act at least 30 days before the Friday, March 25th, 2011 financial filing deadline. The Clerk is NOT required to give additional notice for the supplementary filing date. **It is the responsibility of the candidate to file a complete and accurate financial statement on time.** Please note that there is no provision for an extension beyond this deadline in the *Municipal Elections Act, 1996*. A judicial decision regarding an extension must be made prior to March 25th, 2011; it cannot be sought after the deadline has passed. The maximum extension the courts can provide is 90 days.

**Fri, March
25**

Last day for filing financial disclosure

The last day for all nominated candidates to file their financial statements is **2:00 p.m. on Friday, March 25th, 2011.**

Fri, Sept 30

If a candidate has extended his campaign period to June 30th, 2011 in order to eliminate a deficit, in addition, to the first financial statement which he or she filed on March 25th, 2011, the candidate must also file a supplementary financial statement by the supplementary filing date (**2:00 p.m. Friday, September 30th, 2011.**).

LIST OF PUBLICATIONS

1. Municipal Act, 2001 can be viewed at the following web address:
www.e-laws.gov.ca/html/statutes/english/elaws_statutes_01m25_e.htm
2. Municipal Elections Act, 1996 can be viewed at the following web address:
www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_96m32_e.htm
3. Ontario Regulations 101/97 (General) can be viewed at the following web address:
www.e-laws.gov.on.ca/html/regs/english/elaws_regs_970101_e.htm

SCHEDULES

- Sign By-Law - Schedule "A"
Regional Municipality of York
- Sign By-Law - Schedule "B"
Local
- Voting Locations - Schedule "C"
- Advance Vote - Schedule "D"
Times & Locations
- Identification to Vote - Schedule "E"
Ontario Regulation 500/09
- Use of Corporate
Resources for Election
Purposes - Schedule "F"
- Offences and Corrupt
Practices - Schedule "G"