

CANDIDATE'S GUIDE
(INFORMATION FOR CANDIDATES)



MUNICIPALITY OF SIOUX LOOKOUT

2010

MUNICIPAL ELECTIONS

July 21, 2010

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- Information regarding Campaign Guide (Municipal World)
- Flyer, Municipal World: 2010 Elections Publications Catalogue
- Candidates Guide to Accessible Elections
- School Board Information Booklet for Trustee Candidates
- AMO, Member Communication: National Do Not Call List – Implications for Municipal Candidates in Ontario

PART A

INTRODUCTION

1. IMPORTANT DATES

January 4, 2010 through September 9, 2010 September 10, 2010	Nomination Period – Nominations received at Municipal Office during normal business hours 8:00 a.m. to 2:00 p.m.
September 7, 2010 to October 25, 2010	Revision period for Voters' List
September 10, 2010	Nomination Day - Nominations received from 9:00 a.m. to 2:00 p.m.
September 13, 2010	Certification of Nomination papers before 4:00 p.m. List of Candidates to be posted
September 15, 2010	Additional Nominations received if required – from 9:00 a.m. to 2:00 p.m.
September 16, 2010	Certification of Additional Nomination papers before 4:00 p.m.
October 25, 2010	Voting Day (10:00 a.m. to 8:00 p.m. Hours may be increased by by-law passed by Council authorizing voting stations to open earlier than 10:00 a.m.)

2. ELECTED OFFICES

This guide has been prepared for the purpose of supplying information which will be of assistance to persons intending to run for elected office.

Candidates for English or French, public or separate school board offices are encouraged to contact the office of the Director of Education of the appropriate school board to obtain information on the duties and responsibilities of a trustee.

It is most important to note that the contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. **Prospective candidates must satisfy themselves, through their own determination, that they have complied with the election financing regulations and that they are in fact qualified and not disqualified by law to seek elected office.**

(1) Elected Offices

At this election, members will be elected for the period commencing December 1, 2010, and ending November 30, 2014 (four year term), for the following offices*:

- a) **MAYOR**
(One to be elected at large by all electors of the Municipality).
- b) **COUNCILLORS**
(Four to be elected at large by all electors of the Municipality).
- c) **COUNCILLOR – WARD 1 (HUDSON)**
(One to be elected by Ward 1 electors).
- d) **COUNCILLOR – WARD 2 (SIOUX LOOKOUT)**
(One to be elected by Ward 2 electors).
- e) **KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD (ENGLISH – PUBLIC)**
(To be elected by public school electors of the Municipality).
- f) **THE NORTHWEST CATHOLIC DISTRICT SCHOOL BOARD (ENGLISH – SEPARATE)**
(To be elected by separate school electors of the Municipality).
- g) **CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO (FRENCH - PUBLIC)**
(To be elected by French language public school electors of the Municipality).
- h) **LE CONSEIL SCOLAIRE CATHOLIQUE DU NOUVEL-ONTARIO (FRENCH - SEPARATE)**
(To be elected by French language separate school electors of the Municipality).

NOTE: The number of trustees to be elected in the Municipality on the four school Boards is subject to the final determination and distribution of trustees in accordance with the *Education Act*. Refer to ads in the local newspaper or contact the Deputy Clerk or Clerk of the Municipality.

*Subject to acclamations.

PART B

QUALIFICATIONS

1. Member of Council

Municipal Act Section 256

(a) Qualification, Eligibility:

"Every person is qualified to be elected or to hold office as a member of a council of a local municipality,

(a) who is entitled to be an elector in the local municipality under Section 17 of the Municipal Elections Act, 1996; and

(b) who is not disqualified by this or any other Act from holding such office."

(b) Elector Qualifications (Municipal Council)

Municipal Elections Act Section 17

17(2) *"A person is entitled to be an elector at an election held in a local municipality if on Voting Day, he or she,*

(a) resides in the local municipality, or is the owner or tenant of land there, or is the spouse of such owner or tenant,

(b) is a Canadian citizen,

(c) is at least 18 years old, and

(d) is not prohibited from voting under Subsection (3) or otherwise by law".

Persons Prohibited from Voting

17(3) *"The following are prohibited from voting:*

1. A person who is serving a sentence of imprisonment in a penal or correctional institution.

2. A corporation.

3. A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with Section 44.

4. A person who was convicted of a corrupt practice described in Subsection 90(3), if Voting Day in the current election is less than five years after Voting Day in the election in respect of which he or she was convicted."

(c) Ineligibility

Municipal Act Section 258

258(1) The following are not eligible to be elected as a member of a council or to hold

office as a member of a council:

1. Except in accordance with Section 30 of the *Municipal Elections Act, 1996*,
 - i. an employee of the municipality,
 - ii. a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in Section 223.11 or an investigator referred to in subsection 239.2 (1) of the municipality, or
 - iii. a person who is not an employee of the municipality but who holds any administrative position of the municipality.
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. 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 that Act.

(d) Disqualification

Municipal Act Section 258

- 258(2) A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,
- (a) ceases to be a Canadian citizen;
 - (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality, in the case of a member of council of a local municipality, or in a lower-tier municipality within the upper-tier municipality, in the case of a member of council of an upper-tier municipality; or
 - (c) would be prohibited under this or any other Act from voting in an election for the office of member of council of the municipality if an election was held at that time.

2. School Board Members: Qualifications, Disqualification, Resignations & Vacancies

(a) Qualification of School Board Members

Education Act Section 219

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

which positions on that district school board or school authority the person may be qualified to vote for.

219(3) A member of a district school board or school authority is eligible for re-election if otherwise qualified.

(b) Disqualification of School Board Members

Education Act, Section 219

219(4) Despite Subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,

(a) an employee of a district school board or school authority;

(b) repealed;

(c) the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority;

(d) a member of the Assembly or of the Senate or House of Commons of Canada; or (See “**PART C – NOMINATION PROCEDURES**” for legislation for filing of nominations.)

(e) otherwise ineligible or disqualified under this or any other Act.

219(5) Despite Subsection (4) none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on Voting Day, October 25, 2010:

1. an employee of a district school board or school authority;

2. the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority;

219(9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority.

219(10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election.

219(11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that school board or that school authority is vacated.

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

PART C NOMINATION AS A CANDIDATE

Qualified At Time Of Nomination

A person must be qualified at the time of filing the nomination as provided in Section 29(1) of the *Municipal Elections Act, 1996*. A person may be nominated for an office only if, as of the day the person is nominated,

- (a) he or she is qualified to hold that office under the Act that creates it; and
- (b) he or she is not ineligible under the *Municipal Elections Act, 1996* or any other Act, otherwise prohibited by law to be nominated for or to hold the office.
- (c) Notwithstanding the above provision, some persons otherwise disqualified at the time of filing the nomination are entitled to file in accordance with Sections 29(1.1) and (1.2) and 30(1) of the *Municipal Elections Act, 1996*:

29(1.1) Despite Subsection (1) and despite Section 258 of the Municipal Act, 2001, Section 9 of the Legislative Assembly Act and Section 219 of the Education Act, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations on Nomination Day of the election, the nomination shall be rejected by the Clerk under Section 35.

29(1.2) Subsection (1.1) does not apply to a member of the Executive Council of Ontario or a federal Minister of the Crown.

30(1) An employee of a municipality or local board is eligible to be a candidate for and to be elected as a member of the council or local board that is the employer if he or she takes an unpaid leave of absence beginning as of the day the employee is nominated and ending on Voting Day.

In addition to these provisions in the *Municipal Elections Act, 1996*, the *Education Act* has been amended to provide for parallel changes for a candidate for a district school board or a school authority. (See Section 219(5) of the *Education Act* and pages 7-9 of this Guide.)

Nomination Procedure

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as early as January 4, 2010, with respect to the 2010 election.

Section 33 of the *Municipal Elections Act, 1996*:

- (1) *A person may be nominated for an office by filing a nomination in the Clerk's office, in person or by an agent.*

NOTE: Facsimile transmissions or mailed-in nomination forms will not be accepted.

- (2) *The nomination shall,*

(a) *be in the prescribed form;*

(b) *be accompanied by a declaration of qualification in the prescribed form, signed by the person being nominated; (Forms are available at the Clerk's office). and*

(c) *be accompanied by the prescribed nomination filing fee (\$200.00 for Head of Council position; \$100.00 for all other offices).*

NOTE: The declaration of qualifications must be taken before a **Commissioner of Oaths**. The Municipal Clerk's office can administer this declaration for you.

- (3) *If the person was previously nominated for an office on the same council or local board in the same election and paid the nomination filing fee at that time,*

(a) *Clause (2) (c) does not apply; and*

(b) *for the purposes of Section 34 (refund) and Paragraph 9 of Subsection 67(2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one (Subject to Section 36 re Withdrawal of Nomination).*

Time for Filing

- 33(4) *The nomination may be filed,*

(a) *on any day in the year of the regular election that is before Nomination Day, at a time when the Clerk's office is open; or*

(b) *on Nomination Day between 9 a.m. and 2 p.m..*

NOTE: Nomination Day is September 10th for the 2010 elections.

Exception for Additional Nominations

- 33(5) *If the number of nominations filed for an office and certified under Section 35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 2 p.m. on the Wednesday following Nomination Day. (September 15, 2010)*

Refund of Deposit

Municipal Elections Act Section 34

A candidate is entitled to receive a refund of the nomination filing fee if he or she:

- (a) *withdraws the nomination under Section 36;*

- (b) is elected to the office; or
- (c) receives more than the prescribed percentage of the votes cast in the election for the office.

NOTE: The prescribed percentage of the vote for the return of the filing fee is at least 2% of the total votes cast for that office.

Certification of Nomination by Clerk or Deputy Clerk *Municipal Elections Act Section 35*

- (1) *The Clerk shall examine each nomination that has been filed, in accordance with the following timetable:*
 - 1. *All nominations filed on or before Nomination Day shall be examined before 4:00 p.m. on the Monday following Nomination Day. (September 13, 2010)*
 - 2. *All additional nominations filed under Subsection 33(5) shall be examined before 4:00 p.m. on the Thursday following Nomination Day. (September 16, 2010)*
- (2) *If satisfied that a person is qualified to be nominated and that the nomination complies with this Act (Municipal Elections Act, 1996), the Clerk shall certify the nomination by signing the nomination paper.*
- (3) *If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the Clerk shall reject the nomination.*
- (4) *When the Clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.*
- (5) *The Clerk's decision to certify or reject a nomination is final.*

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

PART D CAMPAIGN INFORMATION

The following information is general in nature and candidates should refer directly to the **Municipal Elections Act, 1996**, for specific provisions and additional details.

1. CAMPAIGN FINANCE INFORMATION

a. ELECTION CONTRIBUTIONS AND EXPENSES

MUNICIPAL ELECTIONS ACT SECTION 66

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

CAMPAIGN CONTRIBUTIONS

What is a campaign contribution?

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

- (a) an amount charged for admission to a fund-raising function,
- (b) if goods and services are sold at a fund-raising function for more than their market value, the difference between the amount paid and market value,
- (c) if goods and services used in a person's election campaign are purchased for less than their market value, the difference between the amount paid and market value, and
- (d) any unpaid but guaranteed balance in respect of a loan, under Section 75.

The following amounts are not contributions:

- (a) the value of services provided by voluntary unpaid labour,
- (b) the value of services provided voluntarily, under the person's direction, by an employee whose compensation from all sources for providing them does not exceed the compensation the employee would normally receive for the period the services are provided,
- (c) an amount of \$10 or less that is donated at a fund-raising function,
- (d) the value of political advertising provided without charge on a broadcasting undertaking as defined in Section 2 of the *Broadcasting Act (Canada)*, if
 - (i) it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - (ii) it is provided equally to all candidates for office on the particular council or local board,
- (e) the amount of a loan under Section 75.

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

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

When may a candidate conduct fund-raising and incur campaign expenses? *Municipal Elections Act Section 68*

The candidate may incur campaign expenses and accept donations starting the day he or she files a nomination, which is the start of his or her campaign period. The campaign period ends:

- (a) on December 31 in the election year, or;
- (b) on the day the nomination is withdrawn under Section 36, or deemed to be withdrawn, under Section 29(2), or;
- (c) on Nomination Day if the nomination is rejected under Section 35, or;
- (d) if the candidate has a deficit at the time the campaign period would otherwise end and notifies the Clerk in writing on or before December 31, 2010, the campaign period is extended until the earliest of the following:
 - (i) June 30, 2011,
 - (ii) the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the deficit was incurred,
 - (iii) the day the candidate notifies the Clerk in writing that he or she will not accept further contributions, and
 - (iv) the day A equals the total of B and C, where,
 - A = any further contributions,
 - B = expenses incurred during the extension of the election campaign period,
 - C = amount of the candidate's deficit at start of the extension of the election campaign period.

NOTE: In the event of a recount, under Sections 56 to 64, a Compliance Audit Process under Section 81 or a controverted election under Section 83, a candidate's campaign period could be affected. See Section 68(1) 5 of the *Municipal Elections Act, 1996* for details.

What are the responsibilities of the candidate with respect to campaign finances? *Municipal Elections Act Section 69*

It is the responsibility of the candidate to ensure that:

1. One or more campaign accounts are opened at a financial institution, exclusively for the purposes of the election campaign and in the name of the candidate's election campaign,
2. All contributions of money are deposited into the campaign accounts,

3. All payments for expenses are made from campaign accounts (except for the nomination filing fee),
4. All contributions of goods and services are valued,
5. Receipts are issued for every contribution and obtained for every expense,
6. Financial filings are made as required by the *Municipal Elections Act 1996*, Sections 78 and 79.1,
7. Proper direction is given to the persons, who are authorized to incur expenses and accept or solicit contributions of behalf of the candidate,
8. Any contribution of money made or received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention. That any such contribution not returned is paid to the Clerk,
9. Any anonymous contribution is paid to the Clerk,
10. Records are kept of the following:
 - receipts issued for all contributions; the value of every contribution whether in the form of money, goods or services and the contributor's name and address;
 - every expense including the receipts obtained for each expense;
 - any claim for payment of expenses that the candidate disputes or refuses to pay;
 - the gross income from a fund-raising function and gross amount of money received at a fund-raising function by donations of \$10 or more;
 - any loan and its terms, under Section 75.
11. The records described in Clause 10 are retained for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized.

Campaign Contributions

Municipal Elections Act Section 70

Contributions can only be made to candidates who are nominated and only during his or her campaign period. It is illegal to make a contribution to a candidate who is not nominated.

Since Financial Statements will be posted on the Municipal website, candidates are encouraged to advise contributors that their names and contribution amounts will be posted.

Who can make contributions?

Municipal Elections Act Section 70(3)

The following may make contributions:

- an individual who is normally resident in Ontario;
- a corporation that carries on business in Ontario;
- a trade union that holds bargaining rights for employees in Ontario;
- Subject to Section 70 (5), the candidate and his or her spouse.

Who cannot make contributions?***Municipal Elections Act Section 70(4)***

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

What limits are there on contributions?***Municipal Elections Act Section 71***

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

No person shall make contributions of money that does not belong to the contributor with the exception of loans granted by a lending institution, which are permitted under Section 74.

What restrictions are there on fund-raising events? *Municipal Elections Act Section 73*

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

Can I borrow money for my campaign?***Municipal Elections Act Section 75***

The candidate or his or her spouse may borrow money for his or her 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.

CAMPAIGN EXPENSES***MUNICIPAL ELECTIONS ACT SECTION 67***

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

1. The replacement value of goods retained by the person from any previous election and used in the current election.
2. The value of contributions of goods and services.
3. Audit and accounting fees.
4. Interest on loans under Section 75.
5. The cost of holding fund-raising functions.
6. The cost of holding parties and making other expressions of appreciation after the close of voting.
7. Expenses relating to a recount.
8. Expenses relating to controverted elections, Section 83.
 - a. Expenses relating to a compliance audit.

- b. Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but not for the election to which the expenses relate.

9. The nomination filing fee.

Expenses relating to 8 (b) above must be reported but are excluded from a candidates spending limit. Expenses relating to 3, 5, 6, 7 and 8 above are excluded from a candidate's maximum campaign expenses allowed. Expenses relating to 1, 2, 4, 8 (a) and 9 are included in a candidates maximum campaign expenses.

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

What Limits Are There On Campaign Spending?

MUNICIPAL ELECTIONS ACT SECTION 76

The *Municipal Elections Act, 1996*, provides that the Minister has prescribed the campaign expense spending limits in *O. Reg. 101/97, last amendment O. Reg. 499/09, Section 5*.

1. *In the case of a candidate for the office of head of Council of a municipality, the amount shall be calculated by adding together \$7,500 plus 85 cents for each elector entitled to vote for the office.*
2. *In the case of a candidate for another office, the amount shall be calculated by adding together \$5,000 plus 85 cents for each elector entitled to vote for the office.*

The Deputy Clerk will provide a certificate of the applicable maximum to each candidate within ten days after Nomination Day, September 20, 2010.

b. FINANCIAL REPORTING

MUNICIPAL ELECTIONS ACT SECTIONS 77 & 78

Financial Statements will be posted on the Municipal Website (Section 88(9.1)).

The Campaign Period ends on December 31, of the year of the election. On or before 2:00 p.m. on the last Friday in March in the year following an election year (March 25, 2011), each candidate shall file the necessary financial reports with the Deputy Clerk.

A candidate's Campaign Period may be extended up to June 30, 2011, and the supplementary report filing date would then be extended to on or before 2:00 p.m. on September 28, 2011.

Expenses \$10,000 or less

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

Expenses Over \$10,000

If a candidate's expenses or contributions were over \$10,000 he or she is required to submit, in the prescribed forms, a Financial Statement and an Auditor's Report prepared by an auditor licensed under the *Public Accounting Act, 2004*.

Campaign Surpluses

MUNICIPAL ELECTIONS ACT SECTION 77

Any surplus in a candidate's campaign must be paid to the Clerk. If the funds are not required for a compliance audit, a recount or a controverted election, the surplus becomes the property of the municipality or local board.

Campaign Deficits and Extending Campaign Periods

MUNICIPAL ELECTIONS ACT SECTION 68

If a candidate has a deficit in their campaign, he or she may extend the campaign period beyond December 31, 2010, to obtain additional contributions in order to eliminate the deficit, by notifying the Clerk in writing of the extension on or before December 31, 2010.

The campaign may be extended until the earliest of:

- June 30, 2011 (Section 68(1) (4) (i),
- the day the candidate is nominated for a new election on the same council or local board,
- the day the candidate notifies the Clerk that no further donations will be accepted, or
- the day the deficit is eliminated.

If a candidate extends the campaign period, due to a deficit, supplementary financial statements (and possibly an Auditor's Report) will be required. The supplementary campaign period will end on June 30, 2011 and the Financial Statements and Auditor's Report must be filed no later than 2:00 p.m. on September 28, 2011.

Notice by Clerk

At least 30 days before the filing date, the Clerk shall give notice by registered mail of all requirements under Section 78 and must include penalties under Section 80(2) and 92(5).

Penalties for Non-Compliance

MUNICIPAL ELECTIONS ACT SECTION 80

If a candidate fails to:

- a) file the required documents, under Sections 78 or 79(1) by the relevant date, or
- b) pay any surplus to the Clerk by the relevant date under Sections 78 or 79(1), or
- c) file documents showing on its face that the candidate exceeded spending limits,

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

1. In the case of the defaults described in Clauses (a), (b) and (c),

- (i) the candidate forfeits any office to which he or she was elected and the office shall be deemed to be vacant,
- (ii) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

Notice Of Default

The Deputy Clerk or Clerk is required to notify a candidate of a default in filing.

Application to Extend the Time to File the Required Documents if there is No Deficit

A candidate may apply to the Ontario Court of Justice to extend the time for filing the document under Section 78 or 79(1), and if the Court is satisfied there are mitigating circumstances justifying a later date for filing the document, the Court may grant an extension of up to 90 days.

NOTE: Section 80(4) of the *Municipal Elections Act*, which provides for the extension of the filing date, refers only to an extension to file documents required under Section 78 of the Act.

Effect of Extension

If an extension for filing a document is granted:

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

Compliance Audits

MUNICIPAL ELECTIONS ACT SECTION 81

An elector may apply in writing to the Clerk or Deputy Clerk for a Compliance Audit of any candidate's campaign within 90 days of the filing of the financial reports of the candidate. The Clerk or Deputy Clerk of the Municipality shall place the matter before the Compliance Audit Committee and a decision must be made whether to grant the audit within 30 days.

2. SCRUTINEERS

Candidates may appoint Scrutineers to represent them during the daily receipt and processing of Voted Voters Kits, which includes the electronic cross-off of names from the Voters List, and the counting of the votes on Voting Day.

Appointments must be in writing and Scrutineers may be required to show the appointment form to election officials at the voting place if requested.

There are no legislated age restrictions to be a Scrutineer. A Scrutineer can be related to the candidate who makes the appointment.

Acclaimed candidates are not entitled to Scrutineers, nor are they entitled to be Scrutineers.

The Municipal Elections Act, 1996, as amended, prohibits campaigning in the voting place (including the wearing of campaign buttons) and allows the Clerk to define the boundaries of the voting place. For Sioux Lookout's 2010 election, the "voting place" includes the entire Municipal Office and Parking Lot at 25 Fifth Avenue, Sioux Lookout.

The following rules apply with regard to Scrutineers:

- There is a limit of one Scrutineer per candidate allowed to be present during the daily processing of Voted Voter's Kits.
- There is a limit of one Scrutineer per candidate per EVT allowed to be present during the processing of the ballots on Voting Day.
- The number of Scrutineers in any one polling place for any one candidate is reduced by one if the candidate is in the polling place.
- Scrutineers may be required by an Election Official to take an oath of secrecy.
- Candidates/Scrutineers shall be permitted to enter the Counting Centre at 9:45 a.m. on Voting Day, October 25, 2010, to inspect ballot boxes and other papers relating to the vote but may not delay the opening of voting. Opening of Secrecy envelopes will start at 10:00 a.m.
- Candidates/Scrutineers may remain in the Counting Centre after the close of voting (8:00 p.m.) to observe any further vote tabulation and production of unofficial results.
- Candidates/Scrutineers shall not be allowed to enter the Counting Centre after the close of voting on Voting Day (8:00 p.m.) Anyone leaving the Counting Centre after 8:00 p.m. cannot return.
- Candidates/Scrutineers may observe proceedings and examine ballots as they are counted, but shall not interfere with the activity of tabulating the ballots. They can not touch the ballots.
- Candidates/Scrutineers may object to a ballot, or the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The DRO shall make the final ruling as to whether or the votes will be counted.
- Candidates/Scrutineers may place his or her seal on the ballot box containing counted ballots to ensure no ballots can be withdrawn without breaking the seal. The seal may in no way identify a candidate or his or her campaign.
- Candidates/Scrutineers may be present when election materials and documents are delivered to the Returning Officer after unofficial results have been announced.

3. ELECTION SIGNS

The Municipal Elections Act, 1996, does not address where campaign signs may be located or when they may be erected. Election signs are prohibited on Municipal property. If you wish to put a sign on private property, you must obtain permission from the property owner or, when placed near a provincial highway, the Ministry of Transportation.

4. PROHIBITION OF CAMPAIGNING IN VOTING PLACES

Campaigning or campaign materials of any nature are prohibited in or on the premises used as a voting or counting place on Voting Day. The premise is deemed to include the entire building and the property on which it is located.

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

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

Section 48(3) of the *Municipal Elections Act, 1996* provides as follows:

"For the purpose of this section, 'voting place' includes any place in the immediate vicinity of the voting place designated by the Clerk."

Election officials are authorized and instructed to remove forthwith, from any voting place, material or literature of any nature, which may be deposited therein.

5. ACCESS TO RENTED PREMISES BY CANDIDATE OR THEIR AUTHORIZED REPRESENTATIVES

Section 28 of the *Residential Tenancies Act, 2006*, provides that:

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

6. ACCESS TO CONDOMINIUMS BY CANDIDATE OR THEIR AUTHORIZED REPRESENTATIVES

Section 118 of the *Condominium Act* provides as follows:

"No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or

school board if access is necessary for the purpose of canvassing or distributing election material."

PART E

GENERAL INFORMATION

1. DEFINITION OF RESIDENCE

In determining the eligibility of electors, one must examine the meaning of residence. Provisions exist to allow for the homeless to be enumerated and vote.

Section 2 of the *Municipal Elections Act, 1996* reads as follows:

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

(2) The following rules apply in determining a person's residence:

- 1. A person may only have one residence at a time.*
- 2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.*
- 3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence."*

EXCEPTION - STUDENTS

A person may have residences in two local municipalities at the same time if,

- (a) the person lives in one of the local municipalities in order to attend an educational institution, but not with the intention of changing his or her permanent lodging place; and
- (b) the person's permanent lodging place is in the other local municipality.

Section 3 of the *Municipal Elections Act, 1996* reads as follows:

If a person has no permanent lodging place as described in Subsections (1) and (2), the following rules apply in determining his or her residence:

- 1. The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is his or her residence.*

2. *If the person returns with equal frequency to one place to sleep and to another to eat, the place to which he or she returns to sleep is his or her residence.*
3. *Multiple returns to the same place during a single day, whether to eat or to sleep, shall be considered one return.*
4. *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.*

2. PRELIMINARY LIST OF ELECTORS

The Preliminary List of Electors for the Municipality of Sioux Lookout is prepared by the Municipal Property Assessment Corporation (MPAC) and contains the names, addresses and school support of each person who is listed in MPAC's database and who meets the qualifications of an elector. The list will be available for review by the public no later than September 1, 2010.

3. REVISION OF PRELIMINARY LIST OF ELECTORS

Applications for additions or amendments to the Voters List will be received by the Deputy Clerk or Clerk commencing September 7, 2010 and ending at 8:00 p.m. on Voting Day (October 25, 2010).

As of September 1, 2010, copies of the Preliminary List of Electors may be viewed at the following locations:

- Sioux Lookout Municipal Office, 25 Fifth Avenue, Sioux Lookout
- Sioux Lookout Public Library, 21 Fifth Avenue, Sioux Lookout
- Sioux Lookout Travel Information Centre, 11 First Avenue, Sioux Lookout
- Ministry of Northern Development and Mines, 62 Queen St., Sioux Lookout
- Lamplighter Motel, Highway 72, Sioux Lookout
- Hudson Post Office, Hudson

Copy of Voters List

Candidates are entitled to receive a copy of the portion of the Voters List that contains the names of the electors who are entitled to vote for that office (Sec 23 (4)).

If a candidate wishes to have a copy of the Voters List, a written request must be made to the Deputy Clerk. (Forms are available from the Deputy Clerk). The list is to be used for election purposes only and the request form includes an affidavit stating that it will be used for that purpose only. One copy will be provided free of charge and additional copies can be made for 50 cents per page.

4. VOTING DAY

Voting Day is Monday, October 25, 2010, with general voting (for those who didn't mail in their ballots or who come in to be added to the Voters List on voting day) from 10:00 a.m. to 8:00 p.m. (**Vote-By-Mail procedures apply**).

5. NOTICE OF ELECTION (SUBJECT TO ACCLAMATIONS)

Pursuant to the *Municipal Elections Act, 1996*, the Clerk shall place an advertisement in a newspaper providing notice to all residents of the Municipality of the dates and times on which the voting place will be open* and the location of the voting place* at which electors may vote. **Notice may include instructions on how to vote using the Vote-By-Mail method.**

*Subject to Vote-By-Mail procedures.

6. FORM OF BALLOTS

The Municipality uses a composite ballot. Each elector receives one ballot, which contains all ballots for every office for which they are entitled to vote. There may be different ballots for English public school electors, English separate school electors and for French public school electors and French separate school electors so that no elector will receive a ballot for offices for which they are not entitled to vote.

7. ELECTORS' ABSENCE FROM WORK

An elector is entitled to have three consecutive hours to vote on Voting Day (October 25, 2010). If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the voting station, the employer must allow them to be absent and the absence shall be timed to suit the employer's convenience as much as possible. The employer shall not make a deduction from the employee's pay or impose any other penalty for the absence from work.

(Example: Polls close at 8:00 p.m. If elector's "quitting time" is 5:00 p.m., no time off is required. If elector's quitting time is after 5:00 p.m., time off will be required.)

PART F

OTHER RESOURCES

- A campaign guide book is available from Municipal World (MW BookShop) called "Run & WIN". This book can be ordered by: Phone - 1-888-368-6125, Fax – 1-888-368-6128 or Email – mwadmin@municipalworld.com Check www.books.municipalworld.com for other publications that may be of interest to you.

The following are available upon request:

- Flyer, Municipal World: 2010 Elections Publications Catalogue
- Candidate's Guide to Accessible Elections
- School Board Information Booklet for Trustee Candidates
- AMO, Member Communication: National Do Not Call List – Implications for Municipal Candidates in Ontario