

**TOWNSHIP OF McKELLAR
2022 MUNICIPAL ELECTION
CANDIDATE'S PACKAGE**

I (please print) _____ acknowledge that I have received the following information in the Township of McKellar 2022 Municipal Election Candidate's Package:

1. Copy of Notice of Nomination for Office and Instructions.
2. Notice of Candidates Information Session.
3. Candidate's Guide for Ontario Municipal and School Board Elections.
4. Copy of Nomination Paper – Form 1 (Note: Where the form requires signatures, original signatures are required for submission).
5. Preliminary Maximum Campaign Expense and Contribution Limits.
6. Letter to Financial Institution.
7. Notice of Penalties & Refund of Nomination Filing Fee.
8. Duties of Candidates.
9. Copy of Financial Statement – Auditor's Report – Form 4 (Note: Where the form requires signatures, original signatures are required for submission).
10. Code of Conduct – Schedule "A" to By-Law No. 2019-06.
11. Council Staff Relations – Schedule "A" to By-Law No. 2019-07.
12. Use of Corporate Resources Policy.
13. Section 2.10 of Sign By-Law No. 2004-17 & MTO Requirements.
14. Consent to Release Personal Information (Note: Where the form requires signatures, original signatures are required for submission).
15. Declaration of Proper Use of the Voters' List (Note: Where the form requires signatures, original signatures are required for submission).

16. AMO – “So You Want to Run for Council?” Online course information.
17. Clerk’s Polices & Procedures for Telephone/Internet Voting.

Signature:_____

Dated at the Township of McKellar, in the District of Parry Sound
this _____ day of _____, 2022.

NOTICE OF NOMINATION FOR OFFICE MUNICIPAL ELECTIONS - 2022

NOTICE is hereby given to the Municipal Electors of the Township of The Archipelago, the Township of Carling, the Municipality of McDougall, the Township of McKellar, the Town of Parry Sound, the Township of Seguin, and the Municipality of Whitestone that Nominations for the offices of Mayor, Reeve and Councillor may be made by completing and filing, in the office of the appropriate Clerk, nominations in the prescribed form. Nominations for the office of School Board Trustee may be made by completing and filing nominations in the prescribed form as detailed below.

How to be Nominated:

- a) Obtain nomination papers from the appropriate Clerk;
- b) Obtain Endorsement of Nomination forms from the appropriate Clerk, if applicable;
- c) Bring completed nomination papers and endorsement of nomination forms to the Clerk between 9:00 a.m. and 2:00 p.m. on Nomination Day, August 19, 2022 or during normal office hours between May 2, 2022 and August 18, 2022 inclusive;
- d) A nomination filing fee of \$200 for the office of head of council, or \$100 for all other offices, must be paid at the time of filing, payable to the municipality in cash, debit, certified cheque or money order.
- e) Nomination papers may be filed in person or by an agent but not by fax or email;
- f) Nomination papers must be certified by the Clerk before such person becomes a certified candidate.

If an insufficient number of certified candidates have been nominated to fill all positions available, nominations will be reopened for the vacant positions only on Wednesday August 24, 2022 between the hours of 9:00 a.m. and 2:00 p.m. and such additional nominations, if required, may be filed in the office of the Clerk.

The Township of The Archipelago, 9 James Street, Parry Sound, Ontario P2A 1T4 705-746-4243 REEVE: One (1) to be elected COUNCILLOR: Ten (10) to be elected by Ward

The Township of Carling, 2 West Carling Bay Road, Nobel, Ontario P0G 1G0 705-342-5856 MAYOR: One (1) to be elected COUNCILLOR: Four (4) to be elected
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The Municipality of McDougall, 5 Barager Blvd., McDougall, Ontario P2A 2W9 705-342-5252 MAYOR: One (1) to be elected COUNCILLOR: Four (4) to be elected
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The Township of McKellar, 701 Highway #124, McKellar, Ontario P0G 1C0 705-389-2842 MAYOR: One (1) to be elected COUNCILLOR: Four (4) to be elected

The Town of Parry Sound, 52 Seguin Street, Parry Sound, Ontario P2A 1B4 705-746-2101 MAYOR: One (1) to be elected COUNCILLOR: Six (6) to be elected
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The Township of Seguin, 5 Humphrey Drive, Seguin, Ontario P2A 2W8 705-732-4300 MAYOR: One (1) to be elected COUNCILLOR: Six (6) to be elected by Ward
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The Municipality of Whitestone, 21 Church Street, Dunchurch, Ontario P0A 1G0 705-389-2466 MAYOR: One (1) to be elected COUNCILLOR: Four (4) to be elected
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**SCHOOL TRUSTEE - NEAR NORTH DISTRICT SCHOOL BOARD
ENGLISH LANGUAGE PUBLIC DISTRICT SCHOOL BOARD**

One (1) to be elected for Zone 3 which includes, among other municipalities, the Township of The Archipelago (North), Township of Carling, Municipality of McDougall, and Municipality of Whitestone. Nominations to be filed with the Clerk, Municipality of Powassan, 466 Main Street, Powassan. 705-724-2813

One (1) to be elected for Zone 4 which includes, among other municipalities, the Township of McKellar, Township of Seguin, Town of Parry Sound, Township of The Archipelago (South). Nominations to be filed with the Clerk, Town of Parry Sound, 52 Seguin Street, Parry Sound, ON 705-746-2101

SCHOOL TRUSTEE – SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD

One (1) to be elected for Ward 4 which includes, among other municipalities, the Township of Carling, Municipality of McDougall, Township of McKellar, Town of Parry Sound, Township of Seguin. Nominations to be filed with the Clerk, Town of Bracebridge, 1000 Taylor Court, Bracebridge, ON 705-645-5264

Note: *The Township of the Archipelago and the Municipality of Whitestone are not included in a Catholic School Board and therefore do not have the opportunity to vote for this office.*

School Trustee - Conseil Scolaire Public du Nord-Est de l'Ontario

One (1) to be elected for Zone A which includes, among other municipalities, Township of The Archipelago, the Township of Carling, Municipality of McDougall, Township of McKellar, Town of Parry Sound, Township of Seguin, Municipality of Whitestone.

Nominations to be filed with the Clerk, Municipality of East Ferris, 390 Hwy #94, Corbeil, ON 705-752-2740

**School Trustee – Conseil Scolaire Catholique MonAvenir
French Language Separate Catholic School Board**

One (1) to be elected for the Electoral Region of Simcoe-Muskoka, which includes the Town of Parry Sound, Township of Carling, Township of Seguin, Municipality of McDougall and Township of McKellar. Nominations are to be filed with the Clerk, City of Barrie 705-726-4242, or the Clerk of the municipality in which you reside.

Note: *The Township of The Archipelago and the Municipality of Whitestone are not included in a French Language Separate Catholic School Board and therefore do not have the opportunity to vote for this office.*

DATED THIS 20th DAY OF APRIL, 2022

Maryann Martin, Clerk, The Township of The Archipelago
Kevin McLlwain, Clerk, Township of Carling
Lori West, Clerk, Municipality of McDougall
Ina Watkinson, Clerk, Township of McKellar
Rebecca Johnson, Clerk, Town of Parry Sound
Craig Jeffery, Clerk, Township of Seguin
Michelle Hendry, CAO/Clerk, Municipality of Whitestone

Are you on the List to Vote?

Visit www.voterlookup.ca or call 1-866-296-6722

Have your say – Log on today

CALLING ALL CANDIDATES FOR THE OCTOBER 24, 2022 MUNICIPAL ELECTION

Municipal Council Candidates or Potential Candidates interested in running in the 2022 Municipal Election are invited to attend a **FREE** Candidate Information Session on:

Wednesday June 29th, 2022 at 7:00 p.m.
Via Webinar

This session will be hosted by the West Parry Sound Municipalities (The Archipelago, Carling, McDougall, McKellar, Parry Sound, Seguin, & Whitestone)

The Ministry of Municipal Affairs will be presenting information on:

- Roles and responsibilities of elected officials and staff.
- Roles and responsibilities of candidates and third party advertisers.
- Eligibility rules
- Nomination process
- Campaign finances
- Compliance audit
- Voters' list
- Scrutineers
- Recounts
- Resources

This information session is open to all West Parry Sound Municipalities candidates, potential candidates and the general public.

2022 Candidates' Guide - Ontario municipal council and school board elections

Ontario



2022 Candidates' Guide – Ontario municipal council and school board elections

This guide provides information to candidates for the 2022 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2022-2026 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the *Municipal Elections Act, 1996* and other legislation and regulations, such as:

- *Municipal Act, 2001*
- *City of Toronto Act, 2006*
- *Education Act*

New election rules for 2022

Nominations may be filed electronically if permitted by your municipal clerk. Contact your municipal clerk to find out if nominations can be filed electronically in your municipality, and for information about how to file your nomination.

The deadline for filing your nomination is August 19, 2022 at 2 p.m.

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Contact us

If you have further questions or would like to give feedback on this Guide, please contact us at mea.info@ontario.ca.

You can also contact your regional Municipal Services Office at the Ministry of Municipal Affairs and Housing.

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General information

Every four years, voters across Ontario elect municipal councillors and school board trustees.

The Province of Ontario sets out common rules that all candidates and voters must follow. However, municipalities are responsible for conducting elections to their council and for conducting the election of school trustees to Ontario's school boards. This guide contains information about the rules that are the same for all municipal elections, such as who is eligible to run for office, and rules about campaign spending.

Your municipality may have specific rules on issues such as:

- where and when election signs may be displayed
- whether campaign activities may occur on municipal property
- whether those who make contributions to candidates may receive a rebate

Contact your municipal clerk if you have questions about the election in your municipality.

To learn more about the duties of municipal councillors and the role of council, please see the Ontario Municipal Councillor's Guide.

The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

Contact the municipal clerk if you are interested in becoming a candidate. You must file any election forms, such as the nomination form and campaign financial statements, with your municipal clerk. The clerk is also responsible for providing information about spending limits and filing deadlines to candidates.

If your municipality does not have a website you could visit or contact your municipality's offices for more information.

Public health and safety at the voting place

The municipal clerk is responsible for setting up and running the voting places used in a municipal election. The clerk must follow any provincial or local public health measures that are in effect. They may also put in place additional procedures that they consider necessary for conducting the election. If you have questions about public health and safety at the voting place, you should contact your municipal clerk.

Emergency declaration by the clerk

If the municipal clerk believes that circumstances have arisen that prevent the election from being conducted appropriately, they may declare an emergency. This declaration is specific to the election and separate from an emergency that may be declared by the municipality or the province.

Once the clerk has declared an emergency, they can decide what arrangements to make to allow the election to proceed appropriately. The arrangements that the clerk makes will depend on the nature of the emergency.

If your municipal clerk has declared an emergency in relation to an election or by-election in your municipality, you should contact the clerk for information about the arrangements that they have put in place and how those arrangements may affect voting and campaigning.

Eligibility to run for election

Running for municipal council

To run for a position on council you must be eligible to vote in that municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector. For more information about eligibility to vote, please see the 2022 Voters' Guide.

You must be eligible to hold office on the day you file your nomination. For example, a person who is 17 years old but will turn 18 before nomination day must wait until they have turned 18 to file their nomination.

If your municipality has wards, you can run in any ward – you do not have to live in a particular ward in order to be its councillor. However, if you run in a ward where you do not live, you will not be able to vote for yourself. Having a campaign office or a business in a ward where you would not otherwise be eligible to vote does not make you eligible to vote in that ward.

Municipal employees

You cannot work for a municipality and be on its council at the same time. If you are an employee of a municipality and you want to run for office on that municipality's council, you must take a leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

If you are an employee of a municipality and you want to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you should check with your employer to see if there are any policies in place that could affect you.

If you are an employee of an upper-tier municipality, you can run for office in a lower-tier municipality without taking a leave of absence or resigning unless being elected to the lower tier council means that you would also be a member of the upper-tier council.

Who is not eligible?

The following people are disqualified from being elected to municipal office:

- any person who is not eligible to vote in the municipality
- an employee of a municipality who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Running for school board trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights). For more information about eligibility to vote, please see the 2022 Voters' Guide.

Additional information about French-language rights is available from the Ministry of Education.

School board employees

You cannot work for a school board and be a trustee in Ontario at the same time.

If you are an employee of any Ontario school board and you want to run for a trustee position on any school board in the province, you must take an unpaid leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

Municipal officials

If you are a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, you are not permitted to run for office as a trustee of that board unless you take a leave of absence. If you are elected, you must resign from your job.

Who is not eligible?

The following people are disqualified from being elected as a school trustee:

- any person who is not eligible to vote in the school board election
- an employee of a school board or a municipal official who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Note for MPs, MPPs and senators

If you are an MP, MPP or senator, you may file your nomination for municipal or school board office without resigning your current seat in parliament, the legislature or the senate. However, you must resign your seat by the close of nominations (2 p.m. on Friday August 19, 2022). If you are a federal or provincial cabinet minister, you must step down from cabinet prior to filing your nomination and must resign your seat by the close of nominations.

If you have not resigned by nomination day, your nomination will be rejected and your name will not appear on the ballot.

Nominations

Filing your nomination

To file your nomination you must give the following to your municipal clerk:

- a completed nomination form (Form 1)
- the nomination fee
- completed endorsement of nomination forms (Form 2)**

**If you are running for municipal council and your municipality has more than 4,000 electors, you must submit original endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for school board trustee and candidates for municipal council in municipalities with 4,000 or fewer electors do not have to submit endorsement signatures.

When you fill out the nomination form, write down your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name, you may use that name provided that the clerk agrees.

You do not have to provide all of your names under the box entitled “Given Name(s)” on the form. Only provide the one(s) that you want to appear on the ballot. If your legal name is a single name you do not have to provide any given names.

Clerks can decide to allow nominations to be filed electronically. If your municipality allows electronic filing, contact the clerk for more information about how to file your nomination.

If electronic filing is not allowed in your municipality, you must file the nomination form that you have signed – the form may not be a copy and may not be scanned and submitted electronically. You must file the nomination form in person or have an agent file it on your behalf.

The clerk may require you to show identification or fill in an additional form to prove that you are eligible to be nominated. If an agent is going to file the form on your behalf you should check with the clerk to see if you are required to provide identification or additional paperwork.

Your campaign period begins when the clerk has received your nomination. If you file your nomination electronically at a time when the clerk’s office is not open, you may have to wait to begin your campaign. You should contact the clerk for more information.

The nomination fee

The fee to file a nomination is \$200 to run for head of council and \$100 for all other positions. This fee must be paid to the clerk at the time you submit your nomination form.

Your nomination fee will be refunded if you file your campaign financial statement by the deadline.

Endorsement signatures

If you are running for municipal council in a municipality that has more than 4,000 electors, you must submit 25 original signatures endorsing your nomination.

You must use Form 2 to collect the endorsement signatures.

Anyone providing an endorsement signature must also fill in their name and address, including the postal code.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they signed the endorsement. In addition to their endorsement, they will also be required to sign a declaration that they are eligible to vote in the municipality.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they would like and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

Collection of signatures should be undertaken safely by following guidance related to and in compliance with all applicable laws and emergency orders, as well as any guidance and safety standards established by the province for COVID-19. These measures are intended to keep Ontarians safe.

If you submit 25 original endorsement signatures and find out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, you will not lose your nomination. The person who supplied false information (by declaring that they were eligible to endorse your nomination when they were not eligible) could be subject to prosecution.

If the clerk has allowed electronic filing, you must still collect the endorsement signatures in person. You can submit an electronic copy of the forms when you file your nomination. You must keep the forms with the original signatures as part of your campaign records.

School board trustee candidates are not required to submit endorsement signatures.

The Endorsement of Nomination Form (Form 2) is a public document. Endorsements of candidates cannot be revoked if the document has already been filed with the clerk.

Deadline to file your nomination

The nomination period begins on May 1, 2022. As May 1 is a Sunday, you may not be able to file your nomination until May 2, 2022 when the clerk's office is open. The last day to file a nomination is Friday, August 19, 2022 by 2 p.m.

The clerk has until 4 p.m. on Monday, August 22, 2022 to certify or reject your nomination. The clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified, your name will not appear on the ballot.

Where to file

If you are running for council office in a single-tier or lower-tier municipality (city, town, township, village, etc.), you must file your nomination with the clerk of that municipality.

If you are running for an office in an upper-tier municipality (region or county) that does not also sit on a lower-tier council, you must file your nomination with the clerk of the upper-tier municipality. For example, a person running for chair of Durham Region would file their nomination with the clerk of Durham Region rather than the clerk of a lower-tier municipality such as Oshawa or Pickering.

If you are running for a school trustee position that represents more than one municipality, contact your municipal clerk for information about where to file your nomination.

Changing your mind – withdrawal

If you decide to withdraw your nomination, you must notify the clerk in writing by the close of nominations (2 p.m. August 19, 2022).

If you withdraw your nomination, you are still required to file a campaign financial statement covering all the financial transactions you made in your campaign.

If your campaign did not have any financial transactions, you must file a financial statement reporting this. Your nomination fee will be refunded by the clerk if you file your financial statement by the deadline.

Changing your mind – running for a different office

You can only run for one office at a time. If you decide to run for a different office, your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same council or school board, and both offices are elected at large (for example, an office such as the mayor, which everyone in the municipality may vote for), everything (contributions, expenses, etc.) from your first campaign is simply transferred to your second campaign.

Example:

You file your nomination to run for deputy mayor on May 12, 2022. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 12 is transferred to your second nomination (in this case, you would have to pay an additional \$100 to make up the \$200 fee to run for head of council).

- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- Your campaign for mayor is deemed to have started on May 12.
- Any campaign contributions or expenses that occurred prior to June 29 are transferred to your mayoral campaign.
- You must file one campaign financial statement covering your campaign finances from May 12 until January 3, 2023.
- Your nomination fee will be refunded if you file your campaign financial statement by the filing deadline.

If you decide to run for a different office on the same council or school board, and one or both of the offices is elected by ward, then you must keep the two campaigns separate.

Example:

You file your nomination to run for mayor on May 12, 2022. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2022.

Your first nomination for mayor is deemed to be withdrawn, and your campaign for mayor ends. You may not transfer any contributions or expenses from your mayoral campaign to your ward councillor campaign.

- You must pay a separate nomination fee when you file your nomination for ward councillor.
- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- You must file a campaign financial statement covering your campaign for mayor (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

If you decide to run for office on a different council or school board, then you must keep the two campaigns separate. If you decide to run for council in a municipality that has more than 4,000 electors, you will need to submit original endorsement signatures from electors eligible to vote in that municipality. If you are unsure if the municipality has more than 4,000 electors, you should contact the municipal clerk.

Example:

You file your nomination to run for school board trustee on May 12. During the summer you decide to run for councillor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for school board trustee is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for ward councillor.
- If the municipality where you are running for ward councillor has more than 4000 electors, you must submit 25 endorsement signatures.
- Your campaign for school board trustee ends. You may not transfer any contributions or expenses from your trustee campaign to your ward councillor campaign .
- You must file a campaign financial statement covering your campaign for school board trustee (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, August 22, that candidate will be declared elected by acclamation. Similarly, in a municipality where multiple candidates are elected at large, if the number of certified candidates is the same as or less than the number of offices, those candidates will be declared elected by acclamation.

If you are elected by acclamation, you must still file a campaign financial statement.

Additional nominations

If there are positions that no candidates have run for or positions that are still vacant after the candidates who did run have been acclaimed, the clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between 9 a.m. and 2 p.m. on Wednesday, August 24, 2022. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 25, 2022.

Campaigning

Signs

Your municipality may have rules about when you can put up campaign signs and how signs may be displayed on public property.

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a third party advertiser.

Please see Leftover campaign inventory (page 23) if you plan to reuse signs from the last election.

You are responsible for ensuring that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. Contact your local clerk for more information.

You are entitled to have your nomination fee refunded if you file your campaign financial statement by the filing deadline. The clerk cannot make removing your signs a condition for receiving your refund.

Getting information out

It is up to you to provide voters with information about you as a candidate and about your campaign. The municipal clerk is not responsible for providing your contact information to voters.

All candidates' debates

The *Municipal Elections Act, 1996* does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates can be organized by community groups, media outlets, candidates or any other interested persons.

Joint campaigns / running on a slate

There is nothing in the *Municipal Elections Act, 1996* that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates' names on them) must be divided between the campaigns.

For information on campaign finance rules please see Campaign Finance (page 16).

Third party advertising

General information

There are rules for third party advertising in Ontario's municipal council and school board elections.

A third party advertisement is an ad that supports, promotes or opposes a candidate or a "yes" or "no" answer to a question on the ballot.

The meaning of "third party" in this context means a person or entity who is not a candidate. Eligible individuals, corporations and trade unions can register to be third party advertisers. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who want to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

For more information about third party advertising rules, including eligibility, spending limits and enforcement, see the Third Party Advertisers' Guide.

On voting day

Campaigning on voting day

The *Municipal Elections Act, 1996* does not prohibit campaigning on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these “blackouts” do not exist for municipal council and school board elections.

The Act prohibits the display of campaign material inside a voting place. The “voting place” could include the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside the voting place.

Remaining in a voting place

As a candidate, you are allowed to stay in a voting place to observe but you are not allowed to interfere with voters, attempt to influence how they vote or ask a voter how they voted. Scrutineers may also stay in the voting place.

You and your scrutineers are entitled to be in the voting place 15 minutes before it opens and to inspect the ballot boxes, the ballots and any other papers or forms relating to the vote. However, you may not delay the opening of the voting place.

You and your scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking your seal.

Note: If you have been acclaimed, you are not allowed to be in the voting place or to appoint scrutineers.

Scrutineers

You may appoint a scrutineer for each ballot box in a voting place. You do not have to appoint that many scrutineers, or any scrutineers at all. If you have appointed one scrutineer for each ballot box, a scrutineer must leave while you are in the voting place.

Scrutineers may observe but they are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted.

You must provide each of your scrutineers with an appointment in writing. Scrutineers may be required to show their appointment document to election officials at the voting place.

Scrutineers may be required to take an oath of secrecy.

There are no general restrictions on who you can appoint as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Counting votes

If your municipality is using voting machines or vote counting equipment, the clerk must have the processes and procedures for use of this equipment in place by June 1, 2022. If vote counting equipment is used, the clerk will be able to provide you with information on how the votes will be counted and how many scrutineers may be present.

The vote count begins immediately after the close of voting at on October 24, 2022 at 8 p.m.

If the votes are counted manually, you and your scrutineers are entitled to view the ballots as they are counted, but you cannot touch the ballots. You and your scrutineers may object to a ballot or how it is counted (for example, if it is unclear who the vote is for or if the ballot has extra markings on it). The deputy returning officer is responsible for deciding whether to accept the objection and must keep a list of all the objections raised.

Results

After the votes have been counted, the deputy returning officer will prepare a statement showing the results and seal all the other election documents, including the ballots, inside the ballot box. You and your scrutineers are entitled to put your or their own seal on the ballot box at this time, and are entitled to sign the statement showing the results.

The sealed ballot box and the statement of the results will then be delivered to the municipal clerk, who will compile the results and declare who has been elected.

Note: results announced on voting night are unofficial. It may take the clerk a few days or more to make the official declaration.

After voting day

Recounts

The *Municipal Elections Act, 1996* requires an automatic recount only if the votes are tied.

Your municipal council or school board may have a policy in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to request that a judge order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

Tied votes

If two or more candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the clerk declaring the results of the election. If you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner by lot. This means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

Wrapping up your campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, remove any references to the campaign. Websites that say "Vote for me" which are left up for years after the election can make it look like you are attempting to campaign for the next election early.

Usually, campaigns must end on December 31. However, since December 31, 2022 is a Saturday, the deadline moves to January 3, 2023. Your campaign must end on January 3, 2023 unless you have a deficit and inform the clerk in writing that you are going to extend your

campaign. Once your campaign has ended, you should close your campaign bank account and prepare your campaign financial statement.

Financial statements must be filed with the clerk by 2 p.m. on Friday, March 31, 2023.

Term of office

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Campaign finance

General information

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the campaign financial statement (Form 4) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement.

You are required to keep all of your campaign financial records until November 15, 2026 when the next council or school board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses, including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution

Campaign period

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign period begins on the day the clerk receives your nomination.

In most cases, your campaign will end on January 3, 2023. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (August 19, 2022)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before January 3, 2023

If you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2023

Bank account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. You do not have to open a campaign bank account if you do not spend any money and do not receive any contributions of money. If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense. You do not need to have a campaign bank account in order to pay the nomination fee.

Contributions and campaign income

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution. If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (what it would cost you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things that are not contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.

The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the *Broadcasting Act* (Canada) is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

Who can make a contribution

You can accept contributions only from individuals who are residents of Ontario. Corporations and trade unions are not permitted to make contributions to candidates.

If your spouse is not a resident of Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Who cannot make a contribution

The following individuals and organizations are not permitted to make contributions to municipal council and school board campaigns:

- a corporation
- a trade union
- an individual who is not normally a resident in Ontario
- a federal political party, constituency association, or a registered candidate in a federal election

- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board

When you can receive contributions

You can only accept contributions after the clerk has received your nomination, and you cannot accept contributions after your campaign period has finished. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must turn it over to the clerk.

Contribution limits – contributions from yourself and your spouse

If you are running for municipal council, there is a limit on the total amount that you and your spouse may collectively contribute to your own campaign. The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.20 per eligible elector
- for council member: \$5,000 plus \$0.20 per eligible elector

There is a cap of \$25,000. If the formula results in a number greater than \$25,000, the limit will still be \$25,000.

The clerk will tell you what your self-funding limit is.

All of the contributions that you and your spouse make to your own campaign count towards this limit, including:

- contributions of money
- the value of goods or services that you or your spouse donate to the campaign
- the value of any inventory from the previous election that you use again in this campaign

This limit does not apply to school board trustee candidates.

Contribution limits – contributions from other people

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (for example, contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

If you are running for mayor in the City of Toronto, the limit is \$2,500.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (for example, running for the same council or for the same school board) is \$5,000.

You are required to inform every contributor of the contribution limits. An easy way to make sure that this is done is to include the contribution limits on the receipt that you provide for each contribution.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions).

Contribution receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date and the value. If the contribution was in goods or services, you must determine the value of the goods or services and issue a receipt for the full value.

If you receive a contribution from a joint account, the contribution can only come from one person. You must determine who is making the contribution and issue the receipt to that person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal council and school board campaigns cannot be credited against provincial or federal income taxes.

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the *Municipal Elections Act, 1996* as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contribution rebates

Your municipality may have a contribution rebate program. Contact your clerk for more information.

Contributions to municipal council and school board campaigns are not tax deductible.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

Campaign income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income that is not a contribution.

Campaign expenses

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your campaign.

Reminder: the nomination fee is a personal expense rather than a campaign expense. It should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

You can incur expenses only during your campaign period, except for expenses related to the preparation of an auditor's report. If you are required to include an auditor's report with your financial statement, you may incur these expenses after the campaign period has ended. These expenses must also be reported on your financial statement.

Goods and services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services. You must record both the contribution and the expense.

Spending limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible elector
- for council member or trustee: \$5,000 plus \$0.85 per eligible elector

When you file your nomination, the clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

On or before September 25, 2022, the clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

While most of your expenses will be subject to the general spending limit, the following expenses are not:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

When the general spending limit applies

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as 10% of the amount of your general spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Leftover campaign inventory

If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you want to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

Note to accountants: The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit.

Note: Ending your campaign with a deficit may result in questions being raised about how expenses were paid for, and whether you contributed more than your self-funding limit by paying outstanding expenses with personal funds.

Campaign financial statement

It is your responsibility as a candidate to file a **complete and accurate financial statement on time**.

The filing deadline is 2 p.m. on the last Friday in March following the election (**March 31, 2023**).

If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

Financial statements are not required to have original signatures. You should contact your clerk for information about whether you can file your financial statement electronically if you are not able to file your statement in person.

If you filed a nomination form, you must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than \$10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the clerk.

Filing early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 31, 2023. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one.

Applying for an extension

If you think that you will be unable to file your financial statement by the deadline, you may apply **before March 31, 2023** to the Superior Court of Justice for an extension. If the court grants the extension, you will receive the refund of your nomination fee if you file by the deadline given to you by the court.

Grace period for filing

If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2 p.m. on Monday, May 1, 2023. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, automatic penalties apply:

- you will forfeit your elected office (if you won the election)
- you will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election

If you did not file your financial statement by the end of the grace period, you may still file it for the purposes of having your finances on the record. The clerk will accept the financial statement and make it available to the public. The penalties will still apply.

Separate statement for each office

If you filed a nomination and then changed your mind and filed a nomination for a different office, you may be required to file a separate financial statement for each campaign.

Extended campaigns

Your campaign period ends on January 3, 2023. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the clerk on or before January 3, 2023 using the Notice of Extension of Campaign Period form (Form 6).

Your campaign may be extended until June 30, 2023.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until January 3, 2023 (due March 31, 2023)
- a supplementary financial statement that includes the information from your initial statement and adds financial information from your extended campaign

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 29, 2023.

Auditor's report

You must have an auditor review your financial statement and provide a report if any of the following are true:

- your campaign expenses exceed \$10,000
- the contributions you received (including contributions from yourself) exceed a total of \$10,000
- both your expenses and your contributions exceed \$10,000 each

The auditor's report must be prepared by an auditor licensed under the *Public Accounting Act, 2004*. Before you hire someone to prepare the report, ensure that they are properly qualified.

You can incur expenses relating to the auditor's report after January 3, 2023. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

Enforcement of the *Municipal Elections Act, 1996* is done through the courts. The Ministry of Municipal Affairs and Housing does not have a role in investigating elections or in determining penalties.

Automatic penalties

There are three contraventions of the *Municipal Elections Act, 1996* where penalties apply automatically:

1. if you fail to file a financial statement by the end of the 30-day grace period or fail to apply to the court before March 31, 2023 for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the clerk when you file your financial statement

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2026 election.

Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the municipal clerk who conducted the election within 90 days of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Municipal Elections Act, 1996* the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if you contravened the Act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the financial statement

General information

All candidates must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

Candidates must use Form 4.

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 31, 2023)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 29, 2023)**.

Tips for completing Form 4

Learn more about how to correctly fill out the campaign financial statement.

Box A: Name of Candidate and Office

Record your general spending limit and your spending limit for parties and other expressions of appreciation.

Note: automatic penalties will apply if the form reports that either of the spending limits have been exceeded.

If you are running for a council position, record your self-funding limit.

Box B: Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Box C: Statement of Campaign Income and Expenses

Loan

If you obtained a loan for your campaign you must record the name of the bank or recognized lending institution and the amount borrowed.

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fundraising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.

The \$1,000 that you spent on the shirts must be recorded as a campaign expense.

The \$2,500 that you raised by selling the shirts must be recorded as revenue from fundraising events not deemed a contribution.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution and must be recorded as revenue from fundraising events not deemed a contribution.

Sign deposit

If your municipality requires a deposit for election signs, this should be recorded as a campaign expense and paid for using campaign funds. If your deposit is refunded, record the amount under Income.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Expenses related to parties and expressions of appreciation after voting day are subject to that spending limit regardless of when they are incurred.

Box D: Calculation of Surplus or Deficit

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to January 3, 2023.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

You are entitled to reimburse contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Schedule 1: Contributions

Schedule 1 includes a summary of contributions from your campaign.

The following tables are included in Schedule 1 and need to be filled in, if applicable:

- Table 1: Contributions in goods or services from candidate or spouse
- Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
- Table 3: Monetary contributions from individuals other than candidate or spouse where contributions exceed \$100 per contributor
- Table 4: Contributions in goods or services from individuals other than candidate or spouse where contributions exceed \$100 per contributor

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be reimbursed by you and your spouse if the campaign ends with a surplus.

Note: you must report the full amount of the contributions made by you and your spouse, including any amounts that have been reimbursed from a surplus.

Contributions totalling \$100 or less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided at the top of Schedule 1.

If an anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Goods and services from candidate or spouse

If you or your spouse contribute goods and services to your campaign, this must be recorded as a contribution. Record any contributions in Table 1 of Schedule 1.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign and counts towards your self-funding limit. You must calculate the

current market value (for example, if you have 100 signs left over from 2018 and use them again, you must calculate how much it would cost to purchase those same signs in 2022) and record it in Table 2. This inventory must also be recorded as a campaign expense.

Contributions totalling more than \$100

If a contributor makes 1 or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided in Schedule 1 (Tables 3 and 4).

If an anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 3 (listing "anonymous" as the name of the contributor). Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Note: it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 3 because the total exceeds \$100.

Goods and services from individuals other than candidate or spouse

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Example:

Your friend spends \$150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of \$150 in goods or services from your friend and record an expense of \$150.

If you are given a special discount on a good or service that you are purchasing for your campaign, you should record the expense as if you were not given the discount (since the value of the discount is considered to be a contribution of the good or service to your campaign).

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs and record a contribution of \$200 in goods or services from the vendor. **Note:** As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Contributions in goods or services from individuals other than the candidate or spouse must be recorded in Table 4 of Schedule 1.

Schedule 2: Fundraising Events and Activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket
- if goods or services are offered for sale, any amount of money paid that exceeds their market value (for example, if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables. Refer to Schedule 1: Contributions (page 32) for more information.

The fundraising event may also generate revenue that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (for example, if a \$100 item is sold for \$175, \$100 is revenue)
- the amount paid for goods or services offered for sale for \$25 or less

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (such as those collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions in Schedule 2.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the *Public Accounting Act, 2004*. Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Forms referred to in this guide

You can get copies of forms from your municipal clerk, or you can download them from the Government of Ontario's Central Form Repository.

- Nomination Paper (Form 1)
- Endorsement of Nomination (Form 2)
- Financial Statement – Auditor's Report – Candidate (Form 4)
- Financial Statement – Subsequent Expenses (Form 5)
- Notice of Extension of Campaign Period (Form 6)

Instructions

It is the responsibility of the person being nominated to file a complete and accurate nomination paper. Please print or type information (except signatures).

Nomination paper of a person to be a candidate at an election to be held in the following municipality

Nominated for the Office of			Ward Name or Number (if any)		
Nominee's name as it is to appear on the ballot paper (subject to agreement of the municipal clerk)					
Last Name or Single Name			Given Name(s)		
Nominee's full qualifying address within municipality					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
Mailing Address <input type="checkbox"/> Same as qualifying address					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
If nominated for school board, full address of residence within its jurisdiction					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
Email Address			Telephone Number		Telephone Number 2

Declaration of Qualification

I, _____, declare that I am presently legally qualified
(or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada) to be elected and to hold the office for which I am nominated.

Signature of Nominee

Date (yyyy/mm/dd)

Date Received (yyyy/mm/dd)	Time Received	Initial of Nominee or Agent (if filed in person)	Signature of Clerk or Designate
----------------------------	---------------	---	---------------------------------

Certification by Clerk or Designate

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

Signature

Date Certified (yyyy/mm/dd)



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

2022 Preliminary Maximum Campaign Expense and Contribution Limits – Council

Upon a filing of a person's nomination, the Clerk shall calculate the applicable maximum amount of the person's expenses for the purposes of Section 88.20(6) of the Municipal Elections Act, as of the filing date, using the number of electors determined from the Voters' List from the previous election as it existed on September 15, 2018.

Accordingly, the following is a list of the "preliminary" maximum campaign expense limits for each applicable position on Council.

Maximum Campaign Expenses

Position	Base Rate	+ Per Elector	# Electors	Total
Mayor	\$7500.00	\$0.85	3044	\$10,087.40
Councillor	\$5000.00	\$0.85	3044	\$7587.40

Maximum Contribution to Own Campaign (candidate or spouse of candidate)

Position	Base Rate	+ Per Elector	# Electors	Total
Mayor	\$7500.00	\$0.20	3044	\$8108.80
Councillor	\$5000.00	\$0.20	3044	\$5608.80

As required under Section 88.9.1(4) of the Municipal Elections Act, on or before September 25, 2022, the Clerk shall calculate the final maximum expense and contribution amounts permitted for each office for which nominations have been filed and the Clerk's calculations are final. The Clerk's calculations are final.



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

TO: Financial Institute

RE: Municipal Campaign Account

A candidate, running in the 2022 Municipal Election, is required under the Municipal Elections Act, 1996 to open an account in the name of their campaign (for example: "Campaign for John Doe" or "John Doe's Campaign").

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

The Municipal Elections Act, 1996 states:

"A candidate shall ensure that:

- a) one or more campaign accounts are opened at a financial institution, exclusively for the purpose of the election campaign and in the name of the candidate's election campaign;
- b) all contributions of money are deposited into the campaign accounts;
- c) all payments for expenses, except for a nomination filing fee, are made from the campaign accounts."

If you have any questions regarding the above, please contact the undersigned at the above phone number.

Yours truly,

Ina Watkinson, Clerk/Administrator

TOWNSHIP OF McKELLAR

NOTICE OF PENALTIES

Municipal Elections Act, 1996 (s. 33.1)

TO:

_____ / _____
(Name of Candidate) (Office)

(Address) (Postal Code)

EFFECT OF DEFAULT BY CANDIDATE [88.23 (1)]

TAKE NOTICE THAT A CANDIDATE SHALL be subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) if he or she fails to file documents with the Municipal Clerk as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the Municipal Clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by subsection 88.32 by the relevant date.

OFFENCES [92 (1)]

TAKE NOTICE THAT A CANDIDATE SHALL be guilty of an offence and, on conviction, is subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) incurs expenses that exceed what is permitted under section 88.20; or
- b) files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

PENALTIES [88.23 (2)]

In the case of a default described above:

- (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
 - (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the *Municipal Elections Act* applies.
-

REFUND (34)

A candidate is entitled to receive a refund of the nomination filing fee if the documents (financial statement and auditor's report) required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

Date

Municipal Clerk or designate

The Clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 88.23 (2) and 92 (1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.

TOWNSHIP OF McKELLAR
DUTIES OF CANDIDATES

Municipal Elections Act, 1996 (Section 88.22)

A candidate shall ensure that,

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (i) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 (Campaign Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 (Candidates' Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);

- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
 - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board.

Exclusion of certain expenses

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

Contributions paid to clerk

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.

Instructions

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be immediately paid to the clerk who is responsible for the conduct of the election.

For the campaign period from (day clerk received nomination)

YYYY	MM	DD

 to

YYYY	MM	DD

☐ Initial filing reflecting finances from start of campaign to December 31 (or 45 days after voting day in a by-election)

☐ Supplementary filing reflecting finances from start of campaign to end of extended campaign period

Box A: Name of Candidate and Office

Candidate's name as shown on the ballot

Last Name or Single Name

Given Name(s)

Office for Which the Candidate Sought Election

Ward Name or Number (if any)

Municipality

Spending Limit

General
\$

Parties and Other Expressions of Appreciation
\$

Contribution Limit

Contributions from Candidate and Spouse
\$

☐ I did not accept any contributions or incur any expenses. (Complete Boxes A and B only)

Box B: Declaration

I, _____, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Signature of Candidate

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Candidate or Agent (if filed in person)	Signature of Clerk or Designate

Box C: Statement of Campaign Income and Expenses

* Note – No entry is required. Values will auto-populated once the applicable details are calculated.

LOAN

Name of bank or recognized lending institution

Amount borrowed
\$

INCOME

Total amount of all contributions (from line 1A in Schedule 1) + \$ 0 see Note *

Revenue from items \$25 or less +

\$

Sign deposit refund +

\$

Revenue from fundraising events not deemed a contribution
(from Part III of Schedule 2) +

\$

see Note *

Interest earned by campaign bank account +

\$

Other (provide full details)

+ \$

—

+ \$

—

+ \$

—

+ \$

—

+ \$

—

+ \$

—

Add Item (+)

Total Campaign Income (Do not include loan) =

\$

C1

EXPENSES (Note: Include the value of contributions of goods and services)

1. Expenses subject to general spending limit

Inventory from previous campaign used in this campaign
(list details in Table 2 of Schedule 1) +

\$

see Note *

Advertising +

\$

Brochures/flyers +

\$

Signs (including sign deposit) +

\$

Meetings hosted +

\$

Office expenses incurred until voting day +

\$

Phone and/or internet expenses incurred until voting day +

\$

Salaries, benefits, honoraria, professional fees incurred until voting day +

\$

Bank charges incurred until voting day +

\$

Interest charged on loan until voting day +

\$

Other (provide full details)

+ \$

—

+ \$

—

+ \$

—

+ \$

—

+ \$

—

+ \$

—

Add Item (+)

Total Expenses subject to general spending limit =

\$

C2

2. Expenses subject to spending limit for parties and other expressions of appreciation

+ \$

—

	+ \$	—
	+ \$	—
	+ \$	—
	+ \$	—

Add Item (+)

Total Expenses subject to spending limit for parties and other expressions of appreciation =

\$ **C3**

3. Expenses not subject to spending limits

Accounting and audit +	\$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2) +	\$	see Note *
Office expenses incurred after voting day +	\$	
Phone and/or internet expenses incurred after voting day +	\$	
Salaries, benefits, honoraria, professional fees incurred after voting day +	\$	
Bank charges incurred after voting day +	\$	
Interest charged on loan after voting day +	\$	
Expenses related to recount +	\$	
Expenses related to controverted election +	\$	
Expenses related to compliance audit +	\$	
Expenses related to candidate's disability (provide full details)		

	+ \$	—
	+ \$	—
	+ \$	—
	+ \$	—
	+ \$	—

Add Item (+)

Other (provide full details)

	+ \$	—
	+ \$	—
	+ \$	—
	+ \$	—
	+ \$	—

Add Item (+)

Total Expenses not subject to spending limits =

\$ **C4**

Total Campaign Expenses (C2 + C3 + C4) =

\$ **C5**

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses
(Income minus Total Expenses) (C1 – C5) +

\$ 0 **D1**

If there is a surplus, deduct any refund of candidate's or spouse's contributions to the campaign –

\$

Surplus (or deficit) for the campaign =

\$ **D2**

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who is responsible for the conduct of the election.

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse +

Contributions in goods and services from candidate and spouse
(include value listed in Table 1 and Table 2) +

Total value of contributions not exceeding \$100 per contributor

• Include ticket revenue, contributions in money, goods and services
where the total contribution from a contributor is \$100 or less
(do not include contributions from candidate or spouse). +

Total value of contributions exceeding \$100 per contributor
(from line 1B; list details in Table 3 and Table 4)

• Include ticket revenue, contributions in money, goods and services
where the total contribution from a contributor exceeds \$100
(do not include contributions from candidate or spouse). +

Less: Ineligible contributions paid or payable to the contributor –
Contributions paid or payable to the clerk, including contributions
from anonymous sources exceeding \$25 –

Total Amount of Contributions (record under Income in Box C) =

\$

\$

\$

\$

\$

\$

\$

\$

see Note *

see Note *

1A

Part II – Contributions from candidate or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)
Total		

Add Item (+)

☐ Additional information is listed on separate supplementary attachment, if completed manually.

Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
(Note: Value must be recorded as a contribution from the candidate and as an expense.)

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value (\$)
Total				

Add Item (+)

☐ Additional information is listed on separate supplementary attachment, if completed manually.

Part III – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 3: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
Total				

Add Item (+)

☐ Additional information is listed on separate supplementary attachment, if completed manually.

Table 4: Contributions in goods or services from individuals other than candidate or spouse
(Note: Must also be recorded as Expenses in Box C.)

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)
Total				

Add Item (+)

☐ Additional information is listed on separate supplementary attachment, if completed manually.

Total for Part III – Contributions exceeding \$100 per contributor
(Add totals from Table 3 and Table 4 and record the total in Part 1 – Summary of Contributions)

Schedule 2 – Fundraising Events and Activities

Complete a separate schedule for each event or activity held.

☐ Additional schedule(s) attached, if completed manually.

Fundraising Event/Activity

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket revenue

Admission charge (per person) \$ _____ 2A

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold x _____ 2B

Total Part I (2A X 2B) (include in Part I of Schedule 1) = \$ _____

Part II – Other revenue deemed a contribution

Provide details (e.g., revenue from goods sold in excess of fair market value)

_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—

Add Item (+)

Total Part II (include in Part I of Schedule 1) = \$ _____

Part III – Other revenue not deemed a contribution

Provide details (e.g., contribution of \$25 or less; goods or services sold for \$25 or less)

_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—

Add Item (+)

Total Part III (include under Income in Box C) = \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—
_____	+ \$	—

Add Item (+)

Total Part IV Expenses (include under Expenses in Box C) = \$ _____

Remove Event (–)

Add Event (+)

Auditor's Report – Municipal Elections Act, 1996 (Section 88.25)

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality	Date (yyyy/mm/dd)
--------------	-------------------

Contact Information

Last Name or Single Name	Given Name(s)	Licence Number
--------------------------	---------------	----------------

Address		
Suite/Unit Number	Street Number	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Telephone Number	Email Address
------------------	---------------

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

☐ Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.25 and 95 of the Municipal Elections Act, 1996. Under section 88 of the Municipal Elections Act, 1996 (and despite anything in the Municipal Freedom of Information and Protection of Privacy Act) documents and materials filed with or prepared by the clerk or any other election official under the Municipal Elections Act, 1996 are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

Save Form

Print Form

Clear Form



Code of Conduct

Township of McKellar

Important Disclaimer: this protocol complies with the relevant provisions of the Municipal Act, 2001, SO 2001, c 25 (the “Act”). If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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1. Principles Upon Which This Code is Based

- 1.1 A municipality is a responsible level of government. Improving the quality of municipal governance and administration can best be achieved by encouraging high standards of conduct on the part of all Members. In particular, the public is entitled to expect the highest standards of conduct from the Members of its local government. In turn, adherence to these standards will protect and promote the Municipality's reputation and integrity.
- 1.2 Key statements of principle that underline this Code of Conduct are as follows:
- a) Council, and its Members are the leaders of the Municipality both inside and outside its geographic boundaries. Especially in an age of social media and electronic messaging, strong positive management of the reputation of the Municipality is needed. The statements and behavior of Council affect the Municipality's reputation as a place to live and do business. Conflict and inappropriate conduct among Members, staff, officers and members of the public, adversely affects the Municipality's reputation and is to be avoided. Put differently, Council has a strong role to protect and promote the Municipality and its reputation as an excellent place to live, work and do business;
 - b) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
 - c) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both real and perceived;
 - d) Members are expected to conduct themselves and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - e) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is as transparent and accountable to the Public as possible;
 - f) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Municipal Council;

- g) Members must not use the status of their position to inappropriately influence the decision of another individual or body. For example, to obtain a personal advantage for the Member, the Member's parents, children, spouse, staff, friends, associates, business or otherwise; or to disadvantage another party.
- h) Members shall be respectful of the role of staff to provide advice with political neutrality and objectivity and without undue influence from a Member or Members.

2. Application of this Code

- 2.1 This Code of Conduct applies to every Member.

3. Definitions

- 3.1 In this Code of Conduct:

- a) "Benefit" means preferential treatment, privileged access, favours or other advantage including, but not necessarily limited to, invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new employment.
- b) "Ceremonial Gift" means official gifts provided as part of the culture or practices of communities or government within Canada or internationally, which although they may be given to a Member, are accepted by a Member on behalf of a municipality and become the property of a municipality.
- c) "Child" means a child born within or outside marriage and includes any adopted child, step child, foster child and a person whom a Member has a demonstrated a settled intention to treat as a child of his or her family;
- d) "Confidential Information" means any information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law. Confidential Information also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the Municipality or a Local

Board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.

- e) “Council” means the Council of the Township of McKellar.
- f) “Gift” means free or discounted items or services and any item or service that would, viewed in light of all the circumstances, be regarded as a gift by a reasonable Person not including Ceremonial Gifts.
- g) “Hospitality” means the friendly reception and entertainment of guests, which may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel or accommodation.
- h) “In-camera meeting” means a meeting, or part of a meeting, closed to the public pursuant to section 239 of the *Municipal Act, 2001*.
- i) “Information” includes a record or document written or otherwise;
- j) “Integrity Commissioner” means the Person appointed by by-law in accordance with section 223.3 of the *Municipal Act, 2001* and who is responsible for performing, in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.
- k) “Local Board” means, for the purpose of this Code of Conduct, a local board other than:
 - i. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
 - ii. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
 - iii. A committee of management established under the *Long-Term Care Homes Act, 2007*;
 - iv. A police services board established under the *Police Services Act* and/or the *Police Services Act, 2018*;
 - v. A board as defined in section 1 of the *Public Libraries Act*; and
 - vi. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

- l) “Member” means a member of Council, which shall include the Mayor/Reeve, members of Committees and members of Local Boards, unless, with respect to members of Local Boards, the context requires otherwise, and shall not include staff or ratepayers.
- m) “Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.
- n) “Parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- o) “Person” includes a corporation, partnership, association and any other entity, as the context allows; and
- p) “Spouse” means an individual to whom an individual is married or with whom an individual is living in a conjugal relationship outside marriage.
- q) “Transparency” means that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. It means that the municipality’s decision-making process is open and clear to the public.

4. Compliance with Declaration of Office

- 4.1 Every Member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the Municipal Act, 2001. A copy of the Declaration of Office is attached as Schedule “A”.

5. Adherence to Council Policies and Procedures

- 5.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council.

6. Conduct at Meetings

- 6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

- 6.2 Members will respect the decision-making process. Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council.
- 6.3 Members shall strive to attend all Council Meetings. Any Member who is unable to attend a Council Meeting shall advise the clerk as soon as is reasonably possible of the reason for their absence.

7. Conduct Respecting Others

- 7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.
- 7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.
- 7.3 A Member shall not speak in a manner that is discriminatory to any individual, based on any protected grounds. Protected grounds include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, and gender expression¹.

8. Conduct Respecting Staff and Officers

- 8.1 Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.
- 8.2 Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No Member shall perform, direct or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's procedural by-law.

¹¹ See *Human Rights Code*, R.S.O. 1990, c.H.19

- 8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.
- 8.4 No Member shall direct, instruct and/or compel any staff member or Officer to engage in partisan political activities or subject any staff member or Officer to threat or discrimination for refusing to engage in any such activity.
- 8.5 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or improperly influencing any staff person or Officer or interfering with that person's duties, including the duty to disclose improper activity.

9. Gifts, Benefits and Hospitality

- 9.1 For the purposes of this Code, Gifts, Benefits and Hospitality provided, with a Member's knowledge, to that Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties, are deemed Gifts, Benefits and Hospitality provided to that Member.
- 9.2 No Member shall accept Gifts, Benefits and Hospitality connected directly or indirectly with the performance of his or her duties, unless permitted under one or more of the exceptions listed below:
- 9.3 Each of the following is recognized as an exception:
- a) compensation authorized by law;
 - b) Gifts, Benefits and Hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
 - c) a political contribution otherwise authorized and reported as required by law, in the case of a Member running for office;
 - d) services provided without compensation by a Person volunteering their time in a function that would not normally be provided for compensation;
 - e) a suitable memento of a function honouring the Member;

- f) food, lodging, transportation or entertainment lawfully provided by any Provincial, regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the Member is speaking or attending in an official capacity;
- g) food and beverage consumed at a banquet reception or similar event, if:
 - i. attendance by the Member is for a legitimate municipal purpose;
 - ii. the Person extending the invitation, or a representative of the organization holding the event, is in attendance; and
 - iii. the value is reasonable;
- h) communications to the office of a Member, even if such communication would, in the ordinary course, require a subscription; and
- i) a sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable municipal policy.

9.4 Except for exception 9.3 (c) (political contributions allowable by law), these exceptions do not apply where Gifts, Benefits and Hospitality are provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:

- a) lobbies, or causes the lobbying of, any public office holder of the Municipality, the municipal council or corporation or a Local Board;
- b) the Member knows is attempting or intending to lobby the Member or any of the public, Persons or bodies listed in paragraph (a); or
- c) is maintaining an active lobbyist registration with the Municipality, whether or not with respect to any specific or current subject matter.

9.5 The exceptions in section 9.3 do not apply to a gift from an anonymous sender. No Member shall accept a gift from an anonymous sender. Where a Member receives a gift from an anonymous sender, the Member will turn the gift in to the Clerk who will donate the gift to a charity/organization on the Municipality's approved donation list.

- 9.6 In the case of any of the recognized exceptions in sections 9.3 (b), (e), (f), (h) and (i), to enhance transparency and accountability with respect to Gifts, Benefits and Hospitality, if the value of the Gift, Benefit or Hospitality is \$300, or if the total value of Gifts, Benefits and Hospitality received from any one source during the course of a calendar year exceeds \$300, the Member shall file, within 30 days of receipt, or of reaching the annual limit, a disclosure statement with the Municipality or with its Integrity Commissioner.
- 9.7 The disclosure statement must set out:
- a) the nature of all Gifts, Benefits, and Hospitality;
 - b) its source and date of receipt;
 - c) the circumstances under which it was given and received;
 - d) its estimated value or, if determinable, its exact value;
 - e) what the recipient intends to do with any gift; and
 - f) whether any gift will at some point be provided to the Municipality.
- 9.8 Every disclosure statement filed under this Code shall be made a public record and posted in a place available for public review.
- 9.9 Upon receiving a disclosure statement, the Municipality or the Integrity Commissioner, as the case may be, shall examine, or in the case of the Municipality appoint a Person to examine, the disclosure statement to ascertain whether the receipt of any Gifts, Benefits, or Hospitality, in his or her opinion, acting reasonably, contravenes this Code. Making such determination shall include providing the Member an opportunity to provide an explanation as to why receipt of any Gift, Benefit or Hospitality at issue does not contravene this Code.
- 9.10 Should a determination be made that receipt of any Gift, Benefit or Hospitality contravenes this Code, the Member shall be directed to promptly return, dispose of, or reimburse the person giving the Gift, Benefit or Hospitality, for the full value thereof, as applicable or remit the value of any gift or benefit already consumed to the Municipality.

10. Confidential Information

- 10.1 No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office, in any form including, but not limited to, written notes reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.
- 10.2 No Member shall use Confidential Information for personal or private gain or benefit, or for the personal or private gain or benefit or to disadvantage of any other person or body.
- 10.3 Unless required by law, no Member shall disclose the substance of deliberations of meetings held *in camera* and that are authorized to held *in camera* under the *Municipal Act, 2001* or any other legislation unless or until Council discloses such information at a meeting that is open to the public or otherwise releases such information to the public.
- 10.4 Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information:
 - a) Information concerning litigation, negotiation or personnel or labour matters;
 - b) Information, the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
 - c) Price schedules in any contract, tender or proposal document while such remains Confidential Information;
 - d) Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - e) Any other information or statistical data required by law not to be released.
- 10.5 No Member shall obtain access, or attempt to gain access, to Confidential Information in the custody of the Municipality, Local Board or Committee except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

11. Use of Municipal Property, Services and Other Resources

- 11.1 No Member shall use, or permit the use of, municipal equipment, land, facilities, supplies, services, staff or other resource, including any municipally-owned information, website, or funds allocated for Member expenses, for any purpose or activity other than the lawful business of the municipal corporation. No Member shall seek or acquire any personal financial gain (won't use it for the detriment) from the use or sale of Confidential Information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, for which property remains exclusively that of the Municipality.
- 11.2 No Member shall bid on or receive any Township Property that has been offered for sale.
- 11.3 No Member shall use identified Township computers, cell phones and other electronic devices while serving as an elected official for private or unauthorized purposes.

12. Conduct of Election Campaign

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996* and with the Municipality's municipal or board resources rules and procedures established pursuant to section 88.18 of the *Municipal Elections Act, 1996*.
- 12.2 No Member shall use Confidential Information, facilities, equipment, supplies, services, or other resources of the Municipality, including any Member newsletter or website linked through the Municipality's website, for any election campaign or campaign-related activity. No Member shall undertake campaign-related activities on municipal property during regular working hours unless authorized by the Municipality.
- 12.3 No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the Municipality.

13. No Improper Use of Influence

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private

advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

- 13.3 For the purposes of this provision "private advantage" does not include a matter:
- a) That is an interest in common with electors generally as defined in the *Municipal Conflict of Interest Act*;
 - b) that affects a Member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c) that concerns the remuneration or benefits of a Member.
- 13.4 This provision does not prevent a Member from requesting that Council grant a lawful exemption from a policy.

14. Non-Compliance with this Code of Conduct – Sanctions

- 14.1 A Member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:
- a) a reprimand;
 - b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council or Local Board, for a period of up to 90 days;
 - c) Other penalties, including but not necessarily limited to:
 - i. Removal from membership of a Committee or Local Board;
 - ii. Removal as Chair of a Committee or Local Board;
 - iii. Require repayment or reimbursement of moneys received;
 - iv. Return of property or reimbursement of its value;
 - v. A request for an apology;
 - vi. Revocation of travel or another budget;

- vii. Request for resignation; and
- viii. Trespass order restricting access except for Council Meetings;

15. No Reprisal or Obstruction in the Application or Enforcement of this Code

- 15.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and endorsement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities or pursuing any such objective.
- 15.2 Every Member shall cooperate with Integrity Commission if the Integrity Commissioner conducts an inquiry concerning an alleged contravention of this Code.

16. Statutes and Policies Regulating the Conduct of Members

- 16.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- a) the *Municipal Act, 2001* as amended;
 - b) the *Municipal Conflict of Interest Act*;
 - c) the *Municipal Elections Act, 1996*;
 - d) the *Municipal Freedom of Information and Protection of Privacy Act*;
 - e) the *Ontario Human Rights Code*; and,
 - f) the *Occupational Health and Safety Act*.

- 16.2 The following policies govern the conduct of Members:

Procedural By-Law	December 21, 2009	2009-24
	Amended by	00-20
		2011-16
		2012-22

		2014-03
		2014-28
		2015-10
		2016-20
Code of Conduct for Members of Council, Employees and Public Office Holder By-Law	June 7, 2010	2010-11
Accountability and Transparency By-Law	March 4, 2013	2013-11

16.3 The *Criminal Code* also governs the conduct of Members.

16.4 A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct. In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation the statute or regulation shall prevail. Should any provision of the Code become or be determined to be invalid, illegal or unenforceable it shall be considered separate and several from the agreement and the remaining provisions shall remain in force.

17. Complaints Alleging Violation of This Code

17.1 Where a Member, a municipal employee, Officer, or a member of the public has reasonable grounds to believe that a Member(s) has contravened this Code, a complaint may be submitted to the Clerk's Department in the prescribed form which will be forwarded to the Municipality's Integrity Commissioner who will process it in accordance with the Integrity Commissioner Protocol attached hereto as Schedule "B". The Complaint may also be submitted directly to the Integrity Commissioner in the event that such office is readily accessible.

17.3 Where a Member is found not to have contravened this Code, the Municipality is authorized to protect that Member against costs or expenses incurred by the Member as a result of the complaint proceedings.

I, _____, having been elected or appointed to the office
(name of person)

in the municipality of _____
(name of municipality)

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

Declared before me)
 at the)
)
)
 on)
 20.....)

signature of declarant

Commissioner for taking Affidavits



Council-Staff Relations Policy

Township of McKellar

Important Disclaimer: this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “Act”). If you have any questions or concerns about this policy or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this policy other than as expressly authorized or directed by Wishart Law Firm LLP.

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1. Introduction

As of March 1, 2019, amendments to section 270 of the *Municipal Act, 2001* will require the Municipality to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and Staff of the Municipality.

The Municipality has proactively adopted this Council-Staff Relations Policy to ensure that the Municipality will be in full compliance with the above-noted amendments upon their coming into force.

2. Scope and Intent

This Policy shall apply to all Municipal Staff, Officers and Members of Council.

The intent of this Policy is to ensure that the relationship between Members of Council and the Officers and Staff of the Municipality is co-operative and supportive with a clear understanding of the respective roles and responsibilities.

3. Definitions

“Member(s) of Council” means a member or members of the municipal council of the Township of McKellar.

“Municipality” means the Municipality of McKellar.

“Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.

“Staff” means any of the following:

- i. A person, not including Members of Council, who performs work for the municipality for wages;
- ii. A person who supplies services to the Municipality for wages;
- iii. Such other persons as may be prescribed who perform work or supply services to the municipality for no monetary compensation.

4. Clarifying Roles

Role of Council:

- **Policy Focus:**
 - Represent the Municipality, provide direction and create policy.

Role of Senior Management:

- **Direction Focus:**
 - Liaison between Council and Staff, direct implementation of Council's policies, hire and develop a team of competent Staff.

Role of Staff and other Officers:

- **Implementation Focus:**
 - Research policy and programs, give best professional advice, implement decisions of Council, fulfill statutory duties, follow direction of Clerk Administrator generally see to the operation of the municipal organization.

5. Guiding Principles

1. Members of Council are Public Figures, not Staff and Officers.

Once a matter is proposed or decided, Staff should only comment on matters of fact or history in discussing issues with the public and the media and should comply with the relevant section in the Code of Conduct for Members of Council, Employees and Public Office Holders By-Law #2010-11. Dealing with the media is generally part of an elected representative's job.

2. All Members of Council are Equal

Regardless of how they interrelate with Members, Staff and Officers must avoid favouritism and the appearance of favouritism. Differences in experience and abilities amongst Members of Council are irrelevant – they all must be treated equally.

3. Respect the Chain of Command

Members of Council must understand they have no individual capacity to direct Staff to perform, or not perform functions or duties. The Clerk Administrator is responsible for Staff and Officers - Members of Council who need to engage with Staff and Officers must do so through the Clerk Administrator. This would include both in person, verbal, written and electronic messages.

4. **Make Good Use of Staff's Time**

Members of Council should use the resources of Staff and Officers judiciously. Reports cost taxpayer money and take Staff and Officers time away from other issues or problems that may need attention. Members should be discouraged from asking for reports as a means of getting past an unhappy public delegation. The public respects political courage and decisiveness.

5. **Council Time is Valuable**

Members should not allow presentations by Staff or Officers to consume all of the time they have to debate various issues. Such presentations should, to the extent possible, be concise. Members of Council should understand they can take any one or more of the following actions where appropriate:

- Recommend that more items be relegated to the 'consent' agenda;
- Pass on an audio-visual presentation;
- Urge Staff or Officers to be more concise;
- Require multiple public delegations with essentially the same point to select a spokesperson, or to impose a limited speaking time, or to provide information in advance or in written form; and/or
- Enact 'curfew' procedures for Council deliberations.

6. **Represent the Whole Community**

Members, together with the Municipality's Staff and Officers, work for the public good. Decision making by Members should be based on complete information and unbiased recommendations from Staff and Officers. Members should, in addition to such information and recommendations, rely on their own judgment and show leadership in their decision making.

7. **Control Anger**

Members of Council should avoid the temptation to play up divisions or conflicts. Staff and Officers shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Members to do the job that they have been elected to do. The public expects Staff and Officers to do the job that they have been hired to do. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.

8. Politics or Management – Not Both

Council provides direction, Staff and Officers give professional advice and implement Council's directives. Members of Council are not elected to be technical experts nor to act in their professional capacities. Likewise, Staff and Officers are not politicians. Advice comes from Staff, policy and service delivery decisions are made by Council.

9. A Formal Relationship

Staff and Officers shall treat Council as a collective decision-making body. Staff and Officers shall not communicate directly with individual Members on municipal business, rather they must communicate on such matters through the Clerk Administrator. Information from the Clerk Administrator shall be communicated to all Members. Staff and Officers shall stay out of political lobbying.

10. Professionalism

Members of Council, Staff and Officers must treat each other with professionalism. When Council requests that Staff and Officers appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Staff provides an opportunity for Staff to provide quality reports and advice.

Where a Member of Council is a technical expert, it is expected that the Member will work in a productive, cooperative and courteous fashion with all members of staff, including those who share the Member's expertise or profession. The Member should provide staff with an opportunity to consider any information or opinions of a technical nature he or she may want to present, in advance of any public meeting or discussion of the issue.

Where a Member of Council is a technical expert, it is expected that the Member will avoid all real and apparent conflicts between his or her representation of constituents and his or her professional opinions.

11. Respect

Members, Staff and Officers shall work hard at fostering a climate of mutual respect. Each must be respectful of others' intelligence and professional duties. Members, Staff and Officers must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Municipality.

6. Complaints

The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this Policy. Upon receipt of a complaint and/or concern, the Clerk shall notify:

- a. In the case of Staff and Officers other than the Clerk Administrator, the Clerk Administrator;

- b. In the case of the Clerk Administrator, Council; or
- c. In the case of a Member, the Integrity Commissioner.

Handling of complaints shall be done in the manner set out in the applicable Code of Conduct or policy.

Where there is a discrepancy between this Policy and the applicable Code of Conduct of Conduct, the applicable Code of Conduct prevails.



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

Schedule 'A' to By-Law No. 2018-51

PURPOSE

The purpose of this policy is to clarify that candidates in a municipal election are required to follow the provisions of the Municipal Elections Act, 1996 as amended.

The Municipal Elections Act, 1996, as amended, 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. A contribution may take the form of money, goods or services.

Any use by a candidate of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the candidate, which is a violation of the Municipal Elections Act.

It is necessary and desirable to establish a policy on the appropriate use of corporate resources during an election period to protect the interests of both the candidates and the Corporation.

POLICY

1. General Provisions

- a. No candidate shall use the facilities, equipment (including computer hardware and software), municipally funded mobile phones, supplies, services, staff offices or other resources of the municipality for any election campaign or campaign related activities.
- b. No candidate shall undertake campaign-related activities on municipal property, with the exception of participation in campaign related events made available to all candidates that may be held in the Municipal Community Centre (i.e. All Candidates Meeting). The above prohibition includes the Municipal Transfer Site and all public parks but does not include the erection of election signs on Township road allowances as per the Township Sign By-law.
- c. No candidate shall utilize municipal staff for election purposes or to canvass or actively work in support of a municipal candidate or party during normal working hours.
- d. No candidate shall use any municipally-provided facilities for any election-related purposes, which includes displaying any campaign related signs in the window or on the premises, as well as displaying any election-related material in the entire Community Centre building, including the Post Office.

- e. No candidate shall display campaign related signs or materials in their motor vehicle while it is parked on any municipal property.
- f. Websites or domain names that are funded by the Municipality shall not include any election-related campaign material but may include contact information for each registered candidate (address, phone number, email address, etc.) if consent in writing is given to the Clerk.
- g. Candidates shall not use the Municipality's voice mail system to record election related messages and shall not utilize the Municipality's email address for election related messages.
- h. The Municipality's logo and/or slogan will not be available to any candidate for any purpose related to a Municipal election which includes being printed or distributed on any election materials or included on any election campaign related website.
- i. Photographs produced and owned by the Township may not be used for any election purposes.

2. Limitation

Nothing in this policy shall preclude a Member of Council from performing their job as Mayor or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

3. Implementation

This policy shall become effective immediately upon approval by the Council of the Corporation of the Township of McKellar.

4. Enforcement

That, in accordance with the Municipal Elections Act, the Clerk of the Corporation of the Township of McKellar be authorized and directed to take the necessary action to give effect to this policy.

- (d) A **sign** which does not comply with the Ontario Building Code;
- (e) A **sign** which does not comply with the provisions of this By-law;
- (f) A **sign** which does not comply with the provisions of the Electrical Safety Code, the Occupational Health and Safety Act, the Construction Safety Act, and any other applicable governmental regulations;
- (g) A **sign** which is located on public property unless expressly permitted by this By-law;
- (h) A **sign** which is attached to any **public utility** pole or which interferes with any municipal or **public utility** services;
- (i) A **sign** which is painted on, attached to or supported by a tree;
- (j) A **roof sign**; and
- (k) A **sign** which depicts violence, nudity or other sexually explicit conduct;

2.10 SIGNS ON STREETS AND PUBLIC PROPERTY

No person shall post or erect or cause to be posted or erected any **sign** on any **street** or on any other public property, except as follows:

- (a) **Election signs** may be erected on any **street** provided that no such **sign** is greater than 1.0 m² (10.76 sq ft) in **sign area** or 2 metres in height and such **sign** does not impede pedestrian or vehicular traffic as determined by the **Municipality's** Road Superintendent and such **sign** is removed within one week following the day of the election.
- (b) **Official signs** required by law, or as required by the Municipality;
- (c) **Signs** for regulating traffic, legal notices or warnings at railway crossings and all other signs pertaining exclusively to public safety;
- (d) One **personal identification sign** for each dwelling unit on a **lot**, having a maximum **sign area** of 0.2m² (2.15 sq ft) located in such a manner that snow removal or the snow from the wing of the plow does not cause damage to the **sign**;
- (e) a person may apply to the Township to erect a 0.37m² (4.0 sq ft) **Non-Accessory sign** on designated **Municipal sign boards** located throughout the Township provided the required fee as established in Schedule 'A' has been paid. Only one **Non-Accessory sign** shall be permitted on the same **Municipal sign board** by each person or business. Such **signs** shall be on a first come basis. The Township shall bear no responsibility whatsoever for the **sign** so erected and all responsibility for the maintenance of the **sign** shall be the responsibility of the owner.
- (f) **Fingerboard signs** provided a **sign** permit is issued and the **sign** conforms to the standards as outlined in Schedule 'C' attached to this By-law and the **sign** shall be installed by the **Municipality** at a fee established in Schedule 'A' to this By-law.
- (g) Civic address **signs** erected in accordance with By-law No. 93-10.

2.11 VARIANCES

Ministry of Transportation

Provincial Highways Management
Northeastern Region
Corridor Management Section
207 Main Street W
Huntsville, ON P1H 1Z9
Tel.: (705) 789-2391 ext. 234
Fax.: (705) 789-3606

Ministère des Transports

Gestion des routes provinciales
Région du Nord-Est
Section de gestion des couloirs routiers
207, rue Main Ouest
Huntsville (Ontario) P1H 1Z9
Tel.: (705) 789-2391 ext. 234
Fax.: (705) 789-3606



General Guidelines for Election Signs

Election signs placed by or on behalf of a candidate or a political party, and signs designed to encourage citizens to vote, may be placed on the right-of-way of a highway after an official election has been issued, or for municipal elections in accordance with any by-law outlining a time frame for the placement of municipal election signs, subject to the following conditions:

An Election sign must not be placed upon or adjacent to the right-of-way of a Class 1A Freeway, Class 1B Staged Freeway and Class 2A Principal Arterial Highway (i.e. Highway 400, Highway 11 and Highway 69).

Election signs may be erected on the right-of-way or adjacent to a Class 2B Undivided Arterial Highway, a Class 3 Collector Highway or Class 4 Local Highway after an official election has been called.

Everyone has the right to place an election sign on their private property no matter what Class of Highway. A maximum of two election signs are permitted upon any one property. Any election sign over 3.7 m² (40 ft²) require a sign permit.

Election signs up to 0.7m² (8 ft²) in size must be placed a minimum of 4m (12 ft) from edge of pavement. Election signs over 0.7m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs must not be affixed to any permanent or official highway sign, a guide rail or other highway structure or facility. They must not be placed where they may interfere with visibility, official signs, traffic signals, or other safety devices. They must not be placed on a safety island at intersections.

An election sign must not exceed one sign facing in each direction of travel on the right-of-way on any 2.0 km section of a provincial highway.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized, providing they are erected on private property and meet the requirements of the ministry for portable read-o-graph signing.

Permits or Letters of Approval are not required for any election signs erected under the Ministry of Transportation's Corridor Signing Policy. A Sign Permit will be required for any signs in excess of 3.7 m² (40 sq. ft.) in size and they must be placed on private property.

Any signs contravening this policy will be removed by the Ministry of Transportation.

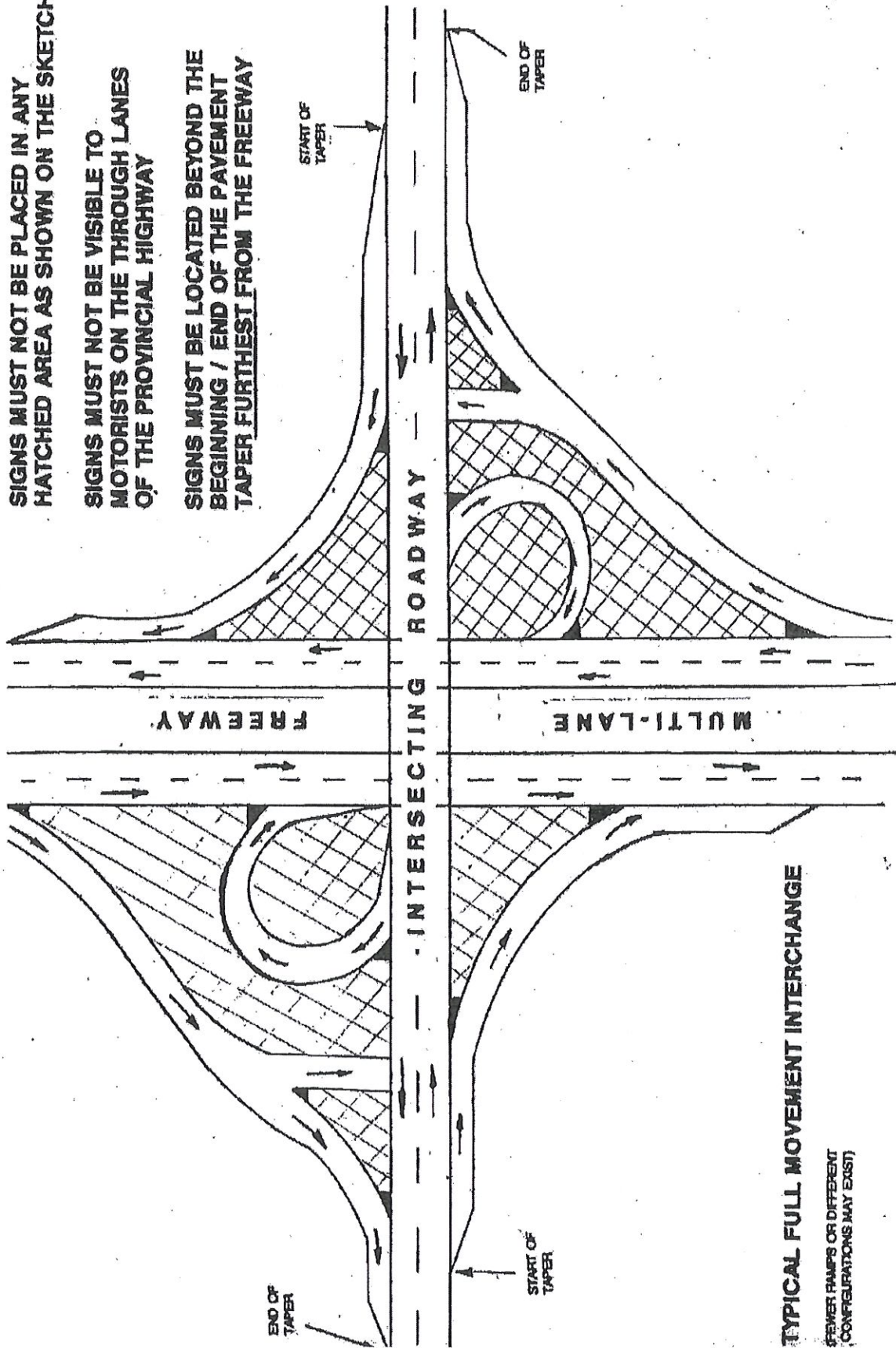
Candidate committees, volunteers and/or workers shall be required to remove all candidate advertising (election signs) from the Ministry of Transportation right-of-way and adjacent properties within three (3) working days following Election Day.

Signs not retrieved by this time will be picked up by the Ministry of Transportation patrol forces and stored in a safe place (patrol yard, etc.) for a period of two (2) weeks. After this time the election signs will be disposed of.

SIGNS MUST NOT BE PLACED IN ANY
HATCHED AREA AS SHOWN ON THE SKETCH

SIGNS MUST NOT BE VISIBLE TO
MOTORISTS ON THE THROUGH LANES
OF THE PROVINCIAL HIGHWAY

SIGNS MUST BE LOCATED BEYOND THE
BEGINNING / END OF THE PAVEMENT
TAPER FURTHEST FROM THE FREEWAY



TYPICAL FULL MOVEMENT INTERCHANGE

SEWER RAMPS OR DIFFERENT
CONFIGURATIONS MAY EXIST

TOWNSHIP OF McKELLAR

CONSENT TO RELEASE PERSONAL INFORMATION

(Municipal Freedom of Information and Protection of Privacy Act)

Personal information on the Nomination Paper is collected under the authority of the *Municipal Elections Act* and will be used to assist the Clerk in the administration of the 2022 Municipal Election. Questions regarding this collection should be forwarded to the Clerk, 701 Highway #124, McKellar, ON, P0G 1C0, (705) 389-2842.

Name of Candidate: _____

Candidate for the office of:

- ☐ Reeve
- ☐ Councillor-at-Large
- ☐ Trustee English Public
- ☐ Trustee English Separate
- ☐ Trustee French Public
- ☐ Trustee French Separate

I acknowledge that the Nomination Form filed by me contains personal information and I am aware that the Clerk will disclose all or part of it to the general public.

Candidate Signature: _____

Municipal Clerk or Designate: _____

Dated at _____, this _____ day of _____, 2022.

TOWNSHIP OF MCKELLAR

DECLARATION OF PROPER USE OF THE VOTERS' LIST

Municipal Elections Act, 1996 [s. 23(4)(5)]

I, _____, being a:
(Name)

☐ Candidate for the office of _____

OR

☐ a person entitled to a copy of the Voters' List pursuant to section 23(3) of the *Municipal Elections Act*, namely

_____ hereby request the Clerk to provide me with the following information when it becomes available:

☐ a paper copy of the Voters' List. Please note that a copy of all revisions made to the Voters' List will be provided on or before Monday, September 25, 2022.

OR

☐ an electronic copy of the Voters' List. Please note that a copy of all revisions made to the Voter's List will be provided on or before Monday, September 25, 2022.

☐ the Candidates module to view the list of electors as of September 28, 2022;

AND

☐ a copy of the daily lists showing the name of each person who has voted.

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

Signature

Date

Name: (Please Print)

**TOWNSHIP OF McKELLAR
POLICY FOR USE OF THE VOTERS' LIST**

The Voters' List has been compiled for election purposes only. All electors should ensure that their names and relevant information are correct on the Voters' List.

Eligible persons who request a copy of the Voters' List must sign a declaration **Form LC10** as per the attached form prior to receiving a copy of all or any part of the Voters' List.

Where the Voters' List can be provided electronically to an eligible person, who has signed a declaration **Form LC10** provided by the Clerk stating the list shall be used for Election purposes only, the Clerk may choose to provide it in this format.

Eligible persons who obtain additional copies of the Voters' List or any part thereof shall pay to the Clerk a fee prescribed by the Clerk for photocopies which must be the lowest fee charged by the municipality for copies. [Section 88 (8)]

Copies for local boards – municipalities - Minister

On **written request**, the Clerk shall provide a copy of the Voters' List to, [Section 23 (3)]

- the secretary of a local board any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- the Minister, if he or she has submitted a question to the electors.

Copies – for candidates

On the written request of a certified candidate for an office, the Clerk shall provide him or her with the part of the Voters' List that contains the names of the electors who are entitled to vote for that office.

The Candidate or their campaign worker cannot confirm or deny if a person is on the Voters' List. The person must contact or visit the municipal office where they are entitled to vote, with proper identification and proof of residence during normal office hours beginning September 4th up to and including the close of voting on October 24th at 8 p.m.

Use of online, electronic and paper versions of the Voters' List, Interim and Final List of Changes to the List and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2018 Municipal Election. All Voter information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from Candidate computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.



So You Want to Run for Council?

Running for a seat on Council can be relatively simple. The rules that govern who can run and how to run an election campaign can be found in any Municipal Clerk's office in Ontario. But, from the moment you file your nomination form your life will change!

There are questions you need the answers to and this new course from AMO can help you.

Are You Ready?

What does it take to run for council?

What should I know before I run?

The media and me.

What are the powers and influence of municipal government?

What rules, regulations and laws govern my actions as an elected official?

A sample quote from the course:

"There are joys and disappointments in equal measure. Nothing compares to the satisfaction of knowing you've made a difference in your community, and that a decision you've been a part of has made the lives of your residents better."

Where?

MunicipalEducation.ca

How? This is an online work
at your own pace course.
Take it anywhere!

Cost: \$66.37 +HST (\$75.00)

The course builds on the experience of elected officials - what they didn't know that they wish they did.

AMO Association of
Municipalities Ontario

Who is AMO?

The Association of Municipalities of Ontario (AMO) works to make municipal governments stronger and more effective. Through AMO, Ontario's 444 municipalities work together to achieve shared goals and meet common challenges.

AMO's history spans back to 1899, with a steady reputation, the mandate of AMO has always been to support and enhance strong and effective municipal government in Ontario. We promote the value of the municipal level of government as a vital and essential component of Ontario and Canada's political system.

Through Policy Advocacy, Educational Programming, Administration of the Federal Gas Tax Program, and more, AMO is the voice of municipal government in Ontario.

If you do get elected you will want to attend our other education and training programs. Ask your Municipal Clerk about registering.

- **In Person Workshops:** These full-length interactive workshops are geared to newly elected officials looking to get foundational skills quickly and begin an effective council term. AMO also offers skills upgrade workshops for returning elected officials on leadership development, financial strategy and more.
- **Online Courses:** AMO offers at your own pace learning in areas such as Land Use Planning; Financial Literacy; Energy Procurement and Asset Management at MunicipalEducation.ca
- **Webinars:** Throughout the year AMO offers one-hour lunch and learn webinars on topics such as social media, risk management and new legislation.

For more details on your municipal association and what we offer please visit www.amo.on.ca

Why is this Course Unique?

Content was designed by current and retired members of council. People who just like you decided to run, and have the knowledge and first-hand experience of what challenges and opportunities exist in community leadership.

Their expertise paired with the practical tools you need this course is invaluable for you as you start your election campaign.

Course content covers:

- Reasons That You Should and Should Not Run for Council;
- What You Should Know Before You Run for Office;
- Dealing with the Media;
- Techniques for Working with Others;
- The Roles of Council Members and Staff;
- What are the powers and influence of municipal government?
- Transparency and Accountability in Government;
- and much more...



MunicipalEducation.ca



TOWNSHIP OF MCKELLAR

TELEPHONE/INTERNET VOTING

ELECTION POLICIES and PROCEDURES

for the 2022 ONTARIO MUNICIPAL ELECTIONS

Approved by the
Clerk / Returning Officer of
The Township of McKellar
this 27th day of April, 2022

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

1. AUTHORITY

On September 3, 2013, the Council of The Township of McKellar adopted By-law Number 2013/28 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The Municipal Elections Act, more specifically Subsection 42(3), states as follows:

Procedures and forms

(3) The clerk shall,

- (a) establish procedures and forms for the use of,
 - (i) any voting and vote-counting equipment authorized by by-law, and
 - (ii) any alternative voting method authorized by by-law; and
- (b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the clerk shall provide the procedures and forms on or before June 1 in the year of the election.

Subsection 42(4), states that the procedures and forms established by the clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

In addition, the Council of The Township of McKellar has entered into an agreement with an eVoting Service Provider for Telephone/Internet Voting service for the 2022 Municipal & School Board Elections.

Subsection 11(2) of the Municipal Elections Act states that the clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a municipal clerk, the Municipal Elections Act further states as follows:

- 12(1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
 - (a) is not otherwise provided for in an Act or regulation; and
 - (b) in the clerk's opinion, is necessary or desirable for conducting the election.
- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.
- 12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.
- 13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.
- 13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, and By-law Number 2013/28 of The Township of McKellar is silent on these issues therefore voting proxies are not applicable.

With respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Municipal Elections Act.

The Municipal Elections Act, more specifically Section 53, also provides that the clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the Municipal Elections Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as clerk of The Township of McKellar and Returning Officer for the 2022 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2022 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

April 27, 2022
Date Approved

Ina Watkinson
Clerk / Returning Officer

2. DEFINITIONS

- a) Advance Voting - means voting conducted between the hours of 10:00 a.m. on October 11, 2022 until midnight on October 23, 2022.
- b) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) Candidate - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) Certified Candidate - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the Municipal Elections Act, 1996.
- e) Clerk - means the clerk of The Township of McKellar who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended. *(This legislation provides that the clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the clerk of the municipality's opinion, necessary or desirable - Section 12 of the Municipal Elections Act)*
- f) Election official - means the clerk or other person(s) appointed in writing by the clerk to carry out election duties under the Municipal Elections Act, 1996. An election official can only carry out the tasks and duties as assigned in writing by the clerk and must take the prescribed oath.

- g) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.
- h) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- i) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- j) Preliminary List of Electors - means a list of electors for The Township of McKellar compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of McKellar between July 31 and September 1 of an election year as agreed upon by MPAC and the clerk.
- k) Satisfactory Identification - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- l) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- m) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- n) Support person - means a person who has been requested by an elector to assist him or her in the voting process.

- o) Voter Help Centre - means a location provided by The Township of McKellar to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre(s) is located at 701 Highway 124, McKellar, Ontario and includes the entire building and surrounding grounds.
- p) Voters' List - means the Preliminary List of Electors, as corrected by the clerk, under the provisions of Section 22 of the Municipal Elections Act 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).
- q) Voting Day - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 24, 2022.
- r) Voter Information Letter - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to the Telephone/Internet Voting being conducted by The Township of McKellar between October 11, 2022 and October 24, 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the clerk of The Township of McKellar. Any amendment to these procedures shall be signed by the clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Township of McKellar and/or school boards.

4. SECRECY

1. The clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Municipal Elections Act, 1996.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voter Help Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act, 1996.

5. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the clerk of The Township of McKellar and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, and the list shall be approved for use as the Voters' List.
 - a. The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to two (2) copies or an electronic format and shall sign a statement acknowledging that the voters' list shall not be used for any commercial purposes.

The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
 - b. The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre(s).
 - c. Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
 - d. The clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of the Municipal Elections Act, shall be available on September 15, 2022 at The Township Office, 701 Highway 124, McKellar, ON.
 - e. The voters' list, as corrected by the clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting

Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.

Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

2. The Voter Help Centre(s) shall be responsible for the following:

- a. Eligible electors who attend the Voter Help Centre(s) and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.
 - i. Their names will be added to the voters' list and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
 - ii. they will be able to vote at the Voter Help Centre(s) if they so wish during the voting period.
- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
 - i. where a person on the voters' list has lost his or her Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an election official, an oath shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.
- c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:

- i. where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter Help Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.

6. NOTICES

1. The clerk of The Township of McKellar shall notify voters of the following election information through the use of advertisements:
 - a. that municipal & school board elections are being held for The Township of McKellar and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Telephone/Internet Voting;
 - b. the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
 - c. the office(s) of the council and/or school boards;
 - d. the manner in which electors may or may not use voting proxies;
 - e. who is eligible to vote in the municipal & school board elections; and
 - f. the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the voters' list.
2. At the clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. All notices shall be made available in English only.

The following essential notices shall be issued:

- a. Notice of Election Information. See paragraph 6.1;
- b. Notice of Revision of Voters' List. See paragraph 6.1(f);
- c. Notice of Nomination; and
- d. Certified Election Results.

The clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. Each person on the voters' list shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
 - a. his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
 - b. instructions on how to vote;
 - c. dates and hours of voting; and
 - d. the location(s) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English only.

7. VOTING

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal & School Board Elections.

- a. Telephone/Internet Voting:

- i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
 - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
 - iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.

- b. Voting will commence on October 11, 2022 at 10:00 a.m.

2. Prior to the eVote activation, being on October 11, 2022 at 10:00 a.m., the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office.

The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.

3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
4. The eVoting Service Provider will make available online a list to the clerk and any other appropriate individuals of The Township of McKellar, of all voters' list individuals by order of polling subdivisions, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the clerk's office or by electronic means by the eVoting Service Provider at the clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
5. If so allowed by the clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.
7. Where a voter is associated with multiple properties within The Township of McKellar, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be verified

by the clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.
10. The clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
 - a. that were sent to voters on the voters' list;
 - b. that were undeliverable and returned from the Post Office;
 - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
 - d. that were re-issued to an eligible elector;
 - e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

11.

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the clerk, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
- d. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a. Where an eligible voter has received an incorrect Voter PIN in terms of school support association, the voter can contact a Voter Help Centre(s) and have the proper information applied to the existing

PIN. The voter may re-access the system and vote all races not yet completed.

- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.

13. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

8. VOTER QUALIFICATIONS

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 24, 2022, he or she:
 - i. is a Canadian citizen,
 - ii. is at least 18 years old,
 - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
 - iv. is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

9. VOTING PROCESS

1. Eligible voters may vote by:

- a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.

c. Eligible voters may vote by:

- i. Attending a Voter Help Centre during the following hours:
701 Highway 124, McKellar during regular office hours or from 8:30 a.m. to 8:00 p.m. on Election Day (October 24, 2022)
- ii. Attending the following other locations:
Township of McKellar Public Library during regular hours.

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

- d. Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using a touch tone telephone or the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.

- e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.
- f. With the assistance of an election official(s) that will be present at the following institutions and retirement homes on the specified date(s) and hours:

RETIREMENT HOME OR INSTITUTION	DATE	HOURS FOR ASSISTANCE

10. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996. If appointed, scrutineers will be entitled to the following:
 - a. upon request and after producing the properly signed "Appointment of Scrutineer" and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.
 - b. upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Help Centre(s).
 - c. to be present at the time and place where results are received by the clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.

11. SYSTEM

1. The integrity of the voting process shall be the responsibility of the clerk of The Township of McKellar and shall be preserved by:
 - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
 - b. ensuring that no one except the eVoting Service Provider, the clerk of The Township of McKellar, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
 - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 24, 2022, at 8:00 p.m..
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the script;
 - b. checking the Voter Help Centre telephones and internet access;
 - c. checking Script and input timing;
 - d. attempting to use a PIN more than once;
 - e. balancing a predetermined number of votes with those cast;
 - f. matching PINs to names and addresses;
 - g. checking the system which is used for activating PINs; and
 - h. deliberately entering the wrong information.

3. All certified candidates are to provide to the clerk the proper pronunciation of their name, in English and, in French if applicable, no later than August 19, 2022.

12. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Township of McKellar will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

“A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she

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

- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
 - m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”
- 4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
- 5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
- 6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
- 7. As such, the Municipal Clerk of The Township of McKellar in this alternative form of voting, has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the clerk;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;

- d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
- e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

13. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since The Township of McKellar will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of The Township of McKellar in this alternative form of voting has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the clerk;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
 - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
 - e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

14. RESULTS

1. The Township of McKellar shall keep its public internet and telephone voting open until 8:00 p.m. October 24, 2022 and its Voter Help Centre(s) (not polling locations) access opened until the clerk confirms that all eligible voters in the Voter Help Centre(s) at 8:00 p.m. October 24, 2022 have completed voting.
2. The clerk of The Township of McKellar, at 8:00 p.m. on October 24, 2022, providing that all eligible electors within the Voter Help Centre(s) have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each candidate by shall be available at 8:20 p.m. on October 24, 2022 at the Municipal Administration Office located at 701 Highway 124, McKellar, ON.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after 8:20 p.m. on October 24, 2022 at Election Headquarters located at the Municipal Administration Office located at 701 Highway 124, McKellar, ON.
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning “Recount”, the Clerk shall on October 27, 2022 at 10:00 a.m. at the Municipal Administration Office located 701 Highway 124, McKellar, ON;
 - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
 - ii. declare the result of any vote on a by-law or question.
5. The “Official Results” of each candidate shall be available at the Township Municipal Office as soon as possible after Voting Day. Also, the clerk shall post the “Official” results on the Municipality’s website.

15. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the clerk of The Township of McKellar shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the Municipal Elections Act, the recount shall be held within fifteen (15) days after the clerk's declaration of the results of the election, and therefore the recount shall occur on or before November 8, 2022 at the Municipal Administration Office located at 701 Highway 124, McKellar, ON.
3. Pursuant to Subsection 61(1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
 - i. the clerk and any other election official appointed by the clerk for the recount procedure including the Municipal lawyer;
 - ii. every certified candidate for the office;
 - iii. the lawyer for each of the candidate(s); and
 - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:

"If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot".

6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a. The clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates' lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates' lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates' lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the clerk shall determine the box to be used for this process.
7. Upon completion of this process, the clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal lawyer shall hand directly to the clerk the selected and required number of papers and the clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

16. AFTER VOTING DAY

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the Municipal Election Act, 1996.

17. EMERGENCIES

Pursuant to the Municipal Elections Act, 1996, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the clerk/returning officer or assistant returning officer which prevents her/him from conducting the election pursuant to the Municipal Elections Act.

In the event of an emergency, the clerk/returning officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the clerk/returning officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the clerk/returning officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

18. ACCESSIBILITY

The clerk shall have regard for the needs of candidates and electors with disabilities.

The clerk shall ensure the Voter Help Centre(s) is accessible to candidates and electors with disabilities.

The clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day.

The Township of McKellar has an Accessibility Policy. The Municipal Election for the Township of McKellar will be conducted with having regard to the policies as established.

19. AMENDMENTS TO PROCEDURES

The clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

20. ATTACHMENTS – FORMS

The following forms have been approved for use by the Township of McKellar for the election process:

Form #	Name of Form	Section
EL07	List of Certified Candidates	(S.11(4) 2)
EL08	Certificate of Election Results	(S.11(4) 3)
EL09	Final Summary of Election Results	(S.11(4) 4)
EL10	Appointment and Oath of DRO	(S.15(1))
EL11	Appointment and oath of an Election Official	(S.15(2))
EL12(A)	Appointment of Scrutineer by Candidate	(S.16(1))
EL12(B)	Oral Oath of Secrecy	
EL14	Candidate's Declaration-Proper Use of Voters' List	(S.23(5))
EL15	Application to Amend Voters' List	(S.24)
EL16	Application for Removal of Another's Name from the Voters' List	(S.25)
EL17	Notice of Nomination for Office	(S.32)
EL18(A)	Declaration of a Qualified Candidate – Municipal	(S.35(2))
EL18(B)	Declaration of a Qualified Candidate - School Trustee	
EL19	Withdrawal of Nomination	(S.36)
EL20	Declaration of Acclamation to Office	(S.37(1))
EL21	Notice of Death of Candidate	(S.39(A))
EL22	Certificate on Voters' List	(S.28(1))
EL10	FOI Freedom of Information Release	
EL24	Sample Notice of Election Information (For Newspaper Ad)	(S.40)
EL25(A)	Certificate and Receipt for Ballots	(S.41(1))
EL26	Oath of Qualification	(S. 52(1) 3)
EL27	Oral Oath of Friend or Interpreter	
EI 27A	Oath of Elector Requesting Assistance of a Friend	
EL29(A)	Voting Instructions	(S.52(3),(4))
EL29(B)	Voter Instructions and Sample Ballot	
EL30	List of Objections to Vote Count	(S.54(4))
EL31(A)	Statement of Election Results (Deputy Returning Officer)	(S.55(1) A)
EL32	Declaration of Election Candidate	(S.55(4) A)

EL34	Statutory Provisions Regulating Voting Procedures	(S.48, 49)
EL35	Notice of Offence, Notice of Corrupt Practice	(S.89)
EL36	Disclaimer to Right to Office	(S.84(1)-(3))
EL37	Certificate of Maximum Campaign Expenses	(S.76(7))
EL38	Witness Statements as to Destruction of Ballots	(S. 88(2))
EL39	Notice of Recount	(S.56 - 58)
EL40	Recount Results	(S.62(1))
EL41	Declaration of Recount Results	(S.62(4))
EL42	Notice to Candidate of Filing Requirements	(S.78(6))
EL43	Notice of Default	(S.80(3))
EL46	Ballots Account	
EL47	Election Official Application	
EL48	Refund of Nomination Fee	

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12(1) and 12(2) of the Municipal Elections Act, 1996, S. O. 1996.

