

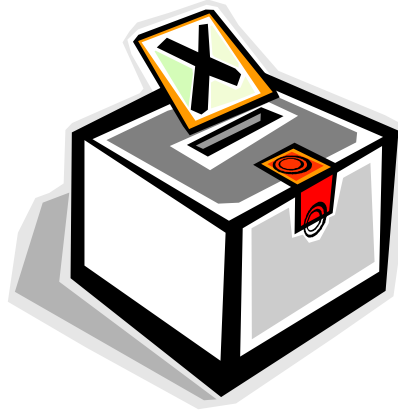


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# **CANDIDATES'**

# **GUIDE**

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## **MUNICIPAL COUNCIL AND SCHOOL BOARD TRUSTEE ELECTIONS**

Initially published January 2010, revised August 30, 2010

# PART A

## INTRODUCTION

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

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

### 1. Important Dates

January 4, 2010 to December 31, 2010	<b>Campaign Period</b> The campaign period begins on January 4, 2010 or when a candidate files his or her nomination paper, wherever is later and ends on December 31, 2010 unless the candidate withdraws the nomination, the Clerk rejects the nomination or the candidate is continuing their campaign to erase a deficit.
January 4, 2010 to September 10, 2010	Nominations may be filed by candidates prior to Nomination Day at any time during regular office hours.
September 7, 2010 to October 25, 2010	Revision Period for Preliminary List of Electors
September 10, 2010	<b>Nomination/Withdrawal Day</b> Nominations and withdrawals will be accepted from 10:00 a.m. to 2:00 p.m.
September 13, 2010	<b>Certification of Nomination Papers</b> The Clerk shall certify nomination papers before 4:00 p.m.  <b>Acclamation</b> After 4:00 p.m., the Clerk shall declare the eligible candidate(s) to be duly elected.
September 20, 2010	Maximum Campaign Expenses Calculation to be forwarded to candidates
October 25, 2010	Voting Day – 10:00 a.m. to 8:00 p.m.
December 6, 2010	<b>Term of Office commences</b>  Inaugural Meeting held at the Municipal Office at 6:30 p.m.
December 31, 2010	Last day of Regular Campaign Period Notification of Extension of Campaign due to Municipal Clerk (in writing)
March 25, 2011 (2:00 pm)	Deadline for filing financial statements. <b>(Note: This is a firm deadline – the penalties for non-compliance will apply immediately unless the candidate has applied for a court ordered extension.)</b>

## 2. Elected Offices

At this election, members will be elected for the period commencing December 1, 2010, and ending November 30, 2014, for the following offices:

Mayor	1 to be elected by general vote of the electors of the Township of Terrace Bay
Councillor	4 to be elected by general vote of the electors of the Township of Terrace Bay
English Language Public Trustee for the Superior-Greenstone Board	1 trustees to be elected from Terrace Bay and Schreiber  Nominations to be filed with Terrace Bay Returning Officer  Election to be run by Terrace Bay Returning Officer
English Language Separate Trustee for the Superior North Catholic Board	1 trustee to be elected from Terrace Bay and Schreiber  Nominations to be filed with Terrace Bay Returning Officer  Election to be run by Marathon Returning Officer
French Language Public Trustee for the Conseil Scolaire De District Du Grand Nord De L'ontario  Conseiller Ou Conseillère D'écoles Publiques De Langue Française Pour Le Conseil Scolaire De District Du Grand Nord De L'ontario	1 trustee to be elected from Marathon, Manitouwadge, Terrace Bay, Schreiber, Nipigon, Red Rock and Dorion & Localities  Nominations can be filed with Terrace Bay Returning Officer  Election to be run by Manitouwadge Returning Officer
French Language Separate Trustee For The Conseil Scolaire De District Catholique Des Aurores Boreales  Conseiller Ou Conseillère D'écoles Separées De Langue Française Pour Le Conseil Scolaire De District Catholique Des Aurores Boréales	1 trustee to be elected from Marathon, Manitouwadge, Terrace Bay, Schreiber & Localities  Nominations to be filed with Terrace Bay Returning Officer  Election to be run by Marathon Returning Officer

# PART B

## QUALIFICATIONS

### 1. Member of Council

#### Who is Qualified?

At the time of filing their Nomination, the candidate must:

- Be a qualified elector in accordance with Section 17 of the *Municipal Elections Act, 1996*, as amended. Therefore, the candidate must be:
  - A Canadian citizen
  - At least 18 years of age, and
  - A resident of the Township of Terrace Bay, or the owner or tenant of land in the Township of Terrace Bay or the spouse of the owner or tenant of land in the Township of Terrace Bay.
- Not disqualified for violations of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.

**Note:** Candidates who are a member of the Legislative Assembly of Ontario, or the Senate, or House of Commons of Canada may file their Nomination for an office in the election, but their Nomination will be rejected by the Municipal Clerk if they remain a member as of 2:00 p.m. on Nomination Day (September 10, 2010).

If an employee of the Township of Terrace Bay or local board wishes to file a Nomination, the employee must take an unpaid leave of absence as of the day the employee is nominated and ending on Voting Day. If elected, the person is deemed to have resigned immediately before making the Declaration of Office.

#### Who is Disqualified?

The following persons are **disqualified** from seeking election to Council:

- Except during a leave of absence, an employee of the Township of Terrace Bay or a local board.
- A judge of any court.
- Except if they cease being a member as of 2:00 p.m. on Nomination Day:
  - A member of the Ontario Legislature
  - A member of the House of Commons
  - A member of the Senate
- A Crown employee within the meaning of the *Public Service Act* who is a Deputy Minister or who is in a position or classification designated in the regulations made under that Act for the purposes of Section 11, thereof.
- A person who is serving a sentence of imprisonment in a penal or correctional institution, including a sentence being served in the evening or on weekends.
- A corporation.

- A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with Section 44 of the *Municipal Elections Act, 1996*.
- A person who was convicted of the corrupt practice described in Subsection 90(3) of the *Municipal Elections Act, 1996* if Voting Day in the current election is less than four years after Voting Day in the election in respect of which he or she was convicted.
- A candidate convicted of a corrupt practice as described in Subsection 91(1), if Voting Day in the current election is less than eight years after Voting Day in the election in respect of which he or she was convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information in accordance with the *Municipal Elections Act, 1996*.

**Note: It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated.**

## **2. Member of School Board**

### **Who is Qualified?**

At the time of filing their Nomination, the candidate must:

- Be a qualified elector in accordance with Section 17 of the *Municipal Elections Act, 1996*, as amended, for the school board for which the person is a candidate.
- A resident within the area of jurisdiction of the school board.
- Not disqualified for violations of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- Not disqualified under the provisions of Section 219(4) of the *Education Act*.

**Note:** Employees of a board of education are subject to Section 30 of the *Municipal Elections Act, 1996*, which requires the board to give individuals that are employees a leave of absence, upon request. Such leave must begin on the day the employee is nominated and end on Voting Day. The person is deemed to have resigned upon taking office.

### **Who is Disqualified?**

The following persons are **disqualified** from seeking election to school boards:

- Except during a leave of absence, an employee of a district school board or school authority.
- A member of any municipal council, including a regional council.
- A Clerk, Treasurer, Deputy Clerk or Deputy Treasurer of any municipality, all or part of which is included in the jurisdiction of the board or authority unless he or she takes an unpaid leave of absence, beginning not later than the day the person is nominated and ending on Voting Day.

- A judge of any court.
- Except if they cease being a member as of 2:00 p.m. on Nomination Day:
  - A member of the Ontario Legislature
  - A member of the House of Commons
  - A member of the Senate
- A person who is serving a sentence of imprisonment in a penal or correctional institution, including a sentence being served in the evening or on weekends.
- A corporation.
- A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with Section 44 of the *Municipal Elections Act, 1996*.
- A person who was convicted of the corrupt practice described in Subsection 90(3) of the *Municipal Elections Act, 1996* if Voting Day in the current election is less than four years after Voting Day in the election in respect of which he or she was convicted.
- A candidate convicted of a corrupt practice as described in Subsection 91(1), if Voting Day in the current election is less than eight years after Voting Day in the election in respect of which he or she was convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information in accordance with the *Municipal Elections Act, 1996*.

**Note: It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated.**

# PART C

## NOMINATIONS

### 1. Who may be nominated?

Part B of this guide details the qualifications and disqualifications of a candidate.

### 2. How to be Nominated

- If you are contemplating running for Council of the Township of Terrace Bay or for one of the school boards, you may file your Nomination, on the prescribed form, to the Municipal Clerk any time during normal working hours (10:00 a.m. to 5:00 p.m.) starting on Monday, January 4, 2010, through to Nomination Day. On Nomination Day, September 10, 2010, Nominations may be filed between 10:00 a.m. and 2:00 p.m.

**Exception:** If the number of nominations filed for an office and certified under Section 35 of the Act, is less than the number of persons to be elected to the office, additional nominations may be filed between 10:00 a.m. and 4:00 p.m. on the Wednesday following Nomination Day (September 15, 2010).

- All Nominations shall be in the prescribed form, which is available at the Municipal Clerk's Office and on the Township's election web page, and be accompanied by the Nomination filing fee of \$200 for the Office of Mayor and \$100 for all other offices. The nomination filing fee shall be paid in cash, debit, certified cheque or money order made payable to the Township of Terrace Bay.
- A Nomination may only be filed in person or by an agent. **Facsimile transmissions (faxes), electronic or mailed-in Nominations will not be accepted.**
- Until you file your Nomination (and filing fee), your campaign organization cannot raise money or incur expenses. Also, you cannot spend any of your own money, or that of your spouse, on your campaign before you file your Nomination (and filing fee).
- Each person to be nominated for election to an office shall be nominated by a separate Nomination.

### 3. Withdrawal of Candidacy

If you decide that you want to withdraw from the election, you must notify the Municipal Clerk in writing by 2:00 p.m. on Nomination Day (September 10, 2010).

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

#### **4. Changes in Office**

If after filing a Nomination for an office, you decide to seek election for another office on the same municipal council or local board, you may file a second nomination for the new office. The first nomination is deemed to have been withdrawn at the time the second nomination is filed. Under such circumstances, the nomination filing fee is transferred to the new office. However, in accordance with Sections 68(3) and 78(1) of the Act, the two campaigns are separate campaigns; contributions and expenses cannot be transferred to the new office and two separate financial disclosures must be filed, one for each office.

#### **5. Refund of Nomination Filing Fee**

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

- a) withdraws the nomination under section 36;
- b) is elected to the office; or
- c) receives more than 2% of the votes cast in the election for the office.  
(Percentage may be subject to change by the Minister of Municipal Affairs.)

#### **6. Certification by Municipal Clerk**

Following the nomination period, the Municipal Clerk shall examine each nomination that has been filed in accordance with the Act. If satisfied that the candidate is qualified to be nominated, the Municipal Clerk shall certify the Nomination by signing the Nomination. If not satisfied, the Municipal Clerk shall reject the Nomination and, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. The Municipal Clerk's decision to certify or reject a Nomination is final.

# PART D

## CAMPAIGN INFORMATION

### 1. Duties of the Candidate

The candidate is responsible for the following duties:

- ensuring that a separate account at a financial institution is opened exclusively for campaign purposes in the name of the candidate's election campaign;
- depositing all contributions intact into the campaign account, including a contribution made by the candidate and his or her spouse;
- ensuring all campaign related expenditures are paid from the campaign account;
- valuing and recording contributions of goods or services;
- ensuring that receipts are issued for all contributions received and obtained for all expenses incurred;
- maintaining records of:
  - ✓ the receipts issued for every contribution;
  - ✓ the value of every contribution;
  - ✓ whether a contribution is in the form of money, goods or services;
  - ✓ the contributor's name and address;
  - ✓ all expenses, including the receipts obtained for each expense;
  - ✓ any claim for payment of an expense that the candidate disputes or refuses to pay;
  - ✓ the funds raised and expenses incurred from each separate fund-raising activity;
  - ✓ the monies received at fund-raising functions by donations of \$10 or less; and
  - ✓ any campaign account loan.
- giving proper direction to persons authorized to incur expenses and accept contributions;
- ensuring that any improper contributions are returned to the contributor or, if not possible to return the contribution, are paid to the Municipal Clerk;
- paying all anonymous contributions to the Municipal Clerk; and
- filing the required candidate's financial statement with the Municipal Clerk.

### 2. What is the Campaign period?

**Starts:** The campaign period runs from the time a candidate submits their Nomination.

**Ends:** a) December 31, 2010

or

b) If a candidate withdraws his/her nomination or the Municipal Clerk rejects the nomination, the campaign period ends on the day of the withdrawal or the day of the rejection, as the case may be.

**Extension:** If the candidate has a deficit at the time the campaign period would otherwise end (December 31, 2010), the period may continue provided the candidate notifies the Municipal Clerk on or before December 31, 2010 of his/her intention to extend the period.

**End of Extension:** The extension period ends the earliest of:

- i) June 30, 2011,
- ii) The day he/she is nominated in a subsequent election for an office on the same council or local board for which the deficit was incurred,
- iii) The day the candidate notifies the Municipal Clerk in writing that he/she will no longer accept further contributions, or
- iv) The day that further contributions = expenses incurred during the extension campaign period + the amount of deficit at start of extension campaign period.

### **3. Surpluses From Previous Elections**

Section 79(8) of the *Municipal Elections Act, 2010* states: "The amount becomes the property of the municipality or local board, as the case may be, when all of the following conditions are satisfied:

1. The campaign period has ended under rule 1, 2, 3 or 4 of subsection 68(1).
2. It is no longer possible to recommence the campaign period under rule 5 of subsection 68(1).
3. No recount or proceeding under section 81 (compliance audit) or section 83 (controverted elections) has been commenced.
4. The period for commencing a recount or a proceeding under section 81 or 83 has expired. 2009, c. 33, Sch. 21, s. 8(44), part."

### **4. Election Contributions and Expenses**

The *Municipal Elections Act, 1996* imposes limitations on the expenses for candidates in the municipal elections. As well, the Act requires the candidate to report the contributions received and expenses incurred during the campaign period.

- Campaign contributions can only be accepted during the campaign period; that is between the dates that the candidate submitted their Nomination and December 31, 2010.
- A contributor shall not make contributions exceeding a total \$750 to any one candidate.
- A cash contribution cannot exceed \$25.
- A candidate or their spouse may make any level of contribution to the candidate's campaign.

- A candidate must open a separate bank account for their campaign and ensure that receipts are issued for every contribution and obtained for every expense.

For detailed information respecting contributions and allowable expenses, in addition to referring to the Act, please refer to the "Candidate's Guide", prepared by the Ministry of Municipal Affairs and Housing.

## 5. Campaign Spending Limits

Regulation 383/02 provides for the following spending limits.

- A candidate running for Mayor can spend \$7,500 plus \$0.85 per elector entitled to vote for the office.
- A candidate running for Councillor or school board trustee can spend \$5,000 plus \$0.85 per elector entitled to vote for the office.

Within 10 days of Nomination Day, the Municipal Clerk shall issue a statement of maximum campaign expenses to each candidate. As a guide, listed below are the campaign expenses estimated based on the 2006 election.

Office	Electors	Calculations	Estimated Spending Limit
Mayor	1,532 *	7500 + (1,532 x .85)	\$8,802.20
Councillors	1,532 *	5000 + (1,532 x .85)	\$6,302.20

\* Estimates based on 2006 totals

## 6. Financial Reporting Requirements

All nominated candidates, including those not elected, those who withdrew their nomination, or those whose nomination was rejected by the Municipal Clerk, must disclose and report their contributions and expenses as of January 3, 2011 in accordance with the following:

### **Expenses equal to or under \$10,000**

Candidates whose campaign contributions and total expenses are **each** equal to or less than \$10,000 may file a Form 4.

### **Expenses over \$10,000**

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

Financial statements are a public document and may be inspected by any person.

## **7. Campaign Surpluses**

If the candidate's financial statement shows a surplus, the candidate must pay the surplus to the Clerk when the financial statement is filed.

Candidate campaign surpluses will become the property of the Township of Terrace Bay, but will be available to candidates for expenses relating to a recount, controverted election or a compliance audit. The candidate must submit a request, on the prescribed form, to have the surplus with interest released to them.

If a candidate has a deficit in their campaign, they may extend the campaign period beyond December 31, 2010 to obtain additional contributions to eliminate the deficit. The campaign may be extended until the earliest of:

- September 30, 2011;
- The day he/she is nominated in a subsequent election for an office on the same council or local board for which the deficit was incurred,
- The date the candidate notifies the Municipal Clerk in writing that he/she will no longer accept further contributions, or
- The day that further contributions = expenses incurred during the extension campaign period + the amount of deficit at start of extension campaign period deficit is eliminated

## **8. Enforcement & Penalties**

There are penalty provisions in the *Municipal Elections Act, 1996* that are applicable to candidates who fail to meet the disclosure and reporting requirements of the *Act*.

If a candidate fails to pay over a surplus to the Clerk or exceeds their election spending limit, they forfeit any office they have been elected to and are ineligible to run for or to be appointed to any office in Ontario until after the 2014 election.

Candidates may make an application to the Ontario Court of Justice **prior** to the filing deadline to extend the time for filing the financial statement. If the court is satisfied that the circumstances justify a later date for filing, an extension may be granted.

The document from the court must be submitted to the Clerk on or before 2:00 p.m. on the filing due date. If a candidate fails to file the financial statement by the extended deadline, penalties apply.

A corporation or trade union that contravenes the campaign financing provisions of the *Municipal Elections Act, 1996*, is liable to fines up to \$50,000.

An individual, including the candidate, who contravenes the provisions of the *Municipal Elections Act, 1996*, is liable to fines up to \$25,000.

## **9. Compliance audit**

Any eligible elector in the Township of Terrace Bay that believes a candidate may have contravened the *Act* relating to campaign finances, may request a compliance audit.

The request can be made any time within 90 days after the financial filing date.

### **Financial Filing Due Date**

March 25, 2011  
September 30, 2011

### **Compliance Audit Period Ends**

June 23, 2011  
December 29, 2011

If a candidate receives a court ordered extension to the filing deadline, then the compliance audit period is 90 days after the day the extension expires.

# **PART E**

## **GENERAL INFORMATION**

### **1. Duties and Responsibilities**

#### **Council**

Municipal Council is comprised of a Mayor, and four Councillors.

Members of Council are responsible for the management and administration of the Municipality's resources. As well as attending bi-monthly Council meetings, members also share in attendance at many board and committee meetings.

**Council Meetings** are held the second and fourth Monday of each month at 6:30 p.m., except July and August. Meeting dates that fall on a holiday may be reschedule.

**Closed Sessions** are usually held immediately following the Regular Council Meeting. 24 hours notice is required for all Closed Sessions.

**Special meetings** may be called as needed, with 24 hours notice being provided.

**Other Boards and Committees** – Some Members of Council are appointed to sit on various Boards and Committees and therefore may require at least one more meeting a month to attend same.

#### **School Board Members**

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

### **2. Remuneration**

#### **Council**

According to By-law 17-2007, Council remuneration is as follows (based on January 1, 2009 rates):

Mayor - \$10,260.00  
Councillor - \$ 8,303.00

## **School Boards**

Section 191 of the *Education Act*, states that a district school board may pay to each member of the board an honorarium in an amount determined by the board to be payable to its members. Contact the appropriate board directly for honorarium amounts.

### **3. Scrutineers (Candidates' Agents)**

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

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

Only one Scrutineer may be in the voting place for each candidate for each ballot box and if the candidate enters the voting place the number of Scrutineers that may be present is reduced by one.

#### **Candidates and Scrutineers Have the Following Rights:**

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

#### **Scrutineers and Candidates are Prohibited from the Following:**

- prohibited from attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate,
- displaying a candidate's election campaign material in a voting place,
- compromise the secrecy of the voting,
- interfere or attempt to interfere with an elector who is marking a ballot,
- obtain or attempt to obtain, in a voting place, any information about how an elector intends to vote or has voted,
- communicate any information obtained at a voting place about how an elector intends to vote or has voted.

#### **4. Enumeration**

The 2010 Preliminary List of Electors for the Township of Terrace Bay is prepared by the Municipal Property Assessment Corporation (MPAC) and contains the name, address and school support of each person who meets the qualifications of an elector. In 2010 the enumeration process, conducted by MPAC is anticipated to commence in April. The Voters' List will be available to candidates no later than September 10, 2010.

#### **5. Revisions to Voters' List**

Applications for amendments to the Voters' List will be accepted by the Municipal Clerk's Department, during regular business hours (Monday through Friday, 10:00 a.m. to 5:00), commencing September 10, 2010 and ending on Voting Day, October 25, 2010. On Voting Day, applications will be received between 10:00 a.m. and 8:00 p.m.