



Ministry of Municipal Affairs and Housing
Ministère des Affaires municipales et du Logement

**2010 Municipal Election
Candidate Information Session
Perth East Recreation Complex
June 24, 2010**

**Ministry of Municipal Affairs and Housing
Municipal Services Office - Western**

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only. They are a simplified summary of some of the changes to the *Municipal Elections Act, 1996*.
- The slides should not be relied on for legal or official purposes. For authoritative text, recourse may be had to the official volumes (which include, but are not limited to, the *Municipal Elections Act, 1996*, the *Municipal Act, 2001* and the applicable regulations). As local facts and circumstances are variable, users may wish to consider obtaining their own legal advice when particular legal issues or decisions arise.

Why Run For Office?



Role of Member of Council

- Represent the public and to consider the well-being and interests of the municipality
- Develop and evaluate the policies and programs of the municipality
- Determine which services the municipality provides
- Maintain the financial integrity of the municipality
- Carry out the duties of council under this or any other Act

Role of Member of Council

- Ensure that administrative policies practices and procedures and controllership policies practices and procedures are in place to implement the decisions of council
- Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality

Role of Head of Council

- Act as the chief executive officer
- Preside over council meetings “so that its business can be carried out efficiently and effectively”
- Provide leadership to the council
- Provide information/recommendations to council on policies, practices, procedures, to ensure transparency and accountability
- Represent the municipality at official functions
- Carry out duties of head of council under this or any other Act

Role of Head of Council

- As the Chief Executive Officer of the municipality, the head of council shall:
 - Uphold and promote purposes of the municipality
 - Promote public involvement
 - Act as representative and promote municipality locally and elsewhere
 - Participate in and foster activities that enhance the economic, social and environmental well being of the municipality and residents
- CEO only in the context of the legislation that created the position

Role of Council

- Conduct meetings, together
- Pass bylaws, together
- Develop policies, together, including:
 - transparency
 - notice
 - delegation
 - hiring

Role of Staff

- Implement council's decisions and establish administrative practices and procedures to carry out council's decisions
- Undertake research and provide advice to council on the policies and programs of the municipality
- Carry out duties required under Acts and as council determines

Council and Administration Roles Comparison

■ Council:

- Governing
- Policy determination
- Decisions
- Financial
- Evaluation

CHOOSING

■ Administration

- Research
- Advice
- Implement
- Administrative practices

DELIVERING

Leadership

Role of Trustee

Role of School Board Trustee

- Is a member of a team (the board)
- The community's advocate for public education
- Responsible for establishing policy direction
- To participate in making decisions that benefit the whole board while representing the interests of constituents

Changes to the *Municipal Elections Act, 1996*

Good Government Act, 2009

Nomination Process

- Nominations Began **January 4, 2010**
- Nomination Day is **September 10, 2010**
(between 9 am and 2 pm)
- Filing Fee is \$200 for head of council
\$100 all other offices
- Clerk must provide candidates with estimate of
maximum campaign expenses

Withdrawal of Nomination

- Must be filed with clerk's office **in writing before 2:00 pm on Nomination Day**
(Friday, Sept. 10, 2010)
- Recommend that the candidate personally attend clerk's office to withdraw candidacy

Key Dates

Voting Day:	Monday, October 25, 2010
Campaign Period:	From when nominated to December 31, 2010
Request to Extend Campaign Deadline:	December 31, 2010
Finance Filing:	March 25, 2011 2:00 pm

Eligible to Run for Municipal Office

- A resident, non-resident owner or tenant or spouse
- A Canadian citizen
- At least 18 years of age
- Not legally prohibited from voting
- Not disqualified by any legislation from holding municipal office
- Must remain qualified throughout election and if elected, throughout four year term of office

Not Eligible for Municipal Office

- Any person not eligible to vote in the municipality
- An employee of the municipality (unless leave of absence taken before nomination and resigns if elected)
- A Judge of any court
- A member of the Ontario Legislature, Senator or Member of House of Commons
- Non Canadian citizen
- An inmate of a penal or correctional institute under sentence of imprisonment

Eligible to Run for School Board

- Must be an elector
- Must be eligible to vote for school board (i.e. religious/language support)
- Must be resident in board's area of jurisdiction
- An employee of a school board may be nominated, but must take an unpaid leave of absence on or before nomination day and resign their employment in order to hold office on any school board if elected

Candidate Duties

- Accurate record keeping is a legislated requirement
- Campaign bank account opened for purposes of election campaign
- All contributions of money deposited
- All payments for expenses except nomination filing fee made from campaign account
- Contribution of goods or services are valued
- Receipts are issued for every contribution and obtained for every expense

Candidate Duties

Candidates must keep records of:

- The receipts issued for every contribution
- The value of every contribution
- Whether contribution is in form of money, goods or services
- The contributor's name and address
- Every expense including the receipts obtained for each expense

See *Municipal Elections Act, 1996* for complete list

Voters' List

- One copy per municipal candidate or trustee candidate (request must be made to the clerk in writing)
- Clerk able to revise the voters' list upon application

Alternative Voting Methods

By June 1, 2010

- Councils must pass by-laws authorizing vote counting equipment and alternative voting methods (mail, telephone, internet)
- Clerks must establish procedures and forms and provide to candidates

Scrutineers

- No age restriction
- Written proof of authorization
- Oath of secrecy (optional)
- During regular election process - only one candidate or scrutineer per ballot box
- No “campaigning” within the voting place

Election Finances

Campaign spending limits: O. Reg. 101/97

Head of council - \$7500 + 85 cents per elector

All other offices - \$5000 + 85 cents per elector

EXAMPLE 1: If there are 2800 electors, candidates for mayor could spend \$7500 + (2800 x .85 = \$2380)

$$\underline{\$7500 + \$2380 = \$9880}$$

EXAMPLE 2: If there are 2800 electors, candidates for all other offices could spend \$5000 + (2800 x .85 = \$2380)

$$\underline{\$5000 + 2380 = \$7380}$$

What is a Campaign Expense?

- Any expense incurred for goods and services in relation to an election
- Includes the replacement value of any goods held in inventory from a previous election
- Includes equivalent value of any contribution of goods and services for use in whole or in part
- Nomination filing fee is an expense

Campaign Expenses Exempt from Spending Limit

- Holding a fundraising function
- Parties and other expressions of appreciation after close of voting
- Relating to a court action for a controverted election
- Relating to a recount
- Relating to a compliance audit
- Expenses incurred by a candidate with a disability that are directly related to the disability
- Audit and accounting fees

Borrowing

- Loan guarantee only by candidate or spouse
- Loan - only from bank or other recognized lending institution in Ontario

Campaign Contributions

- Money, goods, or services = contribution
- \$750 limit
- Cash up to \$25
- Over \$25 = cheque, money order
- Ticket price of fundraiser = contribution
- Receipts with name, address, amount, type
- No anonymous contributions except for pass the hat collections (limited to \$10)

Campaign Contributions

WHO MAY CONTRIBUTE?

- Individuals living in Ontario
- Corporations that carry on business in Ontario
- Unions that hold bargaining rights for employees in Ontario
- Candidate and his/her spouse

WHO MAY **NOT** CONTRIBUTE?

- Federal political party, constituency association or a registered candidate in a federal election
- Provincial political party, constituency association or a registered candidate or leadership contestant
- A federal or provincial government
- A municipality
- A school board

Campaign Period - Closing

Campaigns automatically close December 31, 2010 unless:

- campaign has deficit and candidate notifies clerk in writing before December 31, 2010 of intention to extend their campaign

Financial Reporting Requirements

- Forms are prescribed by MMAH to file financial contributions & expenses
- Financial statements are required to be audited if expenses or contributions exceed \$10,000
- All contributors of more than \$100 must be reported on financial statement
- Financial statements must be filed on or before 2 pm Friday, March 25, 2011.

Compliance Audits

- Councils must appoint a compliance audit committee by October 1, 2010
- Not fewer than 3 and not more than 7 members
- Shall not include employees or officers of municipality or local board, members of council or local board, any persons who are candidates
- Term of office same as council – 4 years

Resources

MMAH – 2010 Municipal Elections Guide

www.mah.gov.on.ca

E-Laws Website

www.e-laws.gov.on.ca

Municipal World Magazine

www.municipalworld.com

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