

**TOWNSHIP OF CENTRAL FRONTENAC
2010 MUNICIPAL ELECTIONS**



INFORMATION FOR CANDIDATES

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PART A

IMPORTANT DATES

DATES	INFORMATION
January 4, 2010	Nominations may be filed
Date candidate files nomination	Candidate may incur expenses & accept donations
August 2, 2010	Anticipated release date of the preliminary list of electors prepared by MPAC
September 7 to October 25, 2010	Revision period for Voters' List
Between January 4 and September 9, 2010	Nominations accepted from 8:30a.m. – 4:30p.m.
On September 10, 2010 -Nomination Day	Nominations and withdrawal of nominations will be accepted from 8:30a.m. to 2:00p.m.
All Candidates Meeting	To be scheduled
September 13, 2010	Nominations certified/rejected by Returning Officer by 4:00p.m. Acclamation after 4:00p.m. List of Candidates to be posted.
September 15, 2010	If the number of nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00a.m. and 2:00p.m.
September 20, 2010	Returning Officer will supply number of eligible voters and Certificate of Maximum Campaign Spending Limits to candidate.
September 27 to 30	Voter's Kits to be mailed to electors on voters list.
October 25, 2010	Election Day: votes may be received until 8:00p.m.
October 26, 2010	Clerk to declare official election results
December 1, 2010 to November 30, 2014	Term of Office
December 31, 2010	Campaign period ends (unless extended)
December 31, 2010	Candidate must notify Returning Officer if intending to extend campaign because of a campaign deficit.
March 25, 2011	File financial reports with Returning Officer before 2:00p.m.
June 30, 2011	End of supplementary reporting period where a candidate has requested a campaign period extension.
September 28, 2011	Deadline for filing statements for the supplementary reporting period where a candidate's campaign period was extended.

PART B

INTRODUCTION

Elected Offices

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

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.

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

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

- a) **MAYOR\REEVE**
One (1) is elected by all electors of the municipality.
- b) **COUNCILLORS**
Eight (8) to be elected by wards
(Two each for Kennebec, Olden, Oso, and Hinchinbrooke Wards.)
- c) **DISTRICT SCHOOL BOARD (English)**
One (1) to be elected by public school electors of the municipality.
- d) **DISTRICT SEPARATE SCHOOL BOARD**
One (1) to be elected by separate school electors of the municipality.
- e) **FRENCH LANGUAGE DISTRICT SEPARATE SCHOOL BOARD**
One (1) to be elected by French language separate school electors.
- f) **FRENCH LANGUAGE DISTRICT SCHOOL BOARD**
One (1) to be elected by French language electors within the municipality.

Member of Council

Section 256 and 257 of the Municipal Act, 2001 – “Eligibility”

256. Every person is qualified to be elected or to hold office as a member of a Council of a local municipality,
- (a) who is entitled to be an elector in the local municipality under section 17 of the Municipal Elections Act, 1996; and
 - (b) who is not disqualified by this or any other Act from holding such office.
257. Every person is qualified to be elected or to hold office as a member of a Council of an upper-tier municipality,
- (a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the Municipal Elections Act, 1996; and
 - (b) who is not disqualified by this or any other Act from holding the office.

Elector Qualifications (Council)

Section 17 of the Municipal Elections Act, 1996 "Qualifications of Electors"

- 17(2) A person is entitled to be an elector at an election held in a local municipality if on voting date, he or she
- (a) resides in the local municipality, or is the owner or tenant of land there, or is the spouse or same-sex partner of such owner or tenant;
 - (b) is a Canadian citizen,
 - (c) is at least 18 years old, and
 - (d) is not prohibited from voting under subsection (3) or otherwise by law.

Role of Council

Section 224, of the Municipal Act.

It is the role of Council

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under this or any other Act

Disqualification of a Member of Council

Section 258 (1) Municipal Act

The following are not eligible to be elected a member of a Council or to hold office as a member of a Council:

1. Except in accordance with Section (30) of the *Municipal Elections Act, 1996*, an employee of the municipality or a person who is not an employee of the municipality but who is the Clerk or Treasurer of the municipality or who holds any administrative position of the municipality
2. A judge of any court
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada
4. Except in accordance with Part III of the *Public Service Act*, a crown employee as defined in that Act.

258(2) A member of Council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she

- (a) ceases to be a Canadian citizen
- (b) is not a resident in the municipality, the owner or tenant of land in the municipality or the spouse or same-sex partner of an owner or tenant in the municipality; in the case of a member of Council of a local municipality or in a lower-tier municipality within the upper-tier municipality, in the case of a member of Council of an upper-tier municipality; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of a member of Council of the municipality if an election was held at that time.

School Board Members: Qualifications, Resignations And Vacancies

Qualifications

Section 219 of the *Education Act*

- (1) A person is qualified to be elected as a member of a district school Board or school Authority if the person is qualified to vote for members of that district school Board or that school Authority and is resident in its area of jurisdiction.
- (2) A person who is qualified under subsection (1) to be elected as a member of a district school Board or school Authority is qualified to be elected as a member of that district school Board or school Authority for any geographic area in the district school Board's or school Authority's area of jurisdiction, regardless of which positions on that district school Board or school Authority the person may be qualified to vote for.
- (3) A member of a district school Board or school Authority is eligible for re-election if otherwise qualified.

- (4) Despite Subsection (1), a person is not qualified to be elected or to act as a member of a district school Board or school Authority if the person is
 - (a) an employee of a district school Board or school Authority.
 - (b) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school Board or the school Authority.
 - (c) a member of the Assembly or of the Senate or House of Commons of Canada; or
(See “**Part C – Nomination Procedure**” for legislation for filing of nominations.)
 - (d) otherwise ineligible or disqualified under this or any other Act.

- (5) Despite Subsection (4) a person who is
 - (a) an employee of a district school Board or school Authority
 - (b) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school Board or the school Authorityis not ineligible to be a candidate for or to be elected as a member of a district school Board or school Authority if he or she takes an unpaid leave of absence, beginning no later than Nomination Day and ending on Voting Day, in which case subsections 30(2) to (7) of the *Municipal Elections Act, 1996* apply with necessary modifications.

- (6) A person is not qualified to act as a member of a district school Board or school Authority if the person ceases to hold the qualifications required to be elected as a member of the district school Board or the school Authority.

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

- (8) The seat of a member of a district school Board or school Authority who is not qualified or entitled to act as a member of that school Board or that school Authority is vacated.

PART C

NOMINATION AS A CANDIDATE

Qualified at Time of Nomination

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

- (a) he or she is qualified to hold that office under the Act that creates it; and
- (b) he or she is not ineligible under the *Municipal Elections Act, 1996* or otherwise prohibited by law to be nominated for or to hold the office.

Notwithstanding the above provision, some persons otherwise disqualified at the time of filing the nomination are entitled to file in accordance with Sections 29(1.1) and (1.2) and 30(1) of the *Municipal Elections Act, 1996*:

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

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

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

In addition to these provisions in the *Municipal Elections Act, 1996*, the *Education Act* has been amended to provide for parallel changes for a candidate for a district school Board or a school Authority. (See Section 219(5) of the *Education Act*.)

Nomination Procedure

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as early as January 2, 2010 (or the first day after that the Clerks' office is open), with respect to the 2010 election. Nomination forms are attached to this guide as an appendix.

Section 33 of the *Municipal Elections Act, 1996*

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

- (2) The nomination shall
 - (a) be in the prescribed form;
 - (b) be accompanied by a declaration of qualification in the prescribed form, signed by the person being nominated;
 - (c) be accompanied by the prescribed nomination filing fee (\$200.00 for Head of Council position; \$100.00 for all other offices).
- (3) If the person was previously nominated for an office on the same Council or local Board in the same election and paid the nomination filing fee at that time,
 - (a) clause (2) (c) does not apply; and
 - (b) for the purposes of Section 34 (refund) and paragraph 9 of Subsection 67 (2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one.

Time for Filing

- (4) The nomination may be filed on any day in the year of the regular election that is before Nomination Day, at a time when the Clerk's office is open; or on Nomination Day between 9:00a.m. and 2:00p.m.



Exception for Additional Nominations

- (5) If the number of nominations filed for an office and certified under Section 35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00a.m. and 2:00p.m. on the Wednesday (September 15, 2010) following Nomination Day.

Refund of Deposit

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

- (a) withdraws the nomination under Section 36;
- (b) is elected to the office; or
- (c) receives more than the prescribed percentage of the votes cast in the election for the office.

Certification of Nomination by Clerk

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

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

PART D

CAMPAIGN INFORMATION

Election Contributions and Expense

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

Campaign Contributions

What is a campaign contribution?

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

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

The following amounts are not considered contributions:

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

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

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

When may a candidate conduct fund-raising and incur campaign expenses?

The candidate may incur campaign expenses and may accept donations on the day he or she files a nomination. This is the start of the campaign period. The campaign period ends:

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

What are the responsibilities of the candidate with respect to campaign finances?

It is the responsibility of the candidate to ensure that:

1. One or more campaign accounts are opened at a financial institution exclusively for the purposes of the election and in the name of the candidate's election campaign,
2. All contributions of money are deposited into the campaign accounts,
3. All payments for expenses are made from the campaign accounts (except for filing fee),
4. All contributions are valued,
5. Receipts are issued for every contribution and obtained for every expense,
6. Financial filings are made as required by the *Municipal Elections Act 1996*,
7. Proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions of behalf on the candidate,
8. Any contribution of money in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention. That any such contribution not returned is paid to the Clerk,

9. Any anonymous contribution is paid to the Clerk,
10. Records are kept of the following:
 - receipts issued for contributions, the value of every contribution, whether a contribution was in the form of money, goods or services, and the contributors name and address;
 - every expense including the receipts obtained for each expense;
 - any claim for payment of expenses that the candidate disputes or refuses to pay;
 - the gross income from a fund-raising function and gross amount of money received at a fund-raising function by donations of \$10 or less;
 - any loan and its terms,
11. The records described in clause 10 are retained for the term of office of the members of the Council or local Board and until their successors are elected and the newly elected Council or local Board is organized.

Who can make contributions?

Contributions can only be made to candidates who are nominated and it is illegal to make a contribution to a candidate who is not nominated.

The following may make contributions:

- an individual who is normally resident in Ontario;
- a corporation that carries on business in Ontario;
- a trade union that holds bargaining rights for employees in Ontario;
- the candidate and his or her spouse, or same sex partner.

Who cannot make contributions?

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

What limits are there on contributions?

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

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

What restrictions are there on fund-raising events?

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

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

Can I borrow money for my campaign?

The candidate or their spouse, or same sex partner, may borrow money for their campaign from any bank or other recognized lending institution in Ontario. The money must be paid in to the candidate's campaign account. No person other than the candidate, or his or her spouse or same sex partner, may guarantee the loan.

Campaign Expenses

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

1. the replacement value of goods retained by the person from any previous election and used in the current election,
2. the value of contributions of goods and services,
3. interest on loans,
4. the nomination filing fee,
5. audit and accounting fees,
6. expenses incurred by a candidate with a disability that are directly related to the disability and would not have been incurred if not for the election,
7. the cost of holding fund-raising functions,
8. the cost of holding parties and making other expressions of appreciation after the close of voting,
9. expenses relating to a court action for a controverted election,
10. expenses relating to a recount in respect of an election, and
11. expenses relating to a compliance audit.

All expenses count toward the candidate's spending limit, except items 5, 6, 7, 8, 9, 10, 11 above. Campaign expenses may only be incurred after a candidate is nominated and only incurred by the candidate or an individual acting on behalf of the candidate. It is the responsibility of the candidate to ensure that copies of receipts are kept for all expenses.

What Limits Are There on Campaign Spending?

The *Municipal Elections Act, 1996*, provides that the Minister has prescribed the campaign spending limits in O. Regulation. 383/02 and O. Regulation 449/09. The consolidated version of the regulation is as follows:

The following formulas are prescribed for the purpose of subsection 76(4) of the Act (maximum amount of expenses):

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

The Clerk will provide each candidate with an estimated spending limit upon filing of nomination papers. The estimate will be calculated based on the number of electors on the voters' list as of nomination day in previous election.

Within ten days after the close of nominations (September 20, 2010), the clerk must provide each candidate with a final spending limit. The final campaign spending limit will be calculated based on the number of electors on the voters' list as nomination day for the current election.

The higher of the final limit or the estimate becomes the candidate's official spending limit.

Financial Reporting

On or before 2 p.m. on the last Friday in March following the election, (March 25, 2011) each candidate shall file the necessary financial reports with the Clerk.

Expenses of \$10,000 and Under

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

Expenses Over \$10,000

If the candidate's expenses or contributions were over \$10,000 they are required to have their final statement audited and submit the auditor's report to the clerk along with their financial statement, on the prescribed forms. The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004.

Campaign Surpluses

Any surplus in a candidate's campaign must be paid to the Clerk. The Clerk will hold that amount in trust for the candidate and will return it, with interest, to the candidate if the candidate incurs expenses related to a recount, an application for a controverted election, or a compliance audit. If the surplus is not needed for these expenses, the surplus becomes the property of the municipality or school board.

Campaign Deficits and Extending Campaign Periods

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

The campaign may be extended until the earliest of:

- the deficit is eliminated, or
- the day the candidate is nominated in a subsequent election for an office on the same Council or local Board (if such nomination is before June 30, 2011), or
- the day the candidate notifies the Clerk that no further donations will be accepted, or – June 30, 2011.

If a candidate extends the campaign period, supplementary reporting period financial statements (and auditor's reports) will be required. The supplementary reporting period will end on June 30, 2011. There are no further extensions of any campaign period beyond June 30, 2011. The financial statements and auditor's reports must be filed by 2 p.m. on September 30, 2011

If, after June 30, 2011, the candidate incurs expenses relating to a recount, an application for a controverted election or a compliance audit, the Clerk shall refund, with interest, any surplus being held in trust for the candidate. The candidate may use this surplus to only pay for the expenses relating to a recount, an application for a controverted election or a compliance audit and cannot accept any contributions. The candidate must file the prescribed financial statement for every 90-day reporting period following the release of the surplus until the surplus is exhausted or the recount, controverted election or compliance audit is completed. The financial statement is due 10 days following the end of the 90-day reporting period.

Penalties for Non Compliance

If a candidate fails to:

- a) file the required documents,
- b) pay a surplus to the Clerk, or
- c) file documents showing on its face that the candidate exceeded the spending limits (in addition to any other penalty imposed under the *Municipal Elections Act 1996*), a candidate is subject to the following penalties:

In the case of the defaults described in clauses (b) and (c),

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

Notice of Default

The Clerk is required to notify the candidate and the Council of local board in writing that the default has occurred.

Application to extend the time to file Required Documents

A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice **prior to** March 25, 2011. If the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension for more than 90 days.

A candidate who has applied for an extension to the filing deadline must inform the clerk that they have done so prior to 2 p.m. on Friday, March 25, 2011

Effect of Extension

If an extension for filing a document is granted:

the penalties set out above apply only if the candidate has not filed the document before the end of the extension.

When Penalties in Effect

If a candidate fails to file a required financial statement or auditor's report (or any other document required under Section 78 or 79.1 of the *Municipal Elections Act, 1996*), fails to pay over a surplus or exceeds the spending limit for the office, the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant. The penalties will take effect on the deadline for the filing of the documents. If the candidate applies to the Ontario Court of Justice for an extension of the time to file the financial statement and fails to file the documents by the date established by the Court, the penalties will take effect at the end of the period of extension.

Compliance Audits

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

An elector entitled to vote in an election may apply to the Clerk of the municipality or the secretary of a local board for a compliance audit of the campaign of any candidate within ninety [90] days of the filing date of the financial reports of the candidate. Within 10 days after receiving the application, the Clerk of the municipality or the Secretary of a local Board shall forward the application of the Compliance Audit Committee of the Council or the local Board and provide a copy of the application to the Council or local board. The committee must consider the application and decide whether to grant or reject the application within thirty [30] days.

Scrutineers (Candidates' Agents)

Each candidate may appoint scrutineers to represent him/her during the counting of votes including a recount. (Note: the use of "Vote by Mail" eliminates the designation of specific voting places).

Scrutineers must be appointed in writing and upon request shall show proof of his or her appointment to an election official. Appropriate forms are available from the Clerk of the municipality.

Only one scrutineer per candidate may be in each of the vote counting stations designated in the municipal administration building Sharbot Lake. Only a candidate or his/her appointed scrutineer may be in attendance at a counting or recounting station at one time.

Candidates and Scrutineer Rights: (see Section 47 Municipal Election Act)

Summary:

- examine each ballot as votes are counted, but not to touch the ballots
- object to acceptance of a ballot or counting of votes on a ballot
- sign the statement of results as prepared by the Deputy Returning Officer (DFO)
- place a seal on the ballot box after counting the votes when the DFO seals the box
- may be present at each recount station.

Scrutineers and Candidates are prohibited from compromising the secrecy of voting and shall not communicate any information about how an elector has voted.

Election Signs

The following sign guideline shall apply for the 2010 municipal election.

- No signs are allowed on municipal property (including municipal landfill sites and transfer station) or on municipal road allowances that front municipal buildings, cemeteries and churches. Signs may be placed on all other municipal road allowances.
- No signs are to be placed on road signs, street signs, speed limit signs, hydro poles, etc.
- Canada Post has advised that signs are not allowed on Community Mail Boxes and Postal Kiosks. (These signs will be removed and disposed of by Canada Post personnel).
- All signs are to be removed by Friday, November 5, 2010.
- Permission for a sign to be allowed on private property is at the discretion of the owner.

Access to Rented Premises by Candidate or Appointed Representative

Section 22 of the *Tenant Protection Act* provides that:

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

Access to Condominiums by Candidate or Appointed Representative

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

"No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their Authorized Representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school Board for the purpose of canvassing or distributing election material."

Access to Co-operative Housing Units

Section 171.24 of the Co-operative Corporations Act provides as follows:

"No non-profit housing co-operative or servant or agent of such a co-operative shall restrict reasonable access to the housing units of the co-operative by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material."

PART E

GENERAL INFORMATION

Definition of Residence

In determining the eligibility of electors one must examine the meaning of residence. Provisions exist to allow for the homeless to be included on the voters' list and vote.

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

- (1) For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return.
- (2) The following rules apply in determining a person's residence:
 1. A person may only have one residence at a time.
 2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
 3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence."

Exception, students

- (2.1) Despite paragraph 1 of subsection (2), a person may have residences in two local municipalities at the same time if,
 - (a) the person lives in one of the local municipalities in order to attend an educational institution, but not with the intention of changing his or her permanent lodging place; and
 - (b) the person's permanent lodging place is in the other local municipality."

Section 2(3) of the *Municipal Elections Act, 1996* reads as follows:

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

1. The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is his or her residence.
2. If the person returns with equal frequency to one place to sleep and to another to eat, the place to which he or she returns to sleep is his or her residence.
3. Multiple returns to the same place during a single day, whether to eat or to sleep, shall be considered one return.
4. A person's affidavit regarding the places to which he or she returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary.

Enumeration

The Preliminary List of Electors for the Township of Central Frontenac is prepared by the Municipal Property Assessment Corporation (MPAC) and contains the names and addresses and school support of each person who is listed in the Corporation's data and who meets the qualifications of an elector. This list is delivered to every municipality in Ontario on or before a date to be agreed upon prior to September 1st of an election year.

Revision of Preliminary List of Electors

The Clerk of the municipality will print the Voters' List by September 1, 2010. Applications for amendments to the Voters' List will be accepted by the Clerk commencing on September 7, 2010 and ending at 8:00 p.m. on Voting Day (October 25, 2010).

Copies of the Voters' List may be viewed at the Township of Central Frontenac Municipal Office

Vote by Mail

Vote by Mail is the alternative voting method being used by the Corporation of the Township of Central Frontenac for the 2010 municipal election. (This is the same method used for the previous two municipal elections.)

"Voter Kits" will be mailed to each elector listed on the final voter's list. Voter Kits will be mailed between the dates of September 27-30, 2010. Each kit will consist of three (3) envelopes; an outer envelope, a return envelope and a secrecy envelope. The outer envelope will also include a Voter's Instruction Sheet and a ballot. The ballot will be specific to the ward of the elector.

The use of Vote by Mail eliminates the need for advance polls, designated voting places and the use of voting proxies.

Additional kits for each ward will be ordered and held at the municipal office to address electors being added to the voters list (after the voter's list has been forwarded to Canada Post for mailing) or where the Voter's Kit did not arrive by mail.

Election Day

Election Day is Monday, October 25, 2010. Ballots received (in sealed secrecy envelopes) will be opened and counted after the voting period ends at 8:00 p.m. Counting of the ballots will be done at the municipal office in Sharbot Lake by election officials. Only the candidate or his/her appointed scrutineer(s) will be permitted to view the opening of ballots and the counting of votes.

Unofficial results of the count will be provided by the Clerk as each ward is counted. A final declaration of the results will be made after verifying the statement of results received from the Deputy Returning Officers (the earliest date for official results is Tuesday October 26, 2010).

Form of Ballots

The municipality uses a fully composite ballot. Each elector receives one ballot, which contains all ballots for every office for which they are entitled to vote. There will be of course different ballots for public school electors, separate school electors and for French language separate school electors and non-resident owners or tenants of industrial or commercial property (who are not entitled to vote for school board trustees) so that no elector will receive a ballot for offices for which they are not entitled to vote.

Electors Absence from Work

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

Persons Prohibited from Voting

The following persons are prohibited from voting:

- (a) A person who is serving a sentence of imprisonment in a penal or correctional institution,
- (b) A corporation.
- (c) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.(note: Vote by Mail eliminate s voting proxies).
- (d) A person who was convicted of the corrupt practice described in subsection 90(3), 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.

Roll of Head of Council

It is the role of Head of Council

- (a) to act as chief executive officer of the municipality;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the Council;
- (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of Council under this or any other Act.

Municipal Administration

It is the role of the officers and employees of the municipality

- (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by ²⁰ the municipality

Chief Administrative Officer

A municipality may appoint a chief administrative officer who shall be responsible for

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality.

Clerk

A municipality shall appoint a clerk whose duty it is

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality

Office of the Returning Officer

Election Officials, the Municipal Election Act, 1996

Clerk

11(2) Responsibility for conducting an election includes responsibility for,

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election; and
- (c) maintaining peace and order in connection with the election.

Clerk-powers

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.

Clerk-to give notice - how - when

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.