

The Corporation of the Township of Kerns

KERNS TWP.



**A Community
Pulling Together**

Est. 1904

2018 Municipal Election Information for Candidates



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Introduction

The guide has been prepared for the purpose of supplying information to persons intending to stand for elected office. The guide is available electronically on the Township of Kerns' website.

This guide is only intended to provide candidates with information on running for office. Candidates are responsible for ensuring they are familiar with the requirements of the *Municipal Elections Act* and should consult the act for complete information and legislative requirements. A copy of the *Municipal Elections Act, 1996* is available for candidates at the municipal office and is also available online at www.e-laws.gov.on.ca.

Candidates must comply with all the requirements relating to election campaign financing. The Ministry of Municipal Affairs produces a guide for candidates that outlines the financial reporting requirements under the *Municipal Elections Act*. This guide is available online from the Ministry website, the Township of Kerns' website and in hardcopy from the municipal office.

It is the responsibility of prospective candidates to ensure 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. In all cases of filing times (i.e.: 2:00 pm), the tie displayed by the Clerk's electronic clock shall prevail.

KEY CONTACTS

Michel Lachapelle

Clerk/Treasurer

HarlyTWP@parolink.net

T (705)-647-5439

F (705)-647-6373

Important Dates

The following are legislative dates as set out in the *Municipal Elections Act, 1996*.

2018

Tuesday, May 1

- First day for candidates to file a nomination paper for the office of mayor, councillor or school board trustee.
- First day for an individual or entity to file a notice of registration as a third-party advertiser.
- Campaign period begins once a nomination paper or notice of registration is filed.
- Preliminary expense limit and other legislative documentation provided to candidates and third-party advertisers on the day they file.

Friday, July 27

- Nominations Day – last day to file nomination papers.
- 9:00 am to 2:00 pm – nominations or withdrawal cannot be accepted beyond 2:00 pm.

Monday, July 30

- Certification of nomination papers to be completed by 4:00 pm.
- Declaration of acclamation provided after 4:00 pm.

Tuesday, September 4

- Voters' List available to certified candidates.

Tuesday, September 25

- Final expense limits provided to candidates and third-party advertiser.

Friday, October 19

- Last day for an individual or entity to file a notice of registration as a third-party advertiser.

Monday, October 22

- Voting Day, 10:00 am to 8:00 pm.

Monday, December 3

- Term of Office commences.

Monday, December 31

- Campaign period ends for candidates and registered third parties.
- Last day for candidate or registered third parties to file an Extension of Campaign Period (Form 6).

2019

Wednesday, February 27

- Last day for Clerk to provide notice of financial filing requirements and penalties to candidates and registered third parties.

Thursday, March 28

- Last day for candidate or registered third party to apply to Superior Court of Justice to extend the time to file the financial statement.

Friday, March 29

- Last day by 2:00 pm to file financial statement for reporting period ending December 31, 2018 -applies to all candidates and registered third parties.
- Last day by 2:00 pm for candidate or registered third party to notify Clerk of filing extension received from the Superior Court of Justice.
- 90-day compliance audit period begins after 2:00 pm.
- Start of 30-day period in which a candidate or registered third party may file the primary financial statement and pay a \$500 late filing fee after 2:00 pm.

Monday, April 29

- Last day (by 2:00 pm) for candidate or registered third party to file a primary financial statement and pay \$500 late filing fee.
- Penalties take affect at 2:01 pm.

Thursday, June 27

- End of supplementary campaign period.

Wednesday, August 28

- Last day for Clerk to provide notice of supplementary filing requirements and penalties to candidates or registered third parties.

Thursday, September 26

- Last day for candidate or registered third party to apply to Superior Court of Justice to extend the time to file the financial statement.

Friday, September 27

- Last day by 2:00 pm to file financial statement for reporting period ending July 2, 2019 -only applies to those who filed a Form 6 to extend the campaign period.
- Last day by 2:00 pm for candidate or registered third party to notify Clerk of filing extension received from the Superior Court of Justice.
- 90-day compliance audit begins after 2:00 pm.
- After 2:00 pm, start of 30-day period in which a candidate or registered third party may file the supplementary financial statement and pay a \$500 late filing fee.

Monday, October 28

- Last day (by 2:00 pm) for candidate or registered third party to file a supplementary financial statement and pay a \$500 late filing fee.
- Penalties take affect at 2:01 pm.

Friday, December 27

- Last day to request a compliance audit on a supplementary financial statement.

Municipal Office to Be Elected

On Monday, October 22, 2018, voters in the Township of Kerns will elect members for the following offices:

- Reeve: One (1) to be elected by all electors of the municipality.
- Local Councillor: Four (4) to be elected at large by all electors in the municipality/by wards by electors in that ward in the municipality.

Qualification of Candidates

Member of Council

Qualifications for members of Council are set out in Section 256 of the *Municipal Act, 2001* and Section 17 of the *Municipal Elections Act, 1996*.

In order to run for office in the Township of Kerns a person must be:

1. A Canadian citizen;
2. At least 18 years old;
3. A resident of the Township of Kerns or the owner or tenant of land here, or the spouse of such owner or tenant; and
4. Who is not disqualified by any legislation from holding office.

Ineligibility

The following are ineligible to be elected as members of Council:

- a. An employee of the Township of Kerns except during an authorized leave of absence (the leave of absence must begin upon filing the Nomination Form);
- b. A person who is not an employee of the municipality but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar, or who holds any administrative position of the municipality;
- c. A judge of any court; and
- d. A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada.

Nomination Procedures

Filing Nomination Papers

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and/or expending any funds on a campaign. A candidate may file his or her nomination papers as of May 1, 2018 during regular business hours. Nomination papers will be available from the Clerks Department and on the Township of Kerns' website.

Please note that Nomination Papers submitted by facsimile transmissions or mail will not be accepted. Forms must be completed in person at the municipal office:

903303 Hanbury Road
New Liskeard, ON
P0J 1P0

Candidates are required to complete the Nomination Paper, which includes a declaration of qualification, taken before a Commissioner of Oaths. Commissioners of Oaths can be administered by the Clerk. Photo identification containing the candidate's signature is also required.

The final day for filing for the 2018 municipal election is Nomination Day, Friday, July 27, 2018 – 9:00 am to 2:00 pm.

The nomination must be accompanied by the prescribed nomination filing fee. The prescribed fee is \$200 for the reeve and \$100 for councillor and can be paid by cash or certified cheque payable to the Township of Kerns.

If an agent is filing the nomination on behalf of a candidate, the Candidate's Nomination paper must be commissioned before the agent files the Nomination Form with the Township of Kerns and the agent must provide a copy of the Candidate's identification as well as providing their own identification.

Candidates are responsible for ensuring that they meet all the qualifications and have followed the procedures with respect to the filing of Nomination Papers.

Exception for Additional Nominations

If the number of nominations filed for an office is less than the number of persons to be elected to an office, additional nominations may be filed between 9:00 am and 2:00 pm on the Wednesday following Nomination Day -August 1, 2018.

Refund of Nomination Deposit

A candidate is entitled to receive a refund of the nomination filing fee if he or she files their financial statements with the Clerk by the filing date. For the 2018 municipal election, the filing date is before 2:00 pm on March 29, 2019.

Examination and Certification of Nominations by Clerk

The Clerk shall examine each nomination that has been filed before 4:00 pm on the Monday following Nomination Day -July 30, 2018. Any additional nominations filed under the *Municipal Elections Act, Section 33(5)* shall be examined before 4:00 pm on the Thursday following Nomination Day -August 2, 2018.

If the Clerk rejects a nomination, he or she will provide notice as soon as possible to the individual seeking nomination and to all candidates. The Clerk's decision to certify or reject a nomination is final.

Withdrawal of Nominations

A person may withdraw his or her nomination by filing a written withdrawal at/with the Clerks Department before 2:00 pm on July 27, 2018.

Acclamations

If, at 4:00 pm on July 30, 2018 the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate or candidates elected by acclamation.

Campaign Information

Candidates are advised to refer to the Province of Ontario's *2016-2018 Candidates Guide* for information on Campaign Contributions and Fund Raising and on Campaign Expenses. The provincial guide is available online from the Ministry of Municipal Affairs and from the Township of Kerns' website and office.

The *Municipal Elections Act, 1996* does not contain restrictions on when a candidate may or may not advertise but does regulate the amount a candidate can spend on their campaign. The candidate must have filed their nomination form before spending any money on advertising, and the amount they spend on their campaign is regulated as explained in the restrictions below.

Campaign Expense Limits

There are limits on the amount that a registered candidate may spend on a campaign. The campaign period begins the day the candidate files a Nomination Paper and ends on December 31, 2018. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office.

Once an individual files their nomination paper, they will be given a Preliminary Certificate of Maximum Campaign Expense Limit based on the Voters' list from the 2014 municipal election. Each candidate will be provided a final certificate on or before September 25, 2018 which is calculated using the greatest number of electors on the Voters' List as of the 2014 municipal election or September 15, 2018, whichever provides the highest maximum limit.

The following is the formula used to calculate the limits:

Reeve: \$7,500.00 plus \$0.85 for each elector entitled to vote for the office
Councillor: \$5,000.00 plus \$0.85 for each elector entitled to vote for the office

Filing Financial Statements

All nominated candidates, including those not elected, those who withdrew their nomination and whose nomination was rejected by the Clerk, must disclose and report on or before March 29, 2019 by 2:00 pm their contributions and expenses as of December 31, 2018 in accordance with the following:

- All candidates are required to file a detailed financial statement on the prescribed form -Form 4.
- Candidates must have their financial statement audited and submit the auditors report to the Clerk along with their financial statement if expenses are over \$10,000.

A candidate must file a separate financial statement for each office he or she was nominated during the election period unless the offices are all on the same council and are elected by a general vote of all electors of a municipality. Each campaign for an office for which the election is conducted by ward is a separate campaign.

The financial statement must be filed by March 29, 2019. Candidates' financial statements are filed with the Clerk and are public documents which are to be available at no charge for viewing by the public. The Clerk will advise at least 30 days prior to March 29, 2019 filing deadline of all the filing requirements of the *Municipal Elections Act, 1996*. The Clerk is not required to give additional notice for each supplementary filing date.

It is the responsibility of the candidate to file a complete and accurate financial statement by the filing date.

Please refer to the Provincial Municipal Elections Guide or the Municipal Elections Act for detailed information with respect to:

- Extending a campaign in order to eliminate a deficit;
- Supplementary financial statement information;
- Surplus and deficit information; and
- Enforcement and penalties.

Scrutineers (Candidates' Agents)

Each candidate may appoint, in writing, any number of persons necessary to act as scrutineers to represent them at the polls, and to be present during the counting of the votes.

Scrutineers must show proof of his or her appointment to the election upon request.

Only one scrutineer per candidate may be in the voting place for each ballot box. If a candidate enters the voting place they are considered to be a scrutineer.

Candidates and scrutineers have the following rights:

- To be present when ballot boxes, materials related to the advance polls 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 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 sign the statement of the results of an election;
- To place their own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited.

If you are appointing scrutineers, please note the following:

- the appointment must be made in writing;
- limit of one (1) scrutineer per ballot box;
- scrutineers must take an oath of secrecy;
- scrutineers may not interfere with the activity of the vote or the counting of the ballots (may look but can not touch);
- candidates are entitled to be represented at the voting places either personally or by a scrutineer. It should be noted that acclaimed candidates are not entitled to be at a voting place unless appointed a scrutineer by another candidate;
- campaigning is not permitted within the voting location.

Scrutineers and candidates are prohibited from the following:

- engaging electors in conversation while in a voting place or location;
- attempting directly or indirectly, to interfere with how an elector votes;
- attempting to campaign or persuade an elector to vote for a particular candidate;
- displaying a candidate's election campaign material in a voting place;
- compromising the secrecy of the voting;
- interfering or attempting to interfere with an elector who is marking a ballot;
- obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted;
- communicating any information obtained at a voting place about how an elector intends to vote or has vote.

Election Signs

The Township of Kerns regulates the placement of election signs on municipal roads and intersections.

Prohibition of Canvassing in Voting Places

The Clerk, as the Returning Officer, is the lessee of the premises used as voting locations. As the lessee, the Returning Officer does not permit campaigning of any nature in or on the premises used as a voting location on Voting Day. The premises are deemed to include the entire building and the property on which it is located.

Section 48 of the Act provides as follows:

“While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. No person shall display a candidate's election campaign material or literature in a voting place. For the purpose of this section, ‘Voting Place’ includes any place in the immediate vicinity of the voting place designated by the Clerk.”



2018 Municipal Election Information for Candidates

Election Officials are instructed to immediately remove from any voting place material or literature of any nature which may be deposited in and around a voting place. Candidates or their agents and scrutineers must not engage electors in conversations at voting places and they may not wear campaign buttons or distribute material of any kind in and around a voting place.

We ask for your cooperation in this regard.

Reminders to Candidates

1. Must be an eligible elector for the office being sought.
2. Must file their Nomination Paper in person or by agent.
3. Cannot be nominated for more than one office.
4. Must pay a filing fee of \$100 or \$200, cash or certified cheque payable to the Township of Kerns.
5. Cannot accept donations or spend any funds on a campaign until such time as you have filed a Nomination Paper with the Clerk.
6. You are responsible for keeping records of the financial activities related to your campaign. Remember to issue receipts for all donations, including donations of goods or services; obtain receipts for expenses incurred; keep copies of all receipts.
7. Keep receipts for all expenditures and a record of the value of all contributions which are not money (i.e. sign stakes, paper, printing services, etc.)
8. It is the responsibility of the candidate to file a complete and accurate financial statement on time. Candidates should completely familiarize themselves with the appropriate sections of the *Municipal Elections Act, 1996*.