

2022 Municipal Election Information for Candidates

Township of
Selwyn



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Introduction

This guide is prepared for candidates seeking candidacy in the 2022 Municipal and School Board election and will highlight some of the processes in the upcoming election. For a comprehensive overview, candidates are urged to review the *Municipal Election Act 1996 (MEA)*, as amended, including applicable Regulations (www.e-laws.gov.on.ca) to fully understand all the legislative requirements. It is imperative that candidates satisfy themselves, through their own research or with the assistance of legal counsel, of the various legal and financial requirements related to their candidacy.

The Ministry of Municipal Affairs and Housing (MMAH) has prepared guides for candidates, voters and third-party advertisers which are available online:

www.ontario.ca/municipalelections.

The Association of Municipalities of Ontario (AMO) has an online guide that will introduce candidates to some of the key steps pertaining to the Municipal Election. The guide is available online from AMO for a fee: <https://municipaleducation.skillbuilder.co/catalog/35/1>

The AMO guide includes information such as:

- How municipal government works, including the role of council and structure of government
- Key things to know about managing a campaign, including key dates and eligibility requirements
- Rules related to campaigning, including campaign finance rules
- Tips for dealing with media/social media
- Election day and information about voting
- Key resources for after the election

Over the course of the next few months, candidates will receive information from the Township Clerk's office. Please ensure that you are checking the Township's website regularly for the most current information www.selwyntownship.ca.

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Summary – 2022 Municipal Election Highlights

- Nominations may be filed by candidates between Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office from May 2, 2022 to August 18, 2022 and on August 19, 2022 from 9:00 a.m. until 2:00 p.m.
- Candidates running for municipal council must obtain 25 endorsement signatures from eligible voters in the municipality in which the office is being sought. Signatures must be submitted in conjunction with the candidate's nomination papers. Nominations filed for the School Board **do not** require the endorsement of 25 persons.
- Candidates wishing to withdraw their nomination must do so by 2 p.m. on Friday, August 19, 2022.
- **Voting day is Monday, October 24, 2022.**
- The Township of Selwyn will be using internet and telephone voting allowing electors to vote from anywhere within the defined voting period. **For the 2022 elections, voting will be open from October 11, 2022 at 10 a.m. to October 24, 2022 until 8 p.m.**
- A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. Additionally, a contributor is limited to a maximum of \$5,000 in total contributions to candidates running for office on the same Council or Board jurisdiction. Contributors who exceed this limit may be liable to penalties under the Municipal Elections Act, 1996, as amended.
- An individual who contravenes the contribution rules as indicated in the MEA, as amended, may face a fine of up to \$25,000 (\$50,000 for corporations and trade unions) and/or up to six months in prison if the offence was committed knowingly. Candidates who are convicted of contravening certain provisions of the Act also forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.
- A candidate is entitled to receive a refund of the nomination filing fee if they file their financial statement and auditor's report on or before **2 p.m. on March 31, 2023.**
- Expenses incurred by a candidate with a disability that are directly related to the disability, and would not have been incurred but for the election, are not subject to the spending limit. *MEA Sec. 88.19 (3) 9.*
- The candidate's spending limit formula is a base amount, which varies by office, plus \$0.85 cents per elector. A candidate will receive a preliminary

spending limit estimate when filing their nomination, and will receive a final spending limit after the close of nominations. Whichever of these two amounts is higher becomes the candidate's official spending limit.

- The deadline for filing financial statements is **2 p.m. on Friday, March 31, 2023**. If a candidate does not file by this deadline, or meet the requirements of the grace period or has not applied to the courts for an extension, the candidate forfeits any office won in the election, is ineligible to be elected and may not be appointed to any office until after the next regular election.
- A candidate who has a deficit may extend their campaign to **June 30, 2023**. A candidate who incurs expenses related to a recount, controverted election or compliance audit after their campaign has ended on January 3, 2023 may re-open their campaign. *MEA* s. 88.24 (4)(5)
- All surplus funds must be turned over to the Clerk to be held in trust. A candidate may access his or her surplus if he or she subsequently incurs expenses related to a compliance audit, the Clerk shall return the surplus, with interest to the candidate. *MEA* s. 88.24 (1), s. 88.28
- Surplus funds not required for such expenses become the property of the municipality or school board. Surplus funds may not be carried forward for use by the candidate in a subsequent election.
- All candidates must use the most up-to-date version of **Form 4** (<https://forms.mgcs.gov.on.ca/en/dataset/017-9503p>) for Financial Statement filing.
- The Municipal Elections Act, as amended, includes a framework for third party advertising. Individuals, corporations or trade unions are eligible to register as third party advertisers provided that they formally register with the Clerk as a third party advertiser. Third party advertising is an advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s). There is no registration fee for third party advertising.
- Access to Apartment Buildings, Condominiums etc. by Candidates (or their Authorized Representative) - Candidates can campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows. *MEA* s. 88.1

Key Dates

Nomination Period: May 2, 2022 – August 19, 2022

- ✓ Nominations may be filed by candidates between Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office from May 2, 2022 to August 18, 2022 and on August 19, 2022 from 9:00 a.m. until 2:00 p.m.

Registration for Third Party Advertisers – May 2, 2022 – October 21, 2022

- ✓ Individuals or entities may file notice of registration as a third party advertiser starting May 2, 2022 to October 21, 2022 from Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office. *MEA* s.88.6

Nomination Day: August 19, 2022

- ✓ Last day in which nominations may be filed by candidates at the Clerk's Office (between the hours of 9:00 a.m. and 2:00 p.m.).

Withdrawal of Nomination: August 19, 2022

- ✓ Last day to withdraw nominations. The prescribed form must be submitted to the Clerk's Department in writing before 2:00 p.m. on August 19, 2022.

Certification of Nomination: August 22, 2022

- ✓ The Clerk will certify nomination papers before 4:00 p.m. and notify, as soon as practicable, any candidate deemed ineligible for office.

Acclamation of Candidates: August 22, 2022

- ✓ After 4:00 p.m., the Clerk will declare all candidates to be duly elected if they are the only qualified individuals seeking candidacy for a respective office.

Voters' List: September 1, 2022

- ✓ The interim voter's list will be made available to all registered candidates who complete a declaration form commencing after this date.

Voter's List Revision Period: September 1, 2022 - October 24, 2022

- ✓ Eligible voters whose names do not appear on the voters' list or are identified incorrectly may file a revision application with the Clerk's office using the prescribed form.

Final Certificate of Maximum Campaign Spending Limits: Nomination Filing – September 26, 2022

- ✓ The Clerk will provide preliminary notice of the maximum campaign spending limits to all candidates at the time of their filing of their nomination paper. The

calculation is based on the 2018 voters' list (Sept. 15.18). (Head of Council = \$7,500 + \$0.85 per elector; All other offices = \$5,000 + \$0.85 per elector)

- ✓ By September 26, 2022 the Clerk will determine a final limit by applying this formula to the number of voters appearing on the voters' list as of September 15, 2022. The greater of the two limits shall apply.

Voting Day: Monday, October 24, 2022 until 8:00 p.m.

Term of New Council Commences: November 15, 2022

Campaign Period: Begins when Nomination is Filed to January 3, 2023

- ✓ The campaign period begins whenever a candidate files a nomination paper and ends on January 3, 2023 (unless the candidate withdraws the nomination, the Clerk rejects the nomination, or the candidate files to extend his or her campaign to address a deficit). Candidates shall not receive contributions outside of their campaign period.

End of Campaign Period: January 3, 2023

- ✓ This is the last day a candidate or third party advertiser can raise funds for his or her campaign unless an extension is granted (the campaign period begins when the nomination is filed). The end of a campaign period can also occur on the date in which a candidate withdraws his or her nomination or on the day it is rejected by the Clerk.

Deadline for Filing Financial Statements: March 31, 2023 by 2:00 p.m.

- ✓ Candidates or third party advertisers must file their financial statements and auditor's report for the reporting period ending January 3, 2023 in person at the Clerk's Office no later than 2:00 p.m. on March 31, 2023.
- ✓ Notice of default, if applicable, shall be issued by the Clerk as soon as practicable after the filing deadline. *MEA* s. 88.23
- ✓ If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. **This grace period ends at 2 p.m. on Monday, May 1, 2023.** You will not receive a refund of your nomination fee if you file during the 30-day grace period.
- ✓ If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, you will forfeit your elected office (if you won the election) and you will be ineligible to run for office or be appointed to fill a vacancy until after the next municipal election.

Deadline for Compliance Audit Requests: June 29, 2023

- ✓ Last day for a compliance audit request to be submitted with respect to a reporting period that ended on January 3, 2023.
-

Extensions and Supplementary Reporting

Notification to Extend a Campaign Period: on or before January 3, 2023

- ✓ Last day for candidates to provide notification, using the prescribed [Form 6](https://forms.mgcs.gov.on.ca/en/dataset/017-10550p) (<https://forms.mgcs.gov.on.ca/en/dataset/017-10550p>), in order to extend their campaign to address a deficit.

Supplementary Reporting Period: January 4 to June 30, 2023

- ✓ If a request to extend the campaign to address a deficit is permitted, the supplementary extension is 6 months beginning on January 4, 2023 to June 30, 2023.

Deadline for Filing Financial Statements for the Supplementary Reporting Period: September 29, 2023

- ✓ Candidates who were granted an extension to their campaign (supplementary reporting period of January 4 to June 30, 2023) must file their financial statements in person at the Clerk's Office no later than 2:00 p.m. on September 29, 2023.

Deadline for Compliance Audit Requests for Supplementary Reporting Period: December 28, 2023

- ✓ December 28, 2023 is the last day for a compliance audit request to come forward with respect to a reporting period that ended on June 30, 2023.

What Voting Method Will be Used by the Township?

The Township will offer internet and telephone voting for the election. Both of these methods allow electors to vote from anywhere within the defined voting period using a telephone or the internet. **For the 2022 elections, the voting period will be from October 11, 2022 (commencing at 10:00 a.m.) to October 24, 2022 until 8:00 p.m.** Eligible voters will receive a personalized voting instruction package by mail before Election Day. The voting package will provide details on how to vote online or by phone. The information package will also include a secret PIN number that electors use to access the voting system. The PIN number, in conjunction with a personal piece of information would be required for voters to vote. By combining these two pieces of information, the integrity of the vote is maintained.

Electronic and telephone voting stations will also be available at the Municipal office during the defined voting period for public use.

What are the Offices for Selwyn Council?

The Township of Selwyn has a five (5) member Council consisting of:

Election by General Vote:

- Mayor (1)
- Deputy Mayor (1)

Election by Ward Electors Only:

- Councillor (1) Ennismore Ward (Ward 10)
- Councillor (1) Smith Ward (Ward 20)
- Councillor (1) Lakefield Ward (Ward 30)

Council will serve a term of four (4) years commencing November 15, 2022 until November 14, 2026. The Mayor and the Deputy Mayor will also serve on the upper tier County of Peterborough Council. Council members will also be appointed to various Boards and Committees.

What are the Offices for School Board Trustee?

Kawartha Pine Ridge District School Board (<http://www.kprschoools.ca>) - Trustee (1) representing the following municipalities:

- Municipality of Trent Lakes
- Township of Havelock-Belmont-Methuen
- Township of North Kawartha
- Township of Selwyn

Peterborough, Northumberland and Clarington Catholic District School Board

(<http://www.pvnccdsb.on.ca/>) - Trustee(1) representing the following municipalities:

- Municipality of Trent Lakes
- Township of Asphodel-Norwood
- Township of Douro-Dummer
- Township of Cavan Monaghan
- Township of Havelock-Belmont-Methuen
- Township of Otonabee-South Monaghan
- Township of North Kawartha
- Township of Selwyn

How do I Know if I am Eligible to Hold an Office as a 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, as amended.

In order to run for office in a municipality, a person must be:

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

Examples of those ineligible to seek candidacy include:

- individuals that did not file their financial statements from the 2018 Election
- employees of the municipality (Council position) ** *Exception – leave of absence effective the date of nomination*
- employees of any school board (School Board position) ** *Exception – leave of absence effective the date of nomination*
- Judge of any court
- Senator ** *Exception – must resign as of Nomination Day, August 19, 2022*
- MP ** *Exception – must resign as of Nomination Day, August 19, 2022*
- MPP ** *Exception – must resign as of Nomination Day, August 19, 2022*
- A corporation
- A person serving a sentence of imprisonment
- A person acting as executor or trustee

Who Can Vote in a Municipal Election?

A person is entitled to vote if, on voting day, he or she (MEA s.17 (2), as amended),

- a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- b) is a Canadian citizen; and
- c) is at least 18 years old
- d) is not prohibited from voting under subsection (3) or otherwise by law.

Eligibility is determined by a person's relationship to property, specifically ownership and/or occupancy. In other words, a person is entitled to one vote in every municipality

and school board jurisdiction in which they own or occupy property. This is not the case in a provincial or federal election where, irrespective of the number of properties owned in different municipalities, a person is entitled to only one vote, based on the location of their primary residence.

How Many Electors are There in the Township of Selwyn?

The number of electors is as follows (**based on the 2018 number of eligible electors as of Election Day**):

Ennismore	Ward 10	4,579
Smith	Ward 20	9,153
Lakefield	Ward 30	2,158
Total	All Wards	15,890

The number of electors is as follows (**based on the 2018 number of eligible electors as of September 15, 2018**):

Public School Trustee Trustee (1), Kawartha Pine Ridge District School Board for the Municipality of Trent Lakes, and the Townships of North Kawartha, Havelock-Belmont-Methuen and Selwyn.	36,458
Separate School Trustee Trustee(1), Peterborough, Northumberland and Clarington Catholic District School Board for the Municipality of Trent Lakes and the Townships of Asphodel-Norwood, Douro-Dummer, Cavan-Monaghan, Havelock-Belmont-Methuen, Otonabee-South Monaghan, North Kawartha, and Selwyn.	6,850

What was the Voter Turn-out From Past Elections?

- 40% in 2018
- 40% in 2014
- 47% in 2010
- 38% in 2006

Nomination Process

Candidates must complete and sign the [Nomination Form 1](https://forms.mgcs.gov.on.ca/en/dataset/017-9499p) (<https://forms.mgcs.gov.on.ca/en/dataset/017-9499p>).

Nominations must be **submitted in person** by either the candidate or an agent filing on behalf of a candidate. If the Nomination Form is filed by an agent on behalf of the candidate, the **Nomination Form must be accompanied by a letter that is commissioned by a Commissioner of Oaths** stating that the candidate gives permission to the agent to file the nomination on their behalf. A form letter is available through the Township. The agent must provide a copy of the candidate's identification as well as providing their own identification. *It is the responsibility of the candidate to satisfy himself or herself that he or she is qualified to be nominated for an office.*

The nomination of the person for an office on Council must be endorsed **by at least 25 persons** and the **person endorsing the nomination must be eligible to vote in an election for an office within the municipality** if a regular election was held on the day that the person endorses the nomination. Candidates must use prescribed [Form 2](https://forms.mgcs.gov.on.ca/en/dataset/017-2233) for their endorsement of nomination (<https://forms.mgcs.gov.on.ca/en/dataset/017-2233>). **Nominations filed for the School Board do not require the endorsement of 25 persons.**

Identification will be required to be produced by all candidates (including incumbents) and agents filing on behalf of a candidate. Examples of acceptable identification:

An original copy of a document listed below if the document shows the person's name, qualifying address and signature:

- Ontario driver's licence (photo card).
- Ontario health card (photo card).
- Ontario motor vehicle permit (plate portion).
- A mortgage, lease or rental agreement.
- An insurance policy.
- A loan or financial agreement with a financial institution.

Note: a passport alone is not considered acceptable identification as the address is added by hand. A passport must be accompanied by one of the above noted documents to verify the qualifying address.

A fee is required at the time the Nomination Form is filed. Filing fees are \$200 for the Head of Council (Mayor) and \$100 for all other offices, including School Board Trustee positions and must be paid by cash, certified cheque (payable to the Township of Selwyn), money order or interac.

- ✓ The deadline for submission of a nomination is August 19, 2022 at 2:00 p.m.
- ✓ The deadline for the withdrawal of a nomination is August 19, 2022 at 2:00 p.m.

- ✓ Nominations are unofficial until formal certification by the Clerk on August 22, 2022.

Withdrawal of Nominations

A person may withdraw his or her nomination by filing a written withdrawal at/with the Clerks Department before 2:00 p.m. on August 19, 2022.

Acclamations

If, at 4:00 p.m. on August 22, 2022 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.

Examination and Certification of Nominations by Clerk

The Clerk shall examine each nomination that has been filed before 4:00 p.m. on the Monday following Nomination Day – August 22, 2022.

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 a.m. and 2:00 p.m. on the Wednesday following Nomination day – August 24, 2022.

Examination and Certification of Additional Nominations by Clerk

Any additional nominations filed under the MEA s. 35 shall be examined before 4:00 p.m. on the Thursday following Nomination Day – August 25, 2022.

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 2022 municipal election, the filing date is before 2:00 p.m. on March 31, 2023.

Candidates – Helpful Checklist for Nominations

- ✓ Neatly print or type out the on-line [Nomination Form 1](#). The name that appears on the Nomination Form is the name that will appear on the ballot. With the agreement of the Clerk some flexibility can be allowed for first names e.g. Tony for Anthony. Last names cannot be amended.
- ✓ Are you a Canadian citizen?
- ✓ Are you at least 18 years old?
- ✓ Verify your qualifying address. Do you own, or are the tenant of land, or the spouse of an owner or tenant of land, in the municipality?
- ✓ Confirm office being nominated for. e.g. Mayor.
- ✓ Confirm that you have the endorsement of 25 persons who are eligible to vote in the election in the municipality in which the office is being sought ([Form 2](#)).
- ✓ Have you read the Ministry of Municipal Affairs and Housing Municipal Candidates Guide or the applicable School Board Guide to ensure that you understand your obligations as a candidate?
- ✓ Can you produce the appropriate identification? If an agent is filing on your behalf you must provide a certified copy of your identification and ensure that the agent can produce appropriate identification for themselves. Copies of identification, including the agent's will be retained on file.
- ✓ Provide confirmation to the Clerk's Office of the contact information you wish to be made public (e.g. email address? business phone?).
- ✓ Can you provide the appropriate filing fee in the form of cash, certified cheque (payable to the Township of Selwyn), money order or interac.

As a Candidate, How Much May I Spend to Run a Campaign?

Candidates are advised to refer to the provincial guide for more details on financial reporting. The guide is available online from the [Ministry of Municipal Affairs](https://www.ontario.ca/files/2022-03/mmah-2022-candidates-guide-en-2022-03-31.pdf). (<https://www.ontario.ca/files/2022-03/mmah-2022-candidates-guide-en-2022-03-31.pdf>)

The candidate must have filed their nomination form before incurring any costs/revenues. The maximum spending limit for candidates to run their election campaign is based on a base amount plus the number of electors eligible to vote for the particular office for which the candidate is running.

Below represents the **preliminary spending limit** (as of September 15, 2018):

Preliminary Election Spending Limits (Base amount plus \$0.85/elector) - Base Amount Mayor - \$7,500 - Base Amount all other offices - \$5,000		Number of Electors	Preliminary Maximum
Mayor Candidate	All Wards	15,695	\$20,840.75
Deputy Mayor Candidate	All Wards	15,695	\$18,340.75
Ennismore Ward Candidate	Ward 10	4,531	\$8,851.35
Smith Ward Candidate	Ward 20	9,078	\$12,716.30
Lakefield Ward Candidate	Ward 30	2,086	\$6,773.10
Trustee Kawartha Pine Ridge District School Board		36,458	\$35,989.30
Trustee, Peterborough, Northumberland and Clarington Catholic District School Board		6,850	\$10,822.50

The Clerk shall, after determining from the Voters' List the number of electors eligible to vote for each office as of September 15 in the 2022 election calculate the maximum amount of campaign expenses that may be incurred by a candidate and prepare a certificate of this amount. A copy of this secondary **certificate confirming the final maximum spending limit will be provided by Monday, September 26, 2022 to candidates.**

Note: The higher of the two calculations (preliminary (noted above) and secondary) shall be the final spending limit for the office.

Post Election Parties/Expressions of Appreciation

All candidates have limits on the amount they may spend towards the cost of holding parties and making other expressions of appreciation after Election Day. The maximum post-election appreciation cost is a maximum of 10% of the spending limit. A preliminary campaign appreciation limit will be provided based on the preliminary calculation (noted

above) at the time a candidate files their nomination. Final campaign appreciation limits will be calculated based on the final campaign spending expense limits and provided to candidates by September 26, 2022.

Maximum Contributions to a Candidates own Campaign

Please see page 26 for details. This limit does not apply to school board trustee candidates.

What are the Regulations Governing Election Signs?

It is important that a Candidate, and anyone working on their behalf, understand the rules regarding election signage and specifically where they can and cannot be placed. Remember that rules are different on Township roads vs County roads vs Ministry of Transportation roads. A **road map** that identifies the jurisdiction of all roads within Selwyn can be found on the Township [website](#).

Section 88.3 of the Municipal Elections Act defines what is a campaign advertisement. It is important to note that Candidates who purchase an advertisement must identify themselves, for example “This ad has been authorized by Candidate XWZ”. This is so that people seeing the sign or advertisement can very clearly tell who is responsible for the campaign advertisement. It may also be wise to follow the same principle when creating social media/website accounts and identify them as official campaign accounts.

Election Sign Regulation by Jurisdiction:

Township of Selwyn:

Sign By-law 2012-092 Section 4.6 (adjacent to Township roadways)

<https://www.selwyntownship.ca/en/resources/2012-092-SignBy-law.pdf>

Election Signs for Federal, Provincial, Municipal, or School Board elections shall be subject to the following:

- a) Election signs must be removed within forty-eight (48) hours after election day;
- b) No election sign shall be greater than 5.0 square metres in sign area and 1.2 metres in height;
- c) Sandwich boards, portable/mobile signs, electronic message display signs and readograph signs are prohibited for election use;
- d) Election signs are not permitted within any municipal road allowance;
- e) No election sign shall be located as to interfere with the safe operation of vehicular traffic and pedestrians and any sign improperly located may be removed by the Manager of Building and Planning or his/her designate;
- f) No election sign shall be erected in any sight triangle;
- g) No election sign shall be erected at, adjacent to, or within 18 metres of polling stations (Municipal Office property). The Manager of Building and Planning or his/her designate has the authority to remove these election signs immediately without notice; and
- h) The Manager of Building and Planning has the authority to immediately remove any election sign that is not in compliance with the requirement of this By-law.
- i) No election sign shall be erected within any municipal property including Township road allowances).

Candidates are strongly encouraged to place election signs on private property with the permission of the property owner. The Township has the authority to remove any signs deemed to cause a safety hazard.

County of Peterborough:

Sign By-law No. 2022-29 & Amending By-law 2022-40

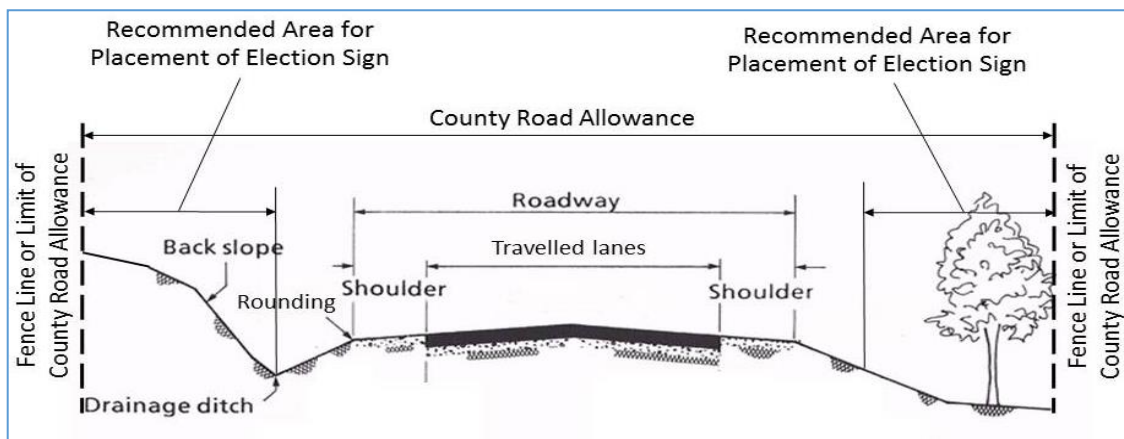
[Peterborough County - Document Center \(civicweb.net\)](https://www.peterborough.ca/civicweb.net)

Election Signs placed within a County Road Allowance:

- Elections signs will not exceed a maximum size of 0.5574 sq. metres (6 sq. ft)
- Place as close to the fence line/property line as possible
- Not closer than 30 metres (100 ft) to an intersection, fire route, trail or railway crossing
- May be placed in road allowance after issuance of writ of Election for Federal/Provincial elections and for municipal elections, no earlier than the date a nomination has been filed with the Clerk
- Election Signs are to be removed by candidates 48 hours after voting day
- If the lower tier municipality's election sign by-law restricts Election Signs within a road allowance immediately adjacent to property owned and/or operated by the lower tier municipality, this by-law will also restrict any person erecting, installing, posting, displaying, maintaining, altering or keeping an Election Sign within the Road Allowance of any County Road that is immediately adjacent to property owned and/or operated by the lower tier municipality.
- No Election signs can be erected within a County Road Allowance that is immediately adjacent to property owned by the County.
- No person shall place an Election sign on County owned and/or operated property.

The County reserves the right to remove non-compliant Election Signs from County road allowances.

Sample – Adjacent to County Roadways



Province of Ontario – Ministry of Transportation:

The *Public Transportation and Highway Improvement Act (PTHIA)* provides the Ministry of Transportation (MTO) with the authority to control signing within 400 metres of a provincial highway.

The placement of election signs along provincial highways, including ramps at interchanges, is subject to the conditions and criteria outlined in the MTO Election Sign Policy. It is important to note that election signs are permitted on the right-of-way or adjacent to most King's Highways (e.g. Highways 7, 124) but are not permitted on or adjacent to the right-of-way of a freeway (e.g. QEW, Highways 401, 11, 69). MTO has the authority to remove any signs that are not in compliance with this policy.

MTO Corridor Signing Policy - Election Signs

An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.

Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.

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

Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.

An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.

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

Permits or Letters of Approval for any election signs erected under this policy are not required.

Candidate committees, or workers shall be allowed three (3) working days after election day in order to remove candidate advertising (election signs) from the Ministry right-of-way and adjacent properties.

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

Questions about the MTO policy and the the criteria for a specific highway, please contact the local MTO Highway Corridor Management Office.

Bancroft Office
Ministry of Transportation
Highway Corridor Management Section
Phone: 613-332-3220 Ext. 214

www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml#HCM-offices

Access to Apartment Buildings, Condominiums etc. by Candidates (or their Authorized Representative)

Campaign provisions have been clarified through recent amendments to the MEA to allow candidates to campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows.

Use of Corporate Resources

It is important that all candidates receive fair and consistent treatment to ensure the integrity of the electoral process and a fair and unbiased election. There must be equal treatment for all candidates.

No Township resources are to be used for, or by, any candidate for their campaign activities, including, but not limited to, the use of:

- The Township 's Corporate identity (logo, tag line),
- Township Information Technology (IT) resources, including the Township's website, social media sites including YouTube, phone devices, lap tops, nor can there be a link to a candidate's site from the Township site. Note: exception applies to current members of Council who have a website/social media that is solely used for Council purposes.
- Current members of Council who are also Candidates must keep a separate website/social media/email accounts etc... related to their candidacy that is not supported/linked to the Township's IT resources,
- Any Township facility or property (that is not specifically booked as a rental with payment), including displaying campaign posters, signs and flyers,

- Represent themselves as a Candidate at a Township function, whether the event is on Township property or not,
- Photographs or videos owned by the Township.

General Information

- Official election information will be made available to all candidates through the Township 's website and the Clerk's Office.
- Staff may supply department specific information and services to Candidates in the same manner as would be available to the public.
- Staff may not campaign or actively work in support of a Candidate during their paid hours of work (or their official/volunteer duties with the Township). Staff wanting to work in support of a Candidate during the election must do so outside of paid working hours (and/or their official/volunteer duties with the Township). Staff must also clearly separate that support from their role as Township staff/volunteer and must not be identifiable as Township staff/volunteer (e.g. cannot wear Township issued clothing to canvass or to a campaign event).
- Staff may be prohibited from participating in campaign activities where there is a potential for a conflict of interest or the perception that the integrity of the election may be compromised.
- No Township communications, whether for internal or public distribution, are to include any reference to or identification of any Candidate.

What Kind of Remuneration is Paid to a Township Councillor?

Council meetings are generally held on the second and fourth Tuesday of each month. The remuneration noted below provides compensation for two (2) regular Council meetings, plus one special meeting (if required) per month.

Council Meetings	Year 2021
Mayor	\$41,188.68
Deputy Mayor	\$27,685.20
Councillor	\$22,784.76

** the annual base remuneration is increased by the Ontario Consumer Price Index (CPI) at October 31st at a minimum of a 1.5% increase annually and a maximum of a 3% increase annually (By-law 2019-108)*

Serving as a member of a Committee or Board (e.g. Library Board)

Year 2021 \$78.46 per meeting (\$784.60 yearly maximum)

** the annual base remuneration is increased by the Ontario CPI at October 31st at a minimum of a 1.5% increase annually and a maximum of a 3% increase annually (By-law 2019-108)*

Additional compensation:

- Members are compensated for mileage
- Members are permitted to attend up to two (2) conferences per year in Ontario and be paid/reimbursed by the municipality for registration fees, mileage and/or other transportation costs (bus, train, plane fare), accommodation, parking, and meal expense in the amount of \$60.00 per day.
- Member are compensated \$75.00 per half day (4 hours or less) and \$150.00 per full day (in excess of 4 hours) while attending a conference and/or training sessions.
- Members are provided with an annual expense allowance for costs associated with purchasing tickets, excluding tickets for any guest, for community events where it is customary or expected that a member of Council attend; and that the annual expense allowance be as follows:
 - Mayor and Deputy Mayor - \$400.00 annually
 - Councillor - \$200.00 annually
- Members are provided with the option to enroll in the extended health services and dental portions of the Township's benefits plan with the Township paying 50% of the premium and the Council member paying 50% of the premium. Members of Council must decide to enroll, or not enroll, in the plan at the time of their swearing into office.
- Members are provided with the opportunity to opt into the Township's corporate mobile telecommunications plan.

Note: As of January 1, 2019, Canada Revenue Agency (CRA) no longer permits 1/3 of a Councillor's remuneration to be tax free.

What are my Financial Responsibilities as a Candidate?

Candidates must review the Municipal Elections Act, 1996, as amended, (www.e-laws.gov.on.ca) and the Municipal Affairs and Housing's Candidates Guide available on their website (<https://www.ontario.ca/files/2022-03/mmah-2022-candidates-guide-en-2022-03-31.pdf>) or at the Clerk's office to fully understand all the legislative requirements. The onus of responsibility is on candidates to satisfy themselves, through their own determination, or with professional assistance, of the various legal and financial requirements relating to their candidacy. It is important to fully reference Sections 88(1) – 88(32), *MEA*, as well as other relevant sections within the Act. Although this guide provides a summary of the provisions, it does not account for all of the financial responsibilities associated with the candidacy.

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 31, 2023 by 2:00 p.m. their contributions and expenses as of January 3, 2023 in accordance with the following:

- All candidates are required to file a detailed financial statement on the prescribed form – [Financial Statement, Form 4](#)
- Candidates must have their financial statement audited and submit the auditor's report to the Clerk along with their financial statements if expenses are over \$10,000.

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 on the Township website. The Clerk will advise at least 30 days prior to March 31, 2023 filing deadline of all the filing requirements of the Act.

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

Contributions *MEA s. 88.15*

Campaign contributions are any money, goods or services that are given to a candidate for his or her campaign (including money and goods that a candidate contributes themselves to their own campaign) which include:

- ✓ The amount charged for admission to a fund-raising function
- ✓ The difference between the amount paid and the market value of a good or service sold at a fund-raising function
- ✓ The difference between the amount paid and the market value of a good or service purchased for the campaign
 - **Example: Your order for campaign signs would normally cost \$500, but the vendor agrees to sell them to you for \$300. You must record a contribution of \$200 in goods or services from the vendor. Note: as corporations are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.**
- ✓ Any unpaid but guaranteed balance of a campaign loan
- ✓ Election signs from previous municipal campaigns that are reused – the current market value of the sign (i.e. what it would cost you to buy those signs today) is considered a contribution that you make to your campaign

Candidates should advise contributors to their campaign that the contributor's name, address and contribution amount will posted as public information electronically (i.e. posted on the Township website) and that every contribution made will be posted.

Goods & Services Donated and Deemed Not to be Contributions

The following are deemed not to be contributions:

- ✓ The value of services provided by voluntary unpaid labour
- ✓ The value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer
- ✓ An amount of \$25 or less that is donated at a fund-raising function
- ✓ The value of free political advertising provided it is in accordance with the Broadcasting Act (Canada) and is made available to all candidates
- ✓ A campaign loan from a bank or a recognized lending institution is not considered to be a contribution.

Timing of Contributions

Contributions can be solicited by, or accepted on behalf, of a person seeking local municipal office, if that person has been duly nominated as a candidate. Contributions may only be accepted during a candidate's campaign period (in the event of a campaign that was not extended this occurs from the time the nomination is filed up until January 3, 2023). Any contributions received outside the campaign period that cannot be

returned to the contributor including any anonymous contributions must be turned over to the Clerk. Candidates must make reasonable efforts to satisfy themselves that a contributor is entitled to make contributions.

Eligible Contributors *MEA* s. 88.8 (3)

Only the following may make contributions:

- ✓ An individual who is normally a resident in Ontario
- ✓ Yourself and your spouse - Candidate

Ineligible Contributors

The following shall **not** contribute to a campaign:

- ✓ A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate in a federal election
- ✓ A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*
- ✓ The Crown in right of Canada or Ontario, a municipality or local board
- ✓ A trade union
- ✓ A corporation

Note: See separate guide for third party contributions.

Contribution Limits

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. This limit is never to be exceeded regardless of the number of offices a candidate may have been nominated for during an election period. In addition to this, a contributor shall not make contributions exceeding a total of \$5,000 to multiple candidates for office on the same council or local board. Candidates are required to inform each of their contributors of their contribution limits.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order, or by a method that clearly shows where the funds came from.

Candidate's Own Funds

There is a limit on how much a candidate and their spouse can contribute to their campaign. The contribution limit applies to the total amount of contributions made by the candidate and/or their spouse to their campaign. This includes any contributions of goods and the replacement value of any inventory from a previous campaign that is being using in the current campaign.

Loans

Note: the amount of a loan is not considered to be a contribution. A candidate or his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. (s. 88.15 (4) 5. and 88.17 (1). Any unpaid but guaranteed balance in respect of a loan is considered to be a contribution 88.15 (3).

The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the Candidates (or spouse) own campaign contribution spending limit **is the lesser** of:

- ✓ for head of council: \$7,500 plus \$0.20 per eligible elector
 - ✓ or council member: \$5,000 plus \$0.20 per eligible elector
- OR
- ✓ \$25,000 max.

This limit does not apply to school board trustee candidates.

Below represents the candidate's **preliminary contribution limit to his or her campaign** (as of September 15, 2018):

Preliminary Contribution Limits (Base amount plus \$0.20/elector)		Number of Electors	Preliminary Maximum
- Base Amount Mayor - \$7,500			
- Base Amount all other offices - \$5,000			
Mayor Candidate	All Wards	15,685	\$10,639.00
Deputy Mayor Candidate	All Wards	15,685	\$8,139.00
Ennismore Ward Candidate	Ward 10	4,531	\$5,906.20
Smith Ward Candidate	Ward 20	9,078	\$6,815.60
Lakefield Ward Candidate	Ward 30	2,086	\$5,417.20

The Clerk will, after determining from the Voters' List the number of electors eligible to vote for each office as of September 15 in the 2022 election, calculate the maximum contribution amount by a candidate and/or their spouse to their own campaign and provide the candidate with a copy of this amount. The maximum limit will be provided by September 26, 2022.

Note: The higher of the two calculations (preliminary (noted above) and secondary) shall be the final contribution limit for the office.

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

For school trustees:

There are no limits on how much a school trustee candidate and their spouse can contribute to their campaign.

If the school trustee candidate's campaign ends with a surplus, they can withdraw the value of contributions that they and their spouse made from the surplus. If there is still a surplus once they have withdrawn their contributions, the surplus remaining must be turned over to the clerk.

School trustee candidates are not permitted to refund contributions made by anyone other than themselves or their spouse.

Contribution Refunds

Where the candidate learns a contribution has been made or accepted in contravention to any provision of the Act, the candidate must immediately return the contribution. If this is not possible, any such contribution should be paid to the Clerk. The following are examples of a contribution which must be returned or paid to the Clerk:

- ✓ Issued/received outside a candidate's campaign period
- ✓ Issued/received from anonymous sources (except for cash donations less than \$25 received as part of the fundraising event e.g. "pass-the-hat")
- ✓ Issued/received from ineligible sources (e.g. individuals not residents of Ontario)
- ✓ Issued/received in excess of the \$1,200 per contributor limit or the \$5,000 total limit
- ✓ Issued/received a **cash** contribution in excess of \$25
- ✓ Issued/received from funds not belonging to the contributor

Frequently Asked Questions Regarding Campaign Contributions

How can contributions of cash be made?

Cash contributions may only be accepted up to \$25; contributions more than \$25 must be made by cheque, money order, credit card or by a method that clearly shows where the funds came from.

What is the definition of contributions of goods and services?

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

All contributions of goods or services the candidate receives are considered contributions and should be supported by an invoice from the contributor of the good or service. The contribution must be recorded just as if it were money.

If a vendor is willing to sell goods and services to the campaign at less than market value, the difference between market value and what the campaign paid must be recorded as a contribution. When you record the expense, you should record what you paid plus the value of the discount. As corporations/businesses are not permitted to make contributions, the discount would have to be a personal contribution from the vendor.

Who can accept campaign contributions?

Only the candidate and those persons authorized by the candidate can accept campaign contributions. Contributions can only be accepted during the campaign period and only from a person or entity entitled to make a contribution.

How are anonymous contributions handled?

An anonymous contribution cannot be accepted. The only exception to this rule is a donation received at a fund-raising function held on behalf of a candidate (eg. "pass-the-hat" donations). Each of these donations must be \$25 or less. However, the total revenue from any such donation source must be reported as part of the candidate's financial statement. Any anonymous contribution received that cannot be returned must be paid to the Clerk.

Are contributions income tax-deductible?

Contributions to municipal and school board campaigns **are not** income tax-deductible.

Fundraising

Fundraising activities are to only be held for a candidate and must occur within his or her campaign period.

The *MEA* defines a fundraising function as an event or activity,

- a) held by a candidate or under a candidate's direction for the purpose of raising funds for his or her election campaign, or
- b) held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements

Candidates/Third Parties must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on their campaign financial statement. The price of admission to a fundraising function and/or any amount paid for a good or service (offered for sale in excess of fair market value) is to be considered and treated as a campaign contribution.

If a Candidate/Third Party holds an event to promote their campaign and they happen to receive some contributions or ask people to consider contributing to their campaign, this would not qualify as a fundraising event. Similarly, if a Candidate/Third Party has a sentence in their campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote their campaign, not to raise money.

Expenses - Candidate

Any costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign are considered expenses.

The nomination fee is a personal expense. It is not considered to be a campaign expense, and should not be reported on the campaign financial statement.

Candidates can only incur expenses during the campaign period, except for expenses related to the preparation of an auditor's report. If a candidate is required to include an auditor's report with their financial statement, they may incur these expenses after the campaign period has ended, and report them on their financial statement.

Goods and services that are contributed to a campaign are also expenses. They should be treated as if the contributor gave the candidate money and the candidate went out and purchased the goods and services – candidates must record both the contribution and the expense. Most expenses are subject to a maximum campaign expense limit.

Campaign Inventory

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

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

Deadline for Claiming Expenses

The 2022 Municipal Election campaign period ends on January 3, 2023 (a campaign is also deemed to end on August 22, 2023 if a nomination is rejected by the Clerk or on the date a candidate submits his or her withdrawal).

Financial Statements and Disclosure

It is the responsibility of the candidate to file a complete and accurate [Form 4](#) Financial Statement in person at Township Office by the deadline applicable to their respective campaign. All nominated candidates for the 2022 Municipal Election (including those who have withdrawn or were not elected) must disclose their contributions and expenses, using the prescribed form, no later than 2:00 p.m. on March 31, 2023.

If campaign contributions (including contributions from the candidate) or campaign expenses are greater than \$10,000, the candidate must have their financial statement audited and include the auditor's report when submitting the financial statement to the Clerk.

If a candidate is unable to file their financial statement by the deadline, they may apply to the Superior Court of Justice for an extension before the filing deadline. If the financial statement is not filed by the deadline, the candidate may file their financial statement within 30 days after the deadline, if they pay the municipality a \$500 late filing fee. Candidates will not receive a refund of their nomination fee if they file during the 30-day grace period.

If the financial statement is not filed by the end of the 30-day grace period, and the candidate did not apply to the court for an extension prior to the deadline, the candidate will forfeit their elected office and they will be ineligible to run for office or be appointed to fill a vacancy until after the next municipal election.

Note: Candidate's financial statements are deemed to be public documents and will be posted to the Township's website in their entirety.

Campaign Surplus and Deficits

If the candidate's campaign has a surplus after they have refunded contributions made by themselves or their spouse, the candidate must pay the surplus over to the Clerk when they file their financial statement. The surplus will be held in trust, and can be used 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 it becomes the property of the municipality or the school board.

Record Keeping/Accounting System

Consulting with an auditor (specifically one with experience in campaign financing) on an election campaign accounting system is advisable. This will ensure that a candidate's record keeping and accounting procedures are followed in a satisfactory manner, allowing any necessary audits to be carried out at minimal cost. The auditor is required to examine and to report as to whether the financial statement presents fairly the information contained in the accounting records on which the financial statement is based. Further information regarding campaign accounting requirements can be found in the MEA.

The following is an excerpt from Section 88.22, *MEA*:

- (1) A candidate shall ensure that,
 - a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
 - b) all contributions of money are deposited into the campaign accounts;
 - c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
 - d) all payments for expenses are made from the campaign accounts;
 - e) contributions of goods or services are valued;
 - f) receipts are issued for every contribution and obtained for every expense;
 - g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
 - h) records are kept of every expense including the receipts obtained for each expense;
 - i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
 - j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
 - k) records are kept of any loan and its terms under section 88.17;

- l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- m) financial filings are made in accordance with sections 88.25 and 88.32;
- n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
 - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Compliance Audits

As per the *MEA*, a Compliance Audit Committee will be constituted and delegated full authority to address applications requesting an audit of a candidate's financial statement. The Committee's term will be equal to that of the elected council. A Terms of Reference will be established by the Clerk. The central role of the Committee will be to review applications and grant or reject audit requests. Where granted, the Committee will appoint an auditor to review the final statement and, where indicated, the Committee will decide whether legal proceedings shall be commenced.

Notice of Penalties

Further to *MEA* s. 33.1, the Clerk shall, before Voting Day, give notice of the penalties under section 88.23(2) and section 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive as per *MEA* s. 34.

MEA s. 88.23,

- (1) A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,
 - a. if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
 - b. if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;

- c. if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
 - d. if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.
- (2) Subject to subsection (7), in the case of a default described in subsection (1),
- a. the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
 - b. until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.
- (3) In the case of a default described in subsection (1), the clerk shall,
- a. notify the candidate in writing that the default has occurred;
 - b. if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
 - c. make available to the public the name of the candidate and a description of the nature of the default.

Section 92

- (1) A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23 (2),
- a. if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
 - b. if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (1).

Accessibility Provisions within the Municipal Elections Act

Pursuant to *MEA* s.12.1 in providing for matters and procedures not otherwise covered by the Act, the Clerk shall have regard to the needs of electors and candidates with disabilities. The clerk shall also prepare an accessibility plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day.

Within 90 days after voting day, the Clerk shall submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Accessibility Resources for Candidates

Candidates must also have regard for the needs of electors with disabilities. Campaign offices, election materials and canvassing should all be reviewed in order ensure that accessibility has been considered for all electors, including those with disabilities.

Accessibility Ontario has a number of great resources that will assist with planning for an accessible election. <https://accessforward.ca/>

The Township of Selwyn has developed Accessibility Standards for Customer Service. For more information on the provision of service to persons with disabilities please visit the Township's website www.selwyntownship.ca

Third Party Advertising

For full details on the responsibilities of Third Party Advertisers refer to the *MEA*, as amended or use the link below:

<https://www.ontario.ca/document/2022-third-party-advertisers-guide>

Third Party Advertising Definition:

An advertisement is any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- (a) a candidate, or
- (b) a “yes” or “no” to a question on a ballot.

Does not include:

- An advertisement by and under the direction of a candidate;
- Where no expenses are incurred by the person /entity in relation to the advertisement;
- When given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

Advertising that does not cost money to post or to broadcast, such as comments made on social media will not be considered to be third party advertising.

Registration of Third Party Advertisers – *MEA* s.88.6

Individuals, corporations or trade unions are eligible to register as a third party advertiser provided that they have formally registered with the local Clerk as a third party advertiser. Registration allows a third party advertiser to promote or oppose any candidate that the electors in the municipality can vote for.

Registrations can be accepted by the Clerk, or designate, from May 2, 2022 – October 21, 2022. There is no registration fee for third party advertising. The Clerk will review the registration and then certify the notice of registration if deemed compliant or reject the registration (*MEA* s. 88.6 (13)).

The following are not permitted to register:

- Municipal election candidates;
- Federal and Provincial political parties, constituency associations, registered candidates and leadership contestants;
- Federal and Provincial government, a municipality or local board.

If third party advertisers want to advertise in more than one municipality, they are required to register in each municipality. This also means that each registration is a separate campaign with its own spending limits.

Third Party Advertising Requirements - MEA s.88.4, s.88.21

No individual, corporation or trade union is permitted to incur expenses for a third party advertisement that appears during the restricted period unless they are a registered third party. The restricted period is the date registration is filed and ends at the close of voting on Voting Day. *Restricted period – earliest day is May 2, 2022, last day is October 21, 2022.*

Contributions by corporations and trade unions to candidates are banned, however, corporations and trade unions can contribute to third party advertisers. Money goods and services are considered contributions.

The following are permitted to contribute to a Third Party Advertiser:

- 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 registered third party and in the case of an individual, his or her spouse (subject to MEA s.88.12(5)).

Contributions:

- cannot be made or accepted unless a third party has registered;
- maximum contribution from a single contributor is \$1,200 to a registered third party and \$5,000 to two or more registered third parties in a municipality.
- there is no limit on how much a registered third party (and, if the third party is an individual, their spouse) can contribute to their own advertising campaign.

Expenses:

- subject to maximum expense limit;
- required to record expenses and file a financial statement.

Mandatory Information to be included in Third Party Advertisements

The third party advertiser must be registered at the time of the advertisement.

The ad **must** contain the following:

- ✓ name of the registered third party;
- ✓ municipality where the third party is registered;
- ✓ a telephone number, mailing address or email address at which the third party may be contacted regarding the advertisement.

A registered third party is not permitted to allow third party advertisement to appear during the restricted period unless the broadcaster/publisher has been provided with the ad requirements as noted above in writing.

Third party advertisers are required to identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears or is broadcast.

The broadcaster/publisher retains records with respect to the third party advertisement - *MEA* s. 88.3 (1). They must retain the record for four (4) years after the date of the appearance of the advertisement and permit inspection during normal business hours.

Municipal Authority to Remove Advertisements

A municipality may require the following to remove or discontinue the advertising:

- ✓ a person who has contravened the provisions for third party advertisers or caused/permitted the contravention;
- ✓ the owner or occupier of the land on which the contravention occurred.

Campaign Period – *MEA* s. 88.28

Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period - *MEA* s. 88.12. A third party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules.

The 2022 election campaign:

- ✓ begins on the day, but not before May 2, 2022, the third party registers for the election (registration must be certified by the Clerk); and
- ✓ ends on January 3, 2023.

Filing Requirements – *MEA* s. 88.29, s. 88.30

All registered third parties are required to file a financial statement using the prescribed form. Candidates, whose campaign contribution and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement.

A registered third party whose campaign contributions in the municipality exceed \$10,000 or whose total campaign expenses exceed \$10,000 is required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditors report using the prescribed forms by 2:00 PM on March 31, 2023 for the filing period ending January 3, 2023.

Notice of Default – MEA s. 88.27(2)

The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The Clerk also has to make this information public.

Electronic Versions of Financial Statements

The Clerk shall make the financial statements filed under *MEA* s. 88.25, s. 88.29 and s. 88.32 available at no charge for viewing by the public on the municipal website or in another electronic format as soon as possible after the documents are filed.

Penalties – MEA s. 88.23, s. 88.27, s. 88.35

As with candidates, there is a 30 day grace period for those who missed the deadline to file a financial statement and auditor's report, provided that the third party advertiser pays a \$500 late filing fee to the municipality.

Third party advertisers are subject to spending limits and must file financial statements with the Clerk and the Clerk must review the statements for possible contraventions and submit any identified contribution to the Compliance Audit Committee. The Clerk is required to publicly identify the third parties who file or did not file a financial statement.