

Candidate and Third Party Advertiser Information Session

Township of Black River-Matheson

June 19, 2024

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only.
- The slides are not meant to replace provincial legislation and should not be considered legal advice.
- For more specific information, please refer to the relevant legislation and regulations which can be found online at <https://www.ontario.ca/laws>.
- Since local facts and circumstances vary, users should obtain their own legal and professional advice when specific issues arise.
- Please note that some terms referred to on the following slides may not be terms from the [*Municipal Elections Act, 1996*](#) but are terms that are commonly referred to in the context of municipal elections and are provided for general information and ease of understanding only.

Overview

- Roles and responsibilities of elected officials and staff
- Eligibility rules
- Nomination process
- Campaign finances
- Compliance audit
- Voters' list and voting proxy
- Scrutineers
- Recounts
- Resources



Roles and Responsibilities of Elected Officials and Staff

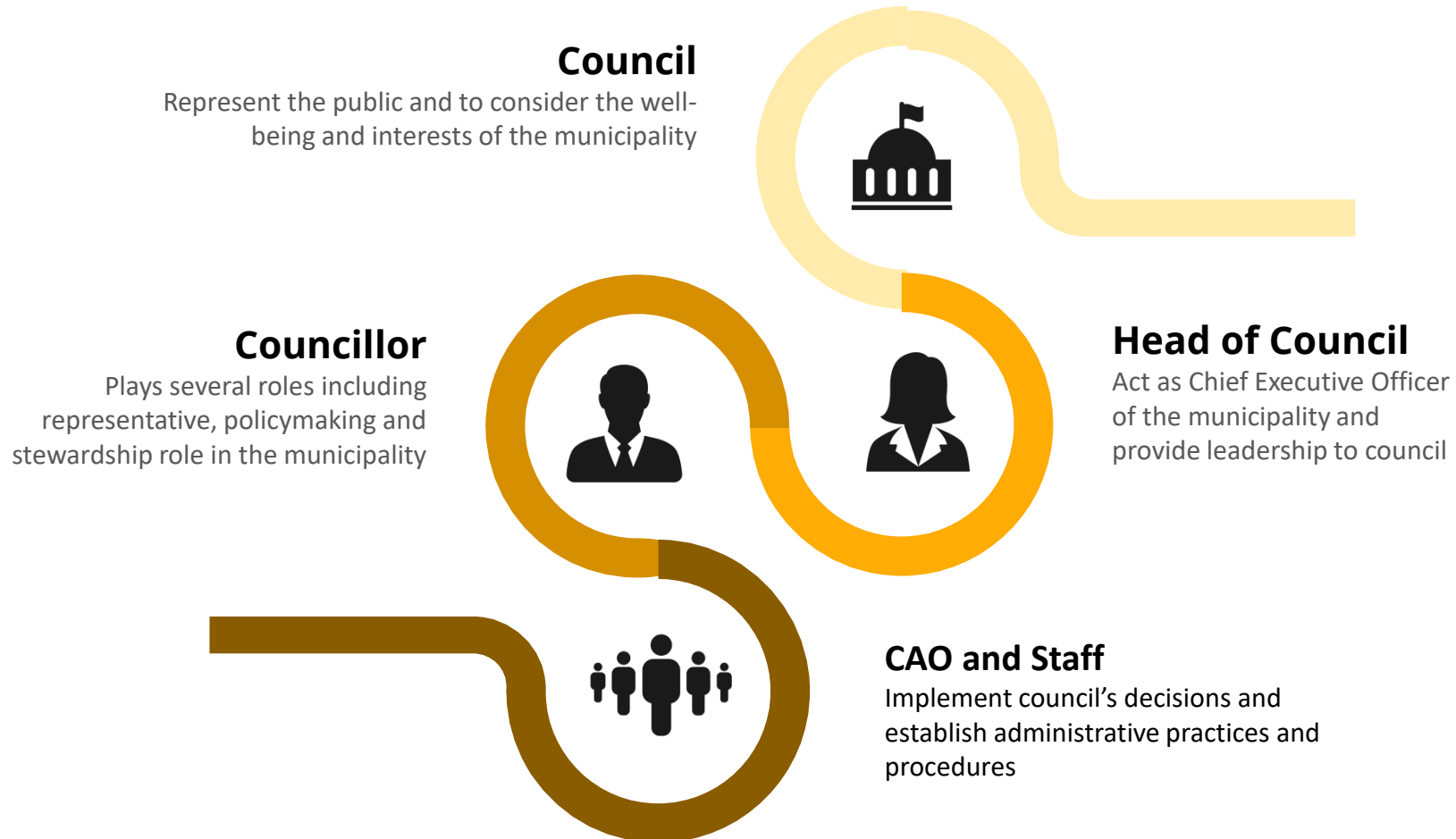
Running for Municipal Office



March 26, 2024

Candidate/Third Party Advertiser Information Session

Council and Staff Roles



Role of Head of Council

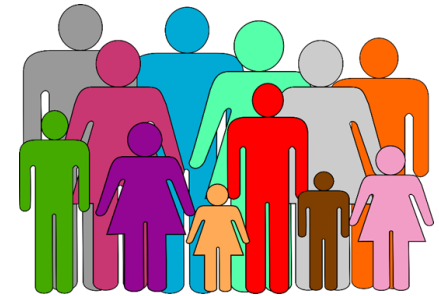
- The *Municipal Act, 2001*, sets out the role of the head of council as follows:
 - provide leadership to the council
 - preside over council meetings so that its business can be carried out efficiently and effectively
 - provide information and recommendations to the council with respect to the role of council
 - represent the municipality at official functions
 - carry out duties of the head of council under the Municipal Act, 2001 or any other Act
 - act as the chief executive officer

Role of Council

- The *Municipal Act, 2001*, sets out the role of council as follows:
 - represent the public and to consider the well-being and interests of the municipality
 - develop and evaluate the policies and programs of the municipality
 - determine which services the municipality provides
 - ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of council
 - ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
 - maintain the financial integrity of the municipality
 - carry out the duties of council under the Municipal Act, 2001 or any other Act

Role of Council: Representative Role

- Elected by your constituents to represent their views
 - many views/opinions
 - cannot represent all of them all of the time
- Election to office requires a broad understanding of the issues and you may need to consider:
 - opposing interests
 - making decisions that may not be popular with everyone
- You should make decisions in the best interests of the municipality as a whole



Role of Council: Policy Making Role

- Policies provide direction for municipal operations by establishing general principles to help guide actions



Role of Council: Stewardship Role

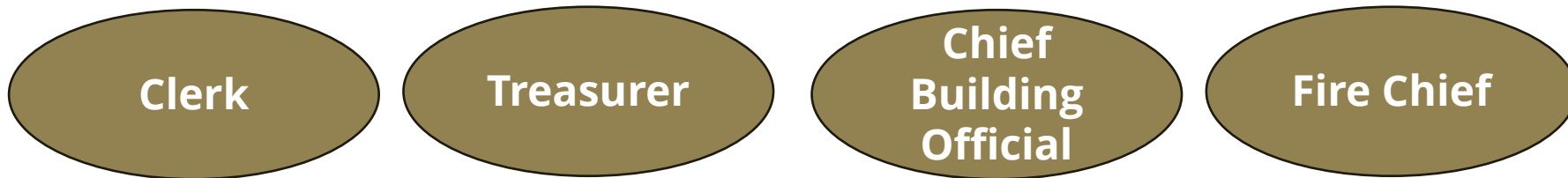
- Council's objectives are to ensure financial and administrative resources are used efficiently
 - council monitors implementation of approved policies and programs
 - practical aspects of implementation and administration with staff
- Council may wish to develop processes to help ensure:
 - policies adopted by council are being implemented
 - staff are administering services and programs as council intended
 - rules and regulations are being applied correctly and consistently
 - funds are being spent only as authorized, and the municipality's resources (financial and otherwise) are being used appropriately and as efficiently as possible

Role of Chief Administrative Officer

- The *Municipal Act, 2001*, sets out the role of the chief administrative officer (CAO) of the municipality as follows:
- The CAO is responsible for:
 - 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
 - performing such other duties as are assigned by the municipality.
- The CAO is responsible for the general management of the day-to-day operations of the municipality, which may include developing and implementing appropriate internal administrative policies, practices and procedures.

Role of Municipal Officers

- The *Municipal Act, 2001* sets out the role of the officers and employees of the municipality as follows:
 - implement council's decisions and establish administrative practices and procedures to carry out council's decisions
 - undertake research and provide advice to council on the policies and programs of the municipality
 - carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the municipality
- Some officers of the municipality have statutory obligations

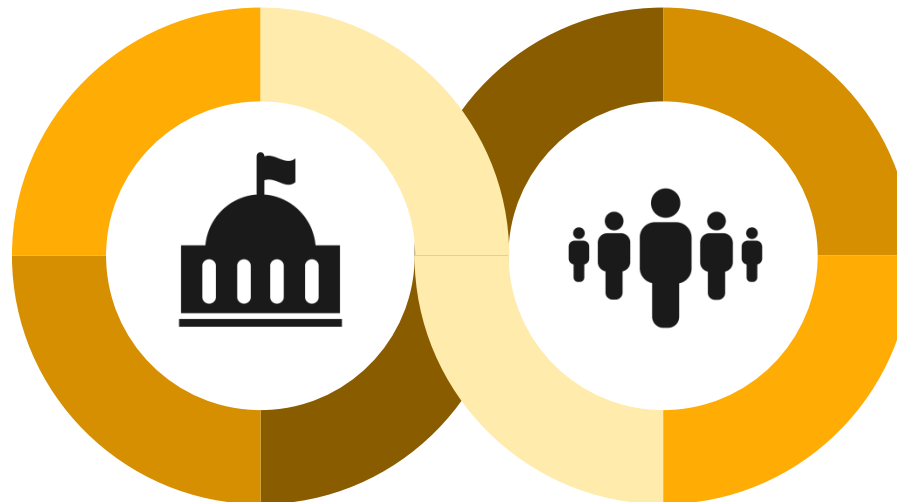


Council Staff Relationship

- All municipalities should recognize the importance of council-staff relations
- Some councils have established programs that require employee input into operational policies and procedures
- This practice recognizes staff experience and expertise and encourages communication

Council

- Representative
- Direction & Policy
- Decisions
- Political Leadership



Staff

- Manage people & resources
- Research & Advice
- Implementation
- Organizational Leadership

CAO

- Manage people & resources
- Organizational Leadership

Accountability and Transparency

- Ontario municipalities and council operate under a legislated accountability and transparency framework
- Key requirements for municipalities include:
 - adopting policies related to accountability and transparency specified in section 270 of the *Municipal Act, 2001*
 - establishing a code of conduct for members of council and certain local boards
 - ensuring access to an Integrity Commissioner
 - certain *Municipal Conflict of Interest Act* and open meeting requirements

Code of Conduct

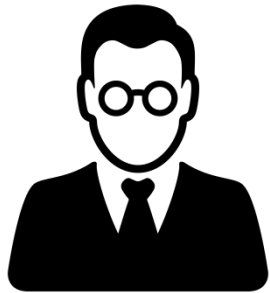
- Municipalities are required to adopt a code of conduct for members of council and certain local boards
 - Must include matters related to gifts, benefits and hospitality; respectful conduct; dealing with confidential information; and use of municipal or local board property/equipment
- Considerations when developing and reviewing codes of conduct:
 - working with local boards when developing local board codes of conduct,
 - reviewing and updating existing codes of conduct, including consulting with the Integrity Commissioner,
 - establishing standards of respectful conduct – consider what harassment or bullying is,
 - establishing a local process for handling complaints about a councillor's conduct,
 - work with the Integrity Commissioner to establish an accessible and open complaints process for codes of conduct,
 - review how the code fits with the other aspects of the local accountability regime (e.g., an existing council-staff relations policy).



Integrity Commissioner

- Municipalities are required to provide access to an integrity commissioner to, in an independent manner, perform the functions assigned by council with respect to:
 - applying the local codes of conduct for members of council and certain local boards
 - applying local procedures, rules, and policies governing the ethical behavior of members
 - applying certain Municipal Conflict of Interest Act (MCIA) rules to members
 - requests for advice from members of council and certain local boards respecting their obligations under:
 - the local code of conduct applicable to the member
 - local procedures, rules or policies governing the ethical behavior of the members
 - certain sections of the *Municipal Conflict of Interest Act*
 - providing educational information to the public, the municipality and members of council and certain local boards about local codes of conduct for members and about the MCIA

Ontario Ombudsman



The Ontario Ombudsman has a role with respect to municipalities.

- May investigate municipalities on complaint or on own initiative
- Cannot compel municipalities to take action
- May make recommendations to council and the municipality as part of their report
- Municipality determines whether and how to address any recommendations made by Ombudsman
- Ontario Ombudsman does not replace locally established complaint mechanisms or act as Integrity Commissioner for municipalities

Privacy and Confidentiality

- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is the primary statute for privacy and confidentiality
 - Sets out rules for collection, use and disclosure of personal information
 - Regulates confidential information of other kinds (in addition to personal information)
- Other statutes and laws including local by-laws also regulate personal and other kinds of confidential information
- Councillors may have responsibilities if receiving confidential information in the course of their duties (e.g. protecting and safeguarding the information)
 - Check with municipal staff about appropriate measures and the municipality's practices (e.g. providing for physical security)

Eligibility Rules

Municipal Office Eligibility/Ineligibility

| | |
|-------------------|---|
| Eligible | <ul style="list-style-type: none">✓ A resident, owner or tenant of land in the municipality or the spouse of such owner or tenant✓ A Canadian citizen✓ 18 years of age or older✓ Not legally prohibited from voting✓ Not disqualified by any legislation from holding municipal office |
| Ineligible | <ul style="list-style-type: none">✗ any person not eligible to vote in the municipality✗ an employee of the municipality (unless a leave of absence is taken before nomination and the employee resigns if elected)✗ a judge of any court✗ a member of the Ontario Legislature, Senate or House of Commons✗ a person who was a candidate in the previous election and did not file a campaign financial statement by the deadline |

Nomination Process

- Nominations can be filed beginning on **June 1, 2024**
- Nomination day is **June 28, 2024**, between 9:00 am and 2:00 pm and is the last date a nomination can be filed
 - This is the last day that a nomination can be filed
- Withdrawal of a nomination must be filed with the clerk's office in writing before 2:00 pm on nomination day
 - It is recommended that a candidate personally attend at the clerk's office to withdraw a nomination
- Clerks must certify qualifying nominations by 4:00 pm on the Monday following nomination day



Nomination Process (Continued)

- Candidates must complete Form 1 (nomination paper) and submit it to the municipal clerk with the filing fee:
 - \$200 for head of council or
 - \$100 for all other offices
- The clerk may require candidates to show proof of eligibility or fill out a declaration that the individual is eligible to run.
- In a ward system, an eligible voter in the municipality may run in any ward.
- Municipal clerks may choose to permit municipal election candidates (for municipal council and school board trustee) and third-party advertisers to file nomination and registration paperwork electronically (e.g. without having to attend the clerk's office in person)



Nomination Process 25 Signatures



- The nomination for an office on council must be endorsed by at least 25 persons using Form 2 - endorsement of nomination form.
- Persons endorsing a 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.
- Individuals may endorse more than one nomination.
- The clerk is entitled to rely upon the information filed by the candidate.

Third Party Advertiser

Third Party Advertiser

- an individual, corporation or trade union that is registered in the municipality to promote, support or oppose a candidate or a “yes” or “no” answer to a question on the ballot

Third Party Advertisement

- an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing
 - a candidate, or
 - a “yes” or “no” answer to a question on the ballot

Third Party Advertiser – Eligibility/Ineligibility

| | |
|-------------------|--|
| Eligible | <ul style="list-style-type: none">✓ an individual✓ a corporation✓ a trade union |
| Ineligible | <ul style="list-style-type: none">✗ a candidate whose nomination has been filed under section 33✗ a federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party✗ a provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act✗ Crown in right of Canada or Ontario, a municipality or a local board✗ any group or association that is not a corporation |

Registration of Third Party Advertisers

- Last day to file registration as a third party advertiser: **August 9, 2024**
- Individuals, corporations and trade unions must identify themselves and provide mandatory information on all advertising
- There is no registration fee for third-party advertisers
- A third party advertiser registers in the local municipality with the clerk responsible for conducting the election
- Third parties are not required to declare support for or against a candidate or question on the ballot when they register to be a third-party candidate
- To advertise in relation to questions on the ballot registration is required as a third party advertiser

Registration of Third Party Advertisers (Continued)

- May end their campaign by filing a written withdrawal with the clerk at any time prior to the end of the registration period for third-party advertisers.
- Third party advertisers who become candidates automatically end their advertising campaigns when they file their nomination.

Campaign Finances

Contributions

- Candidates and third-party advertisers do not have to open a bank account if they do not raise or spend money.
- A contribution includes money, goods or services.
- Contributions to candidates from trade unions and corporations are prohibited in municipal elections.
- Municipalities must establish rules and procedures regarding the use of municipal or local board resources during the campaign period.
- Municipalities providing information to the public on a website or other electronic means is not a contribution.



Contributions (Continued)

Candidates

Can accept contributions from:

- individuals who are normally resident in Ontario
- the candidate and their spouse

Third Party Advertisers

Can accept contributions from:

- individuals normally resident in Ontario
- trade unions that hold bargaining rights for employees in Ontario
- corporations that carry on business in Ontario.

- Corporations are deemed to be a single corporation if one of the corporations controls the others, directly or indirectly, or if all the corporations are owned or controlled by the same person or group of persons either directly or indirectly.

Contributions (Continued)

- Candidates and third party advertisers cannot accept contributions from

- ✗ a federal political party, constituency association or registered candidate in a federal election
- ✗ a provincial political party, constituency association or registered candidate or leadership contestant
- ✗ federal or a provincial government
- ✗ a municipality
- ✗ a school board
- ✗ a business or group that is not a corporation

Contributions (Continued)

- Contributions over \$25
 - by cheque or money order; or
 - by a method that clearly shows where the funds originated.
- Goods sold to raise funds
 - If sold for \$25 or less that amount is considered campaign income, not a contribution
- Donations under \$25 at fundraising events are not contributions
- Ticket price of fundraiser is a contribution
- Receipts must be issued for each contribution and should include the name and address of the contributor and the amount and date of the contribution
- No anonymous contributions except for pass the hat collections (limited to \$25)

Contribution Limits



- Limit on contributions to any one candidate or third party advertiser is \$1,200
- Contributor limits:
 - An aggregate total of \$5,000 to any number of candidates
 - An aggregate total of \$5,000 to any number of third party advertisers
 - Applies to any size of contribution or combination of money, goods and services
- Candidates and third party advertisers must inform contributors of these limits

Self-Funding Limits

- Candidates are limited to how much they can contribute to their own campaign
 - Also applies to contributions made by the candidate's spouse
- This limit is based on the number of electors entitled to vote for the office, to a maximum of \$25,000 per candidate:
 - \$7,500 + \$0.20 per elector for head of council
 - \$5,000 + \$0.20 per elector for other council offices
- These contributions:
 - must be deposited into the campaign account,
 - have a receipt, and
 - reported on the financial statement
- Clerk will calculate the amount and provide a certificate to each candidate within 10 days after the clerk makes corrections to the preliminary list of electors



Borrowing



- Loans can only be borrowed from a bank or other recognized lending institution in Ontario and must be directed into the campaign account.
- Loans may only be guaranteed by the candidate or their spouse.
- Generally, the same borrowing rules apply to third-party advertisers.

Campaign Expenses

- For the purposes of the *Municipal Elections Act, 1996*, the following are considered campaign expenses:

| Candidates | Third Party Advertisers |
|--|---|
| Costs incurred for goods or services by or under the direction of a candidate wholly or partly for use in their election campaign are expenses | Costs incurred by or under the direction of a registered third-party advertiser for goods or services for use wholly or partly in relation to third-party advertisements that appear during an election in a municipality are expenses. |

Campaign Expenses (Continued)



- A campaign expense includes:
 - ✓ any expense incurred for goods and services in relation to an election
 - ✓ the replacement value of any goods held in inventory from a previous election
 - ✓ the value of any contribution of goods and services for use in whole or in part

Spending Limits

- Ontario Regulation 101/97
- The clerk's calculation of the spending limit is final



| General Spending Limit | Spending Limit After Voting Day for Parties, Expressions of Appreciation, Gifts, Etc. |
|---|---|
| <ul style="list-style-type: none">• Head of council: \$7500 + 85 cents per elector• All other offices: \$5000 + 85 cents per elector | <ul style="list-style-type: none">• 10% of the above calculated amounts |

Spending Limits (Continued)

- The clerk will provide both candidates and third-party advertisers with two certificates:

| Preliminary Estimate | Final Amount |
|--|--|
| <ul style="list-style-type: none">• Provided when candidate files nomination form or third party advertiser registers• Based on previous year's voters list | <ul style="list-style-type: none">• To be provided by 10 days after the clerk makes the corrections to the voters' list.• Amount based on most current voters' list |

- The higher of the two amounts is the spending limit

Expenses Not Subject to Spending Limit

- Expenses that are not subject to the general campaign spending limit include:

- holding a fundraising event or activity
- expenses related to a recount *
- expenses incurred by a candidate with a disability that are directly related to the disability
- audit and accounting fees
- expenses related to a compliance audit
- expenses related to a court action for a controverted election *
- expenses incurred after voting day

* Do not apply to third party advertisers

Third Party Advertiser Spending Limits

- General spending limit
 - Formula: \$5,000 plus \$0.05 per elector, to a maximum of \$25,000
 - Based on the number of electors entitled to vote in the by-election
 - Separate spending limit for parties and other expressions of appreciation after voting day
 - Set at 10% of the general spending limit
 - Consistent with the spending limit in place for candidates



Campaign Finance Rules

- Campaign finance rules can be found in the Municipal Elections Act

Candidates

- Sections 88.8 to 88.11 and 88.15 to 88.21

Third Party Advertisers

- Sections 88.12 to 88.21

- Bank account must be opened for election campaign purposes prior to spending money or accepting contributions
- All contributions of money must be deposited into the campaign account

Campaign Finance – Record Keeping

- Accurate record keeping is a legislated requirement.
- Candidates and third-party advertisers must keep records of:
 - receipts issued for every contribution
 - value of every contribution
 - whether contribution is in form of money, goods or services
 - contributor's name and address
 - every expense including the receipts obtained for each expense
- Campaign finance records must be retained until after November 15, 2026, when the new council/local board has been sworn in



Campaign Advertisements

- Candidates and third party advertisers must provide a broadcaster or publisher with
 - the name of the candidate/registered third party advertiser
 - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third party advertiser
 - the third party advertiser must also include the name of the municipality where the third-party advertiser is registered
- No broadcaster or publisher can permit an advertisement to appear unless this information is provided
- Third party advertisers can advertise from the day the clerk certifies their registration to the close of voting



Campaign Advertisements (Continued)

- The broadcaster or publisher shall maintain records for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours
- Records must contain
 - the name of the candidate/registered third-party advertiser
 - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third-party advertiser
 - a copy of the advertisement, or the means of reproducing it for inspection.
 - a statement of the charge made for its appearance.

Financial Statement

- All candidates required to use Form 4
- Third Party Advertisers use Form 8
- Filing deadline date for financial statements is 2:00 pm on October 28, 2024
- Application for extension can be submitted to courts prior to above filing deadline date



Financial Statement (Continued)



- All contributions must be reported, including names of contributors who contribute more than \$100
- The clerk is required to make financial statements available to the public in an electronic format free of charge
- Financial statements must include an auditor's report if expenses or contributions exceed \$10,000

Financial Statement (Continued)

- Candidates can close their campaign on **September 26, 2024**, and file their financial statement after voting day until **October 28, 2024**
- Third party advertisers can close their campaign on **September 26, 2024** and file their financial statement after early withdrawal or at any time after voting day to **October 28, 2024**
- Clerk is required to make public as soon as possible after **November 10, 2024**, a report
 - On a website or other electronic format
 - Setting out whether each candidate/third party advertiser complied with the filing requirements
- Clerk can determine conditions and limits regarding electronic filing of financial statements

Financial Statement (Continued)

- The candidate's nomination fee is refundable only if the financial statement is filed on time
- Missed the deadline?
 - A candidate or third-party advertiser may file within the 30-day grace period, provided a \$500 late filing fee is paid to the municipality
- A candidate or third-party advertiser may resubmit a financial statement to correct an error up until the filing deadline



Campaign Surplus



- Candidates or Third Party Advertisers
 - Pay entire campaign surplus to the clerk
 - Is entitled to a refund of any contributions they (or their spouse, if an individual) made to the campaign before the filing of the financial statement
- The clerk
 - Holds the surplus monies in trust in the event of a compliance audit
- No compliance audit?
 - The surplus becomes the property of the municipality

Compliance Audit

Compliance Audit

- Every council must establish a compliance audit committee
- Committee members cannot be
 - a candidate
 - a member or employee of a council
 - a registered third party advertiser
- Clerk reviews contributions to candidates and third-party advertisers, and
 - Determines if a contributor exceeded the contribution limits
 - If so, submits a report to the compliance audit committee to determine whether to proceed with legal action
- A qualified elector may apply to the compliance audit committee for a review of a candidate's or third-party advertiser's campaign finances even if the candidate or third-party advertiser hasn't filed a financial statement
- The committee will consider the application and decide whether to retain an auditor.

Compliance Audit Committee

- Compliance Audit Committees can:
 - Consider applications requesting audit of a candidate's financial statement
 - Consider applications requesting audit of a third party advertisers financial statement
 - Consider any over-contributions reported by the municipal clerk
- Meetings are required to be open to the public
- May deliberate in private
- Required to provide brief written reasons for its decision
 - If the auditor's report concludes that a contravention of the *Municipal Elections Act, 1996* has occurred, the committee will decide whether or not to proceed with legal proceedings



Offences



- It is an offence to directly or indirectly:
 - offer, give, lend or promise to give any valuable consideration connected to the exercise or non-exercise of an elector's vote
 - offer a person money or other valuables to convince them to run for office or refrain from running for office
 - give, procure or promise to procure an office or employment to induce a voter to vote or not vote, or a candidate to run or not run for office

Penalties

- In general, the following penalties are available to the courts upon conviction for an offence under the *Municipal Elections Act, 1996*:

| Individual | Candidate | Trade Union/Corporation |
|---|--|--|
| <ul style="list-style-type: none">• Maximum fine of \$25,000• Up to six months imprisonment• Ineligibility to run in the next general election or, if convicted of a corrupt practice, to vote in next general election | <ul style="list-style-type: none">• Penalties for an individual, plus<ul style="list-style-type: none">• fine for excess campaign expenses• forfeiture of office if offence committed knowingly | <ul style="list-style-type: none">• Maximum fine of \$50,000 |

Voters' List and Proxy Voting

Elections Ontario

- A non-partisan office responsible for administering provincial elections in Ontario
 - Administration for local elections continues to be the responsibility of municipal clerks
- Effective January 1, 2024, Elections Ontario is responsible for managing voter information for local elections
 - The permanent register of electors is a database of individuals eligible to vote in provincial and local elections in Ontario
 - Elections Ontario is responsible for maintaining the information stored on the permanent register of electors on an ongoing basis through data-sharing agreements with federal, provincial, and municipal sources and through updates made directly by electors
 - Elections Ontario is responsible for preparing the preliminary list of electors and providing it to municipal clerks

Voters' List: Clerk's Responsibilities



- The clerk:
 - may obtain a preliminary list of electors (PLE) before Sept 1 in the year of a regular election from Elections Ontario
 - In a by-election, must obtain a PLE at least 21 days before nomination day and must make corrections as soon as possible to the voters' list
 - Determines how and when individuals can apply to have their name and information corrected or added to or removed from the voters' list
 - Can remove a name from the list if the clerk becomes aware that the person has died
 - If an elector's information is redacted by Elections Ontario it cannot be included in voter's list that is made available to candidates or other persons or included in a copy made available for public inspection
- The preliminary list of electors provided by Elections Ontario, as corrected by the clerk, becomes the voters' list

Voters' List: Clerk's Responsibilities (Continued)

- Clerk shall provide copy of voter's list to certified candidates:
 - As soon as possible after the preliminary list of electors becomes the voters' list to a certified candidate who has made a written request
 - Only the part of the voters' list that contains the name of the electors who are entitled to vote for that office
 - Copies only to a person if that person provides a written acknowledgement that they will comply with the requirements of the *Municipal Elections Act*
- Clerk shall ensure that the voter's list:
 - Is not posted in a public place, and
 - Is not made available to the public on an internet website or via any other print or electronic medium of mass communication

Voter's List: Candidate's Responsibilities

- Prior to receiving the voters' list, the candidate must provide a written acknowledgement to the clerk that includes confirmation of the following:
 - They shall only use it for electoral purposes and shall not use it for commercial purposes;
 - They must only share the list with others (such as campaign workers) after obtaining a similar written acknowledgement from them
 - They must destroy their copy (both printed and electronic) on or before the day when the candidate's election campaign period ends;
 - They must destroy any printed copies returned by other persons
 - They must receive a written acknowledgment from any person who has received an electronic copy confirming that person has destroyed their electronic copy

Voter's List: Candidate's Responsibilities When Sharing With Others

- When the candidate shares the voters' list with another person, the candidate shall specify a date by which a shared printed copy of the list is to be returned to the candidate or when a shared electronic copy is to be destroyed
- Before the end of their election campaign period, the candidate shall:
 - Destroy their copy of the voter's list,
 - Destroy any printed copies returned to him/her, and
 - Require a written acknowledgement from all persons they gave electronic copies to that they destroyed their copy
 - Shall retain the written acknowledgements from individuals for the remainder of the term and the newly elected council is organized

Voter's List: Other's Responsibilities

- Prior to receiving the voters' list, the other person must provide a written acknowledgement to the candidate that includes confirmation of the following:
 - They shall not provide a copy to any other person and shall not make further copies
 - They shall only use it for electoral purposes and shall not use it for commercial purposes;
 - They must destroy their electronic copy on the date specified by the candidate;
 - They must return their printed copy to the candidate on the date specified by the candidate
 - They must provide a written acknowledgment to the candidate confirming they have destroyed their electronic copy by the date specified by the candidate

Voting Proxy



- A person who is entitled to be an elector may appoint another person who is also entitled to vote as their voting proxy
 - No proxy appointments can be made until nominations close
 - A voter must directly appoint another eligible voter by name as their proxy.
 - A person may only act as the voting proxy for one person, unless they are acting on behalf of a spouse, sibling, parent, child, grandparent or grandchild
 - The prescribed proxy form must be completed by the individual appointing the proxy
- If municipality is using alternative voting, verify with the clerk whether proxy voting is permitted.

Scrutineers

Scrutineers

- The scrutineer must have written proof of authorization from the candidate
- Clerk may require an oath of secrecy
- Only one candidate or scrutineer per ballot box
- Scrutineers are not permitted to touch ballots
- Third party advertisers cannot appoint scrutineers
- No age restriction on scrutineers
- No “campaigning” within the voting place



Recounts

Recounts

- Can occur

If there is a tie (automatic recount)

If council:

- Establishes policies prior to the election setting out additional conditions for an automatic recount
- Passes a by-law ordering a recount within 30 days of results being declared by clerk

An eligible elector applies to Superior Court of Justice for a recount within 30 days of results being declared by clerk

- In all instances, the recount must
 - Happen within 15 days of the clerk receiving a court order or council passing a resolution to conduct a recount
 - Be held in the same manner as the original count

Resources

Key Dates for 2024 By-Election

| Key Date | Activity |
|------------------------|---|
| June 1, 2024 | Opening of nominations/registration as third-party advertiser |
| June 28, 2024 | Nomination Day |
| August 9, 2024 | Last day for third-party advertisers to register |
| August 12, 2024 | Voting day |
| September 26, 2024 | Candidate and Third-party advertiser campaign periods end |
| October 28, 2024 | Campaign financial statement filing deadline |

Resources

- Legislation
 - [Municipal Elections Act, 1996](#)
 - [Municipal Act, 2001](#)
 - [Municipal Conflict of Interest Act](#)
- [MMAH Municipal Elections Resources](#)
- [Municipal World](#)
- [Municipal Councillor's Guide](#)



Questions

Ministry of Municipal Affairs and Housing
Municipal Services Office – North (Sudbury)



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