

**THE CORPORATION OF THE  
CITY OF NORTH BAY**

**MUNICIPAL ELECTION 2018  
POLICIES AND PROCEDURES**

NORTH BAY  
MUNICIPAL ELECTION

POLICES & PROCEDURES

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## DEFINITIONS

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- b) **Advanced Vote** - means the location, dates and hours for casting a ballot prior to Voting Day.
- c) **Candidate** - means a person who has been nominated under Section 33 of the Act.
- d) **Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- e) **Clerk** - means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- f) **Corporation** – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

Test – if someone tripped and fell on your property who would they sue?  
You as the person or your company?

### What is a Sole Proprietorship?

Income and losses are taxed on the individual's personal income tax return. The **sole proprietorship** is the simplest business form under which one can operate a business. The **sole proprietorship** is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.

### What is a Co-op?

A business or organization that is owned and operated by the people who work there or the people who use its services.

- g) **Deputy Returning Officer** - means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.
- h) **Election Campaign Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- i) **Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath. [s.15(4)]
- j) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
- k) **Lame Duck** - means there are restrictions on Council's powers (*Municipal Act*, Section 275). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than  $\frac{3}{4}$  of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than  $\frac{3}{4}$  of the members of the outgoing Council.
- l) **Municipal Office** - means the City of North Bay administration building located at 200 McIntyre Street East, North Bay, Ontario.
- m) **Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- n) **Owner or Tenant** - in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
  - (a) on voting day, or
  - (b) for a period of six weeks or more during the calendar year in which voting day of the election is held

**Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.

- o) **Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by July 31<sup>st</sup> of an election year.

- p) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- q) **Regular Office Hours** - means Monday to Friday, 8:30 a.m. to 4:30 p.m.
- r) **Registered Third Party (Third Party Advertiser)** - means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- s) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
- t) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- u) **Third Party Advertisement** – means 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, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
- v) **Time/Clock** - means the time as indicated on the clock located in the Clerk's Department.
- w) **Trade Union** – means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.
- x) **Voting Day** (not to be confused with Voting Period) - means the final day on which the final vote is to be taken in an election and shall be Monday, **October 22, 2018** with the close of voting to be at 8:00 p.m.
- y) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- z) **Voting Place** - means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk.

**AUTHORITY**  
***Municipal Elections Act, 1996***

**Duties of Clerk**

11. (1) The clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:
1. The clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
  2. The clerks specified in Section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.
  3. Repealed: 2002, c. 17, Sched. F, Table.
  4. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).
- (2) Responsibility for conducting an election includes responsibility for,
- (a) preparing for the election;
  - (b) preparing for and conducting a recount in the election;
  - (c) maintaining peace and order in connection with the election; and
  - (d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).

**Powers of Clerk**

12. (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
- (a) is not otherwise provided for in an Act or regulation; and
  - (b) in the clerk's opinion, is necessary or desirable for conducting the election.

**Forms**

- (2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

Also see the Section on DISCRETIONARY POWERS OF THE CLERK later on in the manual.

**Procedures and Forms**

Section 42(4) states that the procedures and forms established by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates and third party advertisers, as applicable.

## **2018 NOMINATION PROCEDURE ELECTED OFFICES**

Members will be elected for a four (4) year term, commencing December 3, 2018 and ending November 14, 2022 for the following offices:

- a) **MAYOR**  
(One (1) to be elected by all electors of the municipality)
- b) **COUNCILLORS**  
(Ten (10) to be elected at large)
- c) **DISTRICT SCHOOL BOARD (English)**  
(Four (4) to be elected by English public school electors of the municipality)
- d) **DISTRICT SEPARATE SCHOOL BOARD (English)**  
(Four (4) to be elected by English separate school electors of the municipality)
- e) **FRENCH LANGUAGE DISTRICT SCHOOL BOARD**  
(Two (2) to be elected by French public school electors of the municipality)
- f) **FRENCH LANGUAGE DISTRICT SEPARATE SCHOOL BOARD**  
(Two (2) to be elected by French separate school electors of the municipality)

**POSTING NOTICE THAT NOMINATION PERIOD IS OPEN**      Section 13(1)

*"13.(1)      Any notice of other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be."*

Notice of the nomination period will be posted on the City's Website and by way of an advertisement in a local newspaper prior to the end of March in a municipal election year. A copy of the 2018 notice follows.

FORM LC01

**NOTICE OF NOMINATION FOR OFFICE**

*Municipal Elections Act, 1996 (s.32)*

**NOTICE** is hereby given that Nominations for the following office will be accepted by the municipal clerk:  
**MAYOR**

**COUNCILLORS**

**TRUSTEES ENGLISH LANGUAGE  
PUBLIC DISTRICT SCHOOL BOARD NO. 4  
(NEAR NORTH DISTRICT SCHOOL BOARD)**

Representing the City of North Bay, CFB North Bay, the Municipality of West Nipissing,  
and the Townships of Lyman, Notman, Blyth, Merrick and Commanda

**TRUSTEES FRENCH LANGUAGE  
PUBLIC DISTRICT SCHOOL BOARD NO. 61  
(CONSEIL SCOLAIRE PUBLIC DU NORD-EST DE L'ONTARIO)**

Representing the City of North Bay and CFB North Bay

**TRUSTEES ENGLISH LANGUAGE  
SEPARATE DISTRICT SCHOOL BOARD NO. 33  
(NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD)**

Representing the City of North Bay and CFB North Bay

**TRUSTEES FRENCH LANGUAGE  
SEPARATE DISTRICT SCHOOL BOARD NO. 66  
(CONSEIL SCOLAIRE CATHOLIQUE FRANCO-NORD)**

Representing the City of North Bay and CFB North Bay

may be made by completing and filing in the office of the Clerk, nominations on the prescribed form and accompanied by the prescribed filing fee of \$200 for the Head of Council and \$100 for all other offices. The filing fee is only payable by debit, cash, certified cheque or money order made payable to the City of North Bay.

**There is a new requirement that each Nomination Paper (excluding School Board Trustee candidates) must be signed by 25 eligible voters supporting the nomination.** The individuals providing signatures must sign a declaration stating they are eligible to vote in the municipality on the day they signed the endorsement.

A nomination must be signed by the candidate and may be filed in person or by any agent during regular business hours between May 1<sup>st</sup>, 2018 and July 26, 2018, and between 9 a.m. and 2 p.m. on Friday, July 27, 2018 (Nomination Day).

A nomination must be certified by the Clerk before such person becomes a certified candidate for the office to which she or he is nominated.

Election documents are prohibited from being filed by fax.

PLEASE NOTE: CANDIDATES CANNOT ACCEPT CONTRIBUTIONS NOR SPEND FUNDS UNTIL THEY ARE REGISTERED WITH THE CLERK.

Dated at North Bay this 2<sup>nd</sup> day of March, 2018.

Karen McIsaac, City Clerk

## QUALIFICATIONS FOR NOMINATION

## Section 17

Candidates must:

- Be a Resident in the City of North Bay or the owner or tenant of land here, or the spouse of such owner or tenant;
- Be a Canadian citizen;
- Be at least 18 years old;
- Not be prohibited from voting under Section 17(3) or otherwise by law.\*

Must be endorsed by at least 25 persons<sup>◇</sup>. 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.

\*Persons prohibited:

- A person who is serving a sentence of imprisonment in a penal or correctional institution
- A municipal or local board employee (unless he/she has taken an unpaid leave of absence)
- A member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada
- A person who has been nominated for another office (must withdraw first nomination at the time that the second nomination is filed)

<sup>◇</sup>School Board Nominations do not require the 25 person endorsement.

FORM EL18(A)  
**THE CORPORATION OF THE CITY OF NORTH BAY  
DECLARATION OF QUALIFICATIONS – COUNCIL**

*Municipal Elections Act, 1996*

I, \_\_\_\_\_, a nominated candidate for the office of:

- Mayor  
 Councillor

**Do Solemnly Declare That:**

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected and to hold the office of:  
 Mayor  
 Councillor
2. *Without limiting the generality of paragraph 1, I am at least eighteen years of age, a Canadian citizen, a resident of the City of North Bay, or the owner or tenant of land in the City of North Bay or the spouse or same-sex partner of such owner or tenant.*
3. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be elected to or hold the above-mentioned office.
4. Without limiting the generality of paragraph 3,
  - I am not an employee of the City of North Bay, or if I am an employee of the City of North Bay, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
  - I am not a judge of any court.
  - I am not a member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the City of North Bay prior to 2:00 p.m. on Nomination Day, July 27, 2018. I understand that the Clerk of the City of North Bay will reject my nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
  - I am not a member of the Executive Council of Ontario or a federal Minister of the Crown.

- I am not a Crown employee within the meaning of the *Public Service Act*, or if I am a Crown employee, I have followed and will continue to follow all the relevant provisions of Part III of such *Act*.
5. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*.
  6. Without limiting the generality of paragraph 5,
    - I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
    - I am not a person who was convicted of corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996*, during an election that occurred less than four years prior to Monday, October 27, 2014.
  7. I am not a candidate who was convicted of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the *Criminal Code* (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than six years prior to Monday, October 27, 2014.
  8. I am not disqualified from being elected to or holding office by reason of violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*.

**AND** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

**Declared** before at the  
 City of North Bay,  
 in the District of Nipissing,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
 (Signature of candidate)

\_\_\_\_\_  
 (Signature of Clerk or designate)

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of North Bay, until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of North Bay.

## WHEN CAN NOMINATIONS BE FILED

Section 33(4)

*"33.(4) The nomination may be filed,*

- (a) on any day on or after May 1 in the year of the regular election that is before nomination day, at a time when the clerk's office is open; or*
- (b) on nomination day, between 9 a.m. and 2 p.m."*

A nomination may be filed in person or by any agent during regular business hours (8:30 a.m. and 4:30 p.m.) between May 1, 2018 and July 26, 2018, and between 9 a.m. and **2 p.m. on Friday, July 27, 2018 (Nomination Day)**.

**PROCEDURES TO FOLLOW UPON BEING PRESENTED A NOMINATION FORM**

Section 33

- "33. (1) *A person may be nominated for an office by filing a nomination in the clerk's office, in person or by an agent.*
- (2) *The nomination shall,*
- (a) *be in the prescribed form signed by the person being nominated;*
  - (b) *the nomination of a 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; and*
  - (c) *be accompanied by the prescribed nomination filing fee.*
- (3) *If the person was previously nominated for an office on the same council or local board in the same election and paid the nomination filing fee at that time,*
- (a) *clause 2(c) does not apply, and*
  - (b) *for the purposes of Section 34 (refund) and paragraph 9 or subsection 67(2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one."*

*\*School Board Nominations do not require the 25 person endorsement.\**

- 33(1.1) The nomination of a person for an office on council must be endorsed by at least 25 persons, and they may endorse more than one nomination.*
- 33(1.2) Persons endorsing a nomination under subsection (1.1) 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.*

The Clerk or his/her designate upon receipt of the Nomination Paper and accompanying Endorsement of Nomination shall check the endorsements provided at the time of filing to ensure that the endorser is included on the Voters List. The endorsements will be verified by conducting a search through the "People Portal" administered by the Municipal Property Assessment Corporation (MPAC).

If the endorsers name is not found in the People Portal the Clerk or his/her designate will not accept the candidates' nomination and request the candidate obtain the required additional endorsements.

## REQUIREMENTS FOR FILING NOMINATION PAPERS

1. The filing fees are as follows:  
    \$200.00 – for Mayor  
    \$100.00 – for all other offices.

The filing fees must be paid by cash, debit, certified cheque or money order.

The filing fees **cannot** be paid by VISA or from a campaign account.

2. Nomination papers must be filed in person (personally or by agent); faxed copies and e-mailed copies are **not** acceptable.
3. The Clerk or his/her designate will confirm that the endorsers provided on the Endorsement of Nomination are on the Voters List through the People Portal administered by the Municipal Property Assessment Corporation.
4. Photo-identification will be required from **all** persons filing nomination papers – make copy (front and back) – to confirm identity, address and signature. If papers are filed by agent - require agent's photo-identification – make copy (front and back) – to confirm identity, address and signature.

An application will **not** be certified without the accompanying photo-identification being provided to the satisfaction of the election official.

5. Last day to file Nomination Paper and Endorsement of Nomination – **Friday, July 27, 2018 2:00 p.m.**
6. The candidate may sign a Freedom of Information (FOI) Release Form to consent to release of personal information which authorizes the Clerk to release personal information to the public and media.
7. If there is any doubt as to residence qualification (17(2)(a)), the candidate will be required to provide proof of qualifications, to the satisfaction of the clerk or her designate.
8. The time and date of receipt of the Nomination Paper will be noted.
9. A checklist will be completed and placed with each nomination received. (A copy of the checklist follows).

**NOMINATION CHECKLIST - \_\_\_\_\_ (Candidate)**

Item	Received
Filing Fee - \$200.00 for Mayor; \$100 for all others (cash, debit, money order, certified cheque) ( <b>no</b> uncertified personal cheques & <b>no</b> campaign cheques will be accepted).	
Photo-ID - full copy to be placed with nomination paper	
Signed Declaration - Form 18(a) For Council - Form 18(b) for School Board	
Freedom of Information Release Form	
Request for Voter's List – <b>MAYOR &amp; COUNCIL ONLY</b> If they would like a copy of the Voters' List, have request signed (if not signed at this time, request can be signed at a later date).	

**MATERIALS PROVIDED TO CANDIDATES**

Item	Provided	Fee Paid
Candidate's Guide	X	N/A
Candidate's Guide to Accessibility	X	N/A
Financial Statement – Form 4 (2 copies)	X	N/A
Initial Certificate of Contribution to Own Campaign, Maximum Campaign Expense and Maximum Contribution re: Parties and Expressions of Appreciation after Voting Day	X	N/A
Notice of Penalties	X	N/A
Notice re: Contribution Limits (an aggregate limit of \$5,000 per contributor) (5 copies to be provided)	X	N/A
One copy of Voters' List – <b>MAYOR &amp; COUNCIL ONLY</b> This will be available by not later than September 4, 2018 (additional copies \$200.00 each)		N/A
One copy of poll map (additional copies \$20.00 each)	X	N/A
Procedure for Use of Vote Tabulators	X	N/A
List of Advance Poll Dates	X	N/A
Election Sign Information (City)	X	N/A
Election Sign Information (MTO)	X	N/A
Certificate to incur campaign expenses. <u>Note:</u> Cannot incur campaign expenses until candidate has filed nomination paper with the clerk.	X	N/A
Policy – Use of Corporate Resources for Election Purposes	X	N/A
Receipts for contributions (1 book (25) will be provided initially) (additional receipts will be available upon request) <u>Note:</u> Contributions cannot be collected and expenses cannot be incurred until the candidate's nomination paper has been filed. (i) Advise to pay particular attention to contributions - will be notified by September 25, 2018 as to maximum amount; if they overspend, they will be disqualified (see Candidate's Guide) (ii) Separate campaign account required.	X	N/A

## IDENTIFICATION

Section 12(3)

*"12.(3) The power conferred in subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that it satisfactory to the election official of the person's identity or qualifications or of any other matter."*

1. When identification is required, the person will be asked for photo-identification (to confirm identity, qualifying address and signature), to the satisfaction of the Clerk or her designate.
2. A copy of the photo-identification (both sides) will be taken and the copy will be placed with the application being submitted.
3. **NOTE:** An application will **not** be certified without the accompanying photo-identification being provided to the satisfaction of the election official.

## REFUND OF FILING FEES:

A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on the filing date in accordance with that subsection. 2016, c. 15, s. 26.

Refunds of filing fees will be made by cheque and will be sent to the candidate by regular pre-paid mail to the address shown on the candidate's nomination paper.

Refunds will be processed by the Clerk and will be included in the City's normal cheque run.

- "36. A person may withdraw his or her nomination by filing a written withdrawal in the clerk's office,*
- (a) before 2 p.m. on nomination day, if the person was nominated on or before nomination day;*
  - (b) before 2 p.m. on the Wednesday following nomination day, if the person was nominated under subsection 33(5)."*

**NOTE:** The time frame in which a candidate may withdraw his/her nomination, is from the time he/she files the nomination until 2 p.m. on Nomination Day (Friday, July 27, 2018 (or 2 p.m. on Wednesday, August 1, 2018 in the event that additional nominations are required).

In the event that a person wishes to withdraw his/her nomination, the following will be required:

- (i) the "Withdrawal of Nomination" form attached must be completed and filed with the Clerk's Office within the prescribed time period as set out in the Act;
- (ii) the candidate is required to appear in person, with photo-identification, in order to withdraw their nomination. A photocopy of the photo-identification will be taken and compared with the photocopy of the photo-identification filed with the original nomination paper; and
- (iii) in the event that the candidate is unable to personally attend to file the "Withdrawal of Nomination" form, the signed form may be filed by an agent on the candidate's behalf on the following conditions:
  - (a) the candidate has provided a signed direction to the Clerk that the agent has the authority to act on the candidate's behalf to file the "Withdrawal of Nomination" form;
  - (b) the election official will compare the signature on the signed direction with the photo-identification obtained from the candidate upon the filing of the nomination papers to confirm the signature;
  - (c) the agent will also be asked for photo-identification. A copy of the photo-identification (both sides to confirm identity and signature) will be taken and the copy will be placed with the "Withdrawal of Nomination" form being submitted.
- (iv) the original "Withdrawal of Nomination" form will be placed on the candidate's file.

Pursuant to Section 34 of the *Act*, any candidate who withdraws his or her nomination paper by not later than 2:00 p.m. on Nomination Day (Friday, July 27, 2018) is entitled to receive a refund of their nomination filing fee.

**The candidate will still be required to submit his/her financial reporting to the municipality.**

Form EL19  
**WITHDRAWAL OF NOMINATION**  
*Municipal Elections Act, 1996 (s.36)*

I, \_\_\_\_\_, hereby withdraw my name as a  
(Name of Candidate)

candidate for the office of \_\_\_\_\_  
(Name of Elected Office)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

This Withdrawal Delivered to me at \_\_\_\_\_  
(time)

This \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Municipal Clerk or Designate

**Note – The candidate will still be required to submit his/her financial reporting to the municipality.**

39. *If a certified candidate for an office, before the close of voting on voting day, dies or becomes ineligible to hold the office,*
- (a) *If no candidate would be elected by acclamation as a result of the death or ineligibility,*
    - (i) *the election shall proceed as if the candidate had not been nominated, and*
    - (i) *the clerk shall omit the deceased candidate's name from the ballots or, if they have already been printed, shall cause notice of the candidate's death or ineligibility to be made available to the public in every voting place;*
  - (b) *If another candidate would be elected by acclamation as a result of the death or ineligibility the election is void and a by-election shall be held to fill the office."*

The following procedure applies to candidates for all offices:

If **NO** candidate **would be elected by acclamation** as a result of the death:

- (i) if the ballots have not been printed, the deceased's name will be omitted from the ballot;
- (ii) if the ballots have been printed all election officials are to be given written notification of the death and the attached Notice (Form EL21) will be posted in all voting places;
- (iii) immediately after the close of the voting place, the results shall be tabulated. No votes are to be counted for the candidate who has died.

If another candidate **would be elected by acclamation** as a result of the death:

- (i) the election is void;
- (ii) a by-election will be held;
- (iii) the clerk shall fix the date of nomination day for the by-election to be a day not more than 60 days after a candidate dies under the circumstances described in Section 39(b).

Form EL21  
**NOTICE OF DEATH OF CANDIDATE**  
*Municipal Elections Act, 1996 (s.39(a))*

Notice is hereby given that \_\_\_\_\_

a candidate for the office of \_\_\_\_\_ has died.

**Since no other candidate would be elected by acclamation as a result of the death, the election to this office shall proceed as if the deceased candidate had not been nominated.**

**or**

**Since, as a result of the death, another candidate would be elected by acclamation to office, the elector for the above office is void and a by-election shall be held.**

DATED at North Bay, Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Municipal Clerk or designate

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

In order to certify the nomination paper, all required materials must be provided:

- Completed Nomination Paper and Endorsement of Nomination (with original signature) + Filing fee
- Full copy of photo-identification (to be attached to the nomination paper)
- Signed Declaration of Qualifications (Form 18(A) for Council; Form 18(B) for School Boards)

All Nomination papers will be reviewed upon receipt. However, nomination papers will not be certified until Monday, July 30, 2018.

**NOTE:**

Nomination papers will be certified by using the People Portal administered through the Municipal Property Assessment Corporation (MPAC).

*\*School Board Nominations do not require the 25 person endorsement.\**

## NOTIFICATION OF REJECTION OF NOMINATION

Section 35(4)

In the event that a nomination is rejected, the Clerk shall attempt to contact the candidate by telephone at the phone number shown on the Nomination Form. The candidate will be notified by first class prepaid mail, as soon as possible, as to Clerk's decision to reject the nomination. A copy of the "Notice of Rejection of Nomination" will be forwarded to all other candidates for the office.

The Clerk's decision to certify or reject a nomination is final.

### **NOTE:**

As it is the responsibility of the candidate to ensure that they meet all the qualifications and file proper nomination papers, each candidate should contact the Clerk to ensure that their nomination form and supporting documentation are in order. Since the Clerk may examine the nomination papers after the nomination period ends and may reject them, a candidate may find that their papers have been rejected and they are too late to file additional information or provide proof to the Clerk of their qualifications.

Candidates may wish to contact the Clerk of the municipality and determine the method to be used to certify nomination papers in order to prevent any misunderstanding. If nomination papers are filed early it will assist the Clerk in ensuring that all requirements have been met before nominations close.

**THE CORPORATION OF THE CITY OF NORTH BAY**  
**NOTICE OF REJECTION OF NOMINATION**  
*Municipal Elections Act, 1996 [s. 35 (3), (4), (5)]*

TO:

_____ / _____	
Name of Candidate:	Office
_____	
Address	Postal Code

**TAKE NOTICE** that the nomination you filed has been examined and has been rejected for the following reasons:

- I am not "*satisfied*" that you are a "*person qualified to be nominated*" as required by the *Municipal Elections Act, 1996* or by the relevant legislation which sets out qualification for the office for which you filed your nomination.
- OR
- I am not "*satisfied*" that your "*nomination complies with*" the requirements of the *Municipal Elections Act, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Municipal Clerk or designate

## **OFFICIAL LIST OF CANDIDATES**

The final list of certified candidates will be posted in the Municipal Office and on the website on or before Wednesday, August 1<sup>st</sup>, 2018 using the "Official List of Certified Candidates" Form EL05 below.

**THE CORPORATION OF THE CITY OF NORTH BAY**  
**LIST OF CERTIFIED CANDIDATES**  
*Municipal Elections Act, 1996, as amended*  
 S. 11(4)2

NOTICE is hereby given to the Municipal Electors of the City of North Bay

That during the period commencing May 1<sup>st</sup>, 2018 and completed on Nomination Day, July 27<sup>th</sup>, 2018, the following persons filed all necessary papers, declarations and fees. As Clerk, I am satisfied that such person(s) are qualified and that their Nominations satisfy the requirements of the *Municipal Act, 1996*, as amended. I have, therefore, certified such candidates for office which follows their respective name:

Name of Candidate	Office	Contact Information

Dated this      day of July, 2018

\_\_\_\_\_  
 Municipal Clerk or designate

*“37.(1) If, at 4 p.m. on the Monday following nomination day, 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.”*

Acclamations will not be declared until after 4:00 p.m. on the Monday following Nomination Day (Monday, July 30, 2018).

In the event that additional nominations are filed (Wednesday, August 1, 2018), the declaration will not be made until after 4:00 p.m. on Thursday, August 2, 2018.

In the event of acclamations, the Clerk shall complete the “Declaration of Acclamation to Office” (Form EL20) and post the Declaration in the Clerk’s Office.

In the event of acclamations for (a) School Board(s), a certified copy of the “Declaration of Acclamation to Office” (Form EL20) will be forwarded to the School Board(s) by registered mail.

**DECLARATION OF ACCLAMATION TO OFFICE**

*Municipal Elections Act, 1996 (s.37(1))*

I hereby declare the certified candidates listed below to be acclaimed to the office that follows their respective names pursuant to Section 37 of the *Municipal Elections Act, 1996*:

Name of Candidate	Office

DATED at North Bay, Ontario this \_\_\_\_\_ day of July, 2018.

\_\_\_\_\_  
Municipal Clerk or designate

**POSTING OF NOTICE IF ADDITIONAL NOMINATIONS ARE REQUIRED  
AFTER NOMINATION DAY**

Section 33(5)

*"33.(5) If the number of nominations filed for an office and certified under Section 35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 2 p.m. on the Wednesday following nomination day."*

1. Notice (Form LC06) regarding additional nomination is included in the ad:  
"In the event there are an insufficient number of certified candidates to fill all positions available, nominations will be reopened for the vacant positions only on Wednesday, August 1, 2018 between the hours of 9 a.m. and 2 p.m. and such additional nominations, if required, may be filed in the office of the Clerk."
2. In the event that additional nominations are required, additional advertising will be placed with the local newspaper and on the City's website. The ad will be prepared prior to Nomination Day for publication in the newspaper on the Monday following Nomination Day. The newspaper will be notified after the close of nominations as to whether the ad is to run in Monday's edition.

**THE CORPORATION OF THE CITY OF NORTH BAY  
NOTICE OF ADDITIONAL NOMINATIONS**

*Municipal Elections Act, 1996 [s. 33(5)]*

**TAKE NOTICE** that the number of candidates for the office of \_\_\_\_\_ was not sufficient to fill the number of vacancies to which candidates may be elected.

**AND FURTHER TAKE NOTICE** that the Clerk may receive and certify additional nominations for the remaining vacancies in the office of \_\_\_\_\_ between the hours of 9:00 a.m. and 2:00 p.m. on August 1, 2018 subject to the provisions of subsection 33(5) of the *Municipal Elections Act*.

**OFFICES FOR WHICH PERSONS MAY BE NOMINATED**

\_\_\_\_\_, \_\_\_\_\_ to be elected  
(Office) (Number)

**AND FURTHER TAKE NOTICE** that the manner in which nominations shall be filed is set forth in Section 33 of the *Municipal Elections Act*. Nomination forms and full particulars of procedures to be followed may be obtained from the undersigned.

Dated this \_\_\_\_\_ day of July, 2018.

\_\_\_\_\_

Municipal Clerk

FORM LC07  
**THE CORPORATION OF THE CITY OF NORTH BAY**  
**DECLARATION OF ACCLAMATION TO OFFICE**  
**ADDITIONAL NOMINATIONS**  
*Municipal Elections Act, 1996 [s. 37 (2)]*

I hereby declare the certified candidates listed below to be acclaimed to the office that follows their respective names pursuant to Section 37 of the *Municipal Elections Act, 1996*:

Name of Certified Candidate	Office	Qualifying Address

Dated this 2<sup>nd</sup> day of August, 2018.

\_\_\_\_\_  
Municipal Clerk

## **VOTER QUALIFICATIONS**

Section 17(2)

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 22, 2018) he/she:

- (i) resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- (ii) is a Canadian citizen,
- (ii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

## **PERSONS PROHIBITED FROM VOTING**

Section 17(3)

The following are prohibited from voting:

- (i) a person who is serving a sentence of imprisonment in a penal or correctional institution.
- (ii) a corporation.
- (iii) a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with Section 44.
- (iv) a person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

## PRELIMINARY LIST OF ELECTORS (PLE)

## Section 19

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31, 2018 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 17 (4)].

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land [Section 17 (5)].

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].

Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 17 (7)].

It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once. For example, School Board votes must be cast in the municipality where the elector resides.

## CORRECTION OF ERRORS

## Section 22

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2018 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes Section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Representative.

The Clerk may use any information that is in the municipality's custody or control when correcting the PLE for obvious errors [Section 22 (2) and (3)].

## **CERTIFICATION OF VOTERS' LIST**

Section 23

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet", Form LC08, on or before September 1, 2018.

## **REQUESTS FOR COPIES OF VOTERS' LIST**

Sections 23 (3), (4) and (5)

Upon written request, but not until September 4, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List", Form LC10.

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List", Form LC11.

## **ACCESS TO THE VOTERS' LIST**

Sections 88(10) and (11)

The legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List. The procedure, "Voters' List – Are you on the Voters' List?", Form LC51, shall be used by Municipal Staff and Election Officials.

## **AMENDMENTS TO THE VOTERS' LIST**

### **Application for Change of Own Name**

Section 24

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 4<sup>th</sup> day of September, 2018 to the 19<sup>th</sup> day of October, 2018 during normal hours and on the 22<sup>nd</sup> day of October until 8:00 p.m.

The "Voter – ID Requirements", Form LC40, may be posted at the Municipal Office or any other location where Amendments to the Voters List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person. See Removal of Deceased Person's Name, Form EL16.

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

## **Removal of Deceased Person's Name**

Section 25

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 22<sup>nd</sup>, 2018 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application for Removal of Deceased Person's Name from the Voters List" and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 4<sup>th</sup> day of September, 2018 to the 19<sup>th</sup> day of October, 2018 during normal hours and on the 22<sup>nd</sup> day of October until 8:00 p.m.

## **Number of Electors to Determine Candidates' Expenses**

On, September 15<sup>th</sup>, 2018, determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" for the 2018 Municipal Election.

## **INTERIM LIST OF CHANGES**

Section 27(1)

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 25<sup>th</sup> in the year of a regular election, prepare an "Interim List of Changes", Form LC12, to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

## **CERTIFICATION OF THE VOTERS' LIST**

Section 28(1)

The Clerk shall compile any changes to the Voters' List on the "Certificate of the Voters' List" Form LC13, and certify the Voters' List for use in each voting place.

## **FINAL LIST OF CHANGES**

Section 27(2)

The Clerk shall prepare the "Final List of Changes", Form LC14, to the Voters' List by November 21, 2018. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved "Application to Amend Voters' List" and "Application for Removal of Deceased Person Name from Voters' List".

For those who use a supplier to manage their Voters' List (ie. DataFix), the Final List of Changes shall be provided to MPAC by November 21, 2018 by the supplier upon the Clerk's authorization.

**THE CORPORATION OF THE CITY OF NORTH BAY**

**VOTERS' LIST COVER SHEET**

**FOR THE YEAR  
2018**

This Voters' List was prepared in accordance with Section 23 of the *Municipal Elections Act, 1996*, S.O. 1996, C.32, as amended. In accordance with Section 88 (11), the Voters' List shall not be posted in a public place or made available to the public in any other manner.

Electors should ensure that their names and relevant information are correctly shown on the Voters' List.

A person may make an application to the Clerk requesting that their name be added to or removed from the Voters' List or that information on the Voters' List relating to them be amended by completing and filing the prescribed form available at the Office of the Clerk during regular office hours between September 4 to October 21, 2018 and to the close of voting on October 22, 2018. The application shall be in writing and shall be filed in person. Proof of identity and residence as prescribed in *O. Reg. 304/13* will be required of the applicant.

**NO PERSON SHALL USE ANY INFORMATION OBTAINED FROM THE  
VOTERS' LIST EXCEPT FOR ELECTION PURPOSES**

Karen McIsaac  
Returning Officer

City of North Bay

**THE CORPORATION OF THE CITY OF NORTH BAY**

**MUNICIPAL ELECTIONS 2018  
NOTICE OF THE VOTERS' LIST**

**NOTICE IS HEREBY GIVEN** that, the list of all persons entitled to be electors for municipal elections in this municipality has been prepared by the Clerk's office.

As of September 4<sup>th</sup>, 2018 all electors should ensure that their names and relevant information are correct on the Voters' List.

A person may make an application to the Clerk requesting that their name be added to or removed from the Voters' List or that information on the Voters' List relating to them be amended by completing and filing the prescribed form available at:

The Office of the Clerk  
The Corporation of the City of North Bay  
200 McIntyre Street East, 5<sup>th</sup> Floor  
North Bay, Ontario P1B 8H8

This application must be made during regular office hours between September 4, 2018 to October 19, 2018 and to the close of voting on October 22, 2018. The application shall be in writing and shall be filed in person by the applicant or his/her agent. Proof of identity and residence as prescribed in *O. Reg. 304/13* will be required of the applicant. If the applicant does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

**QUALIFICATIONS OF ELECTORS**

A person is entitled to vote in a municipal election if he or she on voting day,

- resides in the local municipality, or is the owner or tenant of land in the municipality, or the spouse of such owner or tenant; and
- is a Canadian citizen, and
- is at least 18 years old, and
- is not prohibited from voting by law.

Dated at the City of North Bay

This            day of August, 2018.

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CLERK

**Municipal Elections – Monday, October 22, 2018**

---

Are you on the Voters' List for the 2018 Municipal Elections?

You can check to see if you are on the Voters' List by calling the City Clerk's Office  
between 8:30 a.m. and 4:30 p.m.

The preliminary list of all electors as required by the *Municipal Elections Act* will be available in the City Clerk's Office on:

**SEPTEMBER 4, 2018**

Electors should confirm that their names and relevant information (including school board support) are correct.

Applications for additions or corrections to, or deletions from the list may be made by an elector by completing and filing an Application for revision at the Office of the City Clerk, 5<sup>th</sup> Floor, City Hall. All applications for revision must be in the designated form, properly completed and signed by the applicant. **Photo-identification and proof of qualifying address will be required.**

The last day for filing concerning additions, corrections or deletions is:

**MONDAY, OCTOBER 22, 2018**

For further information, please call the City Clerk's Office 705-474-0626, ext. 2522.

Karen McIsaac  
City Clerk

THE CORPORATION OF THE CITY OF NORTH BAY

DECLARATION OF PROPER USE OF THE VOTERS' LIST

*Municipal Elections Act, 1996 [s. 23 (3), (4) and (5)]*

I, being a \_\_\_\_\_  
(Name)

Candidate for the office of \_\_\_\_\_

OR

a person entitled to a copy of the Voters' List pursuant to section 23 (3) of the *Municipal Elections Act*, namely  
\_\_\_\_\_

Hereby request the Clerk to provide me with the following information when it becomes available:

a copy of the Voters' List;

a copy of the Revisions made to the Voters' List after the preparation of the Interim List of Changes between September 15 to 25, 2018.

Upon return of the Memory Stick \$10.00 fee will be refunded.

**I, the undersigned, do hereby agree to use the Voters' List for election purposes only and I understand that I am prohibited by the *Municipal Elections Act* from using the Voters' List for commercial purposes.**

Signature

Date

**THE CORPORATION OF THE CITY OF NORTH BAY  
POLICY FOR USE OF THE VOTERS' LIST**

The Voters' List has been compiled for election purposes only. All electors should ensure that their names and relevant information are correct on the Voters' List.

Eligible persons who request a copy of the Voters' List must sign a declaration, Form LC10, as per the attached form prior to receiving a copy of all or any part of the Voters' List.

Where the Voters' List can be provided electronically to an eligible person, who has signed a declaration, Form LC10, provided by the Clerk stating the list shall be used for Election purposes only, the Clerk may choose to provide it in this format.

Eligible persons who obtain additional copies of the Voters' List or any part thereof shall pay to the Clerk a fee prescribed by the Clerk for photocopies which must be the lowest fee charged by the municipality for copies. [Section 88 (8)]

**Copies for local boards – municipalities - Minister**

On **written request**, the Clerk shall provide a copy of the Voters' List to, [Section 23 (3)]

- the secretary of a local board any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- the Minister, if he or she has submitted a question to the electors.

**Copies – for candidates**

On the written request of a certified candidate for an office, the Clerk shall provide him or her with the part of the Voters' List that contains the names of the electors who are entitled to vote for that office.

The Candidate or their campaign worker cannot confirm or deny if a person is on the Voters' List. The person must contact or visit the municipal office where they are entitled to vote, with proper identification and proof of residence during normal office hours beginning September 4, 2018 up to and including the close of voting on October 22, 2018 at 8 p.m.

Use of online, electronic and paper versions of the Voters' List, Interim and Final List of Changes to the List and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election,

either by returning same to the Clerk for destruction with other election material or by deleting it completely from Candidate computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

**THE CORPORATION OF THE CITY OF NORTH BAY  
2018 MUNICIPAL ELECTION  
Voters' List – Are You on the List?**

**Procedure**

- The list is **NOT** available for public viewing at any time.
- Eligible electors can start asking if they are on the list as of September 4<sup>th</sup> (legislative)
- An elector can only ask about themselves, they cannot enquire about anyone else on the list, not even their spouse, **DO NOT** ever provide it
- Only those individuals authorized by the Clerk (Returning Officer), have access to the Voters' List via VoterView
- When verifying information, always ask the potential eligible elector to give you their birth date, mailing address, etc., **DO NOT** ever provide it to them.

In Person

If a potential eligible elector comes in to the Municipal Office:

- ask them for proof of identity and residence (see ID Requirements page)
- hold on to that piece of identity as you look up the potential eligible elector
- do not show them the screen at any time
- if you cannot find them in the system by searching their name, next search their qualifying address
- if they show up in the system, verify the following information in VoterView:
  - birth date
  - citizenship
  - mailing address
  - school support (only a permanent resident can vote)
- refer them to the Clerk or his/her designate:
  - if they do not show up in the system at all
  - if they show up in the system more than once
  - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

Over the Phone

If a potential eligible elector calls in to the Municipal Office:

- ask them who they are
- look them up in the system
- if you cannot find them in the system by searching their name, next search their qualifying address
- ask them to provide their qualifying address, mailing address and birth date (if any of this information is missing or incorrect, ask them to come into the Municipal Office with ID)

- if they have provided this information correctly, verify their citizenship and school support
- ask them to come in to the Municipal Office with ID:
  - if they do not show up in the system at all
  - if they show up in the system more than once
  - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

### Email and Fax

Elector cannot enquire via email or fax. Ask them to come in or to phone.

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**Municipal Elections Act, 1996**  
S.O. 1996, CHAPTER 32  
SCHEDULE

**17** (1) Repealed: 2002, c. 17, Sched. D, s. 5 (1).

### Qualifications

- (2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
- (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;
  - (c) is at least 18 years old; and
  - (d) is not prohibited from voting under subsection (3) or otherwise by law.

### Persons prohibited from voting

- (3) The following are prohibited from voting:
1. A person who is serving a sentence of imprisonment in a penal or correctional institution.
  2. A corporation.
  3. A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
  4. A person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

### Status as tenant

- (4) Despite the definitions of "owner or tenant" and "tenant" in subsection 1 (1), a regulation may specify circumstances in which a person is, and is not, considered to be a tenant for the purposes of clause (2) (a).

**THE CORPORATION OF THE CITY OF NORTH BAY**

**INTERIM LIST OF CHANGES**

*Municipal Elections Act, 1996 [s. 27(1)a]*

**THE CORPORATION OF THE CITY OF NORTH BAY**

Ward No.  
(if applicable)

Voting Subdivision  
(one or more)

**I hereby certify that the following revisions, as attached, were made to the Voters' List for this Municipality.**

Dated this                      day of September, 2018.

\_\_\_\_\_  
Municipal Clerk

**NOTE:**

This form is the cover sheet for the Interim List of Changes. Information should be the same as appears on the Voters' List with the addition of a column indicating D = Deletion, A = Addition, C = Correction.

THE CORPORATION OF THE CITY OF NORTH BAY

**CERTIFICATE OF THE VOTERS' LIST**  
*Municipal Elections Act, 1996 [s. 28(1)]*

**I hereby certify that the attached Voters' List contains the names of persons entitled to vote at the Municipal Elections to be held on Monday, October 22, 2018, for the voting subdivision(s) set out below:**

The Corporation of the City of North Bay	
Ward No. <small>(if applicable)</small>	Voting Subdivision No(s) <small>(if applicable)</small>

Dated this            day of            , 2018.

\_\_\_\_\_  
Municipal Clerk

**Note:**  
The Voters' List for use in the Voting Subdivision should be prepared as late as possible so that as many revisions made to the list can be included. Clerks may choose to create this list from a computer data base.

**THE CORPORATION OF THE CITY OF NORTH BAY**

**FINAL LIST OF CHANGES**  
*Municipal Elections Act, 1996 [s. 27(2)]*

**THE CORPORATION OF THE CITY OF NORTH BAY**

Ward No.  
 (if any)

Voting Subdivision  
 (one or more)

**I hereby certify that the following additions were made to the Voters' List for this Municipality.**

Elector	Elector Status	Qualifying Address	Mailing Address

C = Correction  
 D = Deletion  
 A = Addition

Dated this        day of        , 2018

\_\_\_\_\_  
 Municipal Clerk

**NOTE:**  
 Be sure to include all additions made by the Deputy Returning Officers at the voting place on voting day (provided the Clerk has delegated this function to the DRO's). This list is to be prepared by the date fixed by the Minister of Finance under the *Assessment Act*.

# THE CORPORATION OF THE CITY OF NORTH BAY 2018 MUNICIPAL ELECTION VOTER - ID REQUIREMENTS

*In accordance with the Municipal Elections Act, 1996 and Ontario Regulation 304/13*

Proof of identity and residence is required in the following instances:

- When adding or deleting one's name from the Voter's List
- When issuing an oath

**One piece of identification which shows the name, North Bay Address and Signature or Two pieces of ID first piece of ID showing Name and Signature and the Second piece of ID showing Name and North Bay Address. Examples of acceptable identification are below:**

1. An Ontario driver's licence.
2. An Ontario Health Card (photo card).
3. An Ontario Photo Card.
4. An Ontario motor vehicle permit (vehicle portion).
5. A cancelled personalized cheque.
6. A mortgage statement, lease or rental agreement relating to property in Ontario.
7. An insurance policy or insurance statement.
8. A loan agreement or other financial agreement with a financial institution.
9. A document issued or certified by a court in Ontario.
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).
12. An income tax assessment notice.
13. A Child Tax Benefit Statement.
14. A Statement of Employment Insurance Benefits Paid T4E.
15. A Statement of Old Age Security T4A (OAS).
16. A Statement of Canada Pension Plan Benefits T4A (P).
17. A Canada Pension Plan Statement of Contributions.
18. A Statement of Direct Deposit for Ontario Works.
19. A Statement of Direct Deposit for Ontario Disability Support Program.
20. A Workplace Safety and Insurance Board Statement of Benefits T5007.
21. A property tax assessment.
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement.
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities.
24. A hospital card or record.
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution.
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
28. A cheque stub, T4 statement or pay receipt issued by an employer.
29. A transcript or report card from a post-secondary school.

**ADVANCE VOTES**

Section 43

"43. (1) Before voting day, each local municipality shall hold an advance vote on one or more dates.

(2) Subject to subsection 3 the clerk shall establish,

- (a) The date or dates on which the advance vote is held; and
- (b) the number and location of voting places for the advanced vote; and
- (c) the hours during which voting places shall be open for the advance vote, which may be different for different voting places.

(3) The advance vote shall not be held more than 30 days before voting day".

Location	Date	Time
Memorial Gardens 100 Chippewa Street North Bay ON	Wednesday, October 3, 2018	10:00 a.m. to 3:00 p.m.
	Thursday, October 4, 2018	Noon to 7:00 p.m.
	Friday, October 5, 2018	10:00 a.m. to 3:00 p.m.
	Saturday, October 6, 2018	10:00 a.m. to 3:00 p.m.
Castle Arms II 480 Olive Street North Bay ON	Wednesday, October 10, 2018	10:00 a.m. to 3:00 p.m.
Phara 280 Oakwood Avenue North Bay ON	Thursday, October 11, 2018	10:00 a.m. to 3:00 p.m.
Place Richelieu 340 Lakeshore Drive North Bay ON	Friday, October 12, 2018	10:00 a.m. to 3:00 p.m.

**NOTE:** ON THE DATES OF THE ADVANCE VOTES, THE CLERK'S OFFICE MUST BE OPEN FROM NOON 5:00 P.M. TO CERTIFY PROXY FORMS.

Candidates will be provided with a copy of the attached Memorandum advising them of the advance votes dates.

**THE CITY OF NORTH BAY  
MEMO**

<b>To:</b>	All Candidates
<b>From:</b>	Karen McIsaac
<b>Subject:</b>	Municipal Election 2018 – Advance Voting Dates
<b>Date:</b>	May 1, 2018

<b>Location</b>	<b>Date</b>	<b>Time</b>
Memorial Gardens 100 Chippewa Street North Bay ON	Wednesday, October 3, 2018	10:00 a.m. to 3:00 p.m.
	Thursday, October 4, 2018	12 Noon to 7:00 p.m.
	Friday, October 5, 2018	10:00 a.m. to 3:00 p.m.
	Saturday, October 6, 2018	10:00 a.m. to 3:00 p.m.
Castle Arms II 480 Olive Street North Bay ON	Wednesday, October 10, 2018	10:00 a.m. to 3:00 p.m.
Phara 280 Oakwood Avenue North Bay ON	Thursday, October 11, 2018	10:00 a.m. to 3:00 p.m.
Place Richelieu 340 Lakeshore Drive North Bay ON	Friday, October 12, 2018	10:00 a.m. to 3:00 p.m.

Karen McIsaac  
City Clerk

## LOCATION OF VOTING PLACES

Voting Places have been established at the following locations:

VOTING PLACE NUMBER	LOCATION
1	Davedi Club 313 Airport Road
2	Vincent Massey School 15 Janey Avenue
3	Woodland Public School 1325 Cedargrove Drive
4	St. Joseph Scollard Hall 675 O'Brien Street
5	Ecole secondaire publique Odyssee 480 Norman Avenue
6	Ecole Algoquin Secondaire 555 Algonquin Avenue
7	Memorial Gardens 100 Chippewa Street
8	Canadore College (Commerce Court Campus) 60 Commerce Cres
9	St Francis School 68 Gertrude Street East
10	Our Lady of Fatima 60 Marshall Avenue East
11	Sunset Park School 1191 Lakeshore Drive

The following Voting Places (Institutions and Retirement Homes) will have reduced hours (for residents only) on Voting Day pursuant to sections 45(7) and 46(3):

Institution Name	Voting Hours
Waters Edge Care Community 401 William Street North Bay ON	1:00 p.m. to 5:00 p.m.
North Bay Regional Health Centre Chronic Care Ward 50 College Drive North Bay ON	10:00 a.m. to 12 Noon
North Bay Regional Health Centre Forensic Unit 50 College Drive North Bay ON	2:00 p.m. to 4:00 p.m.
Cassellholme Home for the Aged 400 Olive Street North Bay ON	1:00 p.m. to 5:00 p.m.
Marina Point 225 Oak Street West North Bay ON	10:00 a.m. to 12:00 noon
The Empire/Terrace Suites 425 Fraser St/160 McIntyre St. W. North Bay ON	10:00 a.m. to 12:00 noon
Barclay House 600 Chippewa Street West North Bay ON	10:00 a.m. to 12:00 noon

**STATUTORY NOTICES**

Sections 48 and 49

The following Notices are to be posted at all Voting Places:

1. Statutory Provisions Regulating Voting Procedures (Form EL34).
2. Notice of Offence / Notice of Corrupt Practice (Form EL35).

Copies of the Notices are attached.

The Notices will be included in the packages provided for the Deputy Returning Officers.

**STATUTORY PROVISIONS REGULATING VOTING PROCEDURES**

*Municipal Elections Act, 1996 (s. 48 and 49)*

- Prohibition* 48(1) While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes.
- No Election Campaign Material* (2) Without limiting the generality of subsection (1), no person shall display a candidate's election campaign material or literature in a voting place.
- Secrecy* 49(1) Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of the voting.
- Offences* (2) No person shall:  
(a) interfere or attempt to interfere with an elector who is marking the ballot;  
(b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or  
(c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.
- Same* (3) No elector shall,  
(a) take a photograph or video recording of his or her marked ballot; or  
(b) show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52(1).
- No requirement of disclosure that election* (4) No person shall, in a legal proceeding relating to an election, be required to disclose how he or she voted at.

**NOTICE OF OFFENCE**  
**NOTICE OF CORRUPT PRACTICE**  
*Municipal Elections Act, 1996 (s. 89)*

Section 89 of the *Municipal Elections Act, 1996* provides that a person is guilty of an offence if he or she,

- (a) votes without being entitled to do so;
- (b) votes more times than the Act allows;
- (c) votes in a voting place in which he or she is not entitled to vote;
- (d) induces or procures a person to vote when that person is not entitled to do so;
- (e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- (f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote, or has died;
- (g) before or during an election, publishes a false statement of a candidate's withdrawal;
- (h) furnishes false or misleading information to a person whom this act authorizes to obtain information;
- (i) without authority, supplies a ballot to anyone;
- (j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- (k) takes a ballot away from the voting place;
- (l) at an election, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having the authority to do so;
- (m) attempts to do something described in clauses (a) to (l).

Section 90 of the said Act provides that if, when a person is convicted of an offence under Section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

## PROXIES

Sections 44 and 12

- "44. (1) *A person who is entitled to be an elector in a local municipality may appoint another person who is also so entitled as his or her voting proxy, using the prescribed form.*
- (2) *A person shall not:*  
(a) *appoint more than one voting proxy;*  
(b) *act as voting proxy for more than one other person.*
- (3) *The restriction in clause 2(b) does not apply if the proxy and the other person are spouses or siblings of one other, parent and child, or grandparent and grandchild.*
- (4) *A person shall not appoint a voting proxy for an election until the later of,*  
(a) *the time for the withdrawal of nominations under Section 36 has expired for all offices for which the election is being conducted; and*  
(b) *the time when the clerk has certified all persons qualified to be nominated under subsection 35 (2).*
- (4.1) *An appointment under subsection 4 does not remain in effect after voting day of the election.*
- (5) *A person who has been appointed a voting proxy shall,*  
(a) *complete an application in the prescribed form, including a statutory declaration that he or she is the person appointed as a voting proxy; and*  
(b) *present the application and the appointing document to the clerk at the clerk's office, or any place designated by the clerk, in person.*
- (6) *The application may be presented at any time when the clerk's office or any other place designated by the clerk, is open; on the day of an advance vote held under Section 43, the clerk's office or any other place designated by the clerk shall be open for this purpose from noon to 5 p.m.*
- (7) *If satisfied, after considering the application, that the person who appointed the voting proxy is entitled to do so and that the person appointed is entitled to act as the other's voting proxy, the clerk shall apply a certificate in the prescribed form to the appointing document.*
- (8) *A person may vote as a voting proxy only if he or she,*  
(a) *produces to the deputy returning officer the appointing document with the clerk's certificate; and*

(b) *takes the prescribed oath.*

(9) *A person who votes as a voting proxy is also entitled to vote in his or her own right."*

"12.(3) *Subject to subsection (4) the power conferred in subsection (1) include power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that it satisfactory to the election official of the person's identity or qualifications including citizenship or residency or of any other matter."*

**Notes:**

- Proxies must be in the prescribed form with original signatures.
- Only 2 proxies will be provided at one time. Upon return of the 2 proxies, 2 additional forms will be provided, upon request.

Note restrictions.

- Proxies can only be appointed after the time for nominations for all offices has expired (4:00 p.m. on Monday, July 30, 2018) unless additional nominations are required, then extended to Wednesday, August 1, 2018.
- Proxies do not remain in force after voting day.
- Persons appointed to act as proxies **must** attend the office of the Clerk and present a prescribed appointment form signed by the elector appointing the proxy. The Clerk will issue a certificate as the appointing document, and this document **must** be presented at the voting place. A person acting as a proxy must attend the voting place designated for the elector for who they are voting.
- On days of advance votes, the Clerk's Office shall be open for proxy application from noon to 5 p.m.
- The Clerk, or his or her designate, has the authority to require photo-identification to be produced prior to certifying the Proxy form. The Clerk for the City of North Bay **will** require photo-identification prior to certifying the Proxy form.
- **A copy of the photo-identification** (both sides to confirm identity, qualifying address and signature) will be taken and the copy will be placed with the application being submitted.
- A Proxy Register will be established and maintained to keep track of proxy forms given out and received back.

- "15.(1) *When it is necessary to conduct an election, the clerk shall appoint a deputy returning officer for each voting place established under Section 45 and may appoint any other election officials for the election and for any recount that the clerk considers are required.*
- (2) *The clerk may delegate a deputy returning officer or other election official any of the clerk's powers and duties in relation to an election, as he or she considers necessary.*
- (3) *The clerk may continue to exercise the delegated powers and duties, despite the delegation.*
- (4) *The delegation shall be writing."*

#### PROCEDURE FOR DELEGATION OF CLERK'S DUTIES AND POWERS:

##### Appointment and Oath of an Election Assistant (Office):

- all Election Assistants will be required to sign an "Appointment and Oath of an Election Assistant". This appointment allows them to accept nominations and to revise the Preliminary List of Electors.
- a copy of the "Appointment and Oath of an Election Assistant" will be provided to the Election Assistant, one will be filed with the Clerk as evidence that the Election Assistant has been delegated those duties and responsibilities.

##### Appointment and Oath of an Election Assistant (Voting Day Staff) (Form EL11)

- all Election Assistants will be required to sign three copies the attached "Appointment and Oath of an Election Assistant". This appointment delegates the duties and responsibilities outlined.
- a copy of the "Appointment and Oath of an Election Assistant" will be provided to the Election Assistant, one will be filed with the Clerk and the final copy will be placed on the Information File as evidence that the Election Assistant has been delegated those duties and responsibilities.

##### Appointment and Oath of Deputy Returning Officer ("DRO") (Form EL10):

- all DRO's will be required to sign three copies the attached "Appointment and Oath of Deputy Returning Officer". The appointment delegates the duties and responsibilities outlined.
- a copy of the "Appointment and Oath of Deputy Returning Officer" will be provided to the Election Assistant, one will be filed with the Clerk and the final copy will be placed on the Information File as evidence that the Election Assistant has been delegated those duties and responsibilities.

These appointments are to be signed prior to Voting Day.

It is **mandatory** for all election staff to attend an Election Training Session\*. The Sessions will be held at City Hall on dates and times determined by the Clerk.

Failure to attend an Election Training Session will disqualify any potential election worker.

Remuneration of election staff:

Election staff shall be paid the following amounts:

**Advance Polls:**

Voting Place Supervisor (Head DRO)	\$140.00
Deputy Returning Officers	\$100.00
Election Officials	\$100.00

**Election Day (October 22, 2018)**

Voting Place Supervisor (Head DRO)	\$280.00
Deputy Returning Officers	\$200.00
Election Officials	\$200.00
Greeter	\$100.00
On-Call Election Staff	\$ 50.00

\*Remuneration will not be paid for Election Training Sessions.

FORM LC17  
**APPOINTMENT AND OATH OF DEPUTY RETURNING OFFICER**  
*Municipal Elections Act, 1996 (s. 15(1))*

Ward No. (if applicable) <b>N/A</b>	Voting Subdivision No.
Municipality: <b>CITY OF NORTH BAY</b>	
Name of Person Appointed as Deputy Returning Officer:  	

The person named above is hereby appointed Deputy Returning Officer (DRO) for the above Voting Subdivision in this municipality and in addition to the duties and responsibilities of a DRO as provided in the *Municipal Elections Act, 1996*, is hereby delegated the following duties and responsibilities pursuant to the *Municipal Elections Act, 1996*:

- authority to amend the Voters' List at the Voting Place to add an Elector, remove an Elector's own name and/or correct erroneous information;
- authority to require Electors to provide proof of identity;
- authority to administer the Oral Oath of Secrecy and the Oral Oath or Affirmation of Qualification;
- authority to issue a second ballot to an Elector should an Elector return their first ballot as a cancelled ballot;
- authority to maintain peace and order at the Voting Place by removing anyone who is causing a disturbance.

\_\_\_\_\_  
Municipal Clerk or designate

I, the person named above, solemnly swear that I will:

- act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear or affection,
- maintain and aid in maintaining the secrecy of the voting, and
- not interfere nor attempt to interfere with an Elector when she/he is making her/his ballot, obtain or communicate any information as to how an Elector is about to vote or has voted, or directly or indirectly induce an Elector to show her/his marked ballot to any person.

Declared before me at the City of North Bay, in the District of Nipissing this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Municipal Clerk or designate

\_\_\_\_\_  
Deputy Returning Officer

FORM LC18  
**APPOINTMENT AND OATH OF AN ELECTION OFFICIAL**  
*Municipal Elections Act, 1996 (s. 15(2))*

Ward No. (if applicable) <b>N/A</b>	Voting Subdivision No. (one or more as applicable)
Municipality: <b>CITY OF NORTH BAY</b>	
Name of Person Appointed as an Election Official:	

The person named above is hereby appointed an Election Official (Assistant Returning Officer) for the above Voting Subdivision in this municipality and in addition to the duties and responsibilities of an Assistant Returning Officer as provided in the *Municipal Elections Act, 1996*, is hereby delegated the following duties and responsibilities pursuant to the *Municipal Elections Act, 1996*:

- authority to assign DRO's, Poll Clerks, Election Constables and Revision Officers to their various Voting Subdivisions and informing said individuals as to their appointment;
- authority to amend the Voters' List to add an Elector, remove an Elector's name and/or correct erroneous information;
- authority to require a person to furnish proof of identity, qualifications or any other matter;
- authority to approve or deny applications for revision to the Voters' List;
- authority to certify Voting Proxy in the absence of the Clerk; and
- authority to receive election results as they are reported on Election Day.

\_\_\_\_\_  
Municipal Clerk or designate

I, the person named above, solemnly swear (or affirm) that I will:

- act faithfully in the capacity of Assistant Returning Officer and perform all the duties required by law without partiality, fear or affection;
- maintain and aid in maintaining the secrecy of the voting; and
- not interfere nor attempt to interfere with an elector when she/he is making her/his ballot, obtain or communicate any information as to how an elector is about to vote or has voted, or directly or indirectly induce an elector to show her/his marked ballot to any person.

Declared before me at the City of North Bay, in the District of Nipissing this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Municipal Clerk or designate

\_\_\_\_\_  
Election Official

- "16. (1) *A candidate may appoint scrutineers to represent him or her during voting and at counting of votes, including a recount.*
- (2) *A municipality may appoint scrutineers in relation to voting on a by-law or question submitted to the electors, to attend at a voting place and at the counting of votes, including a recount.*
- (3) *When a local board or the Minister has submitted a question to the electors, subsection (2) applies with necessary modifications.*
- (4) *An elector who applies for a recount under Section 58 may appoint scrutineers to represent him or her at the recount.*
- (5) *The appointment of a scrutineer shall be in writing if made by a candidate or applicant or by the Minister, and by resolution if made by a municipality or local board.*
- (6) *A scrutineer shall, on request, show proof of his or her appointment to the election official in charge of the voting place or of a place where votes are counted."*
- "47. (1) *No person shall remain in a voting place when the vote is being taken or the votes are being counted except:*
- (a) *the clerk and deputy returning officer and any other election official appointed to the voting place;*
- (b) *a certified candidate, other than a candidate who has been declared to be elected by acclamation;*
- (c) *one scrutineer appointed by each person described in clause (b) for each ballot box in use at the voting place;*
- (d) *the scrutineers appointed by the municipality in relation to a by-law or question; and*
- (e) *the scrutineers appointed by a local board or the Minister in relation to a question.*
- (2) *The number of scrutineers who may be present under clause (1)(c) is reduced by one while the candidate who appointed them is present in the voting place.*

- (3) *If the vote is on a by-law and scrutineers are to be appointed under subsection 16(2),*
- (a) *equal numbers of scrutineers shall be appointed to represent supporters and opponents of the by-law; and*
  - (b) *one scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the voting place.*
- (4) *If the vote is on a question and scrutineers are to be appointed under subsection 16(2) and (3),*
- (a) *equal numbers of scrutineers shall be appointed for each possible answer to the question; and*
  - (b) *one scrutineer for each of the possible answers may be present for each ballot box in use at the voting place.*
- (5) *The persons described in clauses (1)(b), (c), (d) and (e) are each entitled,*
- (a) *to be present when materials and documents related to the election are delivered to the clerk under subclause 43(5)(b)(ii) and clause 55(1)(d);*
  - (b) *to enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other papers, forms and documents relating to the vote (but not so as to delay the timely opening of the voting place);*
  - (c) *to place his or her own seal on the ballot box, immediately before the opening of the voting place, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal;*
  - (d) *to place his or her own seal on the ballot box immediately after the close of voting on each day of an advance vote under Section 43, so that ballots cannot be deposited or withdrawn without breaking the seal;*
  - (e) *to examine each ballot as the votes are being counted by the deputy returning officer under Section 54 (but not to touch the ballot);*
  - (f) *to object to a ballot or to the counting of votes in a ballot under subsection 54(3);*

- (g) *to sign the statement of the results of the election prepared by the deputy returning officer under clause 55(1)(a); and*
  - (h) *to place his or her own seal on the ballot box after the counting of the votes, when the deputy returning officer seals the box under clause 55(1)(c), so that ballots cannot be deposited or withdrawn without breaking the seal."*
- "49. (1) *Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of the voting.*
- (2) *No person shall,*
- (a) *interfere or attempt to interfere with an elector who is marking the ballot;*
  - (b) *obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or*
  - (c) *communicate any information obtained at a voting place about how an elector intends to vote or has voted.*
- (3) *No elector shall,*
- (a) *take a photograph or video recording of his or her marked ballot; or*
  - (b) *show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52(1).*
- (4) *No person shall, in a legal proceeding relating to an election, be required to disclose how he or she voted at the election."*

Procedure outlining requirements for scrutineers (oaths, appointments, responsibilities):

- Each candidate may appoint, in writing, any number of persons as are necessary to act as the Scrutineer and to represent them at the voting place and to be present during the counting of the votes.
- Scrutineers must be appointed in writing and upon request shall show proof of his or her appointment to an election official.
- Only one Scrutineer may be in the voting place for each candidate for each ballot box and if the candidate enters the voting place the number of Scrutineers that may be present is reduced by one.

### Candidates And Scrutineers Have The Following Rights:

*(These rights may not apply to the use of an alternative voting method).*

- To be present when ballot boxes and materials related to the advance voting and the ballot boxes and statement of the results are being delivered to the Clerk.
- To enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots, and all other election documents **but not** so as to delay the opening of the voting place.
- To place their own seal on the ballot box before the opening of the voting place. (In the event that a candidate uses (a) specific colour(s) in association with his/her campaign – the seals cannot be that colour so as to associate the seal with the candidate).
- To place his or her own seal on the ballot box after the close of the voting on an advance vote so ballots cannot be withdrawn or deposited without breaking the seal.
- To examine each ballot as the votes are being counted but not to touch the ballot.
- To object to a person voting.
- To object to a ballot or to the counting of votes in a ballot (this applies to a manual count system only).
- To sign the statement the statement of the results of an election.
- To place their own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited.

### Scrutineers And Candidates Are **PROHIBITED** From The Following:

- Prohibited from attempting, directly or indirectly, to interfere with how an elector votes and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate.
- Displaying a candidate's election campaign material in a voting place.
- Compromising the secrecy of the voting.
- Interfering or attempting to interfere with an elector who is marking a ballot.
- Obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted.

- Communicating any information obtained at a voting place about how an elector intends to vote or has voted.
- Candidates are entitled to be represented at the voting places either personally or by a scrutineer.

If using scrutineers, please note the following:

- The appointment must be made in writing.
- Limit of one (1) scrutineer per ballot box.
- Scrutineers must take oath of secrecy.
- Scrutineers may not interfere with the activity of the vote or the counting of the ballots (may look but can't touch).
- No campaigning is allowed within the voting locations.
- Scrutineers must leave the voting place when the candidate is present.

The Clerk is the lessee of the premises used as voting places. As the lessee of such premises, the Clerk does not permit electioneering of any nature in or on the premises used as a voting place on Voting Day. The premise is deemed to include the entire building and the property on which it is located.

Section 48(2) of the *Municipal Elections Act, 1996* provides as follows:

*"Without limiting the generality of subsection (1) no person shall display a candidate's election campaign material or literature in a voting place."*

Section 48(3) of the *Municipal Elections Act, 1996* provides as follows:

"For the purpose of this section,

*'voting place' includes any place in the immediate vicinity of the voting place designated by the Clerk."*

Deputy Returning Officers are instructed to immediately remove from any voting place any material or literature of any nature, which may be deposited therein.

In view of the substantial number of school buildings used for voting purposes the attention of candidates is also drawn of the policies of the School Boards and provision of the *Education Act*, which provides as follows:

- i) No agent or representative may canvass in the schools, nor exhibit advertising material in the schools or on the school property, without the approval in writing of the Director of Education.
- ii) All visitors to the school must report to the office.
- iii) It is the duty of a principal of a school, in addition to his duties as a teacher, to maintain a visitors' book in the school when so determined by the Board.

It should be noted that in connection with municipal elections, only persons attending a school building for the purpose of casting their ballot, duly qualified election officials, candidates or their authorized agents in, or going to or from the voting place, may be present on school premises.

## HOMELESS PERSONS

Sections 2 and 20

2(1) *For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return.*

(2) *The following rules apply in determining a person's residence:*

1. *A person may only have one residence at a time.*
2. *The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.*
3. *If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence*

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

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

*"20. The Municipal Property Assessment Corporation is not required to enter on a preliminary list the name of a person whose residence is determined under subsection 2(3)."*

Persons without a permanent residence may qualify to be added to the Voters' List during the revision period by making an application to the Clerk.

The attached affidavit will be used for conclusive evidence of qualification. Photo-identification will be requested (however, as it may not be available the affidavit may be completed regardless whether the person has photo-identification – a notation will be added to the bottom of the affidavit that photo-identification was not presented).

In the event that the person is unable or unwilling to sign the attached affidavit, the affidavit will be read to them and they will be asked to affirm each item.

**Note:** Items 1-6 are qualifications for all electors.

IN THE MATTER OF THE *MUNICIPAL ELECTIONS ACT, 1996*  
AND IN THE MATTER OF THE 2018 MUNICIPAL ELECTION

I, \_\_\_\_\_,  
of the City of North Bay, in the District of Nipissing,

MAKE OATH AND DECLARE AS FOLLOWS:

1. I am a Canadian citizen.
2. I am, as of October 22, 2018, at least eighteen (18) years old.
3. During the five (5) weeks preceding the date of this Affidavit, the place to which I most frequently returned to sleep or eat is \_\_\_\_\_, North Bay, Ontario and to no other permanent lodging in any other municipality in Ontario.
4. I am not serving a sentence of imprisonment in a penal or correctional institution.
5. I am not acting as an executor or trustee.
6. I have not been convicted of corrupt practice under the *Municipal Elections Act, 1996* in the last four years.
7. I am not prohibited, by law, from voting.
8. This Affidavit is being made as an application to the municipal Clerk to have my name added to the Voters' List for the October 22, 2018 Municipal Election and for no improper purpose.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before at the City of North Bay, )  
in the District of Nipissing, )  
this \_\_\_\_ day of \_\_\_\_\_, 2018.)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
(Signature of Clerk or designate)

- |   |
|---|
| <input type="checkbox"/> Photo-identification provided      |
| <input type="checkbox"/> Photo-identification not available |

## **DECLARATION OF ELECTION**

Section 55(4)(a)

*"55.(4) The Clerk shall, as soon as possible after voting day,*

- (a) declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected."*

The attached "Declaration of Election Candidate" shall be completed as soon as possible after Voting Day to declare the candidate or candidates who received the highest number of votes to be elected.

## **INFORMATION TO BE MADE AVAILABLE**

Section 55(4.1)

As soon as possible after Voting Day, the clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.
3. The number of votes for the affirmed or negative on a by-law or question.

**DECLARATION OF ELECTION CANDIDATE**

*Municipal Elections Act, 1996 (s.55(4)(a))*

I, \_\_\_\_\_, Clerk of The Corporation of the City of North Bay, in the District of Nipissing, declare the following candidate or candidates elected as a result of the Municipal Election held October 22, 2018:

<u>THE CORPORATION OF THE CITY OF NORTH BAY</u>	
<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Mayor	
2. Councillor	
3. Councillor	
4. Councillor	
5. Councillor	
6. Councillor	
7. Councillor	
8. Councillor	
9. Councillor	
10. Councillor	
11. Councillor	

October 23, 2018.

\_\_\_\_\_  
Municipal Clerk

Form EL32  
**DECLARATION OF ELECTION CANDIDATE**  
*Municipal Elections Act, 1996 (s.55(4)(a))*

I, \_\_\_\_\_, Clerk of The Corporation of the City of North Bay, in the District of Nipissing, declare the following candidate or candidates elected as a result of the Municipal Election held October 22, 2018:

<u>NEAR NORTH DISTRICT SCHOOL BOARD</u>	
<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Trustee	
2. Trustee	
3. Trustee	
4. Trustee	

October 23, 2018.

\_\_\_\_\_  
Municipal Clerk

Form EL32  
**DECLARATION OF ELECTION CANDIDATE**  
*Municipal Elections Act, 1996 (s.55(4)(a))*

I, \_\_\_\_\_, Clerk of The Corporation of the City of North Bay, in the District of Nipissing, declare the following candidate or candidates elected as a result of the Municipal Election held October 22, 2018:

<u>CONSEIL SCOLAIRE PUBLIC DU NORD-EST DE L'ONTARIO</u>	
<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Trustee	
2. Trustee	

October 23, 2018.

\_\_\_\_\_  
Municipal Clerk

Form EL32  
**DECLARATION OF ELECTION CANDIDATE**  
*Municipal Elections Act, 1996 (s.55(4)(a))*

I, \_\_\_\_\_, Clerk of The Corporation of the City of North Bay, in the District of Nipissing, declare the following candidate or candidates elected as a result of the Municipal Election held October 22, 2018:

<u>NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD</u>	
<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Trustee	
2. Trustee	
3. Trustee	
4. Trustee	

October 23, 2018.

\_\_\_\_\_  
Municipal Clerk

Form EL32  
**DECLARATION OF ELECTION CANDIDATE**  
*Municipal Elections Act, 1996 (s.55(4)(a))*

I, \_\_\_\_\_, Clerk of The Corporation of the City of North Bay, in the District of Nipissing, declare the following candidate or candidates elected as a result of the Municipal Election held October 22, 2018:

<u>CONSEIL SCOLAIRE CATHOLIQUE FRANCO-NORD</u>	
<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Trustee	
2. Trustee	

October 23, 2018.

\_\_\_\_\_  
Municipal Clerk

- 56(1) *The Clerk shall hold a recount,*
- (a) *of the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office;*
  - (b) *of the votes on a by-law, if the votes for the affirmative and negative are equal;*
  - (c) *of the votes for two or more answers to a question, if the votes are equal.*

56(2) *The recount shall be held within 15 days after the clerk's declaration of the results of the election.*

1. The recount shall be conducted in the same manner as the original count (i.e. Vote Tabulator equipment).
2. Each ballot shall be examined by an election assistant who will pass the ballot onto the Vote Tabulator Clerk (AVT Clerk) for insertion into the Vote Tabulator machine should the election assistant be satisfied that the ballot is clearly marked in the oval.
3. All clearly over-voted ballots will be put through the Vote Tabulator on by-pass and not be considered in the ballot count. Same as normal election day, if the elector chose not to amend ballot the ballot was put through the Vote Tabulator on by-pass.
4. Any ballot that appears not to be clearly marked is to be brought to the attention of the City Clerk for interpretation. The candidates/scrutineers present will be advised of the interpretation and the ballot will be set aside. If it is to be included in the count it will be done so manually at the end of the review of all ballots and after the Vote Tabulator machines have delivered their totals.
5. Any ballot marked outside the oval will not be counted (Regulation 101/97 Section 3(2)(e)).

Regulation 101/07, Section 3 54.(2) The clerk shall reject from the count all ballots and votes in a ballot that do not comply with the rules set out in subsection 3(2).
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6. Each candidate / scrutineer present is entitled to examine each ballot as the votes are tabulated but are not allowed to touch the ballots.
7. Each candidate / scrutineer present is entitled to dispute the validity of a ballot or the counting of votes in a ballot. The Clerk shall determine in a dispute.

8. When the recount is complete the Clerk shall:
  - (a) announce the result of the recount;
  - (b) if there are disputed ballots:
    - (i) announce the number of them;
    - (ii) announce the results that would be obtained if the disputed ballots were excluded; and
    - (iii) write the number of the voting place on the back of and initial each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents and seal the envelope.
9. If no application has been made for a judicial recount under Section 63 the Clerk shall, on the 16<sup>th</sup> day after the recount is complete, declare the successful candidate elected.

*88(5) Public records – inspection*

*Despite anything in the Municipal Freedom of Information and Protection of Privacy Act, documents and materials filed with or prepared by the clerk or any other election official under this Act are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open.*

*88(6) Exception re filings, etc.*

*Subsection (5) does not apply to documents and materials filed with or prepared by the clerk or any other election official under this Act once the 120-day period has elapsed.*

*88(6.1) Ballot box – inspection by court order*

*Subsection (5) does not entitle a person to inspect the contents of a ballot box or any applications made under Section 24 or 25 unless authorized to do so by a court order.*

*88(7) Extracts – copies – entitled to*

*A person inspecting documents under this Section is entitled to make extracts from them and, on payment of the fee established by the clerk, to make copies of them.*

*88(8) Copies – fee*

*The fee established for copies shall not exceed the lowest rate the clerk charges for copies of other documents.*

*88(10) Information – use – restriction*

*No person shall use information obtained from public records, described in subsection (5), except for election purposes.*

## POST-ELECTION

### DESTRUCTION OF ELECTION RECORDS

Section 88

*88(1) Retention period – 120 days*

*The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the election under Section 55.*

*88(2) Destruction of records*

*When the 120-day period has elapsed, the clerk,*  
*(a) shall destroy the ballots, in the presence of two witnesses; and*  
*(b) may destroy any other documents and materials related to the election.*

*88(3) Destruction of records – exemption – recount*

*However, the clerk shall not destroy the ballots, documents or materials if,*  
*(a) a court orders that they be retained; or*  
*(b) a recount has been commenced and not finally disposed of.*

*88(4) Destruction of records – exemption – campaign finance*

*Subsection (2) does not apply to documents filed under sections 88.25, 99.29 and 88.32 which the clerk shall retain until the members of the council or local board elected at the next regular election have taken office.*

<p>The earliest date for destruction of election records is: <b>Wednesday, February 20, 2019.</b></p>
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- "53.(1) The clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.*
- (2) On declaring an emergency, the clerk shall make arrangements as he or she considers advisable for the conduct of the election.*
- (3) The arrangements made by the clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.*
- (4) The emergency continues until the clerk declares that it has ended.*
- (5) If made in good faith, the clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness."*

The declaration of emergency relates not only to the conduct of the vote but also to any aspect of it.

**NOTE:** If any part of the voting for an office is not completed, the results will not be released until the voting for that office has been completed.

## CONTRIBUTIONS TO REGISTERED CANDIDATES

Section 88.8(1)–(5)

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

The following shall **not** make a contribution:

- 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*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

## ACCEPTANCE OF CONTRIBUTIONS

Section 88.8(6)–(10)

A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

## **MAXIMUM CONTRIBUTIONS TO CANDIDATES**

Section 88.9

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Candidates" form at the time of filing.

## **FUNDRAISING FOR CANDIDATES**

Section 88.10

A fund-raising function shall not be held for a person who is not a candidate.

Fund-raising functions may only be held during the campaign period.

## **WHAT CONSTITUTES A CONTRIBUTION**

Section 88.15

For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions.

### Contributions:

In addition to the statement above [88.15 (1)]:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under Section 88.17 (Campaign Account Loans).

### Not Contributions:

In addition to the statement above [88.15 (1)]:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from

all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.

- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under Section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in Section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

### Value of Goods and Services

The value of goods and services provided as a contribution is,

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- (b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

### **RESTRICTION: USE OF OWN MONEY**

Section 88.16

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

### **CAMPAIGN ACCOUNT LOANS**

Section 88.17

A candidate and 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. Only the candidate and his or her spouse may guarantee a loan.

## **WHAT CONSTITUTES AN EXPENSE**

Section 88.19

Costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

Without restricting the generality of 88.19 (1), the following amounts are expenses:

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under Section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under Section 83 (Controverted Elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisements (within the meaning of Section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

In the following circumstances, a candidate's expenses for the 2018 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2014 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).
2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.).

## **CANDIDATES' EXPENSES**

Section 88.20

An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.

### **Only during campaign period**

An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.

### **Exception, auditor's report**

Despite 88.20 (2) (Only During Campaign Period), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign Period for Candidates) may incur expenses related to the preparation of an auditor's report under Section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, related to the preparation of an auditor's report after the campaign period has ended constitute campaign expenses.

### **Who may incur expense**

An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

### **Maximum amount**

During the period that begins on the day a Candidate is nominated and ends on Voting Day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

A Candidate shall be provided with the maximum campaign expenses amount upon filing of his or her Nomination Papers (see Nominations Section of this manual).

### **Maximum amount for parties, etc., after voting day**

The expenses of a candidate that are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed, must be written so that the amount calculated under it varies based on the maximum amount determined under 88.20 (6) (Maximum Amount) for the office for which the candidate is nominated.

## **DUTIES OF CANDIDATES**

Section 88.22

The Clerk shall provide the "Duties of Candidates" form at the time of filing.

## **CONTRIBUTIONS TO REGISTERED CANDIDATES**

*Municipal Elections Act, 1996 (Section 88.8 and 88.9)*

### **CONTRIBUTIONS TO REGISTERED CANDIDATES:** Section 88.8(1)–(5)

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

The following shall **not** make a contribution:

- 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*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### **ACCEPTANCE OF CONTRIBUTIONS** Section 88.8 (6)–(10)

A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

**DUTIES OF CANDIDATES**

*Municipal Elections Act, 1996 (Section 88.22)*

**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 (Campaign Account Loans);
- (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 (Candidates' Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);
- (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.

### **Exclusion of Certain Expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

### **Contributions Paid to Clerk**

Contributions paid to the Clerk under clause (p) or (q) above become the property of the local municipality.

## **CANDIDATES FINANCIAL STATEMENTS**

Section 88.25 (1) and (9)

All Candidates shall file with the Clerk, a "Financial Statement – Auditor's Report" (Form 4) on or before 2:00 p.m. on March 29, 2019, reflecting the Candidate's election campaign finances as of December 31 in the year of the election. The earliest the "Financial Statement – Auditor's Report" can be filed is the first day the Municipal Office is open in January 2019.

At least 30 days before the filing date, but no later than November 30, 2018, the Clerk shall give every candidate whose nomination was filed notice of:

- all the filing requirements of this section; and
- the candidate's entitlement to receive a refund of the nomination filing fee if her or she meets the requirements of Section 34 (Refund);
- the penalties set out in subsections 88.23 (2) and 92 (1).

The notice shall be given on "Notice to Candidate of Filing Requirements" form.

## **NOTICE OF DEFAULT**

Section 88.23(1)-(3), 88.25

A "Notice of Default" (Form EL43) shall be given to the candidate by registered mail, and if the candidate was elected, to the relevant council or local board, in the event that a candidate has not submitted the "Financial Statement – Auditor's Report" (Form 4) on or before 2:00 pm on March 29, 2019.

The Clerk shall make available to the public the name of the candidate and a description of the nature of the default.

As soon as possible after April 30<sup>th</sup> in the year following a regular election, and 90 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with Section 88.25 (Candidates' Financial Statements, etc.).

For questions regarding campaign finances, the Candidate should refer to Sections 88.22 – 88.25, 88.30 – 88.32 of the *Act*.

## **EXTENSION OF CAMPAIGN PERIOD**

Section 88.23(6) to (8)

For further information, refer to the *Municipal Elections Act, 1996*.

## **REFUND OF NOMINATION FILING FEE**

Section 34

A candidate is entitled to receive a refund of the nomination filing fee if he or she, files the Financial Statement and Auditor's Report, each in the prescribed form, on or before 2:00 p.m. as of **March 29, 2019**.

FORM EL42  
**NOTICE TO CANDIDATE OF FILING REQUIREMENTS**

*Municipal Elections Act, 1996 (Section 88.25)*

TO:

_____ / _____ (Name of Candidate)	_____ (Office)
_____ (Address)	_____ (Postal Code)

FROM:

The Clerk or designated election official of

_____
_____ (Name of Municipality)

TAKE NOTICE EVERY CANDIDATE SHALL FILE the "Financial Statement – Auditor's Report" (Form 4) on or before 2:00 pm on **March 29, 2019**, with the Clerk with whom their nomination was filed a financial statement and auditor's report in accordance with Section 88.25 of the *Municipal Elections Act, 1996* reflecting the Candidate's election campaign finances as of December 31 in the year of the election.

- (1) *On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,*
  - (a) *in the case of a regular election, as of December 31 in the year of the election; and*
  - (b) *in the case of a by-election, as of the 45th day after voting day.*

*Note: The earliest the "Financial Statement – Auditor's Report" (Form 4) can be filed is the first day the Municipal Office is open in January 2019.*

- (2) *If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1), the financial statement and auditor's report must reflect the candidate's election campaign finances as of the day the election campaign period ended.*
- (3) *If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under Section 88.30.*
- (4) *If the candidate's election campaign period continues during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.*
- (5) *If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1) and the election campaign period continued during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the period commencing on the day the candidate's election campaign period ends and including the six-month period following the year of the election.*

- (6) *A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the candidate's campaign finances during the supplementary reporting period.*
- (7) *An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.*
- (8) *No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 2016, c. 15, s. 60.*
- (9) *If the documents required to be filed under this Section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1).*

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Date

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Municipal Clerk or designate

FORM EL43  
NOTICE OF DEFAULT

*Municipal Elections Act, 1996 [Section 88.23, 88.25, 88.31, 92 (1)]*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	_____
(Address)	(Postal Code)

FROM:

The Clerk, or designated election official of
<u>THE CORPORATION OF THE CITY OF NORTH BAY</u>
(Name of Municipality)

TAKE NOTICE that you are in default of the requirements of the *Municipal Elections Act, 1996*, because: (circle all that apply)

- |   |
|---|
| A. You failed to file a document (a financial statement and if applicable, an auditor's report) with the Municipal Clerk as required by Section 88.25 (Candidates' Financial Statements, etc.) or 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> on or before the relevant date, or |
| B. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) which were filed with the Municipal Clerk by the relevant date as required by Section 88.31 (Treatment of Surplus and Deficit) of the <i>Municipal Elections Act, 1996</i> , or                 |
| C. A document (a financial statement and if applicable, an auditor's report) filed under Section <del>78</del> 88.25 of the <i>Municipal Elections Act 1996</i> shows on its face that you have incurred expenses exceeding the amount permitted under Section 88.20 (Candidates' Expenses) of that Act.                          |
| D. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) filed with the Municipal Clerk by the relevant date as required by Section 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> .                       |

This notice indicates that you have failed to file a document required by Section 88.25 or 88.32 of the *Municipal Elections Act, 1996* the following provisions and penalties apply:

**TO A SUCCESSFUL CANDIDATE**

- (i) you forfeit any office to which you were elected and the office shall be deemed to be vacant
- (ii) until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the *Municipal Elections Act, 1996* applies.

OR

**TO AN UNSUCCESSFUL CANDIDATE**

- (i) until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the *Municipal Elections Act, 1996* applies.

## NOTICE OF PENALTIES

### Corrupt practice and ineligibility for office

- 91. (1)** *If a person is convicted of a corrupt practice under this Act, or of an offence under the Criminal Code (Canada) in connection with an act or omission that relates to an election to which this Act applies, then, in addition to any other penalty provided for in this Act,*
- (a) any office to which the person was elected is forfeited and becomes vacant; and*
  - (b) the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.*

### Exception

- (2) However, if the presiding judge finds that the person committed the corrupt practice or offence under the Criminal Code (Canada) without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply.*

### Offences re campaign finances

#### Offences by candidate

- 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.*

### Exception, action in good faith

- (2) However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 88.23 (2) do not apply.*

### Additional penalty, candidates

- (3) If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under Section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.*

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Date

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Municipal Clerk or Designate

## THIRD PARTY ADVERTISER

A Third Party Advertiser means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

### ELIGIBILITY FOR REGISTRATION

Section 88.6(4), (5), (6)

Registration shall be restricted to the following persons and entities:

- 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 following persons and entities are deemed ineligible to register:

- A candidate whose nomination has been filed.
- 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*.
- The Crown in right of Canada or Ontario, a municipality or local board.

A Candidate whose nomination has been filed shall not direct any third party advertisements.

### FILING THE NOTICE OF REGISTRATION

Section 88.6(2), (7), (13)

"Notice for Registration" shall be filed with the Clerk from the first business day of May in 2018 (first day for filing Nominations) to Friday, October 19, 2018 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in *O. Reg. 304/13*, as amended
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable

The Clerk shall administer the Declaration of Qualifications on the "Notice for Registration" and the "Declaration of Qualifications – Third Party Advertiser" oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

## **ESTIMATED MAXIMUM THIRD PARTY EXPENSES**

Section 88.21 (15)

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the "Estimated Maximum Third Party Expenses" Form LC58 and provide a copy to the individual filing the registration. The Clerk's calculation is final.

## **NOTICE OF PENALTIES**

Section 88.29 (7)

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the "Notice of Penalties – Registered Third Parties" Form LC64 to every Registered Third Party that registered in the municipality.

## **FINAL CALCULATION OF THIRD PARTY EXPENSES** Section 88.21(11) to (17)

The Clerk shall, after determining from the number of eligible electors from the Voters' List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a "Certificate of Maximum Third Party Expenses" Form LC59. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

The number of electors to be used in this final calculation is to be the greater of the following:

- the number determined from the Voters' List from the previous regular election, as it existed on Nomination Day for the 2014 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)]

The Clerk's calculation is final and shall be made in accordance with the prescribed formula in *Ontario Regulation 101/97*.

## **CERTIFICATION OF NOTICE OF REGISTRATION** Section 88.6(13), (14)

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the "Certification by Clerk" Section on the "Notice for Registration"

If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

**Restricted Period and Expenses**

The Restricted Period for Third Party Advertisements begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party (first business day in May) and ends at the close of voting on Voting Day.

Third Parties must do the following during the Restricted Period:

- file notice of registration and have it certified by the Clerk;
- once registered, advertise; and
- once registered, incur expenses related to the advertisement.

The expenses for these advertisements cannot exceed the amount calculated under Section 88.21 (registered third parties' expenses).

**Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

**Mandatory Information for Broadcaster, etc.**

All Registered Third Parties shall provide the following information to a broadcaster or publisher in writing:

- the name of the registered third party;
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party;
- the municipality where the registered third party is registered.

**MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS**

Section 88.7

If a municipality is satisfied that there has been a contravention of Section 88.3 (candidates' election campaign advertisements), 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements), the municipality may require a person who the municipality reasonably believes contravened the Section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

**LIST OF REGISTERED THIRD PARTIES**

Section 88.12 (9), (10)

A list of registered third parties shall be posted using the "Official List of Registered Third Parties", as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

**DUTIES OF REGISTERED THIRD PARTIES**

Section 88.26

The Clerk shall provide the "Duties of Registered Third Parties" at the time of filing.

**THE CORPORATION OF THE CITY OF NORTH BAY  
BROADCASTER/PUBLISHER INFORMATION SHEET  
THIRD PARTY ADVERTISER**

*Municipal Elections Act, 1996 (Sections 88.5)*

**Mandatory information in third party advertisements**

88.5 (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

1. The name of the registered third party.
  2. The municipality where the registered third party is registered.
  3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.
- 2016, c. 15, s. 48.

**Mandatory information for broadcaster, etc.**

(2) A registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:

1. The name of the registered third party.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party.
3. The municipality where the registered third party is registered. 2016, c. 15, s. 48.

**Prohibition, broadcaster or publisher**

(3) No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in paragraphs 1 to 3 of subsection (2) has not been provided. 2016, c. 15, s. 48.

**Records**

(4) The broadcaster or publisher of a third party advertisement shall maintain records containing the following information 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:

1. The information provided under subsection (2).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance. 2016, c. 15, s. 48.

FORM LC52  
**THE CORPORATION OF THE CITY OF NORTH BAY**  
**DECLARATION OF QUALIFICATIONS**  
**THIRD PARTY ADVERTISER**  
*Municipal Elections Act, 1996 (Section 88.6)*

I, \_\_\_\_\_, am:  
(individual or corporation or trade union name)

- 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

I, \_\_\_\_\_, am:  
(person or agents name)

- A person
- An agent

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* to file a notice of registration to be a registered third party advertiser for the election.
2. I am not:
  - A Candidate whose nomination has been filed.
  - 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*.
3. I am not under the direction of a Candidate whose nomination has been filed.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the City of North Bay

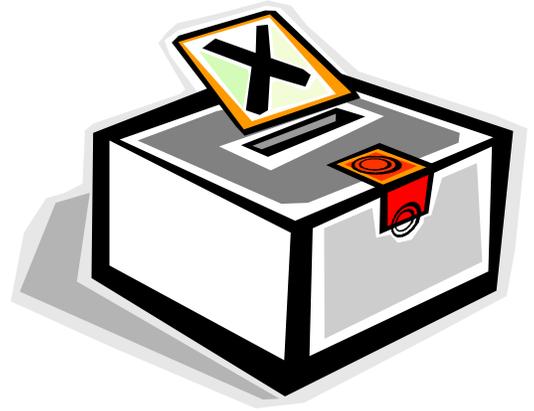
This \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
(Signature of individual or representative of the corporation or trade union)

\_\_\_\_\_  
(Signature of Municipal Clerk or designate)

**Note:** Each individual or representative of the corporation or trade union may be asked for ID and each person or agent filing on behalf of a corporation or trade union may be requested to provide a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf.

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the registration of third party advertisers for the municipal election and will be available for public inspection in the office of the Clerk, (name of municipality) until the next municipal election. Questions about this collection of personal information should be directed to the City Clerk, 200 McIntyre Street East, North Bay On 705-474-0400.



**INITIAL CERTIFICATE OF:**

**Maximum Campaign Expense** (*Section 88.21(6) MEA*)

**Maximum Contribution re: Parties and Expressions of Appreciation after Voting Day** (*Section 88.21(9) MEA*)

In accordance with the *Municipal Elections Act, 1996*, as amended (the "Act"), the following are **initial calculations** of Maximum Campaign Expenses and Maximum Contributions re: Parties and Expressions of Appreciation after Voting Day for each office.

A Final Certificate of Maximum Campaign Expenses and Maximum Contributions re: Parties and Expressions of Appreciation after Voting Day based on the 2018 eligible electors will be provided by September 25, 2018, in accordance with *Act*.

<i>OFFICE</i>	<i>Maximum Campaign Expenses</i>	<i>Maximum Contribution re: Parties and Expressions of Appreciation after Voting Day</i>
Third Party Advertisers		

\_\_\_\_\_ Date

\_\_\_\_\_  
Municipal Clerk  
The Corporation of the City of North Bay

**THE CORPORATION OF THE CITY OF NORTH BAY  
NOTICE OF PENALTIES**

*Municipal Elections Act, 1996 [Section 88.29 (7)]*

TO:

\_\_\_\_\_/\_\_\_\_\_  
(Name of Individual, Corporation or Trade Union) (Name of Individual Who Registered)

\_\_\_\_\_  
(Address) (Postal Code)

**EFFECT OF DEFAULT BY REGISTERED THIRD PARTY [88.27 (1)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL**, subject to subsection 88.27 (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under Section 88.29 or 88.32 by the relevant date;
- (b) if a document filed under Section 88.29 shows on its face a surplus, as described in Section 88.31, and the registered third party 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 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under Section 88.21; or
- (d) if a document filed under Section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that Section by the relevant date

**OFFENCES [92 (4)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL** be guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

- (a) if the registered third party incurs expenses that exceed the amount determined under Section 88.21; or
- (b) if the registered third party files a document under Section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

**THE CORPORATION OF THE CITY OF NORTH BAY**  
**MAXIMUM THIRD PARTY EXPENSES**  
*Municipal Elections Act, 1996 [s. 88.21]*

TO:

\_\_\_\_\_/\_\_\_\_\_  
(Name of Third Party) (Name of Representative)

\_\_\_\_\_  
(Address) (Postal Code)

I hereby certify that the estimated maximum third party expenses that a registered third party is permitted to incur in the Municipal Election to be held October 22, 2018, is \_\_\_\_\_\*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

On or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5), the Clerk shall give a Final Calculation of the applicable maximum third party expenses to each individual that filed a Notice of Registration for Third Party Advertising. The number of electors to be used in this final calculation is to be the greater of the following:

- the number determined from the Voters' List from the previous regular election, as it existed on Nomination Day for the 2014 election, adjusted for changes made under Sections 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under Sections 24 and 25 that were approved as of that day [Section 88.21(11)]

\* *Formula for calculation provided in Ontario Regulation 101/97.*

**THE CORPORATION OF THE CITY OF NORTH BAY**  
**DUTIES OF REGISTERED THIRD PARTIES**  
*Municipal Elections Act, 1996 (Section 88.26)*

**A registered third party shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred in relation to third party advertisements that appear during an election in a municipality 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 registered third party 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 (Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the registered third party 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 88.29 (Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the registered third party;
- (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 registered third party becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk of the municipality in which the registered third party is registered;
- (q) an anonymous contribution is paid to the clerk of the municipality in which the registered third party is registered; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) a total of \$1,200 to any one registered third party in relation to third party advertisements, and
  - (ii) a total of \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

**Exclusion of certain expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

**Contributions paid to clerk**

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.

## **CONTRIBUTIONS TO REGISTERED THIRD PARTIES**      Section 88.12 (1)-(5)

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the restriction period.

Contributions shall only be made by the following:

- 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 if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- 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*.
- The Crown in right of Canada or Ontario, a municipality or local board.

## **ACCEPTANCE OF CONTRIBUTIONS**      Section 88.12 (7)-(8)

A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

## **MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES** Section 88.13

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$1,200 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Third Parties LC FORM 53 at the time of filing.

## **FUND-RAISING FOR REGISTERED THIRD PARTIES** Section 88.14

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

## **WHAT CONSTITUTES A CONTRIBUTION** Section 88.15

Money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

### Contributions:

In addition to the statement above [88.15 (2)]:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under Section 88.17 (Campaign Account Loans).

### Not Contributions:

In addition to the statement above [88.15 (2)]:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from

all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.

- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under Section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in Section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

#### Value of Goods and Services

The value of goods and services provided as a contribution is,

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- (b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

#### **RESTRICTION: USE OF OWN MONEY**

Section 88.16

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

#### **CAMPAIGN ACCOUNT LOANS**

Section 88.17

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

## **EXPENSES**

### **WHAT CONSTITUTES AN EXPENSE**

Section 88.19

Costs incurred by or under the direction of an individual, corporation or trade union 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.

Without restricting the generality of 88.19 (2), the following amounts are expenses:

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under Section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of Section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

### **REGISTERED THIRD PARTIES' EXPENSES**

Section 88.21

An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

#### **Only during campaign period**

An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

**Exception, auditor's report**

Despite subsection 88.21 (2) (Only During Campaign Period), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of Section 88.28 (Campaign Period for Registered Third Parties) may incur expenses related to the preparation of an auditor's report under Section 88.29 (Financial Statements, etc., of Registered Third Parties) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

**Who may incur expense**

An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

**Maximum amount**

During the campaign period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

A Third Party shall be provided with the maximum third party expenses amount upon registering as a Third Party Advertiser (see Third Party Advertising Section of this manual)

**Maximum amount for parties, etc., after voting day**

The expenses of a registered third party are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed must be written so that the amount calculated under it varies based on the maximum amount determined under 88.21 (6) (Maximum Amount).

**THE CORPORATION OF THE CITY OF NORTH BAY  
CONTRIBUTIONS TO REGISTERED THIRD PARTIES**  
*Municipal Elections Act, 1996 (Sections 88.12, 88.13, 88.14)*

**CONTRIBUTIONS TO REGISTERED THIRD PARTIES  
[SECTION 88.12 (1) to (5)]**

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the campaign period.

Contributions shall only be made by the following:

- 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 if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- 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*.
- The Crown in right of Canada or Ontario, a municipality or local board.

**ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.12 (7) to (8)]**

A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

## **MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES** Section 88.13

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$750 to a registered third party that appear during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

## **FUND-RAISING FOR REGISTERED THIRD PARTIES** Sections 88.14 and 88.28

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

\*NOTE: Please note the third party advertiser is solely responsible for complying with the legislation in the *Municipal Elections Act* relating to third party advertising.

**THE CORPORATION OF THE CITY OF NORTH BAY**

**OFFICIAL LIST OF REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 [Section 88.12 (9) and (10)]*

**NOTICE** is hereby given that during the period commencing May 1<sup>st</sup>, 2018 and ending on October 19<sup>th</sup>, 2018, the following third parties have filed all the necessary papers and declarations and as Clerk, I am satisfied that such third parties are qualified and that their Notice complies with the requirements of the *Municipal Elections Act, 1996*. I have, therefore, certified the following third parties:

<b>NAME OF THIRD PARTY</b>	<b>CONTACT PERSON</b>	<b>EMAIL ADDRESS</b>	<b>PHONE NUMBER</b>

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018. *(May 1 to October 19, 2018)*

\_\_\_\_\_  
Municipal Clerk

## QUESTION ON THE BALLOT

Section 8 of the *Municipal Elections Act* (MEA), 1996 enables Council to pass a by-law to submit a question to the electors or a by-law requiring elector assent. This by-law must be passed at least 180 days before voting day.

**The last day for passing such a by-law is March 1, 2018.**

While this seems a long way off, there are processes that need to be followed not the least of which is whether or not Council has even considered its option to place a question on the ballot. If it does, there are rules to follow. Reports and financial calculations which will have to be presented on the matter and the more time you have the better.

A question on the ballot must concern a matter within the jurisdiction of the municipality and may not concern a matter which has been prescribed by the Minister as a matter of provincial interest. Matters of provincial interest are matters where:

- The municipality requires an action by the provincial government in order to implement the results of the question;
- The municipality does not have the authority to implement all aspects of the results of the question;
- The question involves casinos and charities (as defined in the *Ontario Lottery and Gaming Corporations Act, 1999*); or
- The question involves municipal restructuring.

Before a municipality decides to place a question on the ballot, it must first determine if the implementation of the question is within the municipality's jurisdiction. If the answer is "no", then the municipality cannot proceed. The question must be clear, concise and neutral and must be capable of being answered by a "yes" or "no". Before passing the by-law directing the submission of a question to the electors, Council must hold a public meeting to consider the matter for which the clerk shall provide a minimum of 10 days' notice.

Within 15 days of the passing of the by-law, the clerk must provide notice of the passage of the by-law which must include the wording of the question in addition to a clear, concise and neutral description of the consequences of the question if it is approved or rejected. In addition, an estimate of the costs, if any, that the municipality may incur in implementing the results of the question must be included in the notice as well as a description of the legislative right to appeal and the last day for filing notice of appeal.

The Minister of Municipal Affairs and Housing, or any other person or entity, may appeal the by-law within 20 days of the notice of passage being issued on the limited grounds that it is either; not clear, concise and neutral; or it is incapable of being answered in the affirmative or negative. Appeals are addressed to the Chief Electoral Officer of the Province of Ontario and filed

through the clerk who is required to forward these notices and any other information or material required within 15 days of the final filing date.

The Chief Electoral Officer is required to hold a hearing within 60 days of receiving the notices of appeal to determine whether the appeals should be dismissed or allowed in whole or in part.

Results of the question are binding if at least 50% of the eligible electors vote on the question and of those, more than 50% of the votes are in favour of those results.

If the results are binding and the “affirmative” received the majority of the votes, the municipality is required to pass any by-law or resolution to implement the question, meeting any legislative requirements if applicable, between 14 and 180 days after Voting Day.

There are exceptions to implementing a binding question. Conditions under other legislation must be observed prior to implementing a binding question. For example, if there was a binding “yes” vote to build a community centre and a zoning amendment was required, all legislation dealing with the zoning changes would have to be complied with. Implementation can be delayed or cancelled if conditions substantially change. For example, if there was a binding “yes” to build a community centre and the municipality experiences substantial financial difficulties, the municipality has the option not to proceed.

If the results are binding and the “negative” received the majority of the votes, the municipality shall not do anything to implement the matter for a period of 4 years following voting day.

## ELECTION SIGNS

Election signs are **not** permitted at voting places, at municipal buildings (City Hall, Memorial Gardens, West Ferris Community Centre, Pete Palangio Arena, Public Works Buildings) or along the Waterfront (from the track crossing at Memorial Drive to James Street).

In accordance with Election Polices approved by Council (Resolution No. 2005-738), after Nomination Day, certified candidates for office may use the following parks for the display of election signs:

- (i) Lee Park – from Judge Avenue to James Street;
- (ii) Thomson Park – beside Fisher Street; and
- (iii) Main Street East Overpass – from Oak Street East to Judge Avenue.

The Ministry of Transportation has policies with respect to election signs.

Copies of the excerpt from the City of North Bay Sign By-law and the Ministry of Transportation's directives are to be provided to each certified candidate.

- 88.2 (1) No landlord or person acting on a landlord's behalf may prohibit a tenant from displaying signs in relation to an election on the premises to which the lease relates.
- (2) No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying signs in relation to an election on the premises of his or her unit. 2016, c. 15, s. 46.
- (3) Despite subsections (1) and (2), a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building in which the premises are found. 2016, c. 15, s. 46.
- (4) Despite subsection (3), no landlord, person, condominium corporation or agent may prohibit the display of signs in relation to an election in common areas of the building if space in the building is being used as a voting place. 2016, c. 15, s. 46.

**Access to Rented Premises by Candidates for or their Authorized Representatives:**

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

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

**Access to Condominiums By Candidates or Their Authorized Representatives:**

Section 118 of the *Condominium Act* provides that:

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

## DISCRETIONARY AUTHORITY

<b>THE MUNICIPAL ELECTIONS ACT, 1996</b>	
<b>Implied and Direct Discretionary Authority of the Clerk</b>	
<b>SECTION</b>	<b>SHORT DESCRIPTION</b>
<b>Summary of Broad Discretionary Authority</b>	
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities
12.1(2)	The Clerk shall prepare a 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 in a regular election.

<b>THE MUNICIPAL ELECTIONS ACT, 1996</b> <b>Implied and Direct Discretionary Authority of the Clerk</b>	
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality's custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
<b>Cost of Elections</b>	
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
<b>Notice of By-laws and Questions</b>	
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
<b>Certification of Vote Results</b>	
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
<b>Information to Electors</b>	
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular

	<b>THE MUNICIPAL ELECTIONS ACT, 1996</b> <b>Implied and Direct Discretionary Authority of the Clerk</b>
	election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	<b>Delegation of Authority</b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b>Creation of Voting Subdivisions</b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b>Correction of Preliminary List Of Electors</b>
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b>Reproduction of Voters' List</b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b>Revision of Voters' List</b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List

<b>THE MUNICIPAL ELECTIONS ACT, 1996</b>	
<b>Implied and Direct Discretionary Authority of the Clerk</b>	
	relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
<b>Certification of Voters' Lists, As Revised</b>	
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
<b>Nominations</b>	
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
<b>Acclamations</b>	
37(1), (2)	The Clerk can determine the method of declaring acclamations.
<b>Notice of Election</b>	
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
<b>Ballot Form</b>	
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate

	<b>THE MUNICIPAL ELECTIONS ACT, 1996</b> <b>Implied and Direct Discretionary Authority of the Clerk</b>
	uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternate Voting Method</b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b>Advance Vote</b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b>Proxies</b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b>Voting Places and Procedures</b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify

<b>THE MUNICIPAL ELECTIONS ACT, 1996</b>	
<b>Implied and Direct Discretionary Authority of the Clerk</b>	
	strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
<b>Emergency</b>	
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
<b>Opening Ballot Box</b>	
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
<b>Recounts</b>	

	<b>THE MUNICIPAL ELECTIONS ACT, 1996</b> <b>Implied and Direct Discretionary Authority of the Clerk</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13) (a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice

	<b>THE MUNICIPAL ELECTIONS ACT, 1996</b> <b>Implied and Direct Discretionary Authority of the Clerk</b>
	to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b>Election Records</b>
88(2)(a) (b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.