



# **SOUTH FRONTENAC**

**INFORMATION FOR CANDIDATES**

**2022 MUNICIPAL ELECTIONS**

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<p>This booklet is a guide only. All candidates are advised to refer to the Municipal Elections Act for complete and detailed rules.</p>
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**IMPORTANT DATES**

DATES	INFORMATION
May 2, 2022	Nominations may be filed
Date candidate files nomination	Candidate may incur expenses & accept donations
Between May 2 and August 18, 2022,	Nominations accepted from 8:00 a.m. – 4:30 p.m.
On August 19, 2022 - Nomination Day	Nominations and withdrawal of nominations will be accepted from 8:00 a.m. to 2:00 p.m.
All Candidates Training Session	To be scheduled
August 22, 2022	Nominations certified/rejected by Returning Officer by 4:00 p.m. Acclamation after 4:00 p.m. List of Candidates to be posted.
August 24, 2022	If the number of nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m.
July 31, 2022	Last day for MPAC to deliver preliminary list of electors for each municipality unless another date earlier than September 1 has been agreed upon
September 1 to October 24, 2022	Revision period for Voters' List
September 26, 2022	Returning Officer will supply number of eligible voters and Certificate of Maximum Campaign Spending Limits to candidate.
October 17 – October 24, 2022	Voting Period – Monday, October 17 - 8:00 a.m. to Monday, October 24 at 8:00 p.m.
October 24, 2022	Election Day
October 25, 2022	Clerk to declare official election results
November 15, 2022, to November 14, 2026	Term of Office
December 31, 2022	Campaign period ends (unless extended)
January 3, 2023	Candidate must notify Returning Officer if intending to extend campaign because of a campaign deficit.
March 31, 2023	File financial reports with Returning Officer before 2:00 p.m.
June 30, 2023	End of supplementary reporting period where a candidate has requested a campaign period extension.
September 29, 2023	Deadline for filing statements for the supplementary reporting period where a candidate's campaign period was extended.

## 2. ELECTED OFFICES

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

Candidates for School Board offices are encouraged to contact the office of the Director of Education of the appropriate school Board to obtain information on the duties and responsibilities of a trustee.

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

### (1) Elected Offices

At this election, members will be elected for the period commencing November 15, 2022, and ending November 14, 2026, for the following offices:

- a) **MAYOR**  
(One (1) is elected by all electors of the municipality).
- b) **COUNCILLORS**  
(Eight (8) – Two (2) elected for each District – Bedford, Loughborough, Portland, Storrington).
- c) **LIMESTONE DISTRICT SCHOOL BOARD (English Public) †**  
(One (1) to be elected by public school electors of the municipality, representing the Township of South Frontenac).
- d) **ALGONQUIN AND LAKESHORE CATHOLIC DISTRICT SCHOOL BOARD (English Separate).**  
(One (1) to be elected by separate school electors of the municipality).
- e) **CONSEIL scolaire de district catholique de l'Est ontarien (French Separate).**  
(One (1) to be elected by French language separate school electors).
- f) **Conseil des écoles publiques de l'Est de l'Ontario (French public)**  
(One (1) to be elected by French language electors within the municipality).

† The number of trustees to be elected in the municipality on the four school Boards is subject to the final determination and distribution of trustees in accordance with the *Education Act*.

**PART B  
QUALIFICATIONS**

**1. Member of Council**

Section 256 and 257 of the Municipal Act, 2001 "Eligibility".

256. Every person is qualified to be elected or to hold office as a member of a Council of a local municipality,

- (a) who is entitled to be an elector in the local municipality under section 17 of the Municipal Elections Act, 1996; and
- (b) who is not disqualified by this or any other Act from holding such office.

257. Every person is qualified to be elected or to hold office as a member of a Council of an upper-tier municipality,

- (a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the Municipal Elections Act, 1996; and
- (b) who is not disqualified by this or any other Act from holding the office.

**2. Elector Qualifications (Council)**

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

17(2) *A person is entitled to be an elector at an election held in a local municipality if on voting date, he, or she,*

*(a) resides in the local municipality, or is the owner or tenant of land there, or is the spouse or same-sex partner of such owner or tenant.*

*(b) is a Canadian citizen,*

*(c) is at least 18 years old, and*

*(d) is not prohibited from voting under subsection (3) or otherwise by law.*

**Role of Council**

Section 224, of the Municipal Act.

It is the role of Council

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

- (f) to carry out the duties of Council under this or any other Act

### Persons Prohibited from Voting

17(3) *The following persons are prohibited from voting:*

- (a) *A person who is serving a sentence of imprisonment in a penal or correctional institution.*
- (b) *A corporation.*
- (c) *A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.*  
(SEE SECTION ON VOTING PROXIES)
- (d) *A person who was convicted of the corrupt practice described in subsection 90(3) if Voting Day in the current election is less than four years after Voting Day in the election in respect of which he or she was convicted.*

### Disqualification of a Member of Council *Municipal Act Section 258*

258(1) The following are not eligible to be elected a member of a Council or to hold office as a member of a Council:

1. Except in accordance with Section 30 of the *Municipal Elections Act, 1996*,
  - i. an employee of the municipality
  - ii. a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General Ombudsman, or registrar referred to in section 223.11 or an investigator referred to in subsection 239.2(1) of the municipality, or
  - iii. a person who is not an employee of the municipality but who holds any administrative position in the municipality.
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada. (See “**PART C – NOMINATION PROCEDURES**” for legislation for filing of nominations.)
4. Except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any regulations made under that Part, a public service within the meaning of that Act, 2001.

- 258(2) A member of Council of a municipality is disqualified from holding office if, at anytime during the term of office of that member, he, or she,
- (a) ceases to be a Canadian citizen.
  - (b) is not a resident in the municipality; the owner or tenant of land in the municipality or the spouse or same-sex partner of an owner or tenant in the municipality; in the case of a member of Council of a local municipality or in a lower-tier municipality within the upper-tier municipality, in the case of a member of Council of an upper-tier municipality; or
  - (c) would be prohibited under this or any other Act from voting in an election for the office of a member of Council of the municipality if an election was held at that time.

### **3. School Board Members - Qualifications, Resignations and Vacancies**

#### **Qualification of School Board Members**

Section 219 of the *Education Act*

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

#### **Disqualification of School Board Members‡**

Section 219 of the *Education Act*

- (4) Despite Subsection (1), a person is not qualified to be elected or to act as a member of a district school Board or school Authority if the person is,
- (a) an employee of a district school Board or school Authority.
  - (b) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all, or part of which is included in the area of jurisdiction of the district school Board or the school Authority.
  - (c) a member of the Assembly or of the Senate or House of Commons of Canada; or (See "**PART C – NOMINATION PROCEDURES**" for legislation for filing of nominations.)
  - (d) otherwise, ineligible or disqualified under this or any other Act.
- (5) Despite Subsection (4) none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:
1. An employee of a district school board or school authority.
  2. The clerk, treasurer, deputy clerk or deputy treasurer of a municipality or upper-tier municipality, all, or part of which is included in the area of jurisdiction of a district school board or school authority.

- (7) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a district school board if the person is,
- (a) a member of any other district school board, except the Centre Jules-Léger Consortium.
  - (b) a member of a school authority.
  - (c) a member of the council of a municipality or an upper-tier municipality, all, or part of which is included in the area of jurisdiction of the district school board; or
  - (d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all, or part of which is included in the area of jurisdiction of the district school board,
- and the person's term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other district school board, with the secretary of the school authority or with the clerk of the municipality or upper-tier municipality, as the case may be.

- (8) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a school authority if the person is,
- (a) a member of any other school authority.
  - (b) a member of a district school board.
  - (c) a member of the council of a municipality or an upper-tier municipality, all, or part of which is included in the area of jurisdiction of the school authority; or
  - (d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all, or part of which is included in the area of jurisdiction of the school authority,
- and the person's term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other school authority, with the secretary of the district school board or with the clerk of the municipality or upper-tier municipality, as the case may be.

## PART C

### NOMINATION AS A CANDIDATE

#### **Qualified At Time of Nomination**

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

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

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

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

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

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

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

#### **Nomination Procedure**

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as early as May 2, 2022, with respect to the 2022 elections.

Section 33 of the *Municipal Elections Act, 1996*

- (1) *A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an agent. §*
- (2) *The nomination shall,*
  - (a) *be in the prescribed form.*

- (b) *be accompanied by a declaration of qualification\*\* in the prescribed form, signed by the person being nominated.*
  - (c) *be accompanied by the prescribed nomination filing fee (\$200.00 for Head of Council position; \$100.00 for all other offices).*
  - (d) *be endorsed by at least 25 persons and be accompanied by a prescribed declaration by each of the persons endorsing the nomination*
- (3) *If the person was previously nominated for an office on the same Council or Local Board in the same election and paid the nomination filing fee at that time,*
- (a) *clause (2) (c) does not apply; and*
  - (b) *for the purposes of section 34 (refund) and paragraph 9 of subsection 67 (2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one.*

Time for Filing

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

For the 2022  
Elections,  
Nomination Day is on  
August 19, 2022.

**Exception for Additional Nominations**

- (5) *If the number of nominations filed for an office and certified under section 35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 2 p.m. on the Wednesday following Nomination Day. (August 24, 2022)*

§ Facsimile transmissions or mailed-in nomination forms will not be accepted.

\*\* The declaration of qualifications must be taken before a Commissioner of Oaths. The municipal Clerk's office can administer this declaration for you.

**Refund of Deposit**

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

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

**Certification of Nomination by Clerk**

- 35 (1) *The Clerk shall examine each nomination that has been filed, in accordance with the following timetable*
- (i) *All nominations filed on or before Nomination Day shall be examined before 4 p.m. on the Monday following Nomination Day. (August 22, 2022)*
  - (2) If satisfied that a person is qualified to be nominated and that the nomination complies with this Act (Municipal Elections Act, 1996), the Clerk shall certify the nomination by signing the nomination paper.
  - (3) If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the Clerk shall reject the nomination.
  - (4) When the Clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.
  - (5) The Clerk's decision to certify or reject a nomination is final.

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

†† The prescribed percentage of the vote for the return of deposit is at least 2% of the total votes cast for the same office.

## PART D

### CAMPAIGN INFORMATION

#### 1. ELECTION CONTRIBUTIONS AND EXPENSES

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

#### CAMPAIGN CONTRIBUTIONS

##### What is a campaign contribution?

A contribution means money, 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. *Section 88.15 (1) MEA*

For **Third Party Advertising**, a contribution means money, goods and services given to and accepted by an individual, corporation or a trade union in relation to third part advertisements or given to and accepted by another person who is acting under the direction of the individual, corporate or trade union are contributions. *Section 88.15 (2) MEA*

The following amounts are contributions: *Section 88.15 (3) MEA*

- (a) an amount charged for admission to a fund-raising function,
- (b) if goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and market value, however if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- (c) if goods and services used in a person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the amount paid and market value, and
- (d) any unpaid but guaranteed balance in respect of a loan.

The following amounts are not considered contributions: *Section 88.15 (4) MEA*

- (1) the value of services provided by voluntary unpaid labour,
- (2) 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 them does not exceed the compensation the employee would normally receive for the period the services are provided,
- (3) an amount of \$25 or less that is donated at a fund-raising function

(4) the amount received for goods and services sold at a fund-raising function if the amount is \$25 or less

(5) The amount of a loan under section 88.17

(6) for a person referred to in subsection (1), the value of political advertising provided without charge on a broadcasting undertaking as section 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,

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

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

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

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

- (a) on December 31 in the election year, or.
- (b) on the day the nomination is withdrawn or deemed to be withdrawn, or;
- (c) on Nomination Day if the nomination is rejected, or;
- (d) if the candidate has a deficit at the time the campaign period would otherwise end and notifies the Clerk in writing on or before January 3, 2023, the campaign period is extended until the earliest of the following:
  - (i) June 30, 2023
  - (ii) the day he or she is nominated in a subsequent election for an office on the Council or local Board in respect of which the deficit was incurred.
  - (iii) the day the candidate notifies the Clerk in writing that he or she will not accept further contributions, and
  - (iv) the day A equals the total of B and C, where,

A = any further contributions,

B = the expenses incurred during the extension of the election campaign period,

C = the amount of the candidate's deficit at the start of the extension of the election campaign period.

<sup>‡‡</sup> In the event of a recount, a candidate's campaign period could be affected. See Section 68(5) of the *Municipal Elections Act, 1996* for details.

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

It is the responsibility of the candidate to ensure that:

- (a) no contributions of money are accepted, or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign.
- (b) all contributions of money are deposited into the campaign accounts.
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign.
- (d) all payments for expenses are made from the campaign accounts.
- (e) contributions of goods or services are valued.
- (f) receipts are issued for every contribution and obtained for every expense.
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods, or services, and
  - (iv) the contributor's name and address.
- (h) records are kept of every expense including the receipts obtained for each expense.
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay.
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less.
- (k) records are kept of any loan and its terms under section 88.17.
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized.
- (m) financial filings are made in accordance with sections 88.25 and 88.32.
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate.
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention.
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed.
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,

- (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
- (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board

### **Who can make contributions?**

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

The following may make contributions:

- an individual who is normally resident in Ontario.
- the candidate and his or her spouse, or same sex partner.

### **Who cannot make contributions?**

1. A federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by a party,
2. A provincial political party, constituency association, registered candidate, or leadership contestant, registered under the *Elections Finances Act*,
3. A corporation that carries on business in Ontario
4. A trade union that holds bargaining rights for employees in Ontario
5. The Crown in Right of Canada or Ontario, a municipality or local Board.

### **What limits are there on contributions?**

Contributions under \$25 may be made in cash. Any contribution over that amount must not be cash. No contributor may contribute more than \$1200 to any one candidate in an election regardless of the number of offices for which the candidate has been nominated.

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

### **What restrictions are there on fund-raising events?**

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

**Can I borrow money for my campaign?**

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

## **CAMPAIGN EXPENSES**

Expenses are considered to be costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign and, without restricting the generality of the forgoing, includes the following: *Section 88.19 (3) MEA*

1. the replacement value of goods and services retained by the person, individual or trade union from any previous election in the municipality and used in the current election,
2. the value of contributions of goods and services,
3. Audit and accounting fees,
4. Interest on loans under Section 88.17,
5. The cost of holding fund-raising functions,
6. The cost of holding parties and making other expressions of appreciation after the close of voting,
7. For a candidate, expenses related to a recount or a proceeding under Section 83 (controverted elections)
8. Expenses relating a compliance audit,
9. Expenses that are incurred by a candidate with a disability or 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 expenses related.
10. The cost of election campaign advertisements (within the meaning of Section 88.3) or third-party advertisements as the case may be.

All expenses count toward the candidate's spending limit, except items 3, 5, 6, 7, 8, 9 above. Campaign expenses may only be incurred after a candidate is nominated and only incurred by the candidate or an individual acting on behalf of the candidate. It is the responsibility of the candidate to ensure that copies of receipts are kept for all expenses.

### **What Limits Are There on Campaign Spending?**

The Clerk will provide each candidate with an estimated spending limit upon filing of nomination papers. The estimate will be calculated based on the number of electors on the voters' list as of nomination day in previous election. As well, the clerk will provide the candidate with the maximum contribution the candidate and his/her spouse may make to the campaign and the maximum that can be spent on the cost of holding parties and making other expression of appreciation after the close of voting.

By September 25, 2018, the clerk will provide each candidate with a final spending limit. The final campaign spending limit will be calculated based on the number of electors on the voters' list as nomination day for the current election.

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

## 2. FINANCIAL REPORTING

On or before 2 p.m. on the last Friday in March following the election (March 31, 2023) each shall file the necessary reports with the Clerk.

### **Expenses Under \$10,000**

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

### **Expenses Over \$10,000**

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

### **Campaign Surpluses**

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

### **Campaign Deficits and Extending Campaign Periods**

If a candidate has a deficit in their campaign they may extend the campaign period beyond January 3, 2023, to obtain additional contributions to eliminate the deficit, by notifying the Clerk in writing of the extension on or before January 3, 2023.

The campaign may be extended until:

- the deficit is eliminated, or
- the day the candidate is nominated for a new election on the same Council or local Board (if such nomination is before June 30, 2023), or
- the day the candidate notifies the Clerk that no further donations will be accepted, or
- June 30, 2023.

If a candidate extends the campaign period, supplementary reporting period financial statements (and auditor's reports) will be required. The supplementary reporting period will end on June 30, 2023.

There are no further extensions of any campaign period beyond June 30, 2023. The financial statements and auditor's reports must be filed by 2:00 p.m. on September 26, 2023.

If, after June 30, 2023, the candidate incurs expenses relating to a recount, an application for a controverted election or a compliance audit, the Clerk shall refund, with interest, any surplus being held in trust for the candidate. The candidate may use this surplus to only pay for the expenses relating to a recount, an application for a controverted election or a compliance audit and cannot accept any contributions. The candidate must file the prescribed financial statement for every 90-day reporting period following the release of the surplus until the surplus is exhausted or the recount, controverted election or compliance audit is completed. The financial statement is due 10 days following the end of the 90-day reporting period.

### **Penalties for Non-Compliance**

If a candidate fails to:

- a) file the required documents,
- b) pay a surplus to the Clerk, or
- c) file documents showing on its face that the candidate exceeded the spending limits.
- d) file documents showing on its face a surplus and the candidate fails to pay the amount required by that section to the Clerk by the relevant date

In addition to any other penalty imposed under the *Municipal Elections Act*, a candidate is subject to the following penalties:

1. In the case of the defaults described above,
  - (i) the candidate forfeits any office to which he or she was elected, and the office shall be deemed to be vacant,
  - (ii) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

The penalties for failing to file financial statements by March 30, 2023, do not take effect if they are filed no later than 2:00 pm 30 days after the due date and the candidate pays the Clerk a late filing fee of \$500.00.

### **Notice of Default**

The Clerk is required to notify the candidate and the Council of local board in writing that the default has occurred and the nature of the default. The Clerk must also make this information public.

### **Application to Extend the Time to File the Required Documents**

A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice **prior to** March 29, 2023. If the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document, but the court shall not grant an extension for more than 90 days.

A candidate who has applied for an extension to the filing deadline must inform the clerk that they have done so prior to 2 p.m. on March 31, 2023. S.88.23 (7), s.88.27(4)

### **Effect of Extension**

If an extension for filing a document is granted: the penalties set out above apply only if the candidate has not filed the document before the end of the extension.

### **When Penalties in Effect**

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

### **Compliance Audits**

Every Council and school board must appoint a compliance audit committee by October 1, 2022.

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

## 1. **THIRD PARTY ADVERTISING**

Similar rules to Candidates Campaign expenses have been introduced for third parties.

Third Parties include:

- Individuals who are normally a resident in Ontario (not candidates)
- Corporations that carry on business in Ontario
- A Trade Union that holds bargaining rights for employees in Ontario

Third Parties shall not accept contributions with regard to third party advertising or incur expenses for goods and services related to advertisement unless he/she or it are registered with the municipality.

Limits exist on campaign expenses; as well there are specific reporting requirements.

All Third-Party advertisements must 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.

The municipality has the authority to require such advertisements to be removed.

Please refer to the Municipal Elections Act for the exact requirements and obligations as it pertains to Third Party Advertising.

#### 4. SCRUTINEERS (Candidates' Agents)

##### **POLICIES & PROCEDURES RE SCRUTINEERS' BEHAVIOUR**

With internet and telephone voting there are no vote counting stations, ballots, or ballot boxes. As such there is a very limited role for scrutineers. Scrutineers are permitted in a voting place as specified in Sections 16 & 47 of the Municipal Act 1996 subject to the following:

- 1). ANYONE who is creating a disturbance at a Voting Place will be removed by the Returning Officer.
- 2) Before being admitted to a Voting Place, a person Appointed as scrutineer shall produce and show his/her Appointment (the "Scrutineer Form") to the Deputy Returning Officer and take the oral Oath of Secrecy (Form 9-WS) from the Returning Officer or Chief Deputy Returning Officer
- 3) The Returning Officer, or in her absence, the Chief Deputy Returning Officer, is responsible for the conduct at the Voting Place. No candidate or scrutineer has the right to interfere with the Returning Officer in the discharge of her duties.
- 4) One scrutineer per candidate is allowed at any location. A candidate for Ward Councillor may have a scrutineer present at the voting station for that specific ward only.
- 5) The candidate **and** his or her scrutineer ARE NOT permitted to be present at a Voting Place Station. If a candidate or scrutineer wishes to have a discussion with another scrutineer or candidate, they must leave the session or station and carry on their discussion elsewhere.
- 6) No campaign material or literature of any nature whatsoever shall be displayed within the Election Centre. The boundaries of the Election Centre are the boundaries of the property where the centre is located and **includes** the parking lot. Anyone breaking these rules will be asked to remove the campaign material immediately.
- 7) Scrutineers are reminded to provide a clipboard for their use, as sitting at the table, which is provided for the Election Personnel, is NOT permitted.
- 8) No one will be admitted to the Voting Place after 8:00 p.m.

## 5. ELECTION SIGNS

1. NO campaign material or posters shall be permitted on any municipal property with the only exception being along municipal road allowances. This includes the following, which is not meant to be a complete and exhaustive list:
  - municipal parks, arenas, community centres, vacant lands, landfill sites, municipal buildings, and structures
2. Posters or similar campaign material shall be permitted along municipal road allowances providing the following conditions are respected:
  - a) that the visibility of intersections or private entrances is not obstructed and do not create a safety condition. Members of the public should be advised that if they have questions about the placement of signs, they should contact the Election staff to determine any violations.
  - b)
  - c) that the posters or similar campaign material is of sufficient texture and of proper installation that weather conditions will not displace this material or create a safety hazard on municipal roads.
3. Posters or similar campaign material that will be installed on provincial or county roads will require the permission of these respective approving authorities.
4. Posters or similar campaign material that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.
5. The Township of South Frontenac or any of its municipal servants, employees or agents will not be responsible for investigating or prosecuting for any acts of vandalism to the posters or campaign material of the candidates.
6. Should any posters or campaign material be located on municipally owned property or be located on municipally owned road allowances which do not comply to the provisions of this section, the same shall be removed forthwith and stored at the municipal garage located at 2490 Keeley Road, Sydenham, Ontario.
7. Should any material be removed pursuant to paragraph 6, the candidate may make arrangements to pick up such material during operating hours.
8. Prior to **November 10th, 2022**, all candidates will be required to remove all posters and campaign material along municipally owned road allowance. Should such material continue to be located, the same shall be removed immediately and be destroyed by the Municipality.
9. This Section shall not supercede any or all by-laws that pertain to signs within a municipality.
10. Information required on campaign signs: candidate's name, position being sought, an indication that the candidate is responsible for the sign.

**6. (a) PROHIBITION OF CANVASSING IN VOTING PLACES**

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:

*"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 remove forthwith from any voting place any material or literature of any nature which may be deposited therein.

**(b) PROHIBITION OF CANVASSING IN TOWNSHIP FACILITIES**

Candidates may NOT campaign (meet or talk for the purpose of promoting a candidate or a candidate's views) or display or distribute campaign materials (signs, posters, pamphlets, button, business card, hats, etc.) in Township facilities. This includes municipal offices and garages, council chambers, fire halls and recreation buildings and all corresponding parking lots.

**7. REFERENCES TO SOCIAL MEDIA ACCOUNTS IN CAMPAIGN MATERIAL**

An incumbent council member may reference South Frontenac social media accounts for ongoing Township business; however, referencing such accounts as part of a campaign, would be considered an inappropriate use of Township resources.

**8. ACCESS TO RENTED PREMISES BY CANDIDATE 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."*

**9. ACCESS TO CONDOMINIUMS BY CANDIDATE OR THEIR AUTHORIZED REPRESENTATIVES**

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

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

## PART E

### GENERAL INFORMATION

#### 1. DEFINITION OF RESIDENCE

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

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

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

#### **Exception, students**

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

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

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

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

#### 2. ENUMERATION

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

### **3. REVISION OF PRELIMINARY LIST OF ELECTORS**

The Preliminary List of Electors will be printed by August 5, 2022 (anticipated date - to be confirmed). Applications for amendments to the Voters' List will be accepted by the Clerk commencing on September 1, 2022 and ending at 8:00 p.m. on Voting Day (October 24, 2022).

Copies of the Preliminary List of Electors may be viewed at the locations listed below:

**TOWNSHIP OF SOUTH FRONTENAC  
4432 GEORGE STREET  
SYDENHAM, ON**

### **4. PROXY VOTING**

No proxies are allowed.

### **5. ADVANCE VOTE**

1. The advance vote and including voting day, shall be for a term of 8 (eight) full days, commencing on Monday, October 17<sup>th</sup>, 2022, at 8:00 a.m. (Eastern Standard Time) and that the voting period be terminated on Monday, October 24<sup>th</sup>, 2022 at 8:00 p.m. (Eastern Standard Time).

### **6. VOTING DAY**

Voting Day is Monday, October 24, 2022, with general voting places open from 10:00 a.m. to 8:00 p.m., with the counting of votes to take place after the closing of the vote. Special voting places may have different hours pursuant to bylaw passed under section 46(2)(3).

### **7. VOTING PLACES**

A Voter's Help Centre will be located at 4432 George St, Sydenham during the voting period. (From 8:00 am on October 17, 2022, to 8:00 pm on October 24, 2022)

### **8. VOTING NOTICE**

The Clerk will place an advertisement in a newspaper providing notice to all residents of the municipality of the dates and times on which the voting places will be open, including

advance voting, and the manner in which electors may utilize the voting process.

**9. ELECTOR'S ABSENCE FROM WORK**

An elector is entitled to have three consecutive hours to vote on Voting Day (October 24, 2022). If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the voting station, the employer must allow them to be absent and the absence shall be timed to suit the employer's convenience as much as possible. The employer shall not make a deduction from the employee's pay or impose any other penalty for the absence from work.

## Orientation Dates/Compensation/E-Agendas

### Council Compensation

(Based on 2022)

Position	Annual Salary
Mayor	36,036
Deputy Mayor	23,110
Councillor	16,167

Council Members are paid \$50.00 for attending committee (non-Council) meetings in which they have been appointed to and mileage based on \$.055 per kilometer.

### Council Orientation

**Tuesday, November 8, 2022** – South Frontenac Council Orientation – 4432, George St, Sydenham – Council Chambers 7:00 pm

**Wednesday, November 9, 2022** – Combined Orientation with North Frontenac, Central Frontenac, and Frontenac Islands Townships - Virtual and/or Verona Lions Club Hall – 4504 Verona Sand Road, Verona ON starting at 5:00 pm with supper (if in person gatherings are still permissible)

**Tuesday, November 15, 2022**- Inaugural Meeting for the 2022-2026 Council at 7:00 pm in Council Chambers

**Thursday November 22, 2022** - South Frontenac Council Orientation – 4432, George St, Sydenham – Council Chambers 7:00 pm

**Wednesday, December 7, 2022** - Combined Orientation with North Frontenac, Central Frontenac, and Frontenac Islands Townships - Virtual and/or Verona Lions Club Hall – 4504 Verona Sand Road, Verona, ON starting at 5:00 pm with supper (if in person gatherings are still permissible)

**NOTE:** The above dates are subject to change but are provided as information for candidates to keep in mind as part of the orientation process.

### Electronic Agendas and Minutes

Each member of Council will be issued an iPad for the Council term. The use of electronic agendas and minutes provides accountability and transparency to all residents as agendas and minutes are published on CivicWeb, except for Closed Session minutes that will be restricted to Council access. Training is provided on this application. **Paper agenda packages are not produced.**

NOTE: Information in this package is subject to revisions by the Clerk.