

TOWN OF MIDLAND



**2018 Municipal Election
October 22, 2018**

**Nomination Package
For Candidates**

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TOWN OF MIDLAND MUNICIPAL ELECTION 2018

CANDIDATE INFORMATION PACKAGE #1

April 2018

Dear Candidate:

Municipal elections are conducted in accordance with the provisions of the *Municipal Elections Act*, the *Municipal Act*, the *Assessment Act* and the *Education Act*. The Clerk is the Chief Returning Officer and is responsible for coordinating all facets of the election.

Copies of the *Municipal Elections Act* and any other Acts can be obtained from the following website: www.e-laws.gov.on.ca

Other sources of information include:

Ministry of Municipal Affairs and Housing: www.mah.gov.on.ca
Ministry of Education: www.edu.gov.on.ca
Town of Midland: www.midland.ca

As an introduction to the municipal election, we have prepared this preliminary information package. This package is intended to provide information and key dates that will assist you in the upcoming election. Although this package contains information on qualifications and requirements, it is only a guide. **It is your responsibility, as a candidate, to familiarize yourself with all legislative and municipal requirements.**

The Clerk's Department can provide assistance if you have any questions or concerns. Please contact the following:

Karen Desroches, Chief Returning Officer (705) 526-4275, ext. 2208
Sherri Edgar, Assistant Returning Officer (705) 526-4275, ext. 2210
Catherine LeMesurier, Assistant Returning Officer (705) 526-4275, ext. 2212

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GENERAL INFORMATION

Election Day and Hours:

Monday, October 22, 2018
10:00 a.m. to 8:00 p.m.

Voting Place:

North Simcoe Sports and Recreation Centre – 527 Len Self Boulevard

Offices to be Elected:

Mayor - One (1) to be elected at large

Deputy Mayor – One (1) to be elected at large

Councillors - Three (3) to be elected for each of Ward 1 and Ward 2, and One (1) to be elected for Ward 3

School Board Trustees

Trustee, Simcoe County District #17 (English/Public)

Trustee, Simcoe Muskoka District #44 (English/Separate)

Counseiller, scolaire public de District #58 (French/Public)

Counseiller, scolaire de District #64 (French/Separate)

Term of Office:

December 1, 2018 - November 14, 2022

Annual Remuneration

Mayor	\$39,595.00
Deputy Mayor	\$26,580.00
Councillor-	\$18,106.00

Nomination Period:

Tuesday, May 1, 2018 to Friday, July 27, 2018

Nomination Day:

Friday, July 27, 2018

Nomination Procedures:

On any day preceding Nomination Day (July 27, 2018), nomination forms may be filed at the Office of the Clerk, from Monday to Friday between 8:30 am to 4:30 pm. On Nomination Day, papers may be filed between 9:00 am and 2:00 p.m.

Persons who propose to be candidates in the municipal election must submit his/her nomination paper in the prescribed form to the Office of the Clerk prior to accepting or soliciting funds for his/her campaign.

There is a new requirement that anyone wishing to run for office on a council must submit the signatures of 25 voters supporting the nomination. The individuals providing the signatures will each have to sign a declaration stating

that they were eligible to vote in the municipality on the day that they signed the endorsement.

If a candidate files a nomination, and then changes his/her mind and decides to run for a different office on the same council, he/she is not required to submit new signatures.

The requirement to submit 25 nomination signatures does not apply to candidates running for school board trustee positions.

All registered candidates are required to pay a filing fee of either \$200.00 (Head of Council) or \$100.00 (all others). The fee must be paid in cash, debit, certified cheque or money order, Visa or MasterCard.

The candidate or his or her agent must file the nomination paper in person. The declaration section of the nomination form must be signed by the candidate and taken before a Commissioner of Oaths. Staff in the Municipal Office can administer this oath.

If an agent is filing the Nomination Paper on behalf of a candidate, the candidate's Declaration of Qualification must be commissioned prior to the agent filing the paper with the Town. The agent must provide the candidate's identification as well as providing their own identification.

Faxed or emailed nominations will NOT be accepted, as an original signature is required on all election documents filed with the Clerk.

If, after filing a nomination, a candidate wishes to file a nomination for a different office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. The filing fee is deemed to have been paid with the latest filing, if the two nominations are for the same council or local board.

Prior to 4:00 p.m. on Monday, July 30, 2018 the Clerk will examine each nomination filed and, if satisfied the person is qualified and that the nomination complies with the *Act*, the Clerk will certify the nomination paper. If not satisfied, the Clerk will reject the nomination and as soon as possible give notice to the person nominated and to the other candidates for the office. It is the responsibility of each candidate to ensure he or she is qualified to run for the office for which the nomination is filed. The Clerk's decision to certify or reject a nomination is final.

Nomination papers are public documents and available for inspection in the Clerk's Office.

Revision Period:

The Revision Period gives voters a chance to make corrections, additions or deletions to any of the information in the Voters' List. Voters may make these changes to personal information relating to them between: **September 4 to October 22, 2018 (Voting Day)**.

The Voters' List can be viewed at the Office of the Clerk during regular office hours between: **September 4 and October 22, 2018**. On October 22, 2018 (Voting Day) the list will be available at the voting place.

Proxy Voting:

The appointment of a Voting Proxy may be made only **after** Nomination Day. A proxy can be submitted to the Clerk between: **July 27 and October 22, 2018**.

Any person who is a qualified elector may vote by proxy and may appoint as his/her proxy any other person who is eligible as an elector in the municipality. This appointment must be made by using a prescribed form available from the Office of the Clerk.

A person appointed as a Voting Proxy may only act for one person who is not a relative but can act as proxy for any number of relatives (including spouse or siblings, parents, children, grandparents and grandchildren).

Voter Notification Letters:

Voter Notification letters will be mailed in September 2018 to those on the Voters' List, advising of the dates, times and locations of the Voting Place for Election Day and for the Advance Votes. Please call the Clerk's Office at 705-526-4275, extension 2210 or 2212 if you do not receive your letter by September 30, 2018.

Campaign Period:

The election campaign period begins the day the nomination form is filed and ends on December 31, 2018. A candidate **cannot** accept campaign contributions until he/she has filed their nomination paper.

Scrutineers:

Each candidate may appoint, in writing, scrutineers to act as their representatives at the polls. No more than **one** scrutineer representing a candidate may be present at a given poll. The related forms will be available from the Office of the Clerk closer to Voting Day.

Refund of the Filing Fee:

A candidate is entitled to receive a refund of the nomination filing fee if he or she files financial statements on time after the election. In the case of the 2018 regular election, the date is March 29, 2019 for the campaign ending December 31, 2018.

Election Contributions and Expenses:

The *Municipal Elections Act*, 1996, places limitations on expenses for candidates and also places requirements on the candidate to report contributions received and the funds spent.

Limitations on expenses are based on the following:

Mayor:	\$7,500 + 85¢/qualified elector
Deputy Mayor:	\$5,000 + 85¢/qualified elector
Councillors/Trustees:	\$5,000 + 85¢/qualified elector

(O. Reg. 101/97)

The preliminary estimated spending limits based on the 2014 voters' list are as follows:

Mayor:	\$18,612.05
Deputy Mayor:	\$16,112.05
Councillor Ward 1:	\$ 9,491.40
Councillor Ward 2:	\$10,122.95
Councillor Ward 3:	\$ 6,497.70

- The Clerk will provide each candidate, at the time of filing nomination papers, with a **preliminary** certificate of the maximum amount of the campaign expenses they may incur. This will be based upon the number of electors on the Voters' List for the office on September 15 in the last (2014) election.
- The Clerk will then determine the number of electors eligible to vote for each office as of September 15, in this (2018) election. A copy of this **secondary** certificate will to be delivered to each candidate by September 25, 2018.
- The **higher** of the two calculations (preliminary and secondary) shall be the final spending limit for the office.

New for 2018 is the requirement of the Clerk to provide a Certificate of Maximum Expenses for Parties, etc. The spending limit for this certificate will be set out in a regulation which as of the date of writing has not been established by the Province.

Also new for 2018 is the requirement of the Clerk to provide a certificate of the applicable maximum of contributions to a candidate's own campaign.

Notice of Penalties

Before Voting Day, the Clerk will provide each person nominated for an office, notice of the penalties related to election campaign finances.

Filing Financial Statements:

All candidates are required to file financial statements for all contributions and expenses incurred for their campaign. The deadline for filing financial statements with the Office of the Clerk is Friday, March 29, 2019 on or before 2:00 p.m.

Election Signs:

By-law 2011-80, being a By-law to regulate election signs, has been included for your review and can be viewed on the Town of Midland website. Should you have any questions, please contact Jim Reichheld, MLEO at (705)526-4275, extension 2227.

Where a sign is found to be in contravention of the By-law, the following procedure will be followed:

- Signs will be immediately removed;
- Removed signs will be stored by the Town for up to ten days, and then destroyed if not retrieved;
- The Town does not issue a notice to have election signs removed.

QUALIFICATIONS OF A CANDIDATE:

A person wishing to run for elected office should check the relevant legislation for the qualifications required for the office, (e.g. the *Municipal Elections Act*, the *Municipal Act*, and the *Education Act*). The responsibility rests with the candidate to determine whether he or she is qualified to be elected to and hold the office.

To hold office for Municipal Council a candidate must be:

- qualified to be an **elector** in the municipality*
- not disqualified for violations of financial requirements or violations of requirements or filing financial information
- not disqualified by any legislation from holding such office

***Note:** A person is entitled to be an **elector** in the Town of Midland (unless prohibited by the *Election Act* or any other Act) if, **on October 22, 2018**, he or she:

- (a) resides in the Town of Midland, or is the owner or tenant of land in the Town of Midland, or the spouse or of such a person; and

- (b) is a Canadian citizen, and
- (c) is at least 18 years old, and
- (d) is not prohibited from voting by law.

In the case of a candidate, he/she must be qualified as an elector as of nomination.

These qualifications apply to all candidates for municipal elected office.

Additional Qualifications for School Board Trustees:

In addition to the above for municipal elected office:

- A candidate for **English-Language Public District School Board Trustee** must be a qualified elector and must also be a public school supporter/elector.
- A candidate for **English-Language Separate District School Board Trustee** must be a qualified elector and must also be a separate school supporter/elector and Roman Catholic.
- A candidate for **French-Language Public District School Board Trustee** must be a qualified elector and must also be a public school supporter/elector and has the right to have his/her children attend a French Public Language School.
- A candidate for **French-Language Separate District School Board Trustee** must be a qualified elector and must also be a separate school elector, Roman Catholic and has the right to have his/her children attend a French Separate Language School.

Note: a candidate may not be an employee of the school board.

DISQUALIFICATIONS OF A CANDIDATE

The following are not eligible to be elected to the Municipal Council or to hold office as a member of the Municipal Council:

- an employee of the municipality or local board or a person who is not an employee of the municipality but who is the Clerk or Treasurer of the municipality or who holds any administrative position with the municipality unless he or she takes an unpaid leave of absence commencing on the day the employee is nominated and ending on Voting Day;
- a judge of any court;
- a member of the Legislative Assembly or the Senate or the House of Commons of Canada;
- a Crown employee within the meaning of the *Public Services Act*;

- an inmate of a penal or correctional institution;
- one who ceases to be a Canadian citizen;
- one who does not reside in the Town of Midland, or is not the owner or tenant of land, or spouse of, in the Town of Midland;
- one who is prohibited from voting in an election according to the *Elections Act*, the *Municipal Act* or the *Education Act*.
- one who has violated financial requirements for filing financial information in the previous election.

Reasons for Rejection of Nomination by the Clerk:

Under the *Municipal Elections Act*, the Clerk is required to reject or certify nominations of candidates. The following criteria may be used by the Clerk to reject a nomination:

- candidate has refused or declined to provide proof of qualifications
- candidate has failed to provide a completed Form 2 – endorsement of 25 qualified electors
- candidate does not satisfy Section 29(1) of the *Municipal Elections Act*, 1996
- the nomination form is not complete in its entirety
- the prescribed filing fee has not been paid
- the necessary financial disclosure was not filed for the previous regular election or any new election in which the individual may have been a candidate
- there may also be other circumstances in which a candidate is disqualified - it is the responsibility of each candidate to ensure he/she is not disqualified

SCHEDULE OF KEY DATES

May 1, 2018 To July 27, 2018	NOMINATION/REGISTRATION PERIOD Nominations may be filed by candidates prior to Nomination Day at any time during regular business hours (8:30 a.m. To 4:30 p.m.). Nominations close at 2:00 p.m. on July 27, 2018
May 1, 2018 To December 31, 2018	CAMPAIGN PERIOD The campaign period begins on May 1, 2018 or whenever a candidate files a nomination paper and ends December 31, 2018 unless a candidate withdraws the nomination, the Clerk rejects the nomination or the candidate is continuing his or her campaign to erase a deficit.
August, 2018	DATE OF RECEIPT OF PRELIMINARY LIST OF ELECTORS Deadline for MPAC to provide preliminary list of electors to the Clerk. The Clerk shall check the list for obvious errors and make necessary corrections.
September 4, 2018	POST VOTERS' LIST The Clerk shall post the Voters' List for revision.
September 4, 2018 To October 22, 2018	REVISION PERIOD Eligible electors, whose names are not on the Voters' List or whose names were shown incorrectly on the list may file an application with the Clerk's Office or at a voting place. An elector may also delete his/her own name from the list by filing the application with the Clerk or at the voting place.
September 4, 2018 To October 22, 2018	REVISION - Application to remove a deceased person's name. Clerk may on his/her own initiative remove Name if satisfied person has died.
July 27, 2018	NOMINATION DAY Deadline for filing nominations. nominations may be filed between 9:00 a.m. and 2:00 p.m.
July 27, 2018	WITHDRAWAL OF NOMINATION Deadline to withdraw nomination in writing before 2:00 p.m.
July 30, 2018	CERTIFICATION OF NOMINATION PAPERS Deadline for the Clerk to certify nomination papers before 4:00 p.m.
July 30, 2018	ACCLAMATION The Clerk shall, after 4:00 p.m., declare the eligible candidate(s) to be duly elected.

Schedule of Key Dates Continued

July 27, 2018 to October 22, 2018	PROXY Electors appointed as voting proxies must apply for their voting proxy certificates in the Clerk's Office.
September 25, 2018	CERTIFICATE OF MAXIMUM CAMPAIGN SPENDING LIMITS The Clerk must provide the certificate to all certified candidates.
September 15, 2018	INTERIM LIST The Clerk shall prepare an interim list of changes made to the preliminary Voters' List as of September 15 and give a copy to each person who received a preliminary list and to each certified candidate by September 25, 2018.
September 2018	VOTER NOTIFICATION LETTERS Voter Notification Cards will be mailed out in September 2018 to all electors that appear on the Voters' List, advising of the dates, times and locations of advance voting and voting on election day. If you do not receive your letter by September 30, 2018, please contact the Clerk's Office at 705-526-4275, ext. 2208.
October 10, 11, 13	ADVANCE VOTES
October 22, 2018	VOTING DAY
December 31, 2018	NOTIFICATION TO THE CLERK OF A DEFICIT AND CONTINUATION OF CAMPAIGN PERIOD If a candidate has a deficit as of December 31, 2018 and wishes to continue fundraising to eliminate the deficit, the candidate must notify the Clerk in the prescribed form on or before December 31, 2018. Failure to do so will mean that the campaign period automatically ends on December 31, 2018.
March 29, 2019	DEADLINE FOR APPLICATION OF FINANCIAL STATEMENTS All nominated candidates must file their financial statements by 2:00 p.m. on Friday, March 29, 2019.

RESOURCES:

1. By-law 2011-80 being a by-law to regulate election signs
2. Town of Midland website: <https://www.midland.ca>
3. Guidelines provided by the Ministry of Municipal Affairs:
[2018 Voters' guide for Ontario municipal council and school board elections](#)
[2018 Candidates' guide for Ontario municipal council and school board elections](#)
[2018 Guide for third party advertisers – Ontario municipal council and school board elections](#)
4. Ministry of Municipal Affairs – resources for municipal elections:
www.ontario.ca/municipalelections
5. Ontario Central Forms Repository – links to election forms:
www.forms.ssb.gov.on.ca (type “municipal election” in Quick Search box)
6. Ministry of Municipal Affairs – election email address: mea.info@ontario.ca
7. Municipal Property Assessment Corporation – information on changing school support:
<https://www.mpac.ca/PropertyTypes/PropertyAssessmentProcedures/AssessmentProceduresChangeSchoolSupportDesignation>
8. Municipal Property Assessment Corporation – contact information:
www.mpac.ca/AboutMPAC/ContactUs
9. Ontario Ministry of Education – information on French language rights:
www.edu.gov.on.ca/eng/amenagement/admission.html