



Candidate Information Package  
2018 Municipal Election

**Prepared January 2018**

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## DISCLAIMER

The City of London Municipal Election Office has prepared this information package for those persons seeking election or re-election for Municipal Council or School Board Trustee on October 22, 2018.

The information in this package is general in nature and candidates should refer to the *Municipal Elections Act, 1996* for specific provisions and additional information. A copy of the *Act* can be obtained from Publications Ontario (telephone 1-800-668-9938), or online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Contact the Elections Office at 519-661-4535 for any questions or concerns.

## **IMPORTANT NOTICE TO ALL CANDIDATES**

Term of Office:                      The 2018 Municipal Election will be conducted for a term of office commencing December 1, 2018 and ending November 14, 2022.



## IMPORTANT DATES

May 1 to July 26, 2018	Nominations may be filed from 8:30 a.m. to 4:30 p.m., Monday to Friday, in the Election Office, Lower Level, City Hall.
July 27, 2018	Nomination day ( <b>last day for filing nominations</b> ): Nominations may be filed from <b>9:00 a.m. to 2:00 p.m.</b> in the Election Office, Lower Level, City Hall.
July 27, 2018	Last date for a candidate to withdraw a nomination ( <b>2:00 p.m. deadline</b> ).
July 30, 2018	List of candidates declared elected by acclamation to be posted (after 4:00 p.m.). Certification of nomination papers to be completed by 4:00 p.m.
August 1, 2018	Additional Nominations: In the event that sufficient nominations have not been received to fill any particular office, additional nominations may be filed from 9:00 a.m. to 2:00 p.m. in the Election Office.
August 2, 2018	List of additional candidates declared elected by acclamation to be posted after 4:00 p.m.
September 4, 2018	Voters' List available to certified candidates.
September 25, 2018	Final expense limits provided to candidates and registered third parties.
October 4, 2018	Advance Vote - Western University and Fanshawe College
October 6 and 9-13, 2018	Advance Vote
October 19, 2018	Last day for an individual or entity to file a notice of registration as a third party advertiser.
<b>October 22, 2018</b>	<b>Voting Day:</b> Voting Places are open from <b>10:00 a.m. to 8:00 p.m.</b> except for specific locations such as nursing homes, retirement homes, etc., which have reduced voting hours as prescribed by by-law.



October 23, 2018	Clerk to declare Official Results as soon as possible after Voting Day.
December 1, 2018	Term of Office Commences
December 31, 2018	End of campaign period
December 31, 2018	Candidates notify Clerk of a deficit and the continuation of the campaign period.
February 27, 2019	Last day for Clerk to provide notice of financial filing requirements and penalties to candidates and registered third parties.
March 28, 2019	Last day for candidate or registered third party to apply to Superior Court of Justice to extend the time to file a financial statement.
March 29, 2019	Filing deadline for financial statements and auditor's reports from all Nominated Candidates <b>2:00 p.m. deadline. Before 2:00 p.m.:</b> Last day to notify Clerk of filing extension.
April 29, 2019	Last day (by 2:00 p.m.) for candidate or registered third party to file a primary financial statement with <b>\$500</b> late filing fee.
June 30, 2019	End of supplementary reporting period.
August 28, 2019	Last day for Clerk to provide notice of supplementary filing requirements and notice of penalties for supplementary reporting period.
September 26, 2019	Last day for candidate or registered third party to apply to Superior Court of Justice to extend the time to file the supplementary financial statement.
September 27, 2019	Last day (by 2:00 p.m.) to file a financial statement for supplementary reporting period. Last day to notify Clerk of filing extension.
October 28, 2019	Last day (by 2:00 p.m.) for candidate or registered third party to file a supplementary financial statement with <b>\$500</b> late filing fee.
December 27, 2019	Last day to request a compliance audit on a supplementary financial statement.



## OFFICES TO BE ELECTED

### Municipal Offices

Mayor	1 to be elected – City wide
Councillor	1 to be elected in each of the City's 14 wards

### District School Boards

Trustees to be elected to be determined by the school boards listed below:

Thames Valley District School Board (English-Language Public District School Board #11)	2 to be elected for Wards 1, 11, 12 & 14 2 to be elected for Wards 2, 3, 4, 5 & 6 2 to be elected for Wards 7, 8, 9, 10 & 13
London District Catholic School Board (English-Language Separate District School Board #38)	1 to be elected for Wards 1 & 14 1 to be elected for Wards 2, 3 & 4 1 to be elected for Wards 5, 6 & 7 1 to be elected for Wards 8, 9 & 10 1 to be elected for Wards 11, 12 & 13
Conseil scolaire Viamonde (French-Language Public District School Board # 58)	1 to be elected for the entire geographic area of the Regional Municipality of Waterloo, the County of Wellington, the County of Middlesex, the County of Perth and the County of Huron
Conseil scolaire catholique Providence (French-Language Separate District School Board #63)	1 to be elected for the entire geographic area of the City of London, the County of Middlesex, and the County of Elgin

**Note:** School boards are required, by March 31, 2018, to prepare a Trustee Determination and Distribution Report to be submitted to the Minister of Education with copies provided to each municipal school board election clerk and secretary of all other school boards with the board's jurisdiction. The Trustee Determination and Distribution Report must confirm the electoral population based on the Population of Electoral Group Report (PEG); designate any municipality as low population areas, identify the lead municipalities; confirm the number of trustees to be elected; and determine the trustee distribution based on geographic and electoral population representation.



## **RANKED CHOICE VOTING**

### **Provincial Authorization**

*Ontario Regulation 310/16*, passed under the *Municipal Elections Act, 1996*, authorizes municipal councils to pass a by-law to use ranked ballots to elect the offices on that council. Ranked ballots may not be used to elect school board trustees. Ranked ballots allow voters to rank candidates in order of preference for a particular office. *O. Reg. 310/16* sets out conditions, limitations, and procedural requirements, including the rules governing ballots, voting procedures, counting of votes, recounts and reporting results.

### **City of London By-law**

On May 1, 2017, Council passed a by-law that mandates the use of ranked ballot voting for all offices on the council for The Corporation of the City of London in the 2018 Municipal Election. A voter is now entitled to rank a maximum of three (3) candidates for the office of Mayor and three (3) candidates for the office of Ward Councillor.

The by-law applies to all regular elections and by-elections.

### **Vote Counting Process**

Voters rank candidates in order of preference (first, second, and third).

The ranked ballot electoral model requires a candidate to cross a “threshold” of votes to be elected. In a single-member ranked ballot election, where one candidate will be elected to office, a winning candidate must receive 50 percent of the total number votes plus one.

The first choice votes are counted for each candidate.

If a candidate receives at least 50 per cent plus one vote, they are elected.

If none of the candidates has enough votes to reach or cross the threshold, the candidate with the fewest votes is eliminated. The votes for that candidate will go to the next choice marked on each ballot that was cast for the eliminated candidate.

This process is repeated in subsequent rounds until a candidate has enough votes to meet or exceed the threshold.

## Exhausted Ballots

The choices marked on a ballot indicate which candidate the vote should go to next. If the first choice is eliminated, the vote is transferred to the second choice. If the second choice is eliminated, the vote is transferred to the third choice. It is possible that the vote cannot be transferred, in which case the ballot is “exhausted” and does not count toward any candidate. A ballot could become exhausted for a number of reasons:

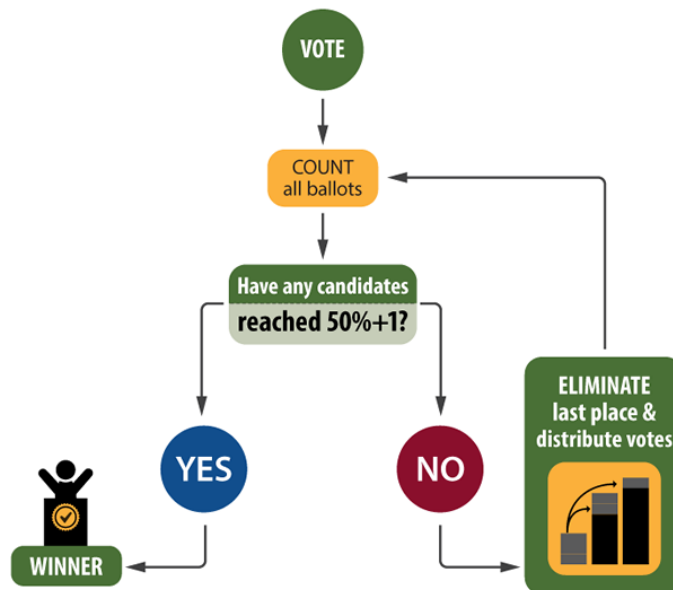
- The voter ranked only one candidate, and that candidate was eliminated;
- All of the candidates the voter ranked have been eliminated; or
- The voter gave two candidates the same ranking, making it impossible to tell which candidate should be the next choice.

## Winning without Reaching the Threshold

If the rounds of vote counting have continued until there are only two candidates left, and neither candidate has enough votes to reach or cross the threshold, the candidate with the highest number of votes wins.

This situation could happen if there are a large number of exhausted ballots. For example, if 100 people voted, and 55 of those ballots became exhausted, there would only be 45 ballots left. It would not be possible for any remaining candidate to have reached the threshold of 51 votes.

*See below for a visual example of how vote counting in a ranked ballot election works:*



## Rejected Ballots

A ballot must be rejected under the following circumstances:

- It was not supplied by the deputy returning officer.
- It has been damaged or contains marks that could be used to identify the voter (in the case of a composite ballot, this would result in the rejection of the ballots for all of the offices on the composite ballot).
- The voter's highest preference cannot be determined because:
  - No preferences have been marked;
  - All preferences have been marked outside of the designated space; or
  - The voter has given more than one candidate their highest ranking.

**Note:** In the case of a composite ballot, the ballot for each office must be assessed separately. For example, if a vote marked preferences for mayor, but did not mark any preferences for councillor, the ballot for mayor would be counted and the ballot for councillor rejected.

## Rejected vs. Exhausted Ballots

If a ballot has been counted in the first round, it cannot be rejected in a subsequent round. If the next highest preference on a ballot is to be considered in a subsequent round, but the next highest preference cannot be determined or used at that time, the ballot is exhausted rather than rejected.

## Interpreting Rankings

If a voter gives two or more candidates the highest ranking so that it's not possible to determine which candidate is the voter's first preference, the ballot will be rejected.

If a voter gives the same candidate more than one ranking, only the highest of those rankings will be considered. In this instance, the ballot is exhausted after the first round if transferred.

If a voter gives one candidate a higher ranking, and gives two candidates a subsequent preference (e.g. puts two candidates second), the ballot is counted in the first round but becomes exhausted if transferred.

If a voter skips a ranking, the next highest ranking will be considered.



## **Frequently Asked Questions**

*How long will it take to count the votes?*

The length of time it takes to count the votes will depend on the number of rounds of tabulation that are required to determine a winner. It may take several days to determine the results of the election.

*What happens if there is a tie?*

If two or more candidates are tied, the result of the previous round is used to determine which candidate will be eliminated. If the candidates are tied in all of the previous rounds, the tie is decided by a random draw (i.e. by putting the candidates' names in a hat or other container).

*What happens if all of a voter's choices were eliminated?*

If all the candidates that a voter had ranked as their preferences were eliminated, the voter's ballot would become "exhausted". Exhausted ballots are removed from the count, as they cannot be redistributed to any of the remaining candidates.

*Where is ranked balloting being used?*

The City of London is the only Canadian jurisdiction using the ranked ballot process to conduct a municipal election. It has been used in Minneapolis and San Francisco.

*Can someone be elected without a majority of votes?*

It is possible for a candidate to be elected without reaching the threshold. If there are only two candidates left and, neither has reached the threshold, the vote count stops and the candidate with the highest number of votes wins. The requirement to reach the threshold gets waived in this particular circumstance because a winner must be declared.

## **CANDIDATE – MEMBER OF COUNCIL**

### **Eligibility**

*Section 256 of the Municipal Act, 2001; Section 29 (4) of the Municipal Elections Act, 1996*

A candidate must be eligible to vote in a municipality in order to run for a position on council. On the day a candidate files their nomination, they must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident voter under the *Municipal Act, 2001* and the *Municipal Elections Act, 1996*. A candidate must be eligible to hold office on the day the nomination is filed. A candidate does not have to live in a particular ward in order to be that ward councillor. However, if a candidate runs in a ward where they do not live, they will not be able to vote for themselves. Having a campaign office or a business in a ward where they would not be otherwise eligible to vote does not make them eligible to vote in that ward.



### **Eligibility - Municipal Employees**

*Section 258 of the Municipal Act, 2001; Section 30 of the Municipal Elections Act, 1996*

If an individual is an employee of a municipality and they wish to run for office on that municipality's council, they must take a leave of absence before they file their nomination form. If they are elected, they must resign from their job. They cannot work for a municipality and be on its council at the same time.

### **Ineligibility**

*Section 258 of the Municipal Act, 2001; Section 30 of the Municipal Elections Act, 1996*

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

- Any person who is not eligible to vote in the municipality
- An employee of a municipality who has not taken an unpaid leave of absence and resigned (see above)
- A judge of any court
- An MP, an MPP or a senator
- An inmate serving a sentence in a penal or correctional institution

### **Disqualification from Holding Office**

*Section 258 of the Municipal Act, 2001;*

A member of Council of a municipality is disqualified from holding office if, at any time during the term of office of that member, they,

- (a) cease to be a Canadian citizen;
- (b) are not a resident, the owner or tenant of land or the spouse of an owner or tenant of land 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 the *Municipal Elections Act, 1996* or any other *Act* from voting in an election for the office of member of council of the municipality if an election was held at that time.



## **CANDIDATE – SCHOOL BOARD TRUSTEE**

### **Eligibility**

*Section 219 of the Education Act; Section 30 of the Municipal Elections Act, 1996*

In order to run for a trustee position on a school board, a person must be a resident within the jurisdiction of the board, and they must be eligible to vote in a school board election. On the day they file their nomination, they must be a Canadian citizen aged 18 or older, and they must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights).

An individual 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.

A person who is qualified 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.

A member of a district school board or school authority is eligible for re-election if otherwise qualified.

### **Eligibility - School board employees**

*Section 219, 209 of the Education Act*

If a person is an employee of any Ontario school board and they wish to run for a trustee position on any school board in the Province, they must take an unpaid leave of absence before they file their nomination form. If they are elected, they must resign from their job. They cannot work for a school board and be a trustee in Ontario at the same time.

### **Eligibility - Municipal officials**

*Section 29, 30 of the Municipal Elections Act, 1996*

If a person is a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, they are not permitted to run for office as a trustee of that board.

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 they take an unpaid leave of absence beginning as of the day the employee is nominated and ending on Voting Day.

If the employee is elected to the office, they shall be deemed to have resigned from the employment immediately before making the declaration of office referred to in subsection 232 (1) of the *Municipal Act, 2001*, or section 209 of the *Education Act*.

## Ineligibility

The following people are disqualified from being elected as a school trustee:

- Any person who is not eligible to vote in the municipality
- An employee of a school board who has not taken an unpaid leave of absence and resigned (see above)
- Municipal officials (see above)
- A judge of any court
- An MP, an MPP or a Senator
- An inmate serving a sentence in a penal or correctional institution
- Otherwise ineligible or disqualified under the *Municipal Elections Act, 1996* or any other Act.

A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority.

No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election.

The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that district school board or that school authority is vacated.

**Note:** See sections 219(7) and (8) of the *Education Act* for additional disqualifications for an election.

## QUALIFIED AT TIME OF NOMINATION

### *Section 29 of the Municipal Elections Act, 1996*

A person must be eligible to hold office on the day they file their nomination. For example, a person who is 17 years old, but will turn 18 before Voting Day, must wait until they have turned 18 to file.

A person may be nominated for an office only if, as of the day the person is nominated,

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



## VOTER INFORMATION

### Qualifications of Voters

*Section 17 of the Municipal Elections Act, 1996*

In order to vote in any municipal election in Ontario, a voter must be aged 18 or older and be a Canadian citizen. They must also qualify to vote in the municipality. There are several ways to do this:

#### **As a resident voter**

A person's residence is where they live. If they live in a municipality, then they are eligible to vote in that municipality's election. They are only allowed to have one residence.

#### **As a non-resident voter**

If a person lives in one municipality, and owns or rents property in another municipality, they are eligible to vote in each municipality's election.

#### **As the spouse of a non-resident voter**

If a person's spouse qualifies as a non-resident voter in a municipality, then they can also vote in that municipality's election.

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 of the *Municipal Elections Act, 1996*.
4. A person who was convicted of the corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996*, if Voting Day in the current election is less than five years after Voting Day in the election in respect of which they were convicted.

### Getting on the Voters' List

*Section 23, 24, 25 of the Municipal Elections Act, 1996*

If an eligible voter is not on the Voters' List they may, beginning on Tuesday, September 4, 2018:

- 1) fill out an application and file it with the Clerk before Voting Day
  - a) in person, by the applicant or agent;
  - b) by mail, by the applicant; or
  - c) in any other format and manner that the Clerk specifies.
- 2) On Voting Day, fill out an application at the place of voting.



## Identification

*Section 12 of the Municipal Elections Act, 1996*

All voters are required to produce identification and proof of qualifying address before they are issued a ballot. If the identification is not acceptable or none is available, then the voter will be required to take and sign the prescribed statutory declaration that they are the voter shown on the Voters' List. If a voter refuses to affirm and sign such a declaration, the voter will not be given a ballot.

## Proxy Voting

*Section 44 of the Municipal Elections Act, 1996*

Any qualified voter may appoint another person who is also a qualified voter to vote on their behalf by completing a proxy certificate. The certificate can be picked up at London City Hall Elections Office (Lower Level), 300 Dufferin Avenue. Voters can also call the Elections Information Line at 519 661-4535 and a proxy certificate will be mailed **only** to the applicant.

An individual appointed as the proxy for a family member may also be appointed as the proxy for additional family members.

**Note:** "Family member" refers to a spouse, sibling, parent, child, grandparent or grandchild. There is no limit to the number of times an individual may be appointed for family members. An individual may not be appointed as a proxy for a non-family member if they are appointed as a proxy for family members.

If an individual is appointed as the proxy for a person who is not a family member, they may not be appointed as a proxy for anyone else, including family members.

**A person appointed as proxy is also entitled to vote in their own right.**

Proxy applications are available after 2:00 p.m. Wednesday, August 1, 2018 through to Voting Day.

For the purpose of certifying the proxy certificates, the Elections Office will be open:

Monday to Friday	8:30 a.m. to 4:30 p.m.
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### **During Advance Votes:**

Saturday, October 6, 2018	Noon to 5:00 p.m.
Tuesday, October 9, 2018 to Friday, October 12, 2018	8:30 a.m. to 5:00 p.m.
Saturday, October 13, 2018	Noon to 5:00 p.m.

### **Voting Day**

Monday, October 22, 2018	8:30 a.m. to 8:00 p.m.
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## NOMINATION PROCEDURES

### Filing a Nomination

*Section 33, 41 of the Municipal Elections Act, 1996*

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 1, 2018. A copy of the prescribed nomination form will be available in the City Clerk's Office and online.

Candidates do not have to provide all of their names under Given Name(s) on the form. Candidates should only provide their name(s) as they wish to have it appear on the ballot. If they normally go by a different name than their legal first name, they may use that name provided the Clerk agrees. The nomination form must have original signatures. It may not be faxed, mailed or e-mailed. Candidates must file the nomination form in person, or have an agent file it on their behalf.

Those filing to run for office on a municipal council must submit the signatures of 25 voters who support the nomination. Individuals may endorse more than one nomination. The requirement to submit 25 nomination signatures does not apply to candidates running for school board trustee positions.

### Time for Filing Nomination

*Section 33(4) of the Municipal Elections Act, 1996*

A nomination may be filed,

- (a) between **May 1, 2018**, and any day in the year of the regular election that is before nomination day, at a time when the City Clerk's Office is open; or
- (b) on nomination day, **Friday, July 27, 2018**, between **9:00 a.m. and 2:00 p.m.** in the Elections Office, Lower Level of City Hall.

If the number of nominations filed for an office and certified under section 35 of the *Municipal Elections Act, 1996* 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. on the Wednesday following nomination day (**August 1, 2018**).

### Fee

*Section 33 (2)(3) of the Municipal Elections Act, 1996*

The fee to file a nomination is \$200 to run for mayor, and \$100 for all other positions. This fee must be paid in the Elections Office at the time the candidate hands in their nomination form. The nomination filing fee will be refunded to the candidate if they file their campaign financial statement by the filing deadline.

**\*When filing nomination papers, each candidate will be asked to provide identification (i.e. driver's licence) that will provide proof of identity and qualifying address. A photocopy of this identification will be kept for verification if/when a nomination is withdrawn.**

**Note:** Facsimile transmissions, e-mailed, or mailed-in nomination forms will not be accepted.



### **Endorsement of Nomination for Council**

*Sections 33 (1)(2)(3) of the Municipal Elections Act, 1996*

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. Eligible voters may endorse more than one 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 their mind and decides to run for a different office on the same council, they are not required to submit new signatures.

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

### **Withdrawal**

*Section 36 of the Municipal Elections Act, 1996*

If a candidate decides to withdraw their nomination, they must notify the Clerk in writing by the close of nominations. If a candidate withdraws their nomination, they must still file a campaign financial statement covering all the financial transactions they made during their campaign. The withdrawn candidate is entitled to have the nomination fee refunded by the Clerk if they file their campaign financial statement by the filing deadline. Withdrawn candidates must file a financial statement even if they do not accept any contributions or incur any expenses.

### **Certification of Nomination**

*Section 33(2), 35 of the Municipal Elections Act, 1996*

33(2) The nomination shall,

- (a) be in the prescribed form;
  - (a.1) in the case of a nomination for an office on a council, be endorsed by 25 persons in accordance with subsection 33 (1.1) of the *Municipal Elections Act, 1996* and be accompanied by a prescribed declaration by each of the persons endorsing the nomination;
- (b) be accompanied by a declaration of qualification in the prescribed form, signed by the person being nominated; and
- (c) be accompanied by the prescribed nomination filing fee.

**Note:** The declaration of qualifications referred to in part (b) must be taken before a Commissioner of Oaths. The City Clerk's Office can administer this declaration for the person being nominated. There would be no fee for this service. The Clerk must be satisfied that they are eligible to run in order to certify their nomination. If their nomination is not certified, their name will not appear on the ballot.



By **4:00 p.m.** on Monday **July 30, 2018**, the Clerk shall examine each nomination that has been filed in accordance with the *Act*. All additional nominations filed under subsection 33(5) shall be examined before **4:00 p.m.** on the Thursday following nomination day (**August 2, 2018**).

If satisfied that the candidate is qualified to be nominated, the Clerk shall certify the Nomination by signing the Nomination form. If not satisfied, the Municipal Clerk shall reject the Nomination and, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. The Clerk's decision to certify or reject a Nomination is final. Once a candidate is certified, their name will be placed on the ballot unless the candidate withdraws or the candidate's name is removed by Court order.

### **Rejection of Nomination**

*Section 35 (3 )(4)(5) of the Municipal Elections Act, 1996*

Under the *Municipal Elections Act, 1996*, the Clerk is required to reject or certify nominations of candidates. The Clerk may consider the following criteria in the decision to reject or certify individual nominations:

- the candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk;
- the candidate does not satisfy subsection 29(1) of the *Municipal Elections Act, 1996*;
- the nomination form is not complete in its entirety or the prescribed filing fee has not been paid; or
- the necessary financial statement was not filed for any office in the previous regular election or any new election in which the individual may have been a candidate.

There may be other circumstances in which a candidate is disqualified from being nominated or elected other than those identified above.

**It is the responsibility of each candidate to ensure they are not disqualified from being nominated for the office. Every candidate is required to complete a Declaration of Qualification on the nomination form and an additional Declaration provided by the Clerk.**

**Note:** 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 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 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 certifying the papers before nominations close.



### **Accessibility - Voters and Candidates with Disabilities**

*Section 12.1, 88.19(3), 88.20(4) of the Municipal Elections Act, 1996*

The Clerk shall make every effort to accommodate the needs of voters and candidates with disabilities. Advanced polls shall be equipped with accessible voting technology.

The Clerk shall ensure that each Voting Place is accessible to voters with disabilities.

Information will be provided to each candidate about running an accessible campaign at the time of filing nomination papers and during the candidates' information session.

Every effort will be made to ensure that candidate information sessions are held in accessible locations and formats.

Expenses that are incurred by a candidate with a disability that are directly related to the disability, and would not have been incurred but for the election to which the expenses relate, are excluded from the permitted spending limit for the candidate.

The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect voters and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.

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 voters and candidates with disabilities and shall make the report available to the public.

## **CAMPAIGNING**

### **Campaign Period**

*Section 88.24 of the Municipal Elections Act, 1996*

A candidate's campaign begins on the day their nomination is filed. Candidates are only allowed to accept contributions or incur campaign expenses during the campaign period.

Section 88.24 *Municipal Elections Act, 1996* prescribes that the election campaign period ends on December 31 in the case of a regular election and 45 days after Voting Day in the case of a by-election. Exceptions are:

1. If a candidate withdrew their nomination, their campaign ends on the date they informed the Clerk in writing that they wanted to withdraw,
2. If a candidate was not certified as a candidate and their name did not appear on the ballot, the candidate's campaign ends on nomination day, and
3. If a candidate has extended their campaign to pay down a deficit, they can extend their campaign for up to six months. If a candidate does not need the full six additional months, the candidate's extended campaign ends on the day that they notify the Clerk in writing that they will be ending their campaign and not accepting any more contributions.

In some circumstances, such as recounts or controverted elections, the campaign period may be recommenced, see section 88.25 (5) of the *Municipal Elections Act, 1996*.



## **Campaign Information**

### *Section 23 of the Municipal Elections Act, 1996*

All registered candidates are entitled to one free copy of the Voters' List containing the name of the voters entitled to vote for the office for which they are running. Additional copies of the Voters' List are available to registered candidates for a fee.

A list of Voting Places will be available for candidates in September 2018. In the event that any Voting Place is subsequently changed due to circumstance beyond the Clerk's control, a notice of the change will be mailed to the affected candidates.

## **Campaign Advertisements**

### *Section 88.3 of the Municipal Elections Act, 1996*

An 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. An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate.

A candidate shall not cause an election campaign advertisement to appear unless they provide the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.
3. No broadcaster or publisher shall cause an election campaign advertisement to appear if the above information has not been provided.

The broadcaster or publisher of an election campaign 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 name of the candidate or the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.

## **Signs**

### *City of London Election Sign By-law No. E-185-537*

*The Municipal Elections Act, 1996* does not regulate signs. Municipal election signs are governed by the City of London *Election Sign By-law*. Signs erected contrary to the Election Sign By-law may be removed without notice. Candidates are advised to review the current *Election Sign By-law* at <http://www.london.ca/elections> (included in this package, Appendix A).



### **Access to Residential Premises**

*Section 88.1 of the Municipal Elections Act, 1996*

Section 88.1 of the *Municipal Elections Act, 1996* states the following:

“No person who is in control of an apartment building, condominium building, non-profit housing cooperative or gated community may prevent a candidate or representative from campaigning between 9:00 a.m. and 9:00 p.m. at the doors to the apartments, units or houses, as the case may be.”

Despite these legislative provisions, candidates may experience difficulty in gaining access to certain premises. If this occurs, candidates should contact the owner of the rental building or the board of directors of the condominium and request they instruct their staff of the legislative right of candidates to have access to these buildings for canvassing purposes.

**Note:** The City Clerk will not act or intervene on behalf of any candidate to secure access to any buildings for the purpose of canvassing or distributing election material.

### **Campaigning on Voting Day**

*Section 47(5) of the Municipal Elections Act, 1996*

*The Municipal Elections Act, 1996* does not prohibit campaigning on Voting Day, however, the *Act* prohibits campaign material at a Voting Place. Candidates should be aware that the “Voting Place” could include the entire property of a building that has a voting station inside it, including the parking lot. Candidates are not permitted to have campaign brochures, campaign buttons, signs or any other material at the Voting Place.

Candidates and scrutineers are allowed to stay in a Voting Place to observe, but are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted.

**Note:** If a candidate has been acclaimed, they are not allowed to appoint scrutineers or be in the Voting Place (except to cast their vote).

Candidates and their scrutineers are entitled to be in the Voting Place 15 minutes before it opens and to inspect the ballot boxes, the ballots, and any other papers or forms relating to the vote. However, candidates may not delay the opening of the Voting Place. Candidates and their scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking their seal.

### **Scrutineers**

*Section 16 of the Municipal Elections Act, 1996*

Candidates are permitted to appoint a scrutineer for each ballot box in a Voting Place. Candidates are not required to appoint that number of scrutineers, or any scrutineers at all. If a candidate has appointed one scrutineer for each ballot box, one scrutineer must leave while the candidate is in the Voting Place (except when voting). Scrutineers may observe, but they are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted. There are no general restrictions on who a candidate can appoint as a scrutineer. An acclaimed candidate is not allowed to be appointed as a scrutineer for another candidate. Candidates must provide



each scrutineer with an appointment in writing. Scrutineers may be required to show their appointment document to election officials at the Voting Place. Scrutineers may be required to take an oath of secrecy.

### **Counting the Votes**

*Section 47(5) of the Municipal Elections Act, 1996*

The vote count begins immediately after the close of voting at 8:00 p.m. If the votes are counted manually, candidates and scrutineers are entitled to view the ballots as they are counted, but are not allowed to touch the ballots.

After the votes have been counted, the deputy returning officer will prepare a statement showing the results, and seal all the other election documents, including the ballots, inside the ballot box. Candidates and scrutineers are entitled to put a seal on the ballot box at this time.

### **Tied votes - General**

*Section 56, 62 of the Municipal Elections Act, 1996*

If two or more candidates get the same number of votes, there is an automatic recount. Under Section 56(2) of the *Municipal Elections Act, 1996* the recount must be held within 15 days of the Clerk declaring the results of the election. If a candidate is one of the candidates in the tie, this candidate is entitled to be present during the recount.

### **Tied votes – School Board Trustee**

Section 62(3) of the *Municipal Elections Act, 1996* states the following:

- (3) If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the Clerk shall choose the successful candidate or candidates by lot.

Decided by lot means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

### **After Voting Day**

*Section 88.24 of the Municipal Elections Act, 1996*

After Voting Day, candidates must remove election signs that have been put up within **96 hours** immediately following 11:59 p.m. of the day of the election, and also take down their campaign website, if applicable. If a candidate would like to keep using their website, they should remove any references to the campaign. Websites that say “Vote for me” which are left up for years after the election can make it look like a candidate is attempting to campaign for the next election early.

A candidate’s campaign ends on December 31 in the case of a regular election and 45 days after Voting Day in the case of a by-election, unless a candidate has a deficit and informs the Clerk in writing that they will be extending their campaign. Once a candidate’s campaign has ended, they should close their campaign bank account and prepare their campaign financial statement.



## **CAMPAIGN FINANCE**

### **When may a candidate conduct fundraising and incur campaign expenses?**

*Section 88.24, 88.25, 88.8 of the Municipal Elections Act, 1996*

The *Municipal Elections Act, 1996* imposes limitations on the expenses for candidates in municipal elections and also imposes requirements on candidates to report the contributions received and the manner in which funds have been expended. Candidates are responsible for keeping records of the financial activities related to their campaign. Candidates are only allowed to accept contributions or incur campaign expenses during their campaign period. The campaign begins on the day a candidate files their nomination. Refer to the section entitled “campaign period” in this document for specific information related to the length of the campaign period.

The Clerk shall give notice of all of the filing requirements, by registered mail, to every candidate at least thirty (30) days before the filing date. The Clerk is also required to give notice of the penalties in regard to filing financial documents.

### **Campaign Account**

*Section 88.22 of the Municipal Elections Act, 1996*

The *Municipal Elections Act, 1996* does not require candidates to use any specific accounting system, however, they must open a bank account if they accept any contributions (including contributions of money from themselves) or incur any expenses.

The nomination fee is considered to be a personal expense – not a campaign expense. If, after a candidate pays the nomination fee, they do not spend any money on their campaign, and do not accept any contributions, they do not have to open a bank account.

All contributions – including contributions a candidate makes themselves – must be deposited into the campaign bank account. All expenses must be paid from the campaign account.

### **Campaign Contributions**

*Section 88.15 of the Municipal Elections Act, 1996*

A contribution means money, goods and/or services; given to and accepted by a person for their election campaign or given to and accepted by another person who is acting under the person’s direction, including money and goods that they or their spouse contribute themselves. If they are given a special discount on a good or service that they are purchasing for their campaign, the difference between what they were charged and what an average person would be charged is considered to be a contribution.

The following amounts are not considered contributions:

- I. If they have volunteers working for their campaign, the value of their volunteer labour is not considered to be a contribution,
- II. A donation of \$25 or less received at a fundraising event,
- III. The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less,

- IV. The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the *Broadcasting Act (Canada)*, and
- V. If they obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

**Note:** If a candidate or their spouse guarantees their campaign loan, and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

## Value of Goods and Services

*Section 88.15(5) of the Municipal Elections Act, 1996*

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

## Fundraising Functions

*Section 88.10 and 88.15 (3) of the Municipal Elections Act, 1996*

Fundraising functions are events intended to raise money for a person's election campaign. Such activities include dinners, dances, garden parties, etc. for which there is an admission charge, as well as auctions, button sales, etc. for which there may not be an admission charge.

Fundraising functions can only be held for a candidate and only during that candidate's campaign period. The gross income (both admission revenue and other revenue) and expenses from each function must be recorded and reported on the candidate's financial disclosure form.

**Note:** Any amount paid during a fundraising function for goods or services offered for sale in excess of their fair market value is considered to be a contribution. There is an exception to this rule when items are sold for \$25 or less: the amount is considered to be campaign income, rather than a contribution.

### Example

A candidate has campaign t-shirts made to sell as a fundraiser. Each shirt costs \$10 to make, and they sell them for \$20 each. Even though a person buying a shirt has paid \$10 more than market value, they have not paid in excess of \$25 and therefore have not made a contribution to their campaign. The \$20 received must be reported as campaign income on their financial statement.

The price of admission to a fundraising function is a campaign contribution and a receipt must be issued for the full amount. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

If a candidate sells goods (such as food and drink) at market value, the revenue is not considered to be a contribution, but must still be recorded on their campaign financial statement as "revenue not deemed a contribution".

## **Restriction on Fundraising Functions**

The legislation prohibits fundraising functions for persons who are not nominated. In addition, fundraising events can only be held during a candidate's campaign period.

### **Who can make and receive contributions?**

*Section 88.8 of the Municipal Elections Act, 1996*

Contributions can only be made to candidates who are nominated. It is a contravention of the *Municipal Elections Act, 1996* to make a contribution to a candidate who is not nominated.

Candidates can only accept contributions from:

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

Businesses are not eligible to make contributions. Business owners may make an individual contribution from their personal funds (as long as they are a resident of Ontario).

Groups such as clubs, associations or ratepayers groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

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

The following individuals and organizations are not allowed to make contributions to municipal and school board campaigns:

1. A federal political party, constituency association, or a registered candidate in a federal election,
2. A provincial political party, constituency association, or a registered candidate or leadership contestant,
3. A corporation,
4. A trade union,
5. The Crown in right of Canada or Ontario, a municipality or a local board.

**Note:** If not normally resident in Ontario, a candidate or candidate's spouse may make contributions only to the candidate's election campaign.



### **Contribution Limitations**

*Section 88.8, 88.9, 88.9.1 of the Municipal Elections Act, 1996*

Contributions under \$25 may be made in cash. Any contribution over that amount 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 a money order signed by the contributor. No contributor may contribute in excess of \$1,200 to any one candidate in an election and no more than \$5,000 to two or more candidates for office on the same council or local board.

There is now a limit on how much a candidate and their spouse can contribute to a candidate's campaign. The contribution limit applies to the total amount of contributions made by a candidate and/or their spouse to the candidate's campaign.

### **Contribution Limit**

*Section 88.9.1 of the Municipal Elections Act, 1996*

The contribution limit is calculated based on the number of voters who are eligible to vote for the office that a candidate is running for. The formula to calculate the limit is:

- for head of council candidates, the lesser of: **\$7500 plus 20 cents per eligible voter** or a maximum of **\$25,000**;
- for other council offices, the lesser of: **\$5,000 plus 20 cents per eligible voter** or a maximum of **\$25,000**.

When a candidate files their nomination the Clerk will give them an estimate of their contribution limit. This estimate will be based on the number of voters in the previous regular election. By September 25, 2018, the Clerk must give them the final contribution limit which is based on the number of voters on the Voters' List for the current election.

If the contribution limit estimate that they received when they filed their nomination is higher than the final contribution limit they receive, then the initial estimate becomes their official contribution limit.

**Note:** If a candidate is running for school board trustee, there are no limits on how much a candidate and their spouse can contribute to their own campaign. Contributions that they and their spouse make to their campaign do not count toward the \$5,000 limit.

No person shall make contributions of money that do not belong to the contributor with the exception of loans granted by a lending institution.

### **Campaign Loans**

*Section 88.15 (3)(4); Section 88.17 of the Municipal Elections Act, 1996*

A candidate or their spouse may borrow money for their campaign only from any bank or other recognized lending institution in Ontario. The money must be paid to the candidate's election account. They may not receive a loan from family members or from any corporate accounts that they may have access to. The loan is not considered to be campaign income, and paying it back is not a campaign expense.



**Note:** If a candidate or their spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is providing the campaign the means to repay the loan).

### **Contribution Refunds**

*Section 88.31(6) of the Municipal Elections Act, 1996*

Where the candidate learns a contribution has been made or accepted in contravention of any provision of the Act, the candidate must return the contribution. Contribution refunds should be returned to the contributor or paid to the Clerk, where the contribution is:

- from outside the candidate's campaign period;
- from anonymous sources (except "pass the hat" collections);
- from ineligible sources;
- in excess of the \$1,200 limit;
- a cash contribution in excess of \$25; and
- from funds not belonging to the contributor.

A candidate can only return contributions that are not eligible. If they have a surplus, they may refund contributions to themselves and their spouse, and any remaining funds must be turned over to the Clerk.

### **Helpful Hints**

1. If a cheque for a contribution is drawn from a joint personal bank account, the receipt must be issued only to the person who signed the cheque. Where two people have signed a cheque drawn from the joint personal account, the candidate must determine who made the contribution and issue the receipt to that person.
2. Unincorporated groups, such as a law partnership, may contribute to a candidate's campaign, however the candidate should:
  - a. request a list of the names and addresses of the individual contributors that shared in the contribution and the amount contributed by each individual;
  - b. issue receipts to the individual contributors, not the unincorporated group. The individual's portion of the group's contribution counts toward that individual's campaign contribution limit of \$1,200; and
  - c. report these contributions on the candidate's financial disclosure in the same manner as contributions.



## CAMPAIGN EXPENSES

### Expenses

*Section 88.19; 88.20 of the Municipal Elections Act, 1996*

Campaign expenses are the costs that a candidate incurs (or that another person who is acting on behalf of a candidate) during their campaign period. The nomination fee is not considered a campaign expense, and should not be reported on the campaign financial statement.

Campaign expenses may only be incurred after a candidate is nominated and must only be incurred by the candidate or on behalf of the candidate. It is the responsibility of the candidate to ensure that copies of the receipts are kept for all expenses.

A candidate can only incur expenses during their campaign period, except for expenses related to the preparation of an auditor's report.

If a candidate is given a special discount on a good or service that they are purchasing for their campaign, they should record the expense as if they were not given the discount (since the value of the discount is considered to be a contribution of the good or service to their campaign).

**Note:** Expenses must be paid from a candidate's campaign bank account. If they use a credit card to pay for purchases they should make sure that they keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

### Deadline for Campaign Expenses

*Section 88.24 of the Municipal Elections Act, 1996*

The campaign period ends on **December 31, 2018**. Candidates should request suppliers to submit bills on or before this date.

### Spending Limitations

*Section 88.20 of the Municipal Elections Act, 1996; Ontario Regulation 101/97*

When a candidate files their nomination the Clerk will give them an estimate of their spending limit. This estimate will be based on the number of voters in the previous regular election. By September 25, the Clerk will provide the final spending limit which is based on the number of voters on the Voters' List for the current election.

The contribution limit applies to the total amount of contributions made by a candidate and/or their spouse to the candidate's campaign. This includes any contributions of goods and the replacement value of any inventory from a previous campaign that a candidate is using in their current campaign.

The higher of the two calculations (preliminary and secondary) shall be the final spending limit for the office. The Clerk will also provide them with the amount of the spending limit for expenses related to the holding of parties and other expressions of appreciation after the close of voting.



## **Spending Limit**

*Ontario Regulation 101/97*

The *Municipal Elections Act, 1996* provides that the maximum spending limit for candidates is calculated based on the number of voters entitled to vote for the office for which the candidate is nominated. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible voter
- for council member or trustee: \$5,000 plus \$0.85 per eligible voter

**Note:** There is a separate spending limit for expenses related to the holding of parties and other expressions of appreciation after the close of voting. This spending limit is calculated as ten percent of the amount of the general spending limit.

Most of candidate expenses will be subject to the general spending limit.

The following expenses are not subject to a spending limit:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the election
- expenses related to a candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

**Note:** Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

A candidate's general spending limit covers expenses that they incur between the beginning of their campaign and Voting Day. Expenses that they incur between the day after Voting Day and the end of their campaign are not subject to the general spending limit.

If a candidate incurs an expense before Voting Day, but does not pay for it until after Voting Day, it is still subject to the general spending limit.

Expenses related to parties and expressions of appreciation are subject to a specific spending limit regardless of whether they are incurred before or after Voting Day.

Campaign expenses include the value of any goods held in inventory by a candidate from a previous campaign for use during a campaign period.



## **Campaign Inventory**

*Section 88.15 of the Municipal Elections Act, 1996*

If a candidate has inventory such as signs left over from a previous municipal campaign and they use them again, the current market value of the signs (i.e. what it would cost them to buy those signs today) is considered to be a contribution that they make to their campaign.

Any inventory from a previous municipal campaign that a candidate is using again is a contribution in goods that they make to their campaign. They must calculate the current market value and record it in their campaign financial statement. Inventory that they are using again must also be recorded as a campaign expense. In all instances, proper documentation should be prepared to substantiate any opening inventory value.

The inventory of reusable campaign materials remaining on hand at the end of a campaign becomes the property of the candidate and must be valued and reported as closing inventory on the financial disclosure. However, a candidate should not include in the closing inventory on the financial disclosure form any materials which cannot be reused, e.g. materials which contain dates specific to the current election. The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

## **THIRD PARTY ADVERTISING**

The *Municipal Elections Act, 1996* now includes a framework for third party advertising. The framework comes into effect on April 1, 2018 – the rules will be in place for the 2018 municipal election.

### **What is Third Party Advertising?**

*Section 88.4 of the Municipal Elections Act, 1996*

A third party advertisement is a message in any medium (billboard, newspaper, radio, etc.) that supports or opposes a candidate or a “yes” or “no” vote on a question on the ballot. Third party advertising does not include issues-based advertising so groups that do public outreach can continue their issues-based advocacy work throughout the municipal election period.

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

A third party advertisement does not include:

1. An advertisement by and under the direction of a candidate;
2. Where no expenses are incurred by the person/entity in relation to the advertisement;
3. When given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees;
4. Advertising that does not cost money to post or to broadcast.



### **Campaign Period for Third Party Advertisers**

*Section 88.28 of the Municipal Elections Act, 1996*

The campaign period begins on the day in which the individual, corporation or trade union is registered as a registered third party in relation to the election in the municipality and ends on **December 31** in the case of a regular election.

### **Restricted Period**

*Section 88.4 of the Municipal Elections Act, 1996*

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 in relation to the election (**May, 1, 2018**) and ends at the close of voting on Voting Day (**October, 22, 2018**).

No individual, corporation or trade union shall incur expenses for a third party advertisement that appears during the restricted period for third party advertisements unless the individual, corporation or trade union has registered as a third party advertiser with the municipality when the expenses are incurred and the advertisement appears.

### **Mandatory information; third party advertisements**

*Section 88.5 of the Municipal Elections Act, 1996*

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.

The broadcaster or publisher of 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 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.
- 2) A copy of the advertisement, or the means of reproducing it for inspection.
- 3) A statement of the charge made for its appearance.



### **Who can register as a third party advertiser?**

*Section 88.6 of the Municipal Elections Act, 1996*

Individuals, corporations and unions can register as third party advertisers and can also make contributions to third party advertisers. Third party advertisers will need to register with the municipality where they want to advertise. If they want to advertise in more than one municipality, they have to register in each municipality.

The registration must be filed in the prescribed form and must include a declaration of qualification signed by the individual or by a representative of the corporation or trade union, as the case may be.

Registrations can be accepted by the Clerk, or designate, between the 1st day for filing nominations – **May 1, 2018** and the Friday before Voting Day in a regular election – **October 19, 2018**, at a time when the Clerk's office is open. There is no registration fee for third party advertising.

Registration allows a third party advertiser to promote or oppose any candidate that the voters in the municipality can vote for (local council, school board trustee positions and regional or county council offices).

On the date the Clerk certifies the notice of registration, the individual, corporation or trade union is a registered third party for the election.

Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser. Candidates are not able to register as third party advertisers.

Only the following persons and entities are eligible to file a notice of registration:

- 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 not eligible to file a notice of registration:

- A candidate whose nomination has been filed under section 33 of the Municipal Elections Act, 1996.
- A federal political party registered under the Canada Elections Act (Canada) 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.

The Clerk shall examine each notice of registration that has been filed to determine whether the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with the *Municipal Elections Act, 1996*.

The Clerk's decision to certify or reject a notice of registration is final.



## **Contributions**

*Section 88.12, 88.13, 88.15 of the Municipal Elections Act, 1996*

Any 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 considered contributions.

Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period, after the third party is registered.

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

The following are permitted to contribute:

- An individual who is normally a resident of Ontario;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario; and
- The registered third party and in the case of an individual, their spouse.

The following are not permitted to contribute:

- A federal political party registered under the Canada Elections Act (Canada) 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.

Contributions cannot be made or accepted unless registered as a third party. The maximum contribution from a single contributor is \$1,200 to a registered third party and \$5,000 from a contributor to two or more registered third parties in a municipality.

These contribution limits do not apply to the registered third party if the contribution is made by the registered third party itself and, if the registered third party is an individual, by or spouse.

## **Expenses**

*Section 88.21 of the Municipal Elections Act, 1996*

Costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use in relation to third party advertisements that appear during an election in a municipality are considered expenses.

During the restricted 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. The formula prescribed varies based on the number of voters entitled to vote. The Clerk shall calculate the maximum



amounts for registered third party advertisers for a regular election no later than **September 25** in the year of the election.

A registered third party advertiser can only incur expenses during the campaign period, after the third party has registered.

One or more election campaign accounts must be opened at a financial institution prior to a registered third party accepting or incurring expenses in relation to third party advertisements that appear during an election.

### **Spending Limit**

*Ontario Regulation 101/97*

The *Municipal Elections Act, 1996* provides that the maximum spending limit for registered third parties is calculated based on the number of voters entitled to vote in the municipality where the third party is registered. Amendments proposed to O. Reg. 101/97 include the following formula for calculating third party spending limits:

\$5,000 plus \$0.05 per voter, to a maximum of \$25,000.

**Note:** The spending limit for registered third parties is subject to provincial amendments. There is a separate spending limit for expenses related to the holding of parties and other expressions of appreciation after the close of voting. This spending limit is calculated as ten percent of the amount of the general spending limit.

## **FINANCIAL REPORTING**

### **Financial Responsibilities of Candidates**

*Section 88.22 of the Municipal Elections Act, 1996*

Candidates must issue a receipt for every contribution they receive. The receipt should show who made the contribution, the date, and the value. If the contribution was in goods or services, they must determine the value of the goods or services and issue a receipt for the full value. The contribution can only come from one person.

Candidates are required to list the names and addresses of every contributor who gives more than \$100 total to their campaign in their financial statement. They should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

If a candidate filed a nomination form, they must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed. They will not receive a refund of their nomination fee unless they file their financial statement by the deadline.

In addition to all other duties identified in this guide and the Act, 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) 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;
- f) 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;
- g) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- h) 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;
- i) an anonymous contribution is paid to the Clerk with whom the candidate's nomination was filed; and
- j) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) 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.

### **Record Keeping / Accounting Systems**

An accounting system that meets the requirements of the *Municipal Elections Act, 1996* and suits the candidate's needs should be used.

Consulting with an auditor on an accounting system is advisable. This will ensure that the bookkeeping procedures to be followed are satisfactory, allowing audits to be carried out at minimum cost.

**The candidate must retain financial records until the successor council or local board is organized following the next regular election.**

Records must be kept of all amounts received and paid out and the following practices should be followed:

1. bank accounts provide monthly statements and cancelled cheques;
2. duplicate deposit slips are made for every deposit, listing the names of the contributors and the amounts received from each;
3. all payments are drawn from the campaign account;

4. all invoices from suppliers and other documentation relating to expenses are retained; and
5. a petty cash fund to handle minor expenses is kept and invoices are obtained to support all payments from the fund. At any point in time the cash on hand plus the total amount of invoices should equal the original amount of the petty cash fund. The fund can be replenished periodically by a cheque drawn on the campaign account in an amount equal to the total amount of the invoices.

### **Campaign financial statement**

*Section 88.23, 88.24, 88.30, 88.25 of the Municipal Elections Act, 1996*

On or before **2:00 p.m., March 29, 2019** each candidate is required to file the necessary financial reports with the Clerk.

It is the responsibility of the candidate to file a complete and accurate financial statement on time.

Per the *Municipal Elections Act, 1996* section 88 (9.1) the Clerk shall make the documents filed under sections and 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website on the Internet or in another electronic format as soon as possible after the documents are filed.

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

**Note:** The auditor's report must be prepared by an auditor licensed under *the Public Accounting Act, 2004*. Before a candidate hires someone to prepare the report, they should ensure that they are properly qualified.

If a candidate thinks that they will be unable to file their financial statement by the deadline, they may apply to the Superior Court of Justice for an extension before the filing deadline.

If a candidate has not filed their financial statement by the deadline, they may file their financial statement within **30 days** after the deadline, if they pay the municipality a **\$500 late filing fee**. They will not receive a refund of their nomination fee if they file during the 30-day grace period.

### **Campaign Surpluses**

*Section 88.31, 88.32 of the Municipal Elections Act, 1996*

Any surplus in a candidate's campaign must be paid to the Clerk at the time of filing the financial statement. If their campaign has a surplus after they have refunded contributions made by themselves or their spouse, they must pay the surplus over to the Clerk when they file their financial statement. The surplus will be held in trust, and they can use it if they incur expenses related to a recount, an application for a controverted election, or a compliance audit. If the surplus is not needed for these expenses it becomes the property of the City of London or the applicable School Board.

### **Campaign Deficits**

*Section 88.24, 88.30, 88.31 of the Municipal Elections Act, 1996*

If a candidate's campaign expenses are greater than their campaign income, their campaign will be in deficit. They are allowed to carry forward this deficit to their next campaign if they run again

for an office on the same council or school board in the next election. If their campaign has a deficit, they can extend their campaign in order to do some additional fundraising. If they want to extend their campaign, they must notify the Clerk using the Notice of Extension of Campaign form on or before **December 31, 2018**.

A candidate's campaign may be extended for a six-month period. If they extend their campaign they must file two financial statements:

- a financial statement reflecting their campaign until December 31, 2018, and
- a supplementary financial statement which includes the information from their primary statement and adds financial information from their extended campaign period.

Where the campaign period has recommenced, the latest possible date a candidate may incur expenses and accept contributions is **June 30, 2019** or where an alternate provision has been met under section 88.28 of the *Municipal Elections Act, 1996*.

The supplementary financial statement must be filed with the Clerk by **September 27, 2019** at **2:00 p.m.**

## Extension

*Section 88.25, 88.32, 88.23 of the Municipal Elections Act, 1996*

The candidate may, before the last day for filing a document under section 88.25 and 88.32, apply to the Superior Court of Justice to extend the time for filing the document and, 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 of more than **90 days**. If a candidate makes an application for extension, the candidate shall notify the Clerk in writing before **2:00 p.m.** on the last day for filing a document under section 88.25 or 88.32 of the *Municipal Elections Act, 1996* that the application has been made.

## Penalties for Default of Financial Reporting

*Section 88.23, 92 of the Municipal Elections Act, 1996*

There are three contraventions of the *Act* where penalties apply automatically:

- 1) if a candidate fails to file a financial statement by the end of the 30-day grace period or fails to apply to the court for an extension by the filing deadline,
- 2) if a candidate's financial statement shows that they exceeded a spending limit,
- 3) if a candidate fails to turn over their surplus to the Clerk when they file their financial statement.

**Note:** If a candidate has not filed their financial statement by the end of the 30-day grace period, and did not apply to the court for an extension prior to the deadline, they will forfeit their elected office (if they won the election) and they will be ineligible to run for office or be appointed to fill a vacancy until after the next regular election has taken place.



## FINANCIAL REPORTING – THIRD PARTY ADVERTISERS

### Responsibilities of Third Party Advertisers

*Section 88.26 of the Municipal Elections Act, 1996*

In addition to all other duties identified in this guide and the Act, it is the responsibility of the registered third party to 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 fundraising function and the gross amount of money received at a fundraising 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;
- l) the records described 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 and 88.32 of the *Act*;
- 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 the *Act* or a by-law passed under the *Act* is returned to the contributor as soon as possible; a contribution not returned to the contributor is paid to the Clerk of the municipality in which the registered third party is registered;
- 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,
  - v. a total of \$1,200 to any one registered third party in relation to third party advertisements, and
  - vi. a total of \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

### **Filing Requirements**

*Section 88.27, 88.29, 88.28, and 88.30 of the Municipal Elections Act, 1996*

All Third Party Advertisers are required to record expenses and file a financial statement.

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

**Note:** The auditor's report must be prepared by an auditor licensed under *the Public Accounting Act, 2004*. Before a registered third party hires someone to prepare the report, they should ensure that they are properly qualified.

The registered third party must file their financial statements and auditor's report in the prescribed form by **2:00 p.m. on March 29, 2019**, reflecting the registered third party's campaign finances in relation to third party advertisements as of **December 31, 2018**.

It is the responsibility of the registered third party to file a complete and accurate financial statement on time.

If a registered third party has not filed the financial statement by the deadline, they may file the financial statement within **30 days** after the deadline, provided the registered third party pays the municipality a **\$500 late filing fee by 2:00 p.m.**

Per the *Municipal Elections Act, 1996* section 88 (9.1) the Clerk shall make the documents filed under sections and 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website on the Internet or in another electronic format as soon as possible after the documents are filed.

### **Campaign Deficit**

*Section 88.28, 88.30, and 88.31 of the Municipal Elections Act, 1996*

If a registered third party's campaign expenses are greater than the campaign income, the campaign will be in deficit. If the registered third party has a deficit at the time the campaign period would otherwise end and the registered third party notifies the Clerk in the prescribed form on or before **December 31, 2018**, the campaign period is extended and is deemed to have run continuously from the date on which the third party was registered.

The campaign may be extended for a six-month period. If a registered third party chooses to extend the campaign, they must file two financial statements:

- a financial statement reflecting the campaign until December 31, 2018, and
- a supplementary financial statement which includes the information from the primary statement and adds financial information from the extended campaign period.



Where the campaign period has recommenced, the latest possible date a third party advertiser may incur expenses and accept contributions is **June 30, 2019** or where an alternate provision has been met under section 88.28 of the *Municipal Elections Act, 1996*.

The supplementary financial statement must be filed with the Clerk by **September 27, 2019** at **2:00 p.m.**

Where a third party advertiser campaign period continues, the registered third party shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period. It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending **December 31, 2018**.

### **Campaign Surplus**

*Section 88.28, 88.30, 88.31 of the Municipal Elections Act, 1996*

Where a third party advertiser's financial statement (or supplementary financial statement) indicates a campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing. The surplus will be held in trust, and the third party advertiser can use it if they incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality.

The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:

- The campaign period has ended;
- It is no longer possible to recommence the campaign period;
- No compliance audit proceeding has been commenced; and
- The period for commencing a compliance audit proceeding has expired.

### **Penalties**

*Section 88.27, 88.29, 92(4) of the Municipal Elections Act, 1996*

The Clerk shall review the contributions reported on the financial statements submitted by a registered third party and determine whether any contributor appears to have exceeded any of the contribution limits.

A registered third party cannot register in the next regular election if;

1. They did not file their financial statement by the relevant date(s);
2. There was a surplus and this surplus was not paid to the Clerk by the relevant date;
3. The financial statement shows that the third party advertiser exceeded their expense limit.

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

**Note:** As with candidates, there is a 30 day grace period for those who miss the deadline to file a financial statement and auditor's report, provided that the third party advertiser pays a **\$500 late filing fee** to the municipality and no later than **2:00 p.m.** on the day that is 30 days after the



applicable day for filing the document and the registered third party files the relevant document as required.

### **Extension**

*Section 88.27, 88.29, and 88.32 of the Municipal Elections Act, 1996*

The registered third party may, before the last day for filing a document under 88.29, apply to the Superior Court of Justice to extend the time for filing the document and, 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 registered third party to file the document but the court shall not grant an extension of more than **90 days**. If a registered third party makes an application for extension, the registered third party shall notify the Clerk in writing before **2:00 p.m.** on the last day for filing a document under section 88.29 or 88.32 of the *Municipal Elections Act, 1996* that the application has been made.

## **COMPLIANCE AUDITS**

### **Candidates**

*Section 88.33 of the Municipal Elections Act, 1996*

An eligible voter who believes a candidate has contravened the election finance rules may apply for a compliance audit of their campaign finances. The application must be in writing, and must set out the reasons for believing the candidate contravened the rules. An application for a compliance audit must be submitted to the municipal Clerk who conducted the election within **90 days** of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. A candidate may appeal the committee's decision to the Ontario Court of Justice within **15 days** after the decision is made. If the committee grants the application, it will appoint an auditor to conduct a compliance audit of the campaign finances. The auditor is entitled to have access to all of the financial records related to a candidate's campaign. The auditor will produce a report, which they are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Act*, the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if a candidate actually contravened the *Act* and, if so, which penalties should apply.

### **Registered Third Parties**

*Section 88.35 of the Municipal Elections Act, 1996*

An eligible voter who believes a registered third party has contravened the election finance rules may apply for a compliance audit of their campaign finances. The application must be in writing, and must set out the reasons for believing the registered third party contravened the rules. An application for a compliance audit must be submitted to the municipal clerk where the third party is registered for the election within **90 days** of the deadline to file the relevant financial statement.



The compliance audit committee will consider the application and decide whether to grant or reject the application. A registered third party may appeal the committee's decision to the Ontario Court of Justice within **15 days** after the decision is made. If the committee grants the application, it will appoint an auditor to conduct a compliance audit of the campaign finances. The auditor is entitled to have access to all of the financial records related to the campaign. The auditor will produce a report.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Act*, the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if a registered third party has actually contravened the *Act* and, if so, which penalties should apply.

## RECOUNTS

### Tied Votes

*Section 56 of the Municipal Elections Act, 1996*

If two or more candidates get the same number of votes, and they can't all be elected, there is an automatic recount. The recount must be held within **15 days** of the Clerk declaring the results of the election. If a candidate is one of the candidates in the tie, they are entitled to be at the recount.

If the recount shows that there is still a tie, then the legislation says that the election will be decided by lot. This means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

*The Municipal Elections Act, 1996* requires an automatic recount only if the votes are tied.

### Recounts

*Sections 57, 58, 60, 61, 62, 63 of the Municipal Elections Act, 1996; Ontario Regulation 310/16*

A municipal council or school board may order a recount within **30 days** after the Clerk has declared the results of the election. If the votes were not tied, or the circumstances are not covered by a recount policy, a candidate may apply to the Superior Court of Justice to persuade a judge to order a recount.

Anyone who is an eligible voter may apply to the court for the recount. This application must be made within **30 days** of the Clerk declaring the results of the election.



## GENERAL PENALTIES

### Offences, Penalties and Enforcement

*Section 89, 90, 92, 94, and 94.1 of the Municipal Elections Act, 1996*

A person who contravenes any provision of the *Municipal Elections Act, 1996* or a regulation under the *Act* or a by-law passed by a municipality under the *Act* is guilty of an offence.

If an individual is convicted of an offence, they may be subject to the following penalties (in addition to any other penalties provided for in the *Act*):

1. A fine of up to \$25,000.
2. Ineligibility to vote, run or register in the next general election.
3. Up to six months in prison.
4. Forfeiture of elected office, if the judge finds that the offence was committed knowingly.

If a candidate is convicted of exceeding the spending limit, they may also be fined the amount by which they exceeded the limit.

A corporation or trade union that is convicted of an offence under the *Act* is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in the *Act*.

# Election Sign By-law

E.-185-537 – In force and effect on November 14, 2017

**This by-law is printed under and by authority  
of the Council of the City of London, Ontario, Canada**

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Bill No. 656  
2017

By-law No. E.-185-537

A by-law to repeal By-law No. E.-180-305, being the "Election Campaign Sign By-law", and to enact a new "Election Sign By-law".

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS section 63 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;



AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, establishes that any person who contravenes any by-law of The Corporation of the City of London is guilty of an offence;

AND WHEREAS section 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## 1. DEFINITIONS

1.1 In this By-law:

**"Billboard"** means an outdoor sign erected and maintained by a person, firm, corporation, or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

**"Boulevard"** means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

**"Campaign Office"** means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

**"Candidate"** means

- (i) a Candidate within the meaning of the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996 as amended; and
- (ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the Municipal Elections Act, 1996 as amended;

**"City"** means The Corporation of the City of London;



**“City Clerk”** means the City Clerk of the City or a person delegated by them for the purpose of this By-law;

**“Crosswalk”** means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers;

**“Election Sign”** means any sign, including posters, promoting, opposing or taking a position with respect to:

- (i) any Candidate or political party in an election under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996;
- (ii) an issue associated with a person or political party in an election under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996; or
- (iii) a question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996;

**“Electoral District”** means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

**“Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the Municipal Council of the City;

**“Median Strip”** means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or

depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout;

**“Nomination Day”** means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996* as amended;



**“Owner”** means the registered Owner of the property on which an Election Sign is placed; any person described on or whose name, image, address or telephone number appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign; and for the purposes of this By-law there may be more than one Owner of an Election Sign;

**“Park”** means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

**“Place”** means attach, install, erect, build, construct, reconstruct, move, display or affix;

**“Public Property”** means real property owned by or under the control of the City, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street;

**“Roadway”** means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

**“Sidewalk”** means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

**“Sign Area”** means the area of one side of a sign where copy can be placed;

**“Sign Height”** means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

**“Street”** means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of London and this term includes all road works and appurtenant to municipal land;

**“Utility”** means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

**“Voting Place”** means a place where electors cast their ballots and:

- (i) when a Voting Place is located on Public Property, includes any Street abutting;  
or
- (ii) when a Voting Place is located on private property, includes any Street abutting.

**“Writ of Election”** means the date as defined in the Canada Elections Act and the Elections Act (Ontario).

## **2. GENERAL PROHIBITIONS**

- 2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this by-law.
- 2.2 No person shall Place or permit to be Placed an Election Sign that:
- (a) is illuminated;
  - (b) has a Sign Area of more than 6 square metres;
  - (c) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
  - (d) impedes or obstructs the City's maintenance operations.
- 2.3 Subsections 2.2 (a) and (b) do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard.
- 2.4 No person shall Place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.
- 2.5 Section 2.4 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.
- 2.6 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place.
- 2.7 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

## **3. TIMING**

- 3.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- 3.2 No person shall Place or permit to be Placed an Election Sign for a municipal election, except an Election Sign which is Placed on a Campaign Office:
- (a) earlier than Nomination Day in the year of a regular election; or
  - (b) earlier than Nomination Day for a by-election.
- 3.3 No person shall Place or permit to be Placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the City Clerk.
- 3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

#### **4. ELECTION SIGNS ON PUBLIC PROPERTY**

- 4.1 No person shall Place or permit to be Placed an Election Sign on Public Property.
- 4.2 No person shall Place or permit to be Placed an Election Sign in a Park.
- 4.3 No person shall Place or permit to be Placed an Election Sign:
  - (a) in a Roadway;
  - (b) within 3 metres of a Roadway;
  - (c) between a Roadway and a Sidewalk;
  - (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
  - (e) in a Median Strip;
  - (f) less than 3 metres from a Crosswalk;
  - (g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;
  - (h) in a Boulevard that abuts a Park;
  - (i) within 10 metres of another Election Sign of the same Candidate.
- 4.4 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:
  - (a) of more than 1.8 metres when Placed within 3 to 8 metres of the Roadway;
  - (b) of more than 4 metres when Placed beyond 8 metres of the Roadway.
- 4.5 Notwithstanding subsection 4.4 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Huron Street to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway.
- 4.6 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.
- 4.7 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.
- 4.8 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

#### **5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK AND/OR ENFORCEMENT OFFICER**



- 5.1 The City Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 5.2 The City Clerk and/or an Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the City Clerk.
- 5.3 The City Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under sections 5.1 and 5.2 including, without limitation, the form of and any information required to be provided to the City Clerk and/or an Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

## **6. ADMINISTRATION**

- 6.1 The administration of this by-law is delegated to the City Clerk.

## **7. ENFORCEMENT**

- 7.1 This by-law may be enforced by the City Clerk or an Enforcement Officer.

## **8. OFFENCE AND PENALTY**

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

## **9. SHORT TITLE OF BY-LAW**

- 9.1 This by-law may be referred to as the "Election Sign By-law".

## **10. FORCE AND EFFECT**

- 10.1 By-law No. E.-180-305, being the "Election Campaign Sign By-law" and all amendments to such by-law are hereby repealed.
- 10.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on November 14, 2017.

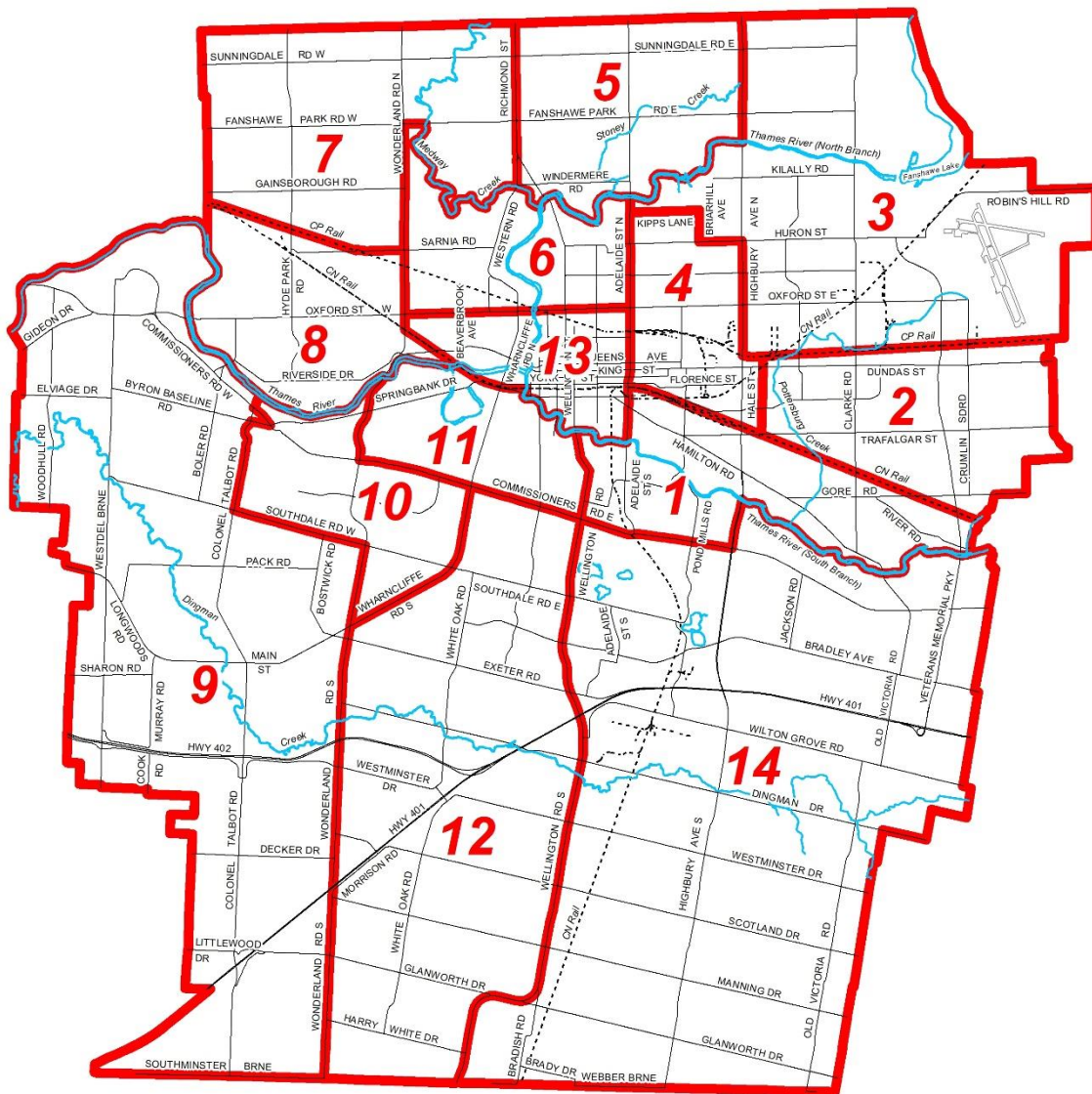
Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 14, 2017  
Second Reading – November 14, 2017  
Third Reading – November 14, 2017

## APPENDIX B

### Ward Boundary Map



Information in this package is available in alternate formats, upon request.