

## **General Rules for Filing Nomination Papers**

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.

In accordance with the Municipal Elections Act, Section 33, nomination papers must be filed in the Office of the Clerk, during regular office hours (8:30 a.m. to 4:30 p.m.) **The office of the Clerk is located at 7883 Amtelecom Parkway, Forest Ontario. Phone (519) 786-2335.**

The final day to file a nomination is Nomination Day, Friday, September 10, 2010 on which, papers can be filed at the office of the Clerk until 2:00 p.m.

Nominations must be filed in person by the candidate, or certified nomination papers may be filed by an agent. **FAXED COPIES CAN NOT BE ACCEPTED**, as all documents must contain original signatures.

Nominations must be on the prescribed forms, and be accompanied by a declaration of qualification in the prescribed form, signed by the person being nominated and the appropriate filing fee. For the Office of Mayor, the filing fee is \$ 200.00. For the Office of Councillor (including Deputy Mayor) the filing fee is \$ 100.00. Filing fees must be paid by **cash, certified cheque or money order.**

**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 of the municipality and determine the method to be used to certify nomination papers in order to prevent any misunderstanding. If nomination papers are filed early it will assist the Clerk in certifying the papers before nominations close.

### **Refund of Fees**

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

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

A person filing nomination papers will be required to provide **photo identification**, a photocopy of which will be placed in the candidates file.

Please note: **A person may only be nominated for one office at any time.** If a person who has been nominated for an office is nominated for another office to which this Act applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. Filing fees can be transferred between offices.

Candidates are encouraged to read the Municipal Elections Act, and the applicable regulations, which are available on the E-laws website:

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

And review information available on the Ministry of Municipal Affairs and Housing Website at:

[www.mah.gov.on.ca](http://www.mah.gov.on.ca)

Note: All information is provided for information only. Reference should always be made to the relevant legislation and regulations, those being:

- Municipal Elections Act, 1996
- Municipal Act, 2001
- City of Toronto Act, 2006
- Education Act
- The Residential Tenancies Act, 2006 (section 28), the Condominium Act, 1998 (section 118), and the Co-operative Corporations Act (section 171.24) permit candidates to access apartment buildings, condominiums, and non-profit housing co-ops to campaign.
- Legislation Act, 2006
- Public Service of Ontario Act, 2006
- The Constitution Act, 1982, Part I - Canadian Charter of Rights and Freedoms
- Regulation 412/00 (under the Education Act)
- Regulation 101/97 (under the Municipal Elections Act, 1996)
- Regulation 425/00 (under the Municipal Elections Act, 1996)
- Regulation 4/00 (under the Municipal Elections Act, 1996)
- Regulation 500/09 (under the Municipal Elections Act, 1996)

**Certification of Nomination by Clerk**  
**Section 35 of the *Municipal Elections Act, 1996*:**

35(1) The clerk shall examine each nomination that has been filed, in accordance with the following timetable:

1 All nominations filed on or before nomination day shall be examined before 4 p.m. on the Monday following nomination day. (September 13, 2010)

2. All additional nominations filed under subsection 33(5) shall be examined before 4 p.m. on the Thursday following Nomination Day. (September 16, 2010)

(2) If satisfied that a person is qualified to be nominated and that the nomination complies with this Act, the clerk shall certify the nomination by signing the nomination paper.

(3) If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the clerk shall reject the nomination.

(4) When the clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.

(5) The clerk's decision to certify or reject a nomination is final.

**Reasons to Reject a Nomination**

Under the *Municipal Elections Act, 1996, as amended*, the Clerk is required to reject or certify nominations of candidates. The Clerk may consider the following criteria in his or her 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, as amended*, (the candidate is qualified to hold office, is not ineligible under the *Municipal Elections Act, 1996, as amended*, or is not otherwise prohibited by law from being nominated);

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.

**Qualification and Disqualification for Member of Council**  
**Section 256 of the *Municipal Act, 2001***

**Eligibility:**

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

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

**Elector Qualification (Council)**  
**Section 17 of the *Municipal Elections Act, 1996* –**  
**Qualification of Electors:**

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

- (a) resides in the local municipality or is the owner or tenant of land there, or is the spouse of such owner or tenant;
- (b) is a Canadian citizen;
- (c) is at least 18 years old, and
- (d) is not prohibited from voting under subsection (3) or otherwise by law.

(3) The following persons 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*].
4. A person who was convicted of the corrupt practice described in subsection 90(3), if voting day in the current election is less than four years after voting day in the election in respect of which he or she was convicted.

**Disqualification of a Member of Council**  
**Section 258 of the *Municipal Act, 2001*:**

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

1. Except in accordance with section 30 of the *Municipal Elections Act, 1996*, an employee of the municipality or a person who is not an employee of the municipality but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman, or registrar or a person who is not an employee of the municipality who holds any administrative position of the municipality
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. Except in accordance with Part V of the *Public Service of Ontario Act 2006*, a public servant as defined in that Act.

(2) A member of Council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,

(a) ceases to be a Canadian citizen;

(b) is not a resident, the owner or tenant of land or the spouse or 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 or an upper-tier municipality; or

(c) would be prohibited under this or any other Act from voting in an election for the office of a member of council of the municipality if an election was held at that time.

**Qualification of School Board Members**  
**Section 219 of the *Education Act*:**

219(1) A person is qualified to be elected as a member of a district school board or school authority if the person is qualified to vote for members of that district school board or that school authority and is resident in its area of jurisdiction.

(2) A person who is qualified under subsection (1) to be elected as a member of a district school board or school authority is qualified to be elected as a member of that district school board or school authority for any geographic area in the district school board's or school authority's area of jurisdiction, regardless of which positions on that district school board or school authority the person may be qualified to vote for.

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

**Disqualification of School Board Members**  
**Section 219 of the *Education Act*:**

(4) Despite subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,

(a) an employee of a district school board or school authority;

(b) Repealed: 2002, c. 18

(c) the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority:

(d) a member of the Assembly or of the Senate or House of Commons of Canada: or

(e) otherwise ineligible or disqualified under this or any other Act.

(5) Despite subsection (4), none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:

1. An employee of a district school board or school authority.

2. The clerk, treasurer, deputy clerk or deputy treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of a district school board or school authority.

**Note:** See subsections 219(7) and (8) of the *Education Act* for additional disqualifications for a by-election.

(9) 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.

(10) 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.

(11) 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.