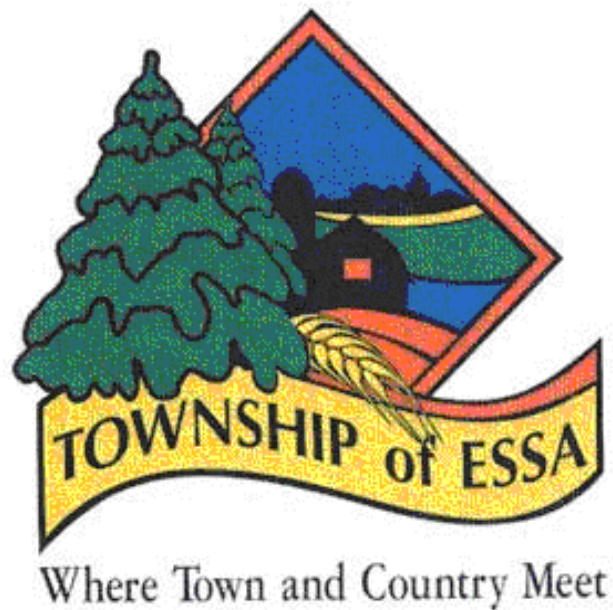


Township of Essa



2010 Municipal Election Candidate's Guide

Issued August 10, 2010

Welcome to the 2010 Municipal Election.

This Information Guide has been prepared for candidates seeking office to the Township of Essa Council or school board office. Its contents are not meant to cover all information required by a candidate in a municipal or school board election; it is intended only as a guide to certain relevant legislation. Candidates should refer directly to the *Municipal Elections Act, 1996*, the *Municipal Act, 2001* and the *Education Act* for specific provisions and additional details.

Candidates must satisfy themselves, through their own determination or with the assistance of their own legal counsel, of the various legal requirements relating to their candidacy. In addition, candidates must comply with all the requirements relating to election campaign finances.

As the year progresses, candidates will receive additional information from the Clerk's Office, therefore it is imperative that candidates notify the Clerk of any address and e-mail changes.

If you have any questions please call the Clerk's Office at (705) 424-9770 or e-mail sstone@essatownship.on.ca.

Thank you,

Shawna Stone
Clerk
Township of Essa

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GENERAL INFORMATION

Candidates to be Elected for Township Council

On **October 25, 2010**, voters in the Township of Essa will elect:

- One Mayor (to be elected at large)
- One Deputy Mayor (to be elected at large)
- Three (3) Councillors to sit on Township Council (one to be elected for each of the three wards)

Candidates to be Elected for School Board Offices

- English-language Public District School Board #17: area(s) and number(s) to be established by the Board.
- English-language Separate District School Board #5: area(s) and number(s) to be established by the Board.
- French-language Public District School Board #58: area(s) and number(s) to be established by the Board.
- French-language Separate District School Board #64: area(s) and number(s) to be established by the Board.

Term of Office

The term of office is four years, beginning on December 1, 2010 and ending November 30, 2014.

Method of Voting

The Township of Essa will conduct the election using the traditional method of voting whereby voters cast their ballot at a polling station.

For Further Information



Call: (705) 424-9770



Visit: Administration Centre, 5786 County Road 21, Utopia, ON L0M 1T0



E-mail: sstone@essatownship.on.ca

KEY DATES

This is a schedule of important dates relating to the campaign. If there are any changes to the dates, the Clerk will notify you.

<p>Nomination Period January 4, 2010 to September 10, 2010</p>	<p>Nominations may be filed by candidates prior to nomination day at any time when the Clerk's office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.)</p>
<p>Campaign Period January 4, 2010 to December 31, 2010</p>	<p>The campaign period begins on January 4, 2010 or whenever a candidate files a nomination paper, and ends on December 31, 2010 unless the candidate withdraws the nomination or the Clerk rejects the nomination.</p>
<p>Post Voters' List September 1, 2010</p>	<p>The Clerk shall post the voters' list for revisions.</p>
<p>Revision Period September 7 – October 25, 2010</p>	<p>Eligible electors whose names are not on the voters' list or whose names are shown incorrectly on the list may be added to the voters' list or have the information on the list amended by filing an application with the Clerk's Office.</p>
<p>Nomination Day September 10, 2010 9:00 a.m. to 2:00 p.m.</p>	<p>Last day for filing nominations. Nominations may be filed only between the hours of 9:00 a.m. and 2:00 p.m. at Administration Centre, 5786 County Road 21.</p>
<p>Withdrawal of Nominations September 10, 2010 at 2:00 p.m.</p>	<p>Nominations may be withdrawn in writing by 2:00 p.m.</p>
<p>Acclamation September 13, 2010 after 4:00 p.m.</p>	<p>The Clerk shall declare the eligible candidate(s) to be duly elected after 4:00 p.m.</p>
<p>Election Day October 25, 2010 10:00 a.m. to 8:00 p.m.</p>	<p>Electors may cast their vote up to 8:00 p.m.</p>
<p>Official Results As soon as possible after Voting Day</p>	<p>The Clerk will publicly declare to be elected the candidates having the highest number of votes for each office.</p>
<p>Term of Office Commences December 1, 2010</p>	<p>The elected member must take the oath of office prior to taking his or her seat.</p>
<p>Deadline for Filing of Financial Statements March 25, 2011</p>	<p>This is the final date by which all candidates must file their financial statements.</p>

NOMINATIONS

Candidates must be qualified on the day they file their nomination paper, in accordance with Section 29(1) of the *Municipal Elections Act, 1996* or Section 219 of the *Education Act* (for Trustees).

Qualification for Township Council

You can run for Council if you are a qualified elector and meet all of the following qualifications:

- a Canadian citizen.
- at least 18 years of age.
- a resident of the Township of Essa.
- the owner or tenant of land in the Township of Essa or the spouse of such owner or tenant.
- not legally prohibited from voting.
- not disqualified by any legislation from holding municipal office.

Disqualification for Township Council

1. The following are not eligible to be elected to the Township Council or to hold office as a member of the Township Council:
 - any person not eligible to vote in the municipality.
 - except during a leave of absence granted under (2) below, an employee of the Township or of a local board.
 - a judge of any court.
 - a member of the Legislative Assembly of Ontario, a Senator or a member of the House of Commons of Canada.
 - an inmate of a penal or correctional institution under a sentence of imprisonment.
 - a corporation.
 - a person acting as executor or trustee or in any other representative capacity.
 - a person prohibited because of conviction of a corrupt practice described in s. 90(3) of the *Municipal Elections Act, 1996*, from voting in a municipal election.
 - a person ineligible for office because of conviction of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the Criminal Code (Canada), in connection with an act or omission that relates to a municipal election.
 - a person who is disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*.
2. Any employee of the Township or a local board is eligible to be a candidate for and to be elected as a member of the Council if he or she takes an unpaid leave of absence beginning not later than nomination day and ending on voting day.
3. If the employee mentioned in (2) above is elected, he/she shall forthwith resign his/her position as such employee.
4. A person is not ineligible to be elected or to hold office as a member of the Township Council only by reason of being a volunteer fire fighter (*Municipal Elections Act, 1996*, s.30).

Qualification for School Board

A candidate for a school board must, upon nomination, be a qualified elector and fulfill all of the following requirements:

- a resident within the jurisdiction of the board.
- a supporter of the board.
- a Canadian Citizen.
- at least 18 years old.
- Roman Catholic (if running for a separate school board).
- have French language rights (if running for a French language school board).
- not legally prohibited from voting.
- not disqualified by any legislation from holding school board office.

Disqualification for School Board

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

- any person not eligible to vote in the municipality.
- an employee of any district school Board except during a leave of absence as provided for by Section 219 of the *Education Act* and Section 30 of the *Municipal Elections Act, 1996*.
- a Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality within the area of jurisdiction of the District School Board unless he or she takes an unpaid leave of absence as provided for by Section 219 of the *Education Act*.
- a judge of any court.
- a member of the Legislative Assembly of Ontario, a Senator or a member of the House of Commons of Canada.
- an inmate of a penal or correctional institution under a sentence of imprisonment.
- a corporation.
- a person acting as executor or trustee or in any other representative capacity.
- a person prohibited because of conviction of a corrupt practice described in s. 90(3) of the *Municipal Elections Act, 1996*, from voting in a municipal election.
- a person ineligible for office because of conviction of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the Criminal Code (Canada), in connection with an act or omission that relates to a municipal election.
- a person who is disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*.

Reasons for Clerk to Reject a Nomination

Under the *Municipal Elections Act, 1996*, the Clerk is required to reject or certify nominations of candidates. The following criteria may be used by the Clerk to reject a nomination:

- candidate has refused or declined to provide proof of qualifications or identification suitable to the Clerk.
- candidate does not satisfy Section 29(1) of the *Municipal Elections Act, 1996*.
- the nomination form is not complete in its entirety.
- the prescribed filing fee has not been paid.
- the candidate's name does not appear on the voters' list on September 13, 2010.
- the necessary financial disclosure was not filed for the previous regular election or any new election in which the individual may have been a candidate.

There may be other circumstances in which a candidate is disqualified from running for a particular office other than those identified above. It is the responsibility of each candidate to ensure he or she is not disqualified from running or being nominated for the office and the candidate is required to complete a Declaration of Qualification on the nomination form.

! Candidates elected as a member of council or school board must maintain their qualifications throughout the entire term of office or their seat will become vacant.

Nomination Form and Fee

Payments must be made by cash, debit, certified cheque or money order.

Filing fee for Head of Council is **\$200.00** - Filing fee for all other candidates is **\$100.00**

Nomination day is Friday, September 10, 2010. Nominations may only be filed on that day from 9 a.m. to 2 p.m. at Administration Centre, 5786 County Road 21. They may also be filed at any time that the election office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.) beginning January 4, 2010 at the Administration Centre. **A candidate must be nominated prior to raising campaign funds or incurring expenses.**

Candidates must file the prescribed nomination form. At the time of filing, each candidate must pay the nomination fee of \$200 for Head of Council candidates and \$100 for Councillor or School Board candidates. Payment must be made by cash, debit, certified cheque or money order payable to the "*Township of Essa*".

Either the candidate or agent of the candidate must file the nomination paper in person. The declaration section of the nomination form must be signed by the candidate and taken before a Commissioner of Oaths. Staff in the Clerk's Office can administer this oath if required. Proof of identity and qualifying address is required to be provided at the time of filing.

If an agent is filing the nomination paper on behalf of a candidate, the candidate's declaration of qualification must be commissioned prior to the agent filing the paper with the Township. The agent must also provide a copy of the candidate's identification as well as providing their own identification. If either the nomination paper or the declaration of qualification is not commissioned prior to filing, the Clerk will not accept the documentation.

! Faxed nominations cannot be accepted. An original signature is required on all election documents filed with the Clerk.

Declaration of Qualification

Each person who files a nomination paper will also be required to complete a Declaration of Qualification. The declaration has been prepared by the Clerk and ensures that only qualified candidates run in the municipal election. If an agent is filing on behalf of a candidate, the Declaration of Qualification must be commissioned prior to the agent filing the declaration with the Clerk. If the declaration is not commissioned, the Clerk **will not** accept either the declaration of qualification or the nomination paper.

Identification

All candidates **must** show proof of identity and qualifying address within the Township of Essa at the time the nomination paper is filed. This is to ensure that only the names of qualified candidates appear on the Town's ballot.

Acceptable pieces of identification include:

- Government issued identification or form that contains the name and qualifying address, e.g., driver's licence, income tax assessment.
- Township of Essa property tax bill.
- Utility bill (hydro, gas, water, telephone, cable TV).
- Health card.
- Bank statement.
- Mortgage, rental or lease agreement.
- Insurance policy (home, tenant or auto).
- Current employer record (pay stub or letter from employer).

Government issued documentation that requires the person to write in the address will not be accepted as identification (e.g. passports).

! If you are seeking nomination please ensure that your name is on the preliminary voters' list at the correct address.

Certification of Nomination Papers

The Clerk will certify nominations by 4 p.m. on Monday, September 13, 2010. Once a candidate is certified, his or her name will be placed on the ballot unless the candidate withdraws or the candidate's name is removed by Court order. A decision by the Clerk to certify or reject a nomination is final. Nomination papers are public documents and are available for inspection in the Clerk's Office.

Withdrawal of Candidacy

A candidate who wishes to withdraw his or her nomination must notify the Clerk in writing by 2:00 p.m., Monday, September 10, 2010. Either the candidate or an agent of the candidate must file the withdrawal form in person. The withdrawal form is available at the Township Clerk's Office. The withdrawal form may not be faxed; original signatures are required on all election documents filed with the Clerk. Upon receiving the withdrawal form, the nomination filing fee refund will be processed. The candidate will still have to submit a financial statement covering all financial transactions up to the time of the withdrawal.

The candidate or agent, as the case may be, must provide identification at the time of filing the withdrawal form. In addition, if an agent is filing the withdrawal form on behalf of a candidate, the candidate must provide the agent with a signed letter to give to the Clerk authorizing the agent to file the withdrawal form.

ELECTION SIGNS & CANVASSING

Election Signs

Election signage can play an effective and colourful role in the campaign process. However, on occasion, the placement of signs in inappropriate locations causes difficulty. Candidates should be sensitive and tasteful in the placement of election signs, and, for the most part, attempt to place such signage on privately owned property.

The following regulations per **Election Sign By-law 2004-15** for candidates placing signs within the boundaries of the Township of Essa:

- Prior to any election sign being erected within the Township of Essa a \$100 deposit must be submitted to the Clerk from any candidate wishing to post election signs. The \$100 deposit will be refunded upon satisfactory removal of all election signs.
- The number of election signs that may be posted on public property will be limited to 150 for Mayoral and Deputy Mayoral candidates and 50 for each Ward Councillor candidate. There are no restrictions on the number of signs that may be posted on private property, with the consent of the owner.
- No election sign will be larger than 4ft. x 4ft.
- Where election signs have been posted in contravention of this by-law, the Township may a) Notify the owner, candidate or their agent to repair or remove the sign, or take the necessary action to make the sign comply with the provisions of this by-law within 24 hours; or b) Remove the sign(s) and charge the owner, candidate or agent a fee in accordance with By-law 2004-15. Recurring offenders will waive their right to have the deposit returned.
- No election sign may be located within 150 feet of any polling station, including the parking lot and road allowance in front of any polling station.
- No election sign shall be located within 300 feet (150 feet in either direction from the driveway) across the frontage of the Essa Administration Centre.
- No election sign shall be erected prior to Nomination Day.
- Election signs must be removed within five (5) days following a municipal election. If they are not removed within this time frame, Township staff will remove the sign(s) and the deposit will be retained by the municipality.
- No election sign shall be placed on any tree, post, utility pole, fence or attenuation wall on any municipal property or road allowance, and shall not a) obstruct the visibility of any pedestrian or driver, or obstruct the visibility of any traffic sign or device, or interfere with vehicular traffic in any manner; b) obstruct openings required for light, ventilation, ingress, egress, or firefighting; c) constitute a danger or hazard to the general public.
- Signs may not be erected on private property without the express consent of the owner.

Prohibition of Canvassing in a Voting Place

The Clerk determines what premises will be used as voting places. The Clerk does not permit electioneering of any nature in or on these premises, which includes the entire building and the property on which it is located.

The *Municipal Elections Act, 1996* provides that while an elector is in a voting place, no one shall attempt, directly or indirectly, to influence how the elector votes and that no one shall display a candidate's campaign material or literature in a voting place.

VOTER INFORMATION

Preliminary List of Electors

The preliminary list of electors for the 2010 election is provided by the Municipal Property Assessment Corporation (MPAC) based on the information contained in its database. The preliminary list contains names, addresses and school support for eligible electors.

Revision of Voters' List

The revision period allows eligible electors to add their name or change their information on the voters' list between September 7, 2010 to October 25, 2010. Applications for amendments to the voters' list will be accepted by the Clerk at the Administration Centre on these days during normal business hours (Monday to Friday 8:30 a.m. to 4:30 p.m.) except on October 25th when revisions may be made until 8 p.m.

Identification

All electors wishing to apply for amendments to the voters' list will be asked to show proof of name and qualifying address before completing an amendment. If the elector does not have identification with them, they will be required to take the Oath of Qualification.

Acceptable pieces of identification include:

- Government issued identification or form that contains the name and qualifying address, e.g., driver's license, income tax assessment.
- Township of Essa property tax bill.
- Utility bill (hydro, gas, water, telephone, cable TV).
- Health card.
- Bank statement.
- Mortgage, rental or lease agreement.
- Insurance policy (home, tenant or auto).
- Current employer record (pay stub or letter from employer).

Prohibition from Voting

You are prohibited from voting on voting day if you are:

- A person serving a sentence of imprisonment in a penal or correctional institution.
- A corporation.
- A person acting as executor or trustee or in another representative capacity, except if appointed as a voting proxy.
- A person convicted of a corrupt practice for an election held within 4 years of voting day.

SCRUTINEERS

Appointment

A candidate may appoint scrutineers to represent them at the voting place by completing the Appointment of Scrutineer form. Scrutineers must show their written appointment in the form provided to election officials upon request.

Only one scrutineer per candidate may be in the voting place. Candidates who enter the voting place are considered to be scrutineers and must present identification to the election official.

Any candidate who has been acclaimed is prohibited from being in the voting place unless another candidate has appointed them as a scrutineer.

Rights

Subject to the Clerk's voting procedures to be issued in due course, Candidates and scrutineers have a number of rights, including the following:

- To enter the voting place 15 minutes before it opens and to inspect the ballots and all other election documents but not so as to delay the opening of the voting place or the counting of the ballots.
- To object to a ballot or the counting of votes in a ballot (objection to be decided by the election official).
- To sign the statement of the results of an election.

Prohibitions

Election officials have the right to remove from the voting place any individual who is causing a disturbance. Candidates and scrutineers forfeit their right to be present if they disrupt the voting place.

Scrutineers and candidates are prohibited from the following:

- Attempting, directly or indirectly, to interfere with how an elector votes.
- Displaying a candidate's election material (including buttons, pins, etc.) in a voting place.
- Compromising the secrecy of voting.
- Interfering or attempting to interfere with an elector who is marking a ballot.
- Obtaining or attempting to obtain, in the voting place, any information about how an elector intended to vote or has voted.
- Communicating any information obtained at a voting place about how an elector intends to vote or has voted.

The role of candidates and scrutineers in the voting place is to observe the integrity of the process, not to assist the electors or election staff.

FINANCIAL RESPONSIBILITIES

Duties of a Candidate

Candidates are responsible for the following duties:

- Opening a separate bank account in the name of the candidate's election campaign to be used only for campaign purposes.
- Ensuring all contributions accepted are in accordance with the Act.
- Tracking donations from associated corporations to ensure they do not exceed in total the contribution limit of a single corporation.
- Ensuring all contributions are deposited into the campaign account.
- Ensuring all campaign expenses are paid from the campaign account.
- Ensuring contributions of goods or services are properly valued and recorded.
- Issuing receipts for all contributions received.
- Obtaining receipts for every expense incurred.
- Giving proper direction to any person who is authorized to incur expenses and solicit or accept contributions.
- Returning any improper contributions to the contributor, or if not possible, to the Clerk.
- Paying all anonymous contributions to the Clerk (anonymous contributions are not permitted).
- Filing the financial statement with the Clerk.
- Report the surplus (deficit) of the campaign period and any contributions refunded from the surplus to the candidate or the spouse of the candidate;
- List contributors, by name, address and amount of contribution, if the contribution totaled more than \$100; and
- Maintain all election finance records for the term being sought and until the new council is organized following the next regular election.

Candidates must keep records of:

- The receipt issued for every contribution.
- The value of every contribution.
- Whether a contribution is money or goods or services.
- The contributor's name and address.
- All expenses (including receipts for each expense).
- Any claim for payment of an expense that the candidate disputes or refuses to pay.
- Funds raised and expenses incurred at each fund-raising event.
- Money received at a fund-raising event by donations of \$10 or less.
- Any campaign account loan.

Helpful Tips

The *Municipal Elections Act, 1996* states that a candidate must open a separate bank account specifically for the campaign. **Do not use your personal bank account** for campaign purposes. Open an account prior to accepting any contributions or spending any money.

- Do not advance any money into your campaign account with the intention of getting it back from future fund-raising. Instead obtain a line of credit or bank loan (deposited directly into the campaign account). Only candidates with a surplus may refund their own contribution at the end of their campaign.
- Issue receipts for all contributions.
- Contributions of money by a candidate and their spouse are contributions and a receipt must be issued.
- Deposit all contributions into the campaign account and keep deposit slips. Contributions that have not been deposited cannot be used to pay off debts or pay for purchases.
- Contributions over \$25 must be made by cheque, credit card or money order.
- Keep proper records of all contributions and all expenses.
- Keep cheque stubs, bank statements cancelled cheques, invoices, petty cash slips, etc. for audit purposes.

When closing your campaign account make sure:

- All your bills have been paid.
- All your cheques have cleared the bank.
- All bank charges have been paid.
- A cheque, bank draft or money order is made payable to the "*Township of Essa*" **for any surplus funds**.
- Once the campaign is closed you can file your financial statement.

Campaign Period

The candidate must notify the Clerk, in writing, as soon as they have finished campaigning.

The campaign period for candidates begins on the day the candidate files their nomination paper (starting on January 4, 2010) and ends on December 31, 2010. A candidate cannot accept any contributions or incur any expenses until they file the nomination paper. If the candidate withdraws their nomination or the Clerk rejects a nomination, the campaign period ends on the day of the withdrawal or rejection.

If a candidate has a deficit as of December 31, 2010, they can extend their campaign. The candidate must notify the Clerk on the prescribed form (Form 6 - Notice of Extension of Campaign Period) on or before 2:00 p.m., December 31, 2010. Faxed forms cannot be accepted, an original signature is required on all election documents filed with the Clerk.

The campaign period will continue until the earliest of:

- The deficit is eliminated (as described in Subsection 68(1) of the *Municipal Act*).
- The candidate is nominated for a new election on the same council.
- The candidate advises the Clerk they no longer intend to raise funds.
- September 30, 2011.

Appointment of an Auditor

An auditor must be appointed for those candidates who accept contributions or incur expenses over \$10,000.

Only a person who is licensed under the Public Accounting Act, 2004 may be appointed as an auditor. The auditor is required to report whether the information contained in the candidate's accounting records is reflected accurately in the financial statement. The auditor must complete the "Auditor's Report" on the financial statement.

CONTRIBUTION AND FUNDRAISING

Contributions cannot be accepted until a nomination paper has been filed with the Clerk's Office. Any contributions accepted outside the campaign period must be returned to the contributor, or if this is not possible, the amount must be turned over to the Clerk.

The value of all contributions must be reflected on the financial statement that is filed with the Clerk. In addition, a candidate must list on the financial statement the names and addresses of those contributors donating more than \$100.

Campaign Contributions

Money, goods or services given to a candidate for their campaign are contributions. Contributions include:

- Monetary contributions.
- The value of goods and services.
- The amount charged for admission to a fund-raising event.
- The difference of the amount paid and the market value of a good or service sold at a fund-raising event.
- The difference between the amount paid and the market value of a good or service purchased for the campaign.
- Any unpaid but guaranteed balance of a campaign loan.

The following are not contributions:

- The value of services provided by voluntary unpaid labour.
- \$10 or less that is donated at a fund-raising event.
- The value of free political advertising as defined under the Broadcast Act if it is provided in accordance with the Act, Regulations and Guidelines under it, and is provided to all candidates.
- The amount of a campaign loan.

Contribution Limit

The limit on contributions from a single contributor in money, goods or services is **\$750** to any one candidate.

An individual, corporation or trade union may make a large single contribution or multiple contributions. It is advisable that the candidate records the name and address of each contribution to ensure that they do not accept more than the allowable limit.

Accepting Campaign Contributions

Only the candidate and those persons authorized by the candidate may accept campaign contributions. Monetary contributions up to \$25 may be accepted in cash. Any contributions over \$25 cannot be made in cash.

A candidate must issue a receipt for every contribution they receive whether it is in the form of money, goods or services.

Acceptable Contribution Sources

Contributions to candidates may only be made by:

- Individuals living in Ontario.
- Corporations carrying on business in Ontario.
- Trade unions holding bargaining rights for employees in Ontario.
- The candidate or their spouse.

A contribution may only be made from the contributor's own funds. If a cheque is from a joint personal bank account the receipt must have the name of the person signing the cheque. If both people sign the cheque, the candidate must determine how much each person contributed and issue separate receipts to each person.

Corporations

To be eligible to make a contribution, a corporation must carry on business in Ontario. Prior to accepting a corporate donation, the candidate must satisfy themselves that the corporation does carry on business in Ontario.

Corporations that are associated with one another, as defined by Section 256 of the Income Tax Act, are considered to be a single corporation for the purpose of campaign contributions. Many corporations carry on business through subsidiaries and affiliated companies. Such corporations are deemed to be a single corporation and may only make a maximum contribution of \$750 to any one candidate.

Unincorporated Groups

If an unincorporated group, such as a law partnership or ratepayers' group makes a campaign contribution the candidate must request a list of the names and addresses of the individual contributors who shared in the contribution and the amount contributed by each individual. The receipts must be issued to the individual contributors, not the unincorporated group. The individual's portion of the group's contribution counts towards that individual's campaign contribution limit of \$750. If the list is not provided, the contribution must be considered an anonymous contribution and shall be paid to the Clerk.

Ineligible Contributors

The following may not make contributions:

- A federal political party, constituency association or a registered candidate at a federal election.
- A provincial political party, constituency association or a registered candidate or leadership contestant.
- The Crown in right of Canada or Ontario, a municipality or local board.
- Charitable organizations or corporations that have been established for charitable purposes and public corporations such as public hospitals, crown agencies, boards or commissions, which are, in general, prohibited by statute or common law from making political donations.

Candidate's Own Funds

A person who wishes to run for office must not contribute to his or her own campaign until they are a nominated candidate. There is no limit on the contributions from the candidate or their spouse to the candidate's campaign, but it must be reported as a contribution and a receipt must be issued.

Anonymous Contributions

An anonymous contribution cannot be accepted; it must be turned over to the Clerk.

Refund of Contributions

A candidate is required to refund contributions when they are:

- Received outside the candidate's campaign period.
- From ineligible sources.
- Over the \$750 limit.
- Cash contributions over \$25.
- Funds not belonging to the contributor.

If an official receipt has already been issued, the candidate should not refund the contribution until the contributor's copy has been recovered. The candidate must also reflect the refund in their records.

CAMPAIGN EXPENSES

General Information

- Expenses (except the nomination fee) cannot be incurred until the person intending to be a candidate is nominated as a candidate and only during their campaign period.
- Payment of any campaign expenses must be drawn from the candidate's campaign account.
- All expenses must be reported on the financial statement.
- Only the candidate and persons authorized by the candidate, in writing, can incur expenses.

Campaign Expenses

Any expense incurred in whole or in part for goods or services for a candidate's campaign is a campaign expense. It includes the market value of any goods held in opening inventory (such as signs and brochures) and any contribution of goods or services to a candidate during the campaign period. Where contributions of goods or services are received, an expense in the equivalent value is considered to have been incurred.

There are limits on the amount a candidate may spend during the period starting the day the candidate files a nomination paper and ending on voting day. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office.

Campaign Expense Limits

Mayoral candidates \$7,500 + \$0.85 cents per elector
Councillor candidates \$5,000 + \$0.85 cents per elector

The Clerk will inform the candidate of their campaign spending limit on or before **Monday, September 20, 2010**.

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

- Audit and accounting fees.
- Interest on loans.
- Nomination filing fee.
- Expenses related to a compliance audit.
- Expenses incurred in holding a fund-raising event.
- Expenses incurred for parties and other expressions of appreciation after the close of voting.
- Expenses relating to a court action for a controverted election.
- Expenses relating to a recount.
- Expenses incurred after voting day.
- Expenses incurred by a candidate with a disability that are related to a candidate's disability.

Note: Expenses related to fundraising functions are exempt from the campaign spending limit. However, in order to qualify as a fundraising function, an event must have the raising of money as its primary purpose. Campaign events at which incidental fundraising takes place do not qualify as fundraising functions. Similarly, a brochure promoting awareness of a candidate that contains contact information to make campaign contributions does not qualify as a fundraising function, and the expenses related to the brochure are not exempt from the spending limit.

Estimated Maximum Campaign Expense Limits

The following estimate is based on 2006 electoral data; candidates must consider this to be an **estimation only**:

Office	Expense Limit
Mayor $\$7,500 + (11,726 \times .85)$	\$17,467.10
Deputy Mayor $\$5,000 + (11,726 \times .85)$	\$14,967.10
Ward 1 Councillor $\$5,000 + (5,641 \times .85)$	\$9,794.85
Ward 2 Councillor $\$5,000 + (3,411 \times .85)$	\$7,899.35
Ward 3 Councillor $\$5,000 + (2,674 \times .85)$	\$7,272.90

The maximum campaign expense limits will be calculated using the 2010 Voters' List; candidates will be informed of this limit on **September 20, 2010**.

FINANCIAL REPORTING AND DISCLOSURE

Faxed or photocopied financial statements cannot be accepted, an original signature is required on all election documents filed with the Clerk.

Filing Financial Statements

All candidates must report their contributions and expenses as of Friday, December 31, 2010 by filing the required financial statement (Form 4) with the Clerk.

These candidates include:

- Those elected (including by acclamation) to office.
- Those not elected.
- Those who withdrew their nomination.
- Those whose nomination was rejected by the Clerk.

If a candidate wishes to extend their campaign period in order to eliminate a deficit, the candidate must file a Notice of Extension of Campaign Period (Form 6) with the Clerk by 2:00 p.m., Friday, December 31, 2010. In addition to the first financial statement, the candidate must also file supplementary financial statements by the supplementary filing dates.

All candidates must complete the Financial Statement – Auditor’s Report (Form 4). Those candidates whose total contributions or total expenses are more than \$10,000 must attach an auditor’s report.

The deadline for filing the financial statement is 2:00 p.m., March 25, 2011. Financial statements will be accepted by the Clerk at the Administration Centre, 5786 County Road 21. It is the responsibility of the candidate to file a complete and accurate financial statement on time.

Surplus

When a candidate files a financial statement they must pay *all* surplus monies to the Clerk.

Prior to paying surplus monies to the Clerk, the candidate is entitled to refund contributions made to the campaign by the candidate or their spouse. The amount that may be refunded is the lesser of the amount of the contributions or the amount of the surplus.

Financial Statement

Financial Statements cannot be altered once the document has been filed with the Clerk.

The Financial Statement includes a declaration that must be sworn before a Commissioner of Oaths. This can be completed at the Clerk’s Office if necessary.

ENFORCEMENT & PENALTIES RELATED TO ELECTION CAMPAIGN FINANCES

In accordance with Section 33.1 of the *Municipal Elections Act, 1996*, the Clerk shall before voting day, notify all candidates of the penalties under Subsection 80(2) and 92(5) related to election campaign finances. Therefore, please note the following information:

Additional Penalties

“80 (1) A candidate is subject to the penalties listed in Subsection (2), in addition to any other penalty that may be imposed under this Act, if

- (a) he or she fails to file a document as required under Section 78 or 79.1 by the relevant date;
- (b) a document filed under Section 78 shows on its face a surplus, as described in Section 79, and the candidate fails to pay the amount required by Subsection 79 (4) to the Clerk by the relevant date; or
- (c) a document filed under Section 78 shows on its face that the candidates has incurred expenses exceeding what is permitted under Section 76; or
- (d) a document filed under Section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by Subsection 79.1 (7) by the relevant date.”

“80 (2) In the case of a default described in Subsection (1),

- (a) the candidate forfeits any office to which he or she was elected and the office shall be deemed to be vacant, and
- (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.”

“92 (5) Offences by Candidate

A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in Subsection 80(2), if he or she,

- (a) files a document under Section 78 or 79.1 that is incorrect or otherwise does not comply with that Section; or
- (b) incurs expenses that exceed what is permitted under Section 76.”

Candidates are advised to refer to the *Municipal Elections Act, 1996* for more details regarding enforcement and penalties.

FORMS

The following forms are available on the Township's website at www.essatownship.on.ca:

- Nomination Paper (Form 1)
- Declaration of Qualifications
- Freedom of Information Release

The **Nomination Paper** (Form1) and **Financial Statement – Auditor's Report** (Form 4) can be filled in on-line, printed and submitted to the Clerk's Office.

These forms are available at www.forms.ssb.gov.on.ca.

Additional Information

The ***Municipal Elections Act, 1996*** is available on-line:

www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_96m32_e.htm

The Ministry of Municipal Affairs and Housing **2010 Municipal Elections Guide** is available on-line:

www.mah.gov.on.ca/Page219.aspx#Municipal%20Elections%202010%20Guide