



The Corporation of

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Candidate Information Package 2018 Municipal Election



TOWNSHIP OF MELANCTHON

TELEPHONE/INTERNET VOTING ELECTION POLICIES and PROCEDURES for the 2018 ONTARIO MUNICIPAL ELECTIONS

Approved by the
Clerk / Returning Officer of
The Township of Melancthon
This 21st day of December, 2017

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

1. AUTHORITY

On February 2, 2017, the Council of Township of Melancthon adopted By-law No. 8-17 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The *Municipal Elections Act*, more specifically Subsection 42(3), states as follows:

Procedures and forms

(3) The clerk shall,

(a) establish procedures and forms for the use of,

(i) any voting and vote-counting equipment authorized by by-law, and

(ii) any alternative voting method authorized by by-law; and

(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the Clerk shall provide the procedures and forms on or before December 31 in the year before the year of the election.

Subsection 42(4), states that the procedures and forms established by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

In addition, the Council of The Township of Melancthon passed motion #19 on February 2, 2017, being a motion to enter into an agreement with an eVoting Service Provider for Telephone/Internet Voting service for the 2018 Municipal & School Board Elections.

Subsection 11(2) of the *Municipal Elections Act* states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

a) preparing for the election;

b) preparing for and conducting a recount in the election;

c) maintaining peace and order in connection with the election; and

d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a municipal Clerk, *the Municipal Elections Act* further states as follows:

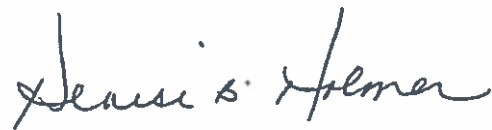
- 12(1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
 - (a) is not otherwise provided for in an Act or regulation; and
 - (b) in the clerk's opinion, is necessary or desirable for conducting the election.
- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.
- 12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.
- 13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.
- 13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, By-law No. 8-2017 of the Corporation of the Township of Melancthon, Section 4 specifies that “No proxy voting provisions are applicable at the municipal elections conducted in accordance with this by-law”. With respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under *the Municipal Elections Act*.

The *Municipal Elections Act*, more specifically Section 53, also provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances

have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the Clerk to make arrangements for the proper conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of *the Municipal Elections Act*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of The Township of Melancthon and Returning Officer for the 2018 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2018 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

A handwritten signature in black ink, reading "Jenni S. Holmer". The signature is written in a cursive style with a large initial 'J' and 'H'.

Date Approved: Dec. 21, 2017

Clerk / Returning Officer

2. DEFINITIONS

- a) Advance Voting - means voting conducted between the hours of 10 a.m. on Friday, October 12th, 2018 to 10 a.m., Monday October 22nd, 2018.
- b) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) Candidate - means a person who has been nominated under Section 33 of *the Municipal Elections Act, 1996*.
- d) Certified Candidate - means a candidate whose nomination has been certified by the municipal Clerk under Section 35 of *the Municipal Elections Act, 1996*.
- e) Clerk - means the Clerk of The Township of Melancthon who is responsible for conducting this election under the authority of *the Municipal Elections Act, 1996*, as amended. (This legislation provides that the Clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk of the municipality's opinion, necessary or desirable - Section 12 of *the Municipal Elections Act*)
- f) Election official - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under *the Municipal Elections Act, 1996*. An election official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath.

- g) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of *the Municipal Elections Act, 1996*.
- h) Friend – a person who has been requested by an elector to assist him/her in the voting process
- i) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- j) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- k) Preliminary List of Electors - means a list of electors for the Township of Melancthon compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of Melancthon between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.
- l) Satisfactory Identification - means the identification required under *the Municipal Elections Act, 1996* (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- m) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- n) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.

- o) Support person - means a person who has been requested by an elector to assist him or her in the voting process.
- p) Voter Help Centre - means a location provided by the Township of Melancthon to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre is located at the Township of Melancthon Administration Offices, 157101 Highway 10, Melancthon.
- q) Voters' List - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of *the Municipal Elections Act* 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. 2.3, s. 18 (3).
- r) Voting Day - means the final day on which the vote is to be taken in an election and shall be from 10 a.m. until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 22, 2018.
- s) Voter Information Letter (VIL) - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of *the Municipal Elections Act*, and applies to the Telephone/Internet Voting being conducted by the Township of Melancthon between Friday, October 12th, 2018 until Monday, October 22nd, 2018.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of *the Municipal Elections Act*.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of *the Municipal Elections Act* with the same being determined and established by the Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of the Township of Melancthon. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for the Township of Melancthon and/or school boards.

4. SECRECY

1. The Clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of *the Municipal Elections Act, 1996*.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a friend / support person.
6. All electors voting at the Voter Help Centre may vote with the assistance of a friend / support person; however, the friend / support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of *the Municipal Elections Act, 1996*.

5. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of the Township of Melancthon and obvious errors shall be corrected as permitted under Section 22 of *the Municipal Elections Act*, and the list shall be approved for use as the Voters' List.
 - a. The list shall then be reproduced in an electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to one (1) copy of an electronic format and shall sign a statement acknowledging that the voters' list shall not be used for any commercial purposes. The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
 - b. The list shall be available in an electronic format and/or paper format to accommodate the administration in the voting process at the Voter Help Centre.
 - c. Additions, corrections and deletions may be made to the list in accordance with *the Municipal Elections Act*, 1996.
 - d. The Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of *the Municipal Elections Act*, shall be available on or before September 15, 2018 at 157101 Highway 10, Melancthon.
 - e. The voters' list, as corrected by the Clerk pursuant to Section 22 of *the Municipal Elections Act*, 1996 shall be provided to the eVoting

- Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.
- f. Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

2. The Voter Help Centre shall be responsible for the following:

- a. Eligible electors who contact the Voter Help Centre and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.
 - i. Their names will be added to the voters' list and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
 - ii. they will be able to vote at the Voter Help Centre if they so wish during the voting period.
- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
 - i. where a person on the voters' list has lost his or her Voter Information Letter (VIL) or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre (or prove to the satisfaction of the authorized Election Official that they require a new PIN) in order to receive a new one. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an election official, an declaration shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.

- c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:
 - i. where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre (or prove to the satisfaction of the authorized Election Official that they require a new PIN) in order to receive a new one. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter Help Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.

6. NOTICES

1. The Clerk of the Township of Melancthon shall notify voters of the following election information through the use of advertisements:
 - a. that municipal & school board elections are being held for the Township of Melancthon and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Telephone/Internet Voting;
 - b. the date(s), time(s) and location for the holding of the vote including advance voting, and the methods of voting for each;
 - c. the office(s) of the council and/or school boards;
 - d. who is eligible to vote in the municipal & school board elections; and
 - e. the location, dates, and hours of operation of the Voter Help Centre, how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the voters' list.
2. At the Clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. All notices shall be made available in English only.

The following essential notices shall be issued:

- a. Notice of Election Information. See paragraph 6.1;
- b. Notice of Revision of Voters' List. See paragraph 6.1(e);
- c. Notice of Nomination; and
- d. Certified Election Results.

The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.

4. Each person on the voters' list shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
 - a. his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
 - b. instructions on how to vote;
 - c. dates and hours of voting; and
 - d. the location and telephone number(s) of the Voter Help Centre.
5. All Voter Information Letters shall be made available in English only.

7. VOTING

1. A Telephone/Internet Voting method shall be used for the 2018 Municipal & School Board Elections.

- a. Telephone/Internet Voting:

- i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
 - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
 - iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.

- b. Voting will commence at 10 a.m. on Friday, October 12th, 2018.

2. Prior to the eVote activation, being at 10 a.m. on Friday, October 12th, 2018, the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running

for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins. The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.

3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
4. The eVoting Service Provider will make available online a list to the Clerk and any other appropriate individuals of The Township of Melancthon, of all voters' list individuals by order of polling subdivisions, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by the eVoting Service Provider at the Clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
5. If so allowed by the Clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.
7. Where a voter is associated with multiple properties within The Township of Melancthon, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be

verified by the Clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under *the Municipal Elections Act, 1996*.

8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, The Clerk and/or Election Official(s) shall attempt in the same day to contact the addressee via telephone or internet to obtain their correct address and redirect the VIL as corrected and revise the Voter's List with the updated address. If the envelope is too marked up by Canada Post or incorrect addressee, a new VIL will be printed keeping the original PIN. A new envelope will be used and the original letter and envelope will be shredded. If the envelope with the PIN in it looks as if it has been tampered with, it will be disabled and a new PIN will be issued. If the addressee cannot be reached, by the end of the next business day, the unopened Voter Information Letter will be opened and the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of *the Municipal Elections Act, 1996*.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.
10. The Clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:

- a. that were sent to voters on the voters' list;
- b. that were undeliverable and returned from the Post Office;
- c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
- d. that were re-issued to an eligible elector;
- e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

11.

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the Clerk, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.

- d. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a. Where an eligible voter has received an incorrect Voter PIN in terms of poll, and/or school support association, the voter can contact the Voter Help Centre and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.
- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.

13. New PIN(s) shall not be given out without the expressed approval of the Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

8. VOTER QUALIFICATIONS

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 22, 2018, he or she:
 - i. is a Canadian citizen,
 - ii. is at least 18 years old,
 - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
 - iv. is not prohibited from voting under subsection 17(3) of *the Municipal Elections Act, 1996* or otherwise, by law.

9. VOTING PROCESS

1. Eligible voters may vote by:

- a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.

c. Eligible voters may vote by:

- i. Attending the Voter Help Centre during the following hours:

For Advance Voting, between the hours of 10 a.m. to 4:30 p.m. Friday, October 12th, 2018; and 8:30 a.m. to 4:30 p.m. October 15th to October 19th, 2018, inclusive, and between 8:30 a.m. to 10 a.m. Monday, October 22nd, 2018.

For Voting Day, between the hours of 10 a.m. to 8 p.m., Monday, October 22nd, 2018.

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

- d. Attending the Voter Help Centre during hours identified in paragraph (c) with a friend / support person, taking the appropriate oath(s), and having a friend / support person help vote using a touch tone telephone or the internet access provided. In the absence of a friend / support person to help with the actual voting, the voter may request an election official to become their friend / support person

and after the election official taken the friend / support person oath (EL27), the election official may help with voting.

- e. Attending the Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.

10. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the *Municipal Elections Act*, 1996. If appointed, scrutineers will be entitled to the following:
 - a. upon request and after producing the properly signed "Appointment of Scrutineer" and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.
 - b. upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend the Voter Help Centre during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend the Voter Help Centre.
 - c. to be present at the time and place where results are received by the Clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.

11. SYSTEM

1. The integrity of the voting process shall be the responsibility of the Clerk of the Township of Melancthon and shall be preserved by:
 - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
 - b. ensuring that no one except the eVoting Service Provider, the Clerk of the Township of Melancthon, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
 - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 22, 2018, at 8:00 p.m.
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the script;
 - b. checking the Voter Help Centre telephones and internet access;
 - c. checking Script and input timing;
 - d. attempting to use a PIN more than once;
 - e. balancing a predetermined number of votes with those cast;
 - f. matching PINs to names and addresses;
 - g. checking the system which is used for activating PINs; and
 - h. deliberately entering the wrong information.

3. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, no later than August 2, 2018.

12. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89 and 90 of *the Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although the Township of Melancthon will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of *the Municipal Elections Act* continues by stating:

“A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which he or she is not entitled to vote;
- d. induces or procures a person to vote when that person is not entitled to do so;
- e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g. before or during an election, publishes a false statement of a candidates withdrawal;
- h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i. without authority, supplies a ballot to anyone;
- j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k. takes a ballot away from the voting place;

- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
 - m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”
- 4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
- 5. In addition, under the provisions of Section 90 of *the Municipal Elections Act*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
- 6. Although many provisions of *the Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
- 7. As such, the Municipal Clerk of the Township of Melancthon in this alternative form of voting, has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of *the Municipal Elections Act*, either verbally or written, will be investigated by the Clerk;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;

- c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
- d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
- e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

13. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since the Township of Melancthon will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of the Township of Melancthon in this alternative form of voting has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the clerk;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
 - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
 - e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

14. RESULTS

1. The eVoting Service Provider will shut down all external public access to the voting system at 8:00 p.m. on Monday, October 22, 2018.
2. The Township of Melancthon shall keep its computer kiosk voting open until 8:00 p.m. on Monday, October 22, 2018, its Voter Help Centre access opened until the Clerk confirms that all eligible voters in the Voter Help Centre at 8:00 p.m. on Monday, October 22, 2018 have completed voting.
3. The Clerk of the Township of Melancthon, at 8 p.m. on October 22, 2018, providing that all eligible electors within the Voter Help Centre have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each candidate by polling subdivision, shall be available at 8 p.m., Monday, October 22, 2018 at the Municipal Administration Office located at 157101 Highway 10, Melancthon.
4. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after 8 p.m., Monday, October 22, 2018 at Election Headquarters located at the Municipal Administration Office located at 157101 Highway 10, Melancthon.
5. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the *Municipal Elections Act*, 1996 concerning “Recount”, the Clerk shall by 4:30 p.m., Tuesday, October 23, 2018 at the Municipal Administration Office located 157101 Highway 10, Melancthon;
 - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
 - ii. declare the result of any vote on a by-law or question.
6. The “Official Results” of each candidate by polling subdivision, shall be available at the Municipal Administration Office, located at 157101 Highway 10, Melancthon, as soon as possible after Voting Day. Also, the Clerk shall post the “Official” results on the Municipality’s website.

15. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of *the Municipal Elections Act*, the Clerk of the Township of Melancthon shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of *the Municipal Elections Act*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before 4:30 p.m., Wednesday, November 7, 2018 at the Municipal Administration Office located at 157101 Highway 10, Melancthon.
3. Pursuant to Subsection 61(1) of *the Municipal Elections Act*, the following persons will be authorized to attend the recount:
 - i. the clerk and any other election official appointed by the clerk for the recount procedure including the Municipal lawyer;
 - ii. every certified candidate for the office;
 - iii. the lawyer for each of the candidate(s); and
 - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by polling subdivisions. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of *the Municipal Elections Act* shall apply, being as follows:

"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".

6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates' lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The Clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates' lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates' lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.

9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box. *

16. AFTER VOTING DAY

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of *the Municipal Election Act, 1996*.

17. EMERGENCIES

Pursuant to *the Municipal Elections Act*, 1996, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the Clerk/Returning Officer or assistant returning officer which prevents her/him from conducting the election pursuant to *the Municipal Elections Act*.

In the event of an emergency, the Clerk/Returning Officer shall advertise and/or post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the Clerk/Returning Officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/Returning Officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

18. ACCESSIBILITY

The Clerk shall have regard for the needs of candidates and electors with disabilities.

The Clerk shall ensure the Voter Help Centre is accessible to candidates and electors with disabilities.

The Clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day.

The Township of Melancthon has an Accessibility Policy. The Municipal Election for the Township of Melancthon will be conducted with having regard to the policies as established.

19. AMENDMENTS TO PROCEDURES

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

20. ATTACHMENTS – FORMS

The following forms have been approved for use by the Township of Melancthon for the election process. This is not a complete list and forms may be revised as needed. Please check with the Voter Help Centre for the most current version.

Form #	Name of Form	Section
EL07	List of Certified Candidates	(S.11(4) 2)
EL08	Certificate of Election Results	(S.11(4) 3)
EL09	Final Summary of Election Results	(S.11(4) 4)
EL10	Appointment and Oath of DRO	(S.15(1))
EL11	Appointment and oath of an Election Official	(S.15(2))
EL12(A)	Appointment of Scrutineer by Candidate	(S.16(1))
EL12(B)	Oral Oath of Secrecy	
EL14	Candidate's Declaration-Proper Use of Voters' List	(S.23(5))
EL15	Application to Amend Voters' List	(S.24)
EL16	Application for Removal of Another's Name from the Voters' List	(S.25)
EL17	Notice of Nomination for Office	(S.32)
EL18(A)	Declaration of a Qualified Candidate – Municipal	(S.35(2))
EL18(B)	Declaration of a Qualified Candidate - School Trustee	
EL19	Withdrawal of Nomination	(S.36)
EL20	Declaration of Acclamation to Office	(S.37(1))
EL21	Notice of Death of Candidate	(S.39(A))
EL22	Certificate on Voters' List	(S.28(1))
EL10	FOI Freedom of Information Release	
EL24	Sample Notice of Election Information (For Newspaper Ad)	(S.40)
EL25(A)	Certificate and Receipt for Ballots	(S.41(1))
EL26	Oath of Qualification	(S. 52(1) 3)
EL27	Oral Oath of Friend or Interpreter	
EL 27A	Oath of Elector Requesting Assistance of a Friend	
EL29(A)	Voting Instructions	(S.52(3),(4))
EL29(B)	Voter Instructions and Sample Ballot	
EL30	List of Objections to Vote Count	(S.54(4))
EL31(A)	Statement of Election Results (Deputy Returning Officer)	(S.55(1) A)
EL32	Declaration of Election Candidate	(S.55(4) A)
EL34	Statutory Provisions Regulating Voting Procedures	(S.48, 49)
EL35	Notice of Offence, Notice of Corrupt Practice	(S.89)
EL36	Disclaimer to Right to Office	(S.84(1)-(3))
EL37	Certificate of Maximum Campaign Expenses	(S.76(7))
EL38	Witness Statements as to Destruction of Ballots	(S. 88(2))
EL39	Notice of Recount	(S.56 - 58)

EL40	Recount Results	(S.62(1))
EL41	Declaration of Recount Results	(S.62(4))
EL42	Notice to Candidate of Filing Requirements	(S.78(6))
EL43	Notice of Default	(S.80(3))
EL46	Ballots Account	
EL47	Election Official Application	
EL48	Refund of Nomination Fee	

Additional forms have been prepared for the 2018 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12(1) and 12(2) of *the Municipal Elections Act, 1996*, S. O. 1996.

2018

Candidates' guide

for Ontario municipal council and school board elections

2018 Candidates' guide for Ontario municipal council and school board elections

This guide provides information to candidates for the 2018 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2018-2022 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the Municipal Elections Act, 1996 and other legislation and regulations, such as:

Municipal Act, 2001

City of Toronto Act, 2006

Education Act

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Changes to election rules in 2018

Changes to the Municipal Elections Act, 1996 were made in 2016 and 2017. Those who were familiar with the rules for the 2014 municipal council and school board elections should be aware of the following changes:

- Candidates for municipal council in municipalities with more than 4000 electors must collect 25 signatures endorsing their nominations.
- Nominations may be filed beginning May 1, 2018. Nominations may be filed until 2 p.m. on nomination day (Friday, July 27, 2018).
- Candidates must open a bank account before incurring any expenses or accepting any contributions of money (including a contribution from themselves or their spouse). A candidate who does not spend any money or accept any contributions does not have to open a campaign bank account. The campaign bank account must be used exclusively for campaign purposes, but the previous requirement that the account be opened “in the name of the campaign” has been removed.
- There is now a limit for contributions that a candidate for municipal council and their spouse can make to the candidate's own campaign. This limit does not apply to school board trustee candidates.
- The limit for campaign contributions to one candidate is now \$1,200, increased from \$750. Corporations and trade unions are not permitted to make contributions to candidates.
- There is a separate spending limit for expenses related to parties and expressions of appreciation after the close of voting.
- Expenses related to an auditor's report accompanying the financial statement can be incurred after the campaign period has ended on December 31. These expenses should be included in the financial statement.
- There are now rules for third party advertising. Campaigning for a “yes” or “no” answer to a question on the ballot is now considered to be third party advertising. For detailed information about third party advertising, see the [2018 Guide for Third Party Advertisers](#).
- Municipal clerks are now required to review contributions that are reported by candidates and third party advertisers to see if any contributors have given more than is permitted.
- The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Quick links

The following links are provided in the electronic version of this guide:

Ontario Central Forms Repository – links to election forms:

www.forms.ssb.gov.on.ca (type “municipal election” in Quick Search box)

Ministry of Municipal Affairs – resources for municipal elections:

www.ontario.ca/municipalelections

Ministry of Municipal Affairs – election email address:

mea.info@ontario.ca

General information

Every four years, voters across Ontario decide who will represent their interests and lead their communities by electing the members of their municipal councils and school boards.

The Province of Ontario sets out common rules that all candidates and voters must follow. However, municipalities are responsible for conducting elections to their council and for conducting the election of school trustees to Ontario's school boards. This guide contains information about the rules that are the same for all municipal elections, such as who is eligible to run for office, and rules about campaign spending.

Your municipality may have specific rules on issues such as:

- where and when election signs may be displayed
- whether campaign activities may occur on municipal property
- whether those who make contributions to candidates may receive a rebate.

Contact your municipal clerk if you have questions about the election in your municipality.

The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

Contact the municipal clerk if you are interested in becoming a candidate. The clerk's office is where forms, such as the nomination form and campaign financial statements, must be filed. The clerk is also responsible for providing information about spending limits and filing deadlines to candidates.

If your municipality does not have a website you could visit or contact your town hall for more information.

Eligibility to run for election

Running for municipal council

To run for a position on council you must be eligible to vote in that municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector. For more information about eligibility to vote, please see page 3 of the 2018 Voters' Guide.

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

If your municipality has wards, you can run in any ward – you do not have to live in a particular ward in order to be its councillor. However, if you run in a ward where you do not live, you will not be able to vote for yourself. Having a campaign office or a business in a ward where you would not otherwise be eligible to vote does not make you eligible to vote in that ward.

Municipal employees

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

If you are an employee of a municipality and you wish to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you may wish to check with your employer to see if there are any policies in place that could affect you.

If you are an employee of an upper-tier municipality, you can run for office in a lower-tier municipality without taking a leave of absence or resigning unless being elected to the lower tier council means that you would also be a member of the upper-tier council.

Who is not eligible?

The following people are disqualified from being elected to municipal office:

- 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.

Running for school board trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights). For more information about eligibility to vote, please see page 4 of the 2018 Voters' Guide.

School board employees

You cannot work for a school board and be a trustee in Ontario at the same time.

If you are an employee of any Ontario school board and you wish to run for a trustee position on any school board in the province, you must take an unpaid leave of absence before you file your nomination form. If you are elected, you must resign from your job.

Municipal officials

If you are a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, you are not permitted to run for office as a trustee of that board unless you take a leave of absence. If you are elected, you must resign from your job.

Who is not eligible?

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

- any person who is not eligible to vote in the school board election
- an employee of a school board or a municipal official 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

Note for MPs, MPPs and senators

If you are an MP, MPP or senator, you may file your nomination for municipal or school board office without resigning your current seat in parliament, the legislature or the senate. However, you must resign your seat by the close of nominations (2 p.m. on Friday July 27, 2018). If you are a federal or provincial cabinet minister, you must step down from cabinet prior to filing your nomination and must resign your seat by the close of nominations.

If you have not resigned by nomination day, your nomination will be rejected and your name will not appear on the ballot.

Nominations

Filing your nomination

To file your nomination you must give the following to your municipal clerk:

- a completed nomination form (Form 1)
- the nomination fee
- completed endorsement signature forms (Form 2).**

**If you are running for municipal council and your municipality has more than 4000 electors, you must submit endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for school board trustee and candidates for municipal council in municipalities with 4000 or fewer electors do not have to submit endorsement signatures.

When you fill out the nomination form, write down your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name, you may use that name provided that the clerk agrees.

You do not have to provide all of your names under the box entitled "Given Name(s)" on the form. Only provide the one(s) that you want to appear on the ballot. If your legal name is a single name you do not have to provide any given names.

You must file the nomination form that you have signed – the form may not be a copy and may not be scanned and submitted electronically. You must file the nomination form in person or have an agent file it on your behalf.

The clerk may require you to show identification or fill in an additional form to prove that you are eligible to be nominated. If an agent is going to file the form on your behalf you should check with the clerk to see if you are required to provide identification or additional paperwork.

The nomination fee

The fee to file a nomination is \$200 to run for head of council and \$100 for all other positions. This fee must be paid to the clerk at the time you hand in your nomination form.

Your nomination fee will be refunded if you file your campaign financial statement by the deadline.

Endorsement signatures

If you are running for municipal council in a municipality that has more than 4,000 electors, you must submit 25 signatures endorsing your nomination.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they signed the endorsement. In addition to their endorsement, they will also be required to sign a declaration that they are eligible to vote in the municipality.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they choose and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

If you submit 25 endorsement signatures and find out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, you will not lose your nomination. The person who supplied false information (by declaring that they were eligible to endorse your nomination when they were not eligible) could be subject to prosecution.

School board trustee candidates are not required to submit endorsement signatures.

Deadline to file your nomination

You can file your nomination beginning on May 1, 2018. The last day to file a nomination is Friday, July 27, 2018.

Note: The deadline to file or withdraw a nomination is now in July rather than September.

The clerk has until 4 p.m. on Monday, July 30, 2018 to certify or reject your nomination. The clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified, your name will not appear on the ballot.

Where to file

If you are running for council office in a single-tier or lower-tier municipality (city, town, township, village, etc.), you must file your nomination with the clerk of that municipality.

If you are running for an office in an upper-tier municipality (region or county) that does not also sit on a lower-tier council, you must file your nomination with the clerk of the upper-tier municipality. For example, a person running for chair of Peel Region would file their nomination with the clerk of Peel Region rather than the clerk of Mississauga, Brampton or Caledon.

If you are running for a school trustee position that represents more than one municipality, contact your municipal clerk for information about where to file your nomination.

Changing your mind - withdrawal

If you decide to withdraw your nomination, you must notify the clerk in writing by the close of nominations (2 p.m. July 27, 2018).

If you withdraw your nomination, you are still required to file a campaign financial statement covering all the financial transactions you made in your campaign.

If your campaign did not have any financial transactions, you must file a financial statement reporting this. Your nomination fee will be refunded by the clerk if you file your financial statement by the deadline.

Changing your mind – running for a different office

You can only run for one office at a time. If you decide to run for a different office, your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same council or school board, and both offices are elected at large (i.e. an office such as the mayor, which everyone in the municipality may vote for), everything (contributions, expenses, etc.) from your first campaign is simply transferred to your second campaign.

Example:

You file your nomination to run for deputy mayor on May 7, 2018. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2018.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 7 is transferred to your second nomination (in this case, you would have to pay an additional \$100 to make up the \$200 fee to run for head of council).
- Your campaign for mayor is deemed to have started on May 7.
- Any campaign contributions or expenses that occurred prior to June 29 are transferred to your mayoral campaign.
- You must file one campaign financial statement covering your campaign finances from May 7 until December 31, 2018.
- Your nomination fee will be refunded if you file your campaign financial statement by the filing deadline.

If you decide to run for a different office on the same council or school board, and one or both of the offices is elected by ward, then you must keep the two campaigns separate.

Example:

You file your nomination to run for mayor on May 7, 2018. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2018.

- Your first nomination for mayor is deemed to be withdrawn, and your campaign for mayor ends. You may not transfer any contributions or expenses from your mayoral campaign to your ward councillor campaign.
- You must pay a separate nomination fee when you file your nomination for ward councillor.
- You must file a campaign financial statement covering your campaign for mayor (May 7 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign finance statement covering your campaign for ward councillor (June 29 to December 31) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

If you decide to run for office on a different council or school board, then you must keep the two campaigns separate.

Example:

You file your nomination to run for councillor on May 7. During the summer you decide to run for school trustee instead, and file your second nomination form on June 29, 2018.

- Your first nomination for ward councillor is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for school trustee.
- Your campaign for ward councillor ends. You may not transfer any contributions or expenses from your ward councillor campaign to your trustee campaign.
- You must file a campaign financial statement covering your campaign for ward councillor (May 7 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign finance statement covering your campaign for school trustee (June 29 to December 31) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Endorsement signatures

If you were required to submit 25 endorsement signatures when you filed your first nomination for municipal council, you do not have to submit new endorsement signatures if you withdraw and file a nomination for a different office on the same municipal council.

School board trustee candidates are not required to submit endorsement signatures. If your first nomination was to run for school board trustee and you decide to run for a

municipal council office instead, contact the municipal clerk to find out if council candidates are required to submit 25 endorsement signatures.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, July 30, that candidate will be declared elected by acclamation. Similarly, in a municipality where multiple candidates are elected at large, if the number of certified candidates is the same as or less than the number of offices, those candidates will be declared elected by acclamation.

If you are elected by acclamation, you must still file a campaign financial statement.

Additional nominations

If there are positions that no candidates have run for or positions that are still vacant after the candidates who did run have been acclaimed, the clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between 9 a.m. and 2 p.m. on Wednesday, August 1, 2018. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 2, 2018.

Campaigning

Signs

Your municipality may have rules about when you can put up campaign signs and how signs may be displayed on public property.

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a third party advertiser.

You are responsible for ensuring that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. Contact your local clerk for more information.

You are entitled to have your nomination fee refunded if you file your campaign financial statement by the filing deadline. The clerk cannot make removing your signs an additional condition for receiving your refund.

Getting information out

It is up to you to provide voters with information about you as a candidate and about your campaign. The municipal clerk is not responsible for providing your contact information to voters.

All candidates' debates

The Municipal Elections Act, 1996 does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates could be organized by community groups, media outlets, candidates or any other interested persons.

Joint campaigns / running on a slate

There is nothing in the Municipal Elections Act, 1996 that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates' names on them) must be divided between the campaigns.

For information on campaign finance rules please see pages 16-27.

Third party advertising

Beginning in 2018, there are rules for third party advertising in Ontario's municipal council and school board elections.

A third party advertisement is an ad that supports, promotes or opposes a candidate or a "yes" or "no" answer to a question on the ballot.

Third party in this context means a person or entity who is not a candidate. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who wish to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

Eligible third party advertisers

The following are eligible to register as a third party advertiser:

- any person who is a resident of Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario.

Groups or businesses that are not corporations cannot register as third party advertisers. Candidates cannot register as third party advertisers.

Only registered third party advertisers may spend money on advertisements supporting, promoting or opposing candidates or answers to a question on the ballot during the municipal election.

What is not considered to be third party advertising?

Activities that do not involve spending money, such as speaking with friends or strangers, or posting an opinion on social media are not considered to be third party advertising.

Advertising about an issue rather than a candidate or a "yes" or "no" answer to a question on the ballot is not considered to be third party advertising.

For more information about third party advertising rules, including spending limits and enforcement, please see the [2018 Guide for Third Party Advertisers](#).

On voting day

Campaigning on voting day

The Municipal Elections Act, 1996 does not prohibit campaigning on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these “blackouts” do not exist for municipal council and school board elections.

The act prohibits the display of campaign material inside a voting place. The “voting place” could include the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside the voting place.

Who can stay in a voting place

As a candidate, you are allowed to stay in a voting place to observe but you are not allowed to interfere with voters, attempt to influence how they vote or ask a voter how they voted. Scrutineers may also stay in the voting place.

You and your 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, you may not delay the opening of the voting place.

You and your scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking your seal.

Note: If you have been acclaimed, you are not allowed to be in the voting place or to appoint scrutineers.

Scrutineers

You may appoint a scrutineer for each ballot box in a voting place. You do not have to appoint that many scrutineers, or any scrutineers at all. If you have appointed one scrutineer for each ballot box, one scrutineer must leave while you are in the voting place.

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.

You must provide each of your scrutineers 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.

There are no general restrictions on who you can appoint as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Counting votes

If your municipality is using voting machines or vote counting equipment, the clerk must have the processes and procedures for use of this equipment in place by December 31, 2017. If vote counting equipment is used, the clerk will be able to provide you with information on how the votes will be counted and how many scrutineers may be present.

The vote count begins immediately after the close of voting at on October 22, 2018 at 8 p.m.

If the votes are counted manually, you and your scrutineers are entitled to view the ballots as they are counted, but you cannot touch the ballots. You and your scrutineers may object to a ballot or how it is counted (for example, if it is unclear who the vote is for or if the ballot has extra markings on it). The deputy returning officer is responsible for deciding whether to accept the objection and must keep a list of all the objections raised.

Results

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. You and your scrutineers are entitled to put your or their own seal on the ballot box at this time, and are entitled to sign the statement showing the results.

The sealed ballot box and the statement of the results will then be delivered to the municipal clerk, who will compile the results and declare who has been elected.

Please note: results announced on voting night are unofficial. It may take the clerk a few days or more to make the official declaration.

After voting day

Tied votes

If two or more candidates get the same number of votes and they cannot 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 you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner 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.

Recounts

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

Your municipal council or school board may have a policy in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to persuade a judge to order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

Wrapping up your campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, 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 you are attempting to campaign for the next election early.

Your campaign must end on December 31, 2018 unless you have a deficit and inform the clerk in writing that you are going to extend your campaign (see Extended campaigns on page 26). Once your campaign has ended, you should close your campaign bank account and prepare your campaign financial statement.

Financial statements must be filed with the clerk by 2 p.m. on Friday, March 29, 2019.

Start of term of office

The term of office for the new council or school board begins on December 1, 2018. The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Campaign finance

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The Municipal Elections Act, 1996 does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the campaign financial statement (Form 4) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement. Please see page 37 for links to forms.

You are required to keep all of your campaign financial records until November 15, 2022 when the next council or school board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses, including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution.

What is my campaign period?

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign begins on the day you file your nomination.

In most cases, your campaign will end on December 31, 2018. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (July 27, 2018)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before December 31.

If you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2019.

Bank account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. If you do not spend any money and do not receive any contributions of money, you do not have to open a campaign bank account. If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense.

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution.

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

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things that are not contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.

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) is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

Who can make a contribution

You can accept contributions only from individuals who are normally resident in Ontario. Corporations and trade unions are no longer permitted to make contributions to candidates.

If your spouse is not normally a resident in Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Groups such as clubs, associations or ratepayer's 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 a contribution

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

- a corporation
- a trade union
- an individual who is not normally resident in Ontario
- a federal political party, constituency association, or a registered candidate in a federal election
- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board.

When you can receive contributions

You can only accept contributions after you have filed your nomination, and you cannot accept contributions after your campaign period has finished. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must turn it over to the clerk.

Contribution limits – contributions from yourself and your spouse

If you are running for municipal council, there is now a limit on the total amount that you and your spouse may collectively contribute to your own campaign. The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.20 per eligible elector
- for council member: \$5,000 plus \$0.20 per eligible elector.

There is a cap of \$25,000. If the formula results in a number greater than \$25,000, the limit will still be \$25,000.

The clerk will tell you what your self-funding limit is.

All of the contributions that you and your spouse make to your own campaign count towards this limit, including:

- contributions of money
- the value of goods or services that you or your spouse donate to the campaign
- the value of any inventory from the previous election that you use again in this campaign.

This limit does not apply to school board trustee candidates.

Contribution limits – contributions from other people

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (e.g. contributes money, contributes goods, and

purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

If you are running for mayor in the City of Toronto, the limit is \$2,500.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (i.e. running for the same council or the same school board) is \$5,000.

You are required to inform every contributor of the contribution limits. An easy way to make sure that this is done is to include the contribution limits on the receipt that you provide for each contribution.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions).

Contribution receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date and the value. If the contribution was in goods or services, you must determine the value of the goods or services and issue a receipt for the full value.

If you receive a cheque from a joint personal account, the receipt must be issued only to the person who signed the cheque. The contribution can only come from one person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You 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.

Note: Contribution receipts are not tax receipts. Contributions to municipal council and school board campaigns cannot be credited against provincial or federal income taxes.

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the act as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)

- from an ineligible source (e.g. someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you.

Refunding unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contribution rebates

Contributions to municipal council and school board campaigns are not tax deductible. Your municipality may have a contribution rebate program. Contact your clerk for more information.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

If your ticket price is more than \$100, you must include these contributions in Table 1 on your campaign financial statement (Form 4). If your ticket price is less than \$100 and a person who buys a ticket makes other contributions totalling more than \$100 (including the cost of the ticket), you must record these contributions – including the cost of the ticket – in Table 1.

Campaign Income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income, and not a contribution.

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

- The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.
- The \$1,000 that you spent on the shirts must be recorded as a campaign expense.
- The \$2,500 that you raised by selling the shirts must be recorded as campaign income on your financial statement.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution, but must still be recorded on your campaign financial statement as campaign income.

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your campaign. The nomination fee is a personal expense. It is not considered to be a campaign expense and should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

You can incur expenses only during your campaign period, except for expenses related to the preparation of an auditor's report. If you are required to include an auditor's report with your financial statement, you may incur these expenses after the campaign period has ended. These expenses must also be reported on your financial statement. See page 27 for information about when an auditor's report is required.

Goods and services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services – you must record both the contribution and the expense.

Example:

Your friend spends \$150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of \$150 in goods or services from your friend, and record an expense of \$150.

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

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs, and record a contribution of \$200 in goods or services from the vendor. **Note:** As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Spending Limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

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

When you file your nomination the clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

On or before September 25, 2018 the clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as ten percent of the amount of your general spending limit.

Example:

Your general spending limit is \$25,000. Your spending limit for throwing a party on voting night and making expressions of appreciation such as giving gifts to the members of your campaign team would be \$2,500. These expenses do not count toward your \$25,000 general spending limit.

The clerk will provide you with your spending limit for expenses related to parties and other expressions of appreciation after the close of voting on or before September 25, 2018.

Types of expenses

Most of your expenses will be subject to the spending limit.

The following expenses are not subject to the 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 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.

When the spending limit applies

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Campaign inventory

If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you wish to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

Note to accountants: 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.

Campaign financial statement

It is your responsibility as a candidate to file a **complete** and **accurate** financial statement **on time**.

The filing deadline is 2 p.m. on the last Friday in March following the election (**March 29, 2019**).

If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

Financial statements are not required to have original signatures. You should contact your clerk for information about whether you can file your financial statement by a method such as fax or email if you are not able to file your statement in person.

If you filed a nomination form, you 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.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than \$10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the clerk.

Filing early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 29, 2019. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one at the same time.

Applying for an extension

If you think that you will be unable to file your financial statement by the deadline, you may apply **before March 29, 2019** to the Superior Court of Justice for an extension. If the court grants the extension, you will receive the refund of your nomination fee if you file by the deadline given to you by the court.

Grace period for filing

If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2 p.m. on Monday, April 29, 2019. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, you will forfeit your elected office (if you won the election) and you will be ineligible to run for office or be appointed to fill a vacancy until after the 2022 election.

If you did not file your financial statement by the end of the grace period, you may still file it for the purposes of having your finances on the record. The clerk will accept the financial statement and make it available to the public. The penalties will still apply.

Separate statement for each office

If you filed a nomination and then changed your mind and filed a nomination for a different office, you may be required to file a separate financial statement for each campaign. Please see “Changing your mind – running for a different office” on page 7.

Extended campaigns

Your campaign period ends on Monday, December 31, 2018. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the clerk on or before Monday, December 31, 2018 using the Notice of Extension of Campaign form (Form 6). Please see page 37 for links to forms.

Your campaign may be extended until June 30, 2019.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until December 31 (due March 29, 2019)
- a supplementary financial statement that includes the information from your initial statement and adds financial information from your extended campaign.

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 27, 2019.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit. Starting with the 2018 election, candidates may no longer carry forward a deficit to their next campaign.

Note: Ending your campaign with a deficit may result in questions being raised about how expenses were paid for, and whether you contributed more than your self-funding limit by paying outstanding expenses with personal funds.

Auditor's report

You must have an auditor review your financial statement and provide a report if:

- your campaign expenses exceed \$10,000, or
- the contributions you received (including contributions from yourself) exceed a total of \$10,000, or
- both your expenses and your contributions exceed \$10,000 each.

The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004. Before you hire someone to prepare the report, ensure that they are properly qualified.

You can incur expenses relating to the auditor's report after December 31. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

Automatic penalties

There are three contraventions of the Municipal Elections Act, 1996 where penalties apply automatically:

1. if you fail to file a financial statement by the end of the 30-day grace period or fail to apply to the court before March 29, 2019 for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the clerk when you file your financial statement.

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2022 election.

Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you 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. You may appeal the committee's decision to the Superior 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 your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you 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 Municipal Elections Act, 1996 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 you contravened the act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2018 election must be commenced before November 15, 2022.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly.

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the financial statement

General information

Candidates must use Form 4.

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur any expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 29, 2019)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 27, 2019)**.

A-Z tips for completing form 4

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (e.g. collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

If the anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. If the anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 1 (listing "anonymous" as the name of the contributor). You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004. Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you ran for office on the same council or school board in the previous election, and that campaign also had a deficit, you may include this amount to arrive at the total deficit for your campaign.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to December 31, 2018.

Campaign period

Your campaign period begins on the date you file your nomination paper with the clerk.

In most cases, the end date will be December 31, 2018. Exceptions are:

- if you withdrew your nomination, the date you withdrew is the end date
- if you were not certified as a candidate, nomination day (July 27, 2018) is the end date.

Note: if you have extended your campaign in order to fundraise to eliminate a deficit, you must file an initial statement reflecting your campaign finances as of December 31, and a supplementary statement which includes any contributions or expenses incurred after December 31.

The end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions; or
- June 30, 2019.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

If you ran for office on the same council or school board in the previous election, and that campaign had a deficit, you may subtract this amount from your surplus.

You are entitled to recoup contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be recouped by you and your spouse if the campaign ends with a surplus.

Contributions totalling more than \$100

If a contributor makes one or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided.

Contributions totalling \$100 or less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided.

Note: it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 2 because the total exceeds \$100.

Corporations

Corporations are not permitted to make contributions to candidates. If you have accepted a contribution from a corporation, you must return it.

Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Fundraising events/activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket

- if goods or services are offered for sale, any amount of money paid that exceeds their market value (e.g. if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event.

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables.

The fundraising event may also generate income that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (e.g. if a \$100 item is sold for \$175, \$100 is income)
- if goods or services are offered for sale for \$25 or less, the money paid is campaign income.

Goods and services

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fund-raising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Ineligible contributions

Only individuals normally resident in Ontario may contribute to your campaign.

Trade unions, corporations, other businesses and groups are not permitted to make contributions to candidates.

Spouses are not permitted to make a joint contribution. If a contribution comes from a joint account, you must determine which individual is actually making the contribution.

A contributor is only permitted to contribute up to \$1,200 to your campaign in total (\$2,500 if you are running for mayor in Toronto). This includes the value of goods and services. If a contributor has made a number of separate contributions to your campaign, ensure that the total does not exceed the limit.

Only contributions of \$25 or less may be made in cash.

You must return an ineligible contribution as soon as you become aware that it is not permitted under the Municipal Elections Act, 1996. If you are not able to return it to the contributor, you must turn it over to the clerk.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign, and counts towards your self-funding limit. You must calculate the current market value (for example, if you have 100 signs left over from 2014 and use them again, you must calculate how much it would cost to purchase those same signs in 2018) and record it in Table 1. This inventory must also be recorded as a campaign expense.

Loan

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your 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 basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Sign deposit

If your municipality requires a deposit for election signs, this should be recorded as a campaign expense and paid for using campaign funds. If your deposit is refunded, record the amount under Income in Box C.

Spending limit

The clerk is required to issue you two spending limit estimates – one when you file your nomination, and one in September. The higher of the two is your final spending limit.

Trade unions

Trade unions are not allowed to make contributions to candidates. If you have accepted a contribution from a trade union, you must return it.

Volunteers

The value of services provided by volunteers is generally not considered to be a contribution. If a professional (e.g. accountant, lawyer, etc.) volunteers to provide services for which they would normally be paid, the market value of the service must be recorded as a contribution by the volunteer, and as a campaign expense.

Forms for municipal candidates

You can get copies of forms from your municipal clerk, or you can download them from the Government of Ontario's Central Form Repository at www.forms.ssb.gov.on.ca.

[Direct link to all forms](#)

[Nomination Paper \(Form 1\)](#)

[Endorsement of Nomination \(Form 2\)](#)

[Appointment for Voting Proxy \(Form 3\)](#)

[Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)

[Financial Statement – Subsequent Expenses \(Form 5\)](#)

[Notice of Extension of Campaign Period \(Form 6\)](#)

[Notice of Registration – Third Party \(Form 7\)](#)

[Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

[Declaration of Identity \(Form 9\)](#)

Contact us

If you have questions or would like to give feedback on this guide, please contact us at mea.info@ontario.ca.

You can also contact your regional Municipal Services Office:

Central Municipal Services Office

13th Floor, 777 Bay St.
Toronto ON M5G 2E5
Telephone: 416-585-6226 or 1-800-668-0230

Lower Tier, Upper Tier and Single Tier Municipalities (Barrie, Dufferin, Durham, Halton, Hamilton, Muskoka, Niagara, Orillia, Peel, Simcoe, Toronto, York)

Eastern Municipal Services Office

Rockwood House
8 Estate Lane
Kingston ON K7M 9A8
Telephone: 613-545-2100 or 1-800-267-9438

Lower Tier, Upper Tier and Single Tier Municipalities (Belleville, Brockville, Cornwall, Dundas/Glenarry, Frontenac, Gananoque, Haliburton, Hastings, Kawartha Lakes, Kingston, Lanark, Leeds and Grenville, Lennox & Addington, Northumberland, Ottawa, Pembroke, Peterborough, Prescott, Prescott-Russell, Prince Edward, Quinte West, Renfrew, Smith Falls and Stormont)

Northern Municipal Services Office (Sudbury)

Suite 40, 159 Cedar St.
Sudbury ON P3E 6A5
Telephone: 705-564-0120 or 1-800-461-1193

Districts (Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming)

Northern Municipal Services Office (Thunder Bay)

Suite 223, 435 James St. S
Thunder Bay ON P7E 6S7
Telephone: 807-475-1651 or 1-800-465-5027

Districts (Kenora, Rainy River and Thunder Bay)

Western Municipal Services Office

2nd Floor, 659 Exeter Rd
London ON N6E 1L3
Telephone: 519-873-4020 or 1-800-265-4736

Lower Tier, Upper Tier and Single Tier Municipalities (Brant, Brantford, Bruce, Chatham-Kent, Elgin, Essex, Grey, Guelph, Haldimand, Huron, Lambton, London, Middlesex, Norfolk, Oxford, Perth, St. Thomas, Stratford, Waterloo, Wellington and Windsor)

Ministry of Municipal Affairs

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So You Want to Run for Council?

Running for a seat on Council can be relatively simple. The rules that govern who can run and how to run an election campaign can be found in any Municipal Clerk's office in Ontario. But, from the moment you file your nomination form your life will change!

There are questions you need the answers to and this new course from AMO can help you.

Are You Ready?

What does it take to run for council?

What should I know before I run?

The media and me.

What are the powers and influence of municipal government?

What rules, regulations and laws govern my actions as an elected official?

A sample quote from the course:

"There are joys and disappointments in equal measure. Nothing compares to the satisfaction of knowing you've made a difference in your community, and that a decision you've been a part of has made the lives of your residents better."

Where?

MunicipalEducation.ca

How? This is an online work at your own pace course. Take it anywhere!

Cost: \$66.37 +HST (\$75.00)

The course builds on the experience of elected officials - what they didn't know that they wish they did.

AMO Association of
Municipalities Ontario

Who is AMO?

The Association of Municipalities of Ontario (AMO) works to make municipal governments stronger and more effective. Through AMO, Ontario's 444 municipalities work together to achieve shared goals and meet common challenges.

AMO's history spans back to 1899, with a steady reputation, the mandate of AMO has always been to support and enhance strong and effective municipal government in Ontario. We promote the value of the municipal level of government as a vital and essential component of Ontario and Canada's political system.

Through Policy Advocacy, Educational Programming, Administration of the Federal Gas Tax Program, and more, AMO is the voice of municipal government in Ontario.

If you do get elected you will want to attend our other education and training programs. Ask your Municipal Clerk about registering.

- **In Person Workshops:** These full-length interactive workshops are geared to newly elected officials looking to get foundational skills quickly and begin an effective council term. AMO also offers skills upgrade workshops for returning elected officials on leadership development, financial strategy and more.
- **Online Courses:** AMO offers at your own pace learning in areas such as Land Use Planning; Financial Literacy; Energy Procurement and Asset Management at MunicipalEducation.ca
- **Webinars:** Throughout the year AMO offers one-hour lunch and learn webinars on topics such as social media, risk management and new legislation.

For more details on your municipal association and what we offer please visit www.amo.on.ca

Why is this Course Unique?

Content was designed by current and retired members of council. People who just like you decided to run, and have the knowledge and first-hand experience of what challenges and opportunities exist in community leadership.

Their expertise paired with the practical tools you need this course is invaluable for you as you start your election campaign.

Course content covers:

- Reasons That You Should and Should Not Run for Council;
- What You Should Know Before You Run for Office;
- Dealing with the Media;
- Techniques for Working with Others;
- The Roles of Council Members and Staff;
- What are the powers and influence of municipal government?
- Transparency and Accountability in Government;
- and much more...



MunicipalEducation.ca

ON THE LIST TO VOTE?
ÊTES-VOUS SUR LA LISTE ÉLECTORALE ?

HAVE
YOUR SAY



VOUS
CONNECTEZ

LOG ON TODAY • POUR VOUS FAIRE ENTENDRE

Voter
LookUp.ca

October 22, 2018
Municipal and School Board Elections
Élections municipales et scolaires
2018, 22 octobre 2018





Candidate Training Session presented by the Ministry of Municipal Affairs for the Municipalities of Dufferin County

The Ministry of Municipal Affairs will be conducting two free Candidate Training Sessions for potential candidates and third party advertisers on Thursday, June 28, 2018:

2 pm to 4pm

Shelburne

Grace Tipling Hall
203 Main Street East

7 pm to 9 pm

Orangeville

Orangeville Town Hall
Council Chambers
87 Broadway

Topics to be discussed include:

- roles and responsibilities of elected officials, staff and third party advertisers
- eligibility rules
- nomination process
- campaign finances
- compliance audit
- voters' list and voting proxy
- scrutineers
- recounts
- resources

If you require further information, please contact your municipal Clerk's Office:

Town of Grand Valley	jwilson@townofgrandvalley.ca	(519) 928-5652
Town of Mono	mark.early@townofmono.com	(519) 941-3599, x226
Town of Orangeville	sgreatrix@orangeville.ca	(519) 941-0440, x2242
Town of Shelburne	jwilloughby@shelburne.ca	(519) 925-2600, x223
Township of Amaranth	suestone@amaranth-eastgary.ca	(519) 941-1007
Township of East Garafraxa	suestone@amaranth-eastgary.ca	(519) 928-5298
Township of Melancthon	dholmes@melancthontownship.ca	(519) 925-5525
Township of Mulmur	kvroom@mulmur.ca	(705) 466-3341



TOWNSHIP OF MELANCTHON - COUNCIL

The governing body of the Corporation of the Township of Melancthon is Council. Council consists of a Mayor, Deputy Mayor and three Councillors. The ratepayers and residents of Melancthon elect the Members of Council for a four year term which commences December 1st, 2018 until November 30, 2022. Council deals with matters that require policy direction, by-laws and responses to actions to pertinent issues. They also have legislative responsibilities.

Council meetings are open meetings, which members of the public are welcome (and encouraged) to attend.

Certain portions of some meetings may be closed to the public for discussions in accordance with Section 239 of the Municipal Act, 2001.

*Council Agendas, Materials and Minutes are posted on the website www.melancthontownship.ca under the **COUNCIL** section.*

Council Meetings

When:

Council meets on the 1st and 3rd Thursday of the month at 5:00 p.m. in the Council Chambers. Committee of Adjustment meets on the 3rd Thursday of the month at 6:00 p.m. in the Council Chambers. Committee of Adjustment deals with planning consent and minor variance applications.

Council will also meet in Committee of the Whole and those meetings vary month by month depending on whether one is required or not.

Please check the website for the 2018 and 2019 Council meeting schedules, as well as any cancellations or changes in meeting venue.

Where:

Council meets at the Municipal Office in the Council Chambers - 157101 Highway 10.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

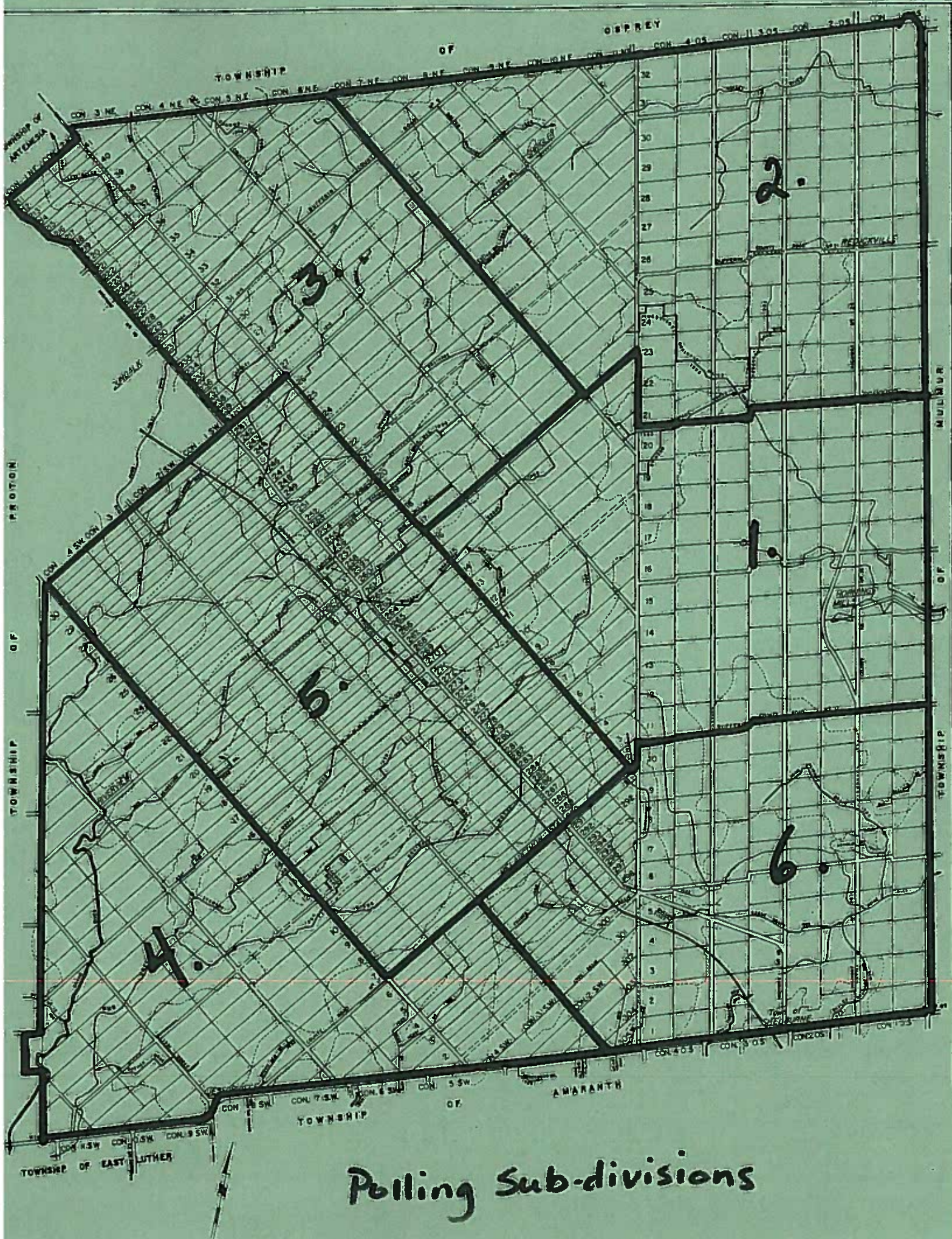
Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

TOWNSHIP BOARDS AND SUB-COMMITTEES

The following are the various Boards and Sub-committee that Council members can choose to sit on:

- Committee of Adjustment (comprised of all members of Council)
- Committee of the Whole (comprised of all members of Council)
- Centre Dufferin Recreation Complex (two members)
- North Dufferin Community Centre (Honeywood Arena) (one member)
- Nottawasaga Valley Conservation Authority (one member)
- Shelburne and District Fire Department (two members)
- Mulmur-Melancthon Fire Department (two members)
- Shelburne Public Library (one member)
- Township of Melancthon Police Services (one member)
- Horning's Mills Community Hall (one member)
- Horning's Mills Cemetery (two members)
- Horning's Mills Community Park (two members)
- Corbetton Park (one member)
- St. Paul's Cemetery (one member)
- FOI Sub-committee (three members)
- Human Resources Sub-committee (two members)
- Upper Grand Watershed Committee (one member)
- Township of Southgate Recreation Advisory Committee (one member)



Polling Sub-divisions



The Corporation of

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157101 Highway 10, Melancthon, Ontario, L9V 2E6

KEY DATES FOR THE 2018 MUNICIPAL ELECTIONS

Electors in the Township of Melancthon will be voting electronically, by internet or telephone, in the 2018 Municipal Election.

Key Dates	Explanation
<i>Tuesday, May 1st, 2018 to Friday, July 27th, 2018</i>	<i><u>Nomination Period:</u> Nomination forms may be filed by candidates beginning Tuesday, May 1st, 2018 and on any day thereafter 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.) and on Nomination Day, Friday, July 27th, 2018 when nomination forms may be filed between the hours of 9:00 a.m. and 2:00 p.m.</i>
<i>Tuesday, May 1st, 2018 to Monday, December 31st, 2018</i>	<i><u>Campaign Period:</u> The campaign period begins when a candidate has filed the nomination form and ends on December 31st, 2018. Alternative time periods are in effect if the candidate withdraws the nomination, if the Clerk rejects the nomination, or the candidate extends his/her campaign and is continuing to campaign to erase a deficit.</i>
<i>May 1st to October 19th, 2018</i>	<i><u>Third Party Advertising:</u> Individuals, corporations or trade unions may file with the Clerk to be a registered third party for the election; in prescribed form. Restrictions apply as to who may register.</i>
<i>Friday, July 27th, 2018</i>	<i><u>Nomination Day:</u> Last day for filing nominations. Nominations, in the Required Form, filed on this date may only be filed between the hours of 9:00 a.m. to 2:00 p.m. Third Party Advertising: filings for registration accepted July 27th to October 19th.</i>

Monday, July 30 th , 2018	<u>Certification of Nomination Forms and Acclamations:</u> The Clerk shall certify filed nomination forms prior to 4:00 p.m. Immediately after 4:00 p.m., the Clerk shall declare any acclaimed eligible candidates to be duly elected.
Tuesday, September 4 th , 2018	<u>Voters' List:</u> The Clerk shall make the list of voters available to persons entitled. Early October, a Voter Information Letter will be mailed to residents directly in the month of October, providing them with a Personal Identification Number (PIN) which will allow them to vote 24 hours a day during the voting period from any touch-tone telephone, cell phone, computer or other device connected to the internet.
Friday, October 12, 2018 to Monday, October 22nd, 2018	<u>Advanced Polls open:</u> Friday, October 12, 2018 at 10:00 am to Monday, October 22, 2018 at 10:00 am Vote from any touch-tone telephone, cell phone, computer or other device connected to the internet. Voter Help Centre at the Township Office, 157101 Highway 10, open Monday to Friday 8:30 am to 4:30 pm during the entire election. Drop in or Call: 519 925 5525
Monday, October 22nd, 2018 Election Day:	<u>FINAL DAY to VOTE</u> by Internet or Telephone from 10:00 am to 8:00 pm.
Tuesday, October 23 rd , 2018	<u>Declaration of Results:</u> The Clerk will declare the results of the election of candidates "as soon as possible after voting day".
Saturday, December 1 st , 2018	<u>Term of Office Commences:</u> Elected members must take the oath of office prior to taking their seat. Inaugural Meeting will be held on Thursday, December 6 th at 9:00 am in the Council Chambers, 157101 Highway 10.
Monday, December 31 st , 2018	Campaign Period Ends for candidates and registered third parties.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

**NOTICE OF NOMINATIONS FOR OFFICE
2018 Municipal Election**

For the Offices of:

MAYOR – one (1) to be elected

DEPUTY MAYOR – one (1) to be elected

COUNCILLORS – three (3) to be elected

Term of Office will be from December 1, 2018 until November 30, 2022. To run for the position of Mayor, Deputy Mayor or Councillor, you must be:

- *a Canadian Citizen*
- *at least 18 years of age*
- *a resident of Melancthon Township, or an owner or tenant of land in the Township of Melancthon, or the spouse of such owner or tenant*
- *is not prohibited from voting under any law*

A Nomination form may be filed by Candidates beginning Tuesday, May 1, 2018 and on any day thereafter prior to Nomination Day, at any time when the Clerk's Office is open (Monday to Friday, 8:30 a.m. – 4:30 p.m.) and on Nomination Day, Friday, July 27, 2018 between 9:00 a.m. and 2:00 p.m.

*The prescribed fee, which may be refundable, must accompany the Nomination form. The fees for Head of Council (Mayor) is **\$200.00** and for all other Candidates is **\$100.00**, payable by cash, certified cheque, money order or debit.*

Please note that Candidates must not spend or raise funds for their election campaign until their Nomination Form has been filed. The Nomination Form must be signed by the Candidate and may be filed in person or by an agent with the Clerk or designate of the Township of Melancthon. If an agent files the Nomination Form, it must be accompanied by a piece of Government Issued Photo identification including address, with the signature of the Candidate, and must be commissioned prior to filing with the Clerk.

In the event there are insufficient number of Certified Candidates to fill all positions available, nominations will be reopened for the vacant positions only on Wednesday, August 1, 2018, between the hours of 9:00 a.m. to 2:00 p.m. and such additional nominations, if required, may be filed in the Office of the Clerk of the Township of Melancthon.

Electors are hereby given notice that if a greater number of Candidates are certified than are required to fill the said Offices, voting will take place between Friday, October 12, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.

For additional information, please contact Denise B. Holmes, AMCT, CAO/Clerk - dholmes@melancthontownship.ca, 519-925-5525 Ext. 101.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

**NOTICE OF PENALTIES UNDER SUBSECTIONS 88.23(2) AND 92(1) OF
THE MUNICIPAL ELECTIONS ACT - 2018 MUNICIPAL ELECTION**

Pursuant to Section 33.1 of the *Municipal Elections Act, S.O. 1996*, the Clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 88.23 (2) and 92 (1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34. (All of sections 88.23 (2), 92 (1), and 34 have been included to provide necessary context):

Effect of default by candidate

88.23 A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

- (a) if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- (b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- (c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 60.

Penalties

- (2) Subject to subsection (7), 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 is 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. 2016, c. 15, s. 60.

Offences regarding campaign finances

Offences by candidate

92 (1) 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 88.23 (2),

- (a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- (b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (1).

Refund

34 - A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25(1) are filed on or before 2 p.m. on the filing date in accordance with that subsection. 2016 c.15, s.26.

May 1, 2018



The Corporation of

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Website: www.melancthontownship.ca

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MAXIMUM PRELIMINARY CAMPAIGN EXPENSES
Municipal Elections Act, 1996 (s.33.0.2, s.88.9.1)

The *Municipal Elections Act* establishes a maximum amount a candidate may spend during the campaign period:

HEAD OF COUNCIL (MAYOR) - \$7,500.00 + \$0.85 per elector

DEPUTY MAYOR - \$5,000.00 + \$0.85 per elector

COUNCILLOR - \$5,000.00 + \$0.85 per elector

The preliminary maximum campaign expense limits, based on 2,457 eligible electors on September 15, 2014 is:

HEAD OF COUNCIL (MAYOR) - \$9,588.45

DEPUTY MAYOR - \$7,088.45

COUNCILLOR - \$7,088.45

The Clerk will issue a final Certificate of Maximum Campaign Spending Limits by September 25, 2018.

MAXIMUM CAMPAIGN CONTRIBUTIONS TO A CANDIDATE'S OWN ELECTION
CAMPAIGN

The maximum amount a candidate for an office on a council and his or her spouse may contribute to the candidate's own election campaign is the lesser of \$25,000.00 or:

HEAD OF COUNCIL (MAYOR) - \$7,500.00 + \$0.20 per elector

DEPUTY MAYOR - \$5,000.00 + \$0.20 per elector

COUNCILLOR - \$5,000.00 + \$0.20 per elector

The preliminary maximum campaign expense limits, based on 2,457 eligible electors on September 15, 2014 are:

MAYOR - \$7,991.40

DEPUTY MAYOR - \$5,491.40

COUNCILLOR - \$5,491.40



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

PROHIBITION ON CAMPAIGN ADVERTISING IN A "VOTING LOCATION"

(MUNICIPAL OFFICE AND SURROUNDING PROPERTY

FROM THE MUNICIPAL ELECTIONS ACT, 1996

Prohibition

48. (1) While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. 1996, c.32 Schedule, s.48(1)

No election campaign material

(2) Without limiting the generality of subsection (1), no person shall display a candidate's election campaign material or literature in a voting place. 1996, c.32, Schedule, s.48 (2)

Interpretation

(3) For the purpose of this section,

"Voting place" includes any place in the immediate vicinity of the voting place designated by the Clerk. 2002, c.217, Schedule D, s.18

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 8-2017

A BY-LAW TO AUTHORIZE THE USE OF ALTERNATIVE VOTING METHODS
(TELEPHONE AND INTERNET) FOR THE 2018 SCHOOL BOARD AND MUNICIPAL
ELECTION

WHEREAS, the *Municipal Elections Act*, 1996, S.O. 1996, c.32, s. 42 provides that a municipal council may pass by-laws authorizing the use of voting and vote counting equipment and electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote; and

AND WHEREAS, the Township of Melancthon deems it appropriate to use telephone and internet voting to conduct the 2018 school board and municipal election; and

NOW THEREFORE the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

1. That the use of electronic voting by telephone and internet as alternative voting methods is hereby authorized by Council to conduct the 2018 school board and municipal election.
2. That the counting of ballots by electronic methods, in keeping with the voting method, is hereby authorized.
3. In this by-law, words shall have the same meaning as defined or set out in the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended.
4. No proxy voting provisions are applicable at the municipal elections conducted in accordance with this by-law.
5. Any person, Corporation or trade union guilty of corrupt practice or contravention of the provisions of the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended may be prosecuted pursuant to the provisions of the said Act.
6. Any other previous by-laws authorizing alternative voting methods or containing contrary provisions of this by-law are hereby repealed.
7. That this by-law shall come into force and effect on the date of final passing thereof.

By-Law read a first, second and a third time and finally passed this 2nd day of February, 2017.


.....
MAYOR


.....
CLERK

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 1-2016

**A BY-LAW TO ADOPT A CODE OF CONDUCT FOR
MEMBERS OF COUNCIL**

WHEREAS the Municipal Act, S.O., 2001, Section 223.2(1) provides that municipalities are authorized to establish codes of conduct for members of the council of the municipality and of local boards of the municipality;

AND WHEREAS Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:

Code of Conduct	1.1	Members shall conduct themselves according to the Code of Conduct.
Preamble	1.2	A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Township's elected representatives operate from a base of integrity, justice and courtesy.
General	1.3	The Township of Melancthon Council Code of Conduct is a general standard that augments the provincial laws and municipal by-laws that govern conduct. It is not intended to replace personal ethics.
		All members shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of their official duties.
Gifts and Benefits	1.4	<p>Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as Township Councillors, except compensation authorized by law.</p> <p>This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$100.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$100.00 shall be the property of the municipality.</p> <p>No Member shall seek or obtain by reason of their office any personal privilege or advantage with respect to Township services not otherwise available to the general public and not consequent to their official duties.</p>
Confidentiality	1.5	All information, documentation or deliberation received, reviewed or taken in closed session of Council and its

		<p>committees are confidential, except as otherwise directed by Council.</p> <p>Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.</p> <p>Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.</p> <p>Particular care should be exercised in ensuring confidentiality of the following types of information:</p> <ul style="list-style-type: none"> • Labour negotiations • Information about suppliers provided for evaluation which might be useful to other suppliers • Matters relating to the legal affairs of the Township • Sources of complaints where the identity of the complainant was given in confidence • Items under negotiation • Information defined as "personal information" under the Municipal Freedom of Information and Protection of Privacy Act <p>This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.</p>
Use of Township Property	1.6	<p>No member shall use for personal purposes any Township property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council has been advised. Personal use of Township-issued devices such as an ipad or cellular is permitted.</p> <p>No member shall obtain financial gain from the use of Township-developed intellectual property, computer programs, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Township of Melancthon.</p> <p>No member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than their official duties.</p>
Work of a Political Nature	1.7	<p>No member shall use Township facilities, services, or property for their re-election campaign.</p> <p>No member shall use the services of Township employees for their re-election campaign, during hours in which the employees are in the paid employment of the Township.</p>
Representing the Township	1.8	<p>Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.</p>

Influence On Staff	1.9	<p>Members shall be respectful of the fact that staff work for the Township as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of Members of Council.</p> <p>In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.</p>
Business Relations	1.10	No member shall borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
No Member shall Act as a Paid Agent	1.11	No member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Township.
Encouragement and Respect for Township	1.12	Members shall encourage public respect for the Township and its by-laws.
Attendance at Meetings	1.13	Members shall make best attempts to attend Council and Committee meetings and be on time. When a member cannot attend a meeting they shall contact the Clerk's Department in advance.
Conduct During Meetings	1.14	<p>During meetings, members shall conduct themselves with decorum. Respect for delegations and fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations and when other members have the floor.</p> <p>Members will avoid any conduct towards a member of council or staff which is known or ought reasonably to be known to be unwelcome, which offends, embarrasses or intimidates, or which reflects intolerance towards any group or individual.</p>
Harassment	1.15	<p>Harassment is defined in accordance with the Ontario Human Rights Code as vexatious comment or conduct that is unwelcome or ought reasonably to be known to be unwelcome.</p> <p>Members of Council acknowledge that every person who is a councillor or employee has a right to freedom from harassment in the workplace.</p> <p>Harassment of another member, staff or any member of the public is misconduct.</p>

Bullying	1.16	<p>Workplace bullying is defined as “repeated” unreasonable behaviour directed towards an employee or a group of staff, that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another staff member/s.</p> <p><u>Examples of Workplace Bullying</u></p> <p>The most common types of workplace bullying are:</p> <ul style="list-style-type: none"> • Spreading malicious rumours, gossip or innuendo that is not true • Excluding or isolating someone socially • Intimidating a person • Undermining or deliberately impeding a person's work • Withdrawing necessary information or purposefully giving the wrong information • Setting impossible deadlines • Making inappropriate jokes • Persistent criticism of appropriate work • Freezing out, ignoring or excluding • Attempts to humiliate staff in front of others • Unjustified monitoring of work • Verbal/non-verbal threats • Abusive, offensive or insulting language • Behaviours that frighten, humiliate, belittle or degrade • Belittling a person's opinions • Damaging or interfering with a person's property or work equipment • Threats of violence or actual incidents of violence • Regular ultimatums and/or threats of dismissal • Inappropriate comments about a person's appearance, lifestyle or their family. <p><i>When bullying escalates to include incidents of physical assault or threats, it is considered workplace violence.</i></p> <p>Bullying another member of Council, staff or any member of the public is misconduct.</p>
Interpretation	1.17	Members of Council seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.
Effective date	1.18	This by-law shall take effect on the date of its final passing.
Alleged Breaches of the Code of Conduct	1.19	If a breach of the Code of Conduct is alleged the complaint should be lodged with the Integrity Commissioner.

READ a first, second and third time and finally passed this 17th day of March, 2016.

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 16-2015

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES AND TO REPEAL BY-LAW NO. 8-2009, 15-2009, 3-2010, 21-2010, 11-2012, 15-2013 and 58-2014

WHEREAS *the Municipal Act* provides that a Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings, provide for public notice of meetings and to govern the conduct of its members.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-Law:

- 1.1 "Act" means *The Municipal Act*, 2001, S.O. 2001, c.25, as amended.
- 1.2 "Chair" means the person presiding at the Meeting.
- 1.3 "Clerk" means the Township Clerk or Deputy Clerk of the Township.
- 1.4 "Closed Meeting or Session" refers to a Meeting or portion thereof which is closed to the public in accordance with the applicable legislation.
- 1.5 "Committee" means the Committee of the Whole, a Standing Committee, or Special Committee of the Council.
- 1.6 "Committee of the Whole" means all of the Members sitting in Committee.
- 1.7 "Committee Chair" means the Chair of the Committee.
- 1.8 "Council" means the Council of the Corporation of the Township of Melancthon.
- 1.9 "Deputation" means an address to Council or Committee at the request of a person wishing to speak.
- 1.10 "Majority Vote" in Council or Committee means an affirmative vote of more than one-half of the votes cast by those present.
- 1.11 "Meeting" means a meeting of the Council or a Committee.
- 1.12 "Member" means a "Member of Council or Committee."
- 1.13 "Members of the Gallery" means a person in attendance at the meeting.
- 1.14 "Motion to lay on the table" means a particular matter removes the subject from consideration until the Council votes to take it from the table.
- 1.15 "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers.
- 1.16 "Notice of Motion" means a written motion received by the Clerk at a meeting of Council, moved by a member, for inclusion on an agenda of a subsequent meeting of Council.
- 1.17 "Notice" means a written or printed communication publicly displayed.
- 1.18 "Point of Order" means a question by a member with the view to calling attention to any issue relating to the Procedural By-Law or the conduct of Council's business or in order to assist the member in understanding

Council's procedures, making an appropriate motion or understanding the effect of a motion.

- 1.19 "Point of Privilege or Personal Privilege" means a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Township official has been impugned or questioned by a member.
 - 1.20 "Posted" means posted on the Township of Melancthon web site in a section under the heading "PUBLIC NOTICES".
 - 1.21 "Published" means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.
 - 1.22 "Public Question Period" means the time set aside at Council meetings for a member of the public to ask a question of Council.
 - 1.23 "Quorum" means the minimum number of members required to be present at a meeting to carry on business.
 - 1.24 "Question" means a sentence worded or expressed so as to seek information.
 - 1.25 "Recorded Vote" means a written record of the name and vote of every member voting on any matter or question.
 - 1.26 "Resolution" means the decision of Council on any motion.
2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees. Provided the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

COUNCIL AND COUNCIL MEETINGS

- 3. Meetings of the Council shall be held in the Council Chambers or at any other place provided for by Resolution of Council. Council will make every effort to give at least two (2) weeks' notice of any change of venue.
- 4. The inaugural meeting of Council shall take place at 9:00 A.M. on the first Thursday of December following the election. The regular meeting of Council shall be held on the first Thursday of each month at 5:00 P.M., and on the third Thursday of the month, starting at 5:00 P.M., Roberts Rules of Order shall prevail where applicable in all matters not covered by this By-law.
- 5. During the regular Council meeting in January, Council will review and confirm the next year's tentative meeting dates.
- 6. The Mayor may at any time summon a special meeting of Council on 24 hours' notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four hours' notice of all special meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed. The Mayor at his/her discretion may call an emergency meeting.
- 7. In the case of the absence of the Mayor from the Municipality or if he/she is absent through illness, or he/she refuses to act or his/her office is vacant, another member of Council shall be appointed to act from time to time in the place and stead of the Mayor and he/she shall have all the rights, powers, and authority of the Head of Council, while so doing.

8. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor shall take the Chair and call the meeting to order.

ACCOUNTABILITY AND TRANSPARENCY

9. (a) All Council and Committee meetings shall be open to the public.

- (b) Notwithstanding Paragraph 9 (a) above, a meeting of Council or Committee may be closed to the public if the subject matter being considered relates to:

- i) the security of the property of the municipality or local board;
- ii) personal matters about an identifiable individual, including municipal or local board employees;
- iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
- iv) labour relations or employee negotiations;
- v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- vi) advice that is subject to solicitor-client privilege, including communications necessary for that purposes;
- vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- viii) the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.
- ix) a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1) the meeting is held for the purpose of educating or training the members;
 - 2) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

- (c) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee or either of them shall state by resolution,

- i) the fact of the holding of the closed meeting, time entered and the general nature of the matter to be considered at the closed meeting; or
- ii) in the case of a meeting under 9 b ix), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

- (d) Subject to subsection 9 b), a meeting shall not be closed to the public during the taking of a vote.

- (e) A meeting may be closed to the public during a vote if,

- i) subsection 9 (b) permits or requires a meeting to be closed to the public and,
 - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- (f) Meeting or sessions which are closed to the public may be referred to as closed meetings or closed sessions.
- (g) Confidentiality – Members shall ensure that confidential matters disclosed to them and materials provided to them during closed meetings or sessions are provided to them in advance of the meeting or session are kept confidential. The obligation to keep information confidential applies even if the member ceases to be a member of Council.

ABSENCE OF HEAD OF COUNCIL

10. Subject to the provisions of *The Municipal Act*, and where no Presiding Officer has been appointed under Clause 6 of this by-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of Council shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

NO QUORUM

11. If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

CURFEW

12. No item of business may be dealt with at a Council meeting after Ten (10) P.M., unless agreed to by the majority of Council present.

INCLEMENT WEATHER

13. For all Council and Committee meetings, should the Mayor, or his/her designate or Chair deem the weather to be severe or an emergency, the meeting shall be cancelled and rescheduled for another time.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL OR COMMITTEES

14. It shall be the duty of the Mayor or other Presiding Officer,
- (a) to open the meeting of Council by taking the chair and calling the Members to order,
 - (b) to announce the business before the Council in the order in which it is to be acted upon,
 - (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,
 - (d) to put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the result,
 - (e) to decline to put to vote motions which infringe the rules of procedure,
 - (f) to restrain the Members, within the rules of order, when engaged in debate,
 - (g) to enforce on all occasions the observance of order and decorum among the Members,

- (h) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering him/her to vacate the Council Chamber,
 - (i) to receive all messages and other communications and announce them to the Council,
 - (j) to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of the Council,
 - (k) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
 - (l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
 - (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
 - (n) to adjourn the meeting when the business is concluded,
 - (o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room,
 - (p) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber or meeting room where such behaviour persists.
15. It shall be the role of Council,
- (a) to represent the public and to consider the well-being and interests of the municipality;
 - (b) to develop and evaluate the policies and programs of the municipality;
 - (c) to determine which services the municipality provides;
 - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - (e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (f) to maintain the financial integrity of the municipality; and
 - (g) to carry out the duties of Council under this or any other Act.

AGENDAS

16. The Clerk at his/her discretion, and who may consult with the Mayor, shall have prepared, from all petitions, communications, correspondence and delegation requests, which are received no later than 12 Noon on the Thursday prior to the regular meeting, an agenda under the following headings:

- (a) Call to Order
- (b) Announcements
- (c) Additions/Deletions/Approval of Agenda
- (d) Declaration of Pecuniary Interest and the General Nature Thereof
- (e) Approval of Draft Minutes
- (f) Business Arising from Minutes
- (g) Point of Privilege or Personal Privilege
- (h) Public Question Period
- (i) Committee/Outside Board Reports
- (j) County Council Update
- (k) Road Business
- (l) Correspondence
- (m) General Business
- (n) New/Other Business/Additions to Agenda
- (o) Unfinished Business
- (p) Delegations
- (q) Closed Session
- (r) Notice of Motion
- (s) Onsites
- (t) Correspondence on File at the Clerk's Office
- (u) Confirmation By-law

(v) Adjournment

17. Agendas shall be generally formatted as above, but modifications to the matter to be included may be affected without requiring amendments of this By-law.

18. The business of the Council shall in all cases be taken up in order in which it stands upon the agenda unless otherwise decided by Council.

19. Any item which is not on the agenda as printed, but has been determined by the Clerk to be of a nature which requires Council's attention prior to the next scheduled meeting, may be added by addendum at the discretion of the Clerk.

20. Any items brought forward as a time sensitive issue by other means shall require a majority vote of the members present to be added to the agenda.

21. Council shall take breaks at the discretion of the Mayor and Council.

22. Agenda Packages shall be posted on the Township's Website (under Agendas and Minutes) by the close of business on the Monday prior to the regular Council meeting or by the close of business on the Tuesday if the Monday falls on a Statutory Holiday. Items that will not be included in the package will consist of the draft minutes, draft by-laws (unless authorized by Council or at the discretion of the Clerk), Closed Session materials, documents directly available from other sources i.e. Government Agencies, Conservation Authorities, etc. and links will be provided. The materials included in the package in advance of the meeting are at the discretion of the CAO or designate. Correspondence received after the before mentioned deadline may or may not be included with the posted agenda. Paper copies of the complete agenda packages or specified agenda items will be available upon request within two business days of the request and shall be accompanied by payment as per the Township's fee schedule. The posted Agenda for a Council/Committee meeting shall constitute notice of a meeting under this By-law

23. Any submission made to Council and listed on the Agenda may be withdrawn by the submitting person or agency at any point preceding that submission being reviewed by Council at the meeting for which the Agenda applied.

PUBLIC QUESTION PERIOD

24. Public Question Period will fall on the Agenda after Point of Privilege or Personal Privilege on the regular Council Agenda.

25. Council requests that questions be submitted ahead of the meeting by 12 Noon on the Thursday prior to the regular Council meeting. Each person will be allowed to ask one question, either written or oral, during this time, and one question for clarification purposes only after the answer is given on the original question.

26. A question arising from the posted material on the website may be asked at the meeting and does not necessarily have to be received in writing. Council reserves the right to defer any question if they are not able to answer it at the meeting.

27. The time allotted for Public Question Period will be 20 minutes. If less time is required and there are no further questions, the Mayor/Chair will declare Public Question Period to be closed and carry on with the regular business of the meeting, or if time permits, individuals will be allowed to ask an additional question. Also, with time permitting, anyone wishing to make a comment may do so and Council may choose to respond to the comment if felt to be in the Public interest.

AUDIO RECORDING AND VIDEOTAPING COUNCIL MEETINGS

28. Videotaping of Council Meetings will not be permitted. Video interviews of a Member of Council or Staff can be conducted after the meeting in the office.
29. Audio recording will be permitted under the following conditions:
 - (a) the request must be made to the CAO before the meeting starts.
 - (b) only accredited Reporters/Journalists will be allowed to record.
 - (c) the request must be approved by Motion of Council stating the Name and Affiliation to the Media Outlet of the Requester and the general reason for wanting to record.
 - (d) Should a request by an accredited Journalist to record all or part of a meeting be approved, all parties should be aware that the Council for the Township of Melancthon will also be recording the same meeting or part thereof.
30. For clarification purposes, this applies to Council meetings. For Public Meetings held under the Planning Act for a Zoning By-law Amendment or Official Plan amendment, these meetings could be videotaped or tape recorded provided approval of the CAO has been received and that it has been posted that the meeting is being recorded.

MINUTES

31. Minutes shall record:
 - (a) The place, date and time of the meeting and the time of adjournment;
 - (b) The names of Council/Committee members and staff present;
 - (c) The reading, if requested, correction and adoption of the minutes of prior meetings;
 - (d) All other proceedings, which will include motions, resolutions, decisions and directions of the meeting without note or comment. Council decisions and directions to Staff will be clearly stated by the Mayor/Chair to the Clerk for recording.
 - (e) The public may ask questions or address Council during public question period, which is not recorded. Council and or staff may respond at their discretion or they may or may not defer the item to a future agenda.
 - (f) The draft minutes of each Council/Committee meeting shall be presented to Council for approval at the next regular Council/Committee meeting. The minutes shall be made available to the Public after Council approval by motion of Council.
 - (g) After the Council minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

VERBAL SUB-COMMITTEE/COMMITTEE/OUTSIDE BOARD REPORTS

32. Verbal Reports of each Council Member's Sub-Committee/Committee/Outside Board meeting will be given at the first regular Council meeting of the month.
33. It will be the responsibility of the Council member giving the verbal report to have it type-written and submitted to the CAO/Clerk to be kept on file in the Clerk's Office.

COMMITTEES

34. (a) Council shall, determine the appropriate number of Committees, mandates and their membership. The Committees shall sit for the term of

Council, or as determined by Council.

- (b) All Committees will forward their recommendations to Council in the form of a Report.
- (c) The Committee minutes will be forwarded to Council in approved form.
- (d) Council members who are not members of a specific committee may attend meetings of that committee and may, with consent of the Chair of that committee, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote but their attendance shall be noted in the minutes at these meetings.
- (e) Council may at its discretion, appoint Board/Committee members by By-law or resolution or dismiss members of any Board/Committee by resolution of Council.

COMMITTEE OF THE WHOLE

- 35. (a) When it appears that any matter may be more conveniently considered in Committee of the Whole, and the proceedings taken in Committee when adopted by Council shall be deemed to be proceedings of Council.
- (b) The Mayor shall preside as Chair of the Committee of Whole. In the event that Council wishes to designate another Member of Council, other than the Mayor, to act as Chair for the Committee of the Whole, this may be done by resolution of Council.
- (c) In the event the Mayor is absent, the Deputy Mayor will preside as Chair of the Committee of the Whole. If Council has designated another Member to Chair the Committee of the Whole and that Member is absent, the Committee of the Whole shall select another Chair from the Members present.
- (d) The Chair of the Committee of the Whole shall maintain order in Committee and report the proceedings to Council.
- (e) The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole so far as they are applicable, provided that no vote shall be recorded.

DISCLOSURES OF PECUNIARY INTEREST

- 36. Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or local board at which the matter is the subject of consideration, the Member, in accordance with the *Municipal Conflict of Interest Act*:
 - (a) shall determine whether they may have a pecuniary interest and to disclose the nature thereof.
 - (b) shall prior to any consideration of the matter at the meeting, disclose the Member's interest verbally at the meeting and then in writing, in a form provided, to the Clerk, the general nature thereof; and
 - (c) shall not take part in the discussion of, or vote on any question in respect of the matter;
 - (d) shall not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

- (e) where a meeting is open to the public, the Member shall, in addition to complying with the requirements of *the Municipal Conflict of Interest Act*, shall forthwith leave the meeting or part of the meeting during which the matter is under consideration.
- (f) where a meeting is not open to the public, the Member shall, in accordance with the *Municipal Conflict of Interest Act*, forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- (g) where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.
- (h) every declaration of interest and the general nature thereof made shall where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the committee or local board, as the case may be.
- (i) every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.
- (j) where the number of members who, by reason of the Provisions of *The Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

PETITIONS AND COMMUNICATIONS

37. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, and filed with the Clerk.

DEPUTATIONS/DELEGATIONS

38. (a) All deputants/delegations shall be received for inclusion on the Agenda at the discretion of the CAO/Clerk or designee and the request shall be put in writing regarding the nature of the deputation/delegation on the "Delegation Request Form" provided by the Township Office. The request must be received by 12 noon on the Thursday prior to the requested meeting. All deputants at Council, not listed on the agenda, shall only be heard upon the consent of Council.
- (b) All deputants shall address the Mayor/Chair and shall state their name and whom they represent.
- (c) Each delegation shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than a combined total of fifteen (15) minutes. A maximum of two (2) deputations/delegations per meeting shall be permitted. Delegations for the purposes of Council Training shall be permitted a longer period of speaking time at the discretion of the CAO/Clerk.
- 2) Each issue and/or deputation/delegation will be allowed one meeting presentation to the Council and/or committee with a period of 6 months lapsing before the issue can be raised again. An exception may be granted if substantially new and/or substantially significant information is

provided to the Clerk or Committee Secretary.

- (d) No deputant shall;
 - 1) speak disrespectfully of any person;
 - 2) use offensive words;
 - 3) speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
 - 4) disobey the rules of procedure or a decision of the Chair or Council.
- (e) The Mayor/Chair may shorten the time of any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this by-law.
- (f) No person, except Members and authorized staff shall be allowed to come within the area of Council during a Council meeting without permission of the Mayor/Chair or Council.
- (g) In the event that a previously scheduled delegation does not appear at the prescribed time, with or without notice, the Council will continue on with the business of the day and may or may not at the discretion of Council, receive the delegation on their arrival and that delegation may be rescheduled to a later date.
- (h) Members of the public who constitute the audience at a meeting, shall not:
 - 1) address Council or Committee address without permission;
 - 2) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberations.
 - 3) enter the meeting room without first removing any non-religious or non-medical head gear.
 - 4) shall put on silence all electronic devices.
- (i) The Chair may cause to be expelled and excluded any member of the public, who creates any disturbance or acts improperly, during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from police officers.

READING OF BY-LAWS AND PROCEEDINGS THEREON

- 39. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
 - 1. Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the By-Law.
 - 2. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.
- 40. Every by-law shall have three readings prior to it being passed and may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided by law.

41. The first and second reading of a by-law shall be decided without amendment or debate.
42. If Council so determines, a by-law may be taken as read.
43. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
44. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor and shall be deposited by the Clerk in his/her office for safekeeping.

MOTIONS

45. **Notices of Motion** - Notice of all new motions except motions listed in Clauses 57 and 58 shall be given in writing, delivered to the Clerk by 12 Noon on the Thursday prior to the regular Council meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and shall be complete and correct.
46. **Motion to Reconsider** - A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a member who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.
47. **Seconding** - All motions shall be seconded before being debated or being put to a question and recorded in the minutes of the meeting.
48. **Presentation of Motion by Mayor** - When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally (Section 57), it shall be stated by the Mayor before debate.
49. **Amendment** - A motion to amend;
 - shall be presented in writing,
 - shall receive disposition of Council before a previous amendment or the question,
 - shall not be further amended more than once provided that further amendment may be made to the main question,
 - shall be relevant to the question to be received,
 - shall not be received proposing a direct negative
 - may propose a separate and distinct disposition of a question,
 - shall be put in the reverse order to that in which it is moved.
50. **Questions Stated** - Immediately preceding the taking of the vote, the Mayor or Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/She shall state the question in the precise form in which it will be recorded in the minutes.
51. **No Interruption After Question** - After a question is finally put by the Mayor no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
52. **Unrecorded Vote** - The manner of determining the decision of the Council on a motion shall be at the discretion of the Mayor and may be by voice, show of hands, standing or otherwise.

53. **Recorded Vote** – If a member present at a meeting at the time of a vote requests immediately before or immediately after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote starting with the Member who requested the vote and proceeding to the right of that Member and ending with the Mayor who will have the last vote, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk to announce the results.
54. **Tie Votes** – Any questions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
55. **Failure to Vote** – A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
56. (a) **Withdrawing a Motion** – A motion can be withdrawn by the mover and seconder at any time before the motion is called to a vote.
- (b) **Rescinding a Motion** – A motion to rescind a motion previously passed can be made by anyone but only if no action has been taken on the motion to be rescinded. It requires a two-thirds vote for adoption.
- (c) **Tabling a Motion** - A motion to "table" (or defer) a motion must be supported by the majority of the members present and is put to vote without debate or amendment.
57. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
- (a) a point of order or personal privilege;
 - (b) presentations of petitions,
 - (c) to lay on the table,
 - (d) to postpone indefinitely or to a day certain;
 - (e) to move the previous question
58. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- (a) to refer,
 - (b) to adjourn,
 - (c) to amend,
 - (d) to suspend the Rules of Procedure
59. Except as provided by Clause 57 above, all motions shall be in writing and signed by the Mayor.

RULES OF DEBATE

60. To address Council, a Member shall raise their hand requesting to speak, be recognized by the Chair, stand and direct all comments through the Chair.
61. When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.
62. When a Member is speaking, no other Member shall interrupt the

- Member speaking except to raise a point of order, privilege or personal privilege.
63. Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
 64. No Member shall speak for longer than five (5) minutes on a question without Council's permission.
 65. No Member shall speak more than twice to the same question provided that no member shall speak more than once until each Member who has indicated a desire to speak on the issue and has not been heard, has spoken on the question, except that a reply shall be permitted only from a Member who has presented the main motion.
 66. A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Mayor/Chair, the previous speaker, the CAO/Clerk or Department Heads and their designates.
 67. When a Member rises on a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Mayor/Chair to raise the point. After leave is granted, the Member shall state the point to the Mayor/Chair and then remain silent until the Mayor/Chair has ruled upon the point.
 68. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Mayor/Chair shall rule on the point.
 69. Any Member may challenge the ruling of the Mayor/Chair immediately following the ruling.
 70. The Mayor/Chair's ruling is final unless it is challenged.
 71. Council's decision is final if the Mayor/Chair is challenged.
 72. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Mayor or, subject to an appeal to the Council upon a point of order.

POINTS OF ORDER AND PRIVILEGES

73. The Mayor shall preserve order and decide questions of order/privilege when brought forward by any member of Council.
74. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

CONDUCT OF MEMBERS OF COUNCIL

75. No Member in an open or closed meeting, shall speak disrespectfully of the Reigning Sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, of any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
76. No Member shall,

- (a) in an open or closed meeting, use offensive words or un-parliamentary language in or against the Council or against any Member, staff or guest;
 - (b) speak on any subject other than the subject in debate;
 - (c) criticize any decision of the Council except for the purpose of moving that the questions be reconsidered;
 - (d) disobey the rules of the Council or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case a Member persists in any such disobedience after having been called to order by the Mayor, the Mayor may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council" but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.
 - (e) knowingly be absent or leave a meeting without notifying the Clerk, preferably in writing
 - (f) text, email or make phone calls during the Council meeting
77. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Mayor or the Council upon reference.
78. When the Mayor is putting the question, no Member shall leave or make a disturbance.

SUSPENSION OF RULES

79. Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.

AMENDMENT

80. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council. The waiving of this notice by the Council is prohibited.
81. In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.
82. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-Law, including any amendments thereto.

CONFLICT

83. If there is any conflict between this By-Law and any statute, the provisions of the statute prevail.

NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING

84. Manner of Notice

- (a) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be posted on the Township's Website. Council or the Clerk may provide additional notice by direct mail and/or publishing a notice in a newspaper at their discretion.

Time of Notice

- (b) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the *Act* or its regulations, and if not so prescribed, notice shall be given at least once, not less than 48 hours or more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting being taken.
- (c) If the proposed by-law is not passed at the Council meeting specified in a notice in Section 84 (a), but consideration of the matter is deferred, no further notice is required under Section 84 (a), if a public statement is made at the meeting that the matter has been deferred and that the municipality now intends to adopt or amend the by-law at a later Council meeting specified in the public statement. This section applies to any further deferrals of the matter.

Form of Notice

- (d) Unless otherwise prescribed in the *Act* or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - a. A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - b. The date, time and location of the meeting;
 - c. Where the purpose of the meeting or proposed by-law is related to specific lands with the Township, a key map showing the affected lands;
 - d. The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.

Financial

Adoption of Annual Budget

- (e) The notice provisions set out in Sections 84 a), 84 b) & 84 c) shall apply to the discussion, consideration and adoption of the annual budget in total.

Operating Costs Incurred Prior to Budget Approval

- (f) Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

Improvements to Service

- (g) Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Township and its local boards; and barriers identified by the Township and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be posted at the same time as prescribed in the *Act* for the publication of Performance Measures.

General

- (h) Where separate by-laws have been enacted in accordance with provisions contained in the *Act*, the notice provisions set out in such by-laws shall prevail.

- (i) No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.
- (j) Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

Emergency Provision

- (k) If a matter arises, which in the opinion of the Clerk, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Melancthon, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

EFFECTIVE DATE

85. This By-Law shall become effective upon the date of the enactment.

86. By-Laws 8-2009, 15-2009, 3-2010, 21-2010, 11-2012, 15-2013 and 58-2014 are hereby repealed.

Read a first and second time this 16th day of April, 2015.

Read a third time, and finally passed this 16th day April, 2015.

.....
MAYOR

.....
CLERK

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 21 -2018

A By-law to provide remuneration, allowances and expenses for members of Council.

WHEREAS the Municipal Act provides that Council may pass by-laws for payment of its members.

NOW THEREFORE the Township of Melancthon enacts as follows:

- 1. The annual remuneration for Mayor shall be \$15,715.18 per annum effective the first day of January each year.
- 2. The annual remuneration for the Deputy Mayor shall be \$10,893.36 per annum effective the first day of January in each year.
- 3. The annual remuneration of a Councillor shall be \$9,822.11 per annum effective the first day of January in each year.
- 4. In addition to the annual remuneration, a member of Council attending meetings outside Municipality shall receive \$60.00 per diem and \$0.50 per km. for functions authorized by Council. Any meetings over 5 hours will be paid at the rate of \$100.00 per meeting.
- 5. The Mayor as an ex officio member of other Boards and Committees and each member of Council appointed by Council to serve on the following Boards shall be paid for attendance at meeting at the following rates:

Board	Rate
Cemetery Board	\$60.00 or \$100.00 if over 5 hours
Park Board	\$60.00 or \$100.00 if over 5 hours
Community Hall Board.....	\$60.00 or \$100.00 if over 5 hours

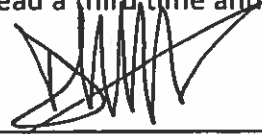
For attendance on the above Boards the members of Councils shall receive \$0.50 per km. necessarily travelled in connection with their duties.

- 6. Each member of Council appointed by Council to a Sub-Committee of Council shall be paid the following meeting rates:

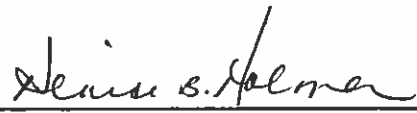
Up to 1 hour	\$30.00
One to three hours	\$50.00
Three to five hours	\$60.00
Over five hours	\$100.00
- 7. Members of Council shall be reimbursed their actual expenditures associated with their authorized attendance at Conferences.
- 8. Members of Council, with the exception of the Mayor shall receive a monthly allowance of \$75.00 for IT and supplies. (Note: Mayor receives an allowance from the County of Dufferin).
- 9. The members of Council shall be paid \$0.50 per km. necessarily travelled in connection with their duties.
- 10. All by-laws inconsistent with this by-law are hereby repealed.

By-law read a first and second time this 3rd day of May, 2018.

By-law read a third time and passed this 3rd day of May, 2018.



MAYOR



CLERK