

2022 Candidate & Third-Party Advertisers Information Session



MUNICIPALITY OF
GREENSTONE

Ministry of Municipal Affairs and Housing

Candidate and Third-Party Advertiser Information Session 2022 Municipal Election

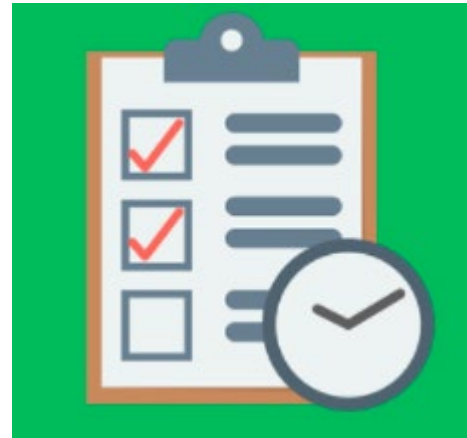
June / July 2022

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only.
- The slides should not be considered legal advice. These slides are not meant to replace provincial legislation. For more specific information, please refer to the relevant legislation and regulations which can be found online at <https://www.ontario.ca/laws>.
- Since local facts and circumstances vary, users should obtain their own legal and professional advice when specific issues arise.
- Please note that some terms referred to on the following slides may not be terms from the *Municipal Elections Act, 1996* but are terms that are commonly referred to in the context of municipal elections and are provided for general information and ease of understanding only.

Overview

- Roles and responsibilities of elected officials and staff
- Eligibility rules
- Nomination process
- Campaign finances
- Compliance audit
- Voters' list and voting proxy
- Scrutineers
- Recounts
- Resources



Running for Municipal Office



Council and Staff Roles

Council

Represent the public and to consider the well-being and interests of the municipality



Councillor

Plays several roles including representative, policymaking and stewardship role in the municipality



Head of Council

Act as Chief Executive Officer of the municipality and provide leadership to council

CAO and Staff

Implement council's decisions and establish administrative practices and procedures



Role of Council

- Section 224 of the *Municipal Act, 2001*
- It is the role of council to:
 - represent the public and to consider the well-being and interests of the municipality
 - develop and evaluate the policies and programs of the municipality
 - determine which services the municipality provides
 - ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of council
 - ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
 - maintain the financial integrity of the municipality
 - carry out the duties of council under the *Municipal Act, 2001* or any other Act

Role of Council (cont'd)

- It is also the role of council to:
 - conduct meetings
 - pass bylaws
 - Develop policies with respect to:
 - accountability and transparency
 - notice
 - delegation of authority
 - hiring
 - disposition and sale of land
 - procurement of goods and services
 - relationship between council and staff
 - protection of tree canopy and natural vegetation
 - pregnancy and parental leaves



Role of Head of Council

- Section 225 of the *Municipal Act, 2001*
- It is the role of head of council to:
 - act as the chief executive officer
 - preside over council meetings “so that its business can be carried out efficiently and effectively”
 - provide leadership to the council
 - provide information/recommendations to council on policies, practices, procedures, to ensure transparency and accountability
 - represent the municipality at official functions
 - carry out the duties of the head of council under the *Municipal Act, 2001* or any other Act

Role of Head of Council (cont'd)

- As the chief executive officer of the municipality, the head of council shall:
 - uphold and promote the purposes of the municipality
 - promote public involvement
 - act as the representative and promote the municipality locally and elsewhere
 - participate in and foster activities that enhance the economic, social and environmental well being of the municipality and its residents

Staff Role

- The *Municipal Act, 2001*, sets out the role of the officers and employees of the municipality as follows:
 - implement council's decisions and establish administrative practices and procedures to carry out council's decisions
 - undertake research and provide advice to council on the policies and programs of the municipality
 - carry out other duties required under the *Municipal Act*, or any Act and other duties assigned by the municipality
- Some officers of the municipality have statutory obligations

Clerk

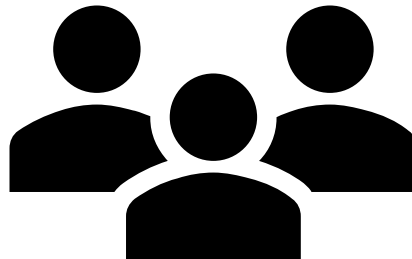
Treasurer

Chief
Building
Official

Fire Chief

Role of the Chief Administrative Officer

- The *Municipal Act, 2001* sets out the role of the chief administrative officer (CAO).
- The CAO is responsible for:
 - exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
 - performing such other duties as are assigned by the municipality.

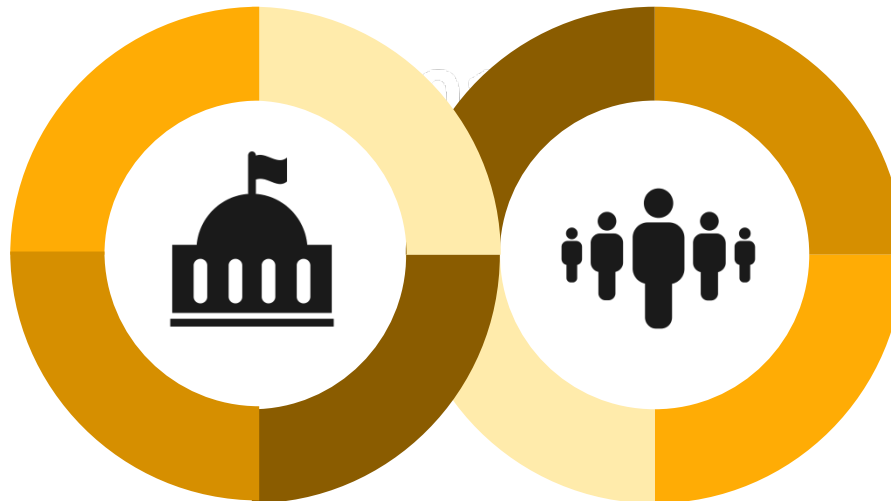


Council/Staff Relationship

- All municipalities should recognize the importance of council-staff relations
- Some councils have established programs that require employee input into operational policies and procedures
 - This practice recognizes staff experience and expertise and encourages communication

Council

- Representative
- Direction and Policy
- Decisions
- Political Leadership



CAO and Staff

- Manage people and Resources
- Research and Advice
- Implementation
- Organizational Leadership

Representative Role

- Elected by the constituents to represent their views
 - many views/opinions
 - cannot represent all of them all of the time
- Election to office requires a broad understanding of the issues. A councillor may have to consider:
 - opposing interests
 - making decisions that may not be popular with everyone
- A councillor should make decisions in the best interests of the municipality as a whole



Policy-Making Role

- Policies provide direction for municipal operations by establishing general principles to help guide actions.



Stewardship Role

- Council's objectives are to ensure financial and administrative resources are used efficiently
 - council monitors implementation of approved policies and programs
 - practical aspects of implementation and administration rests with staff
- Council may wish to develop processes to help ensure:
 - policies adopted by council are being implemented
 - staff are administering services and programs as council intended
 - rules and regulations are being applied correctly and consistently
 - funds are being spent only as authorized, and the municipality's resources (financial and otherwise) are being used appropriately and as efficiently as possible
- Council monitors and measures municipality's administrative effectiveness and efficiency

Accountability and Transparency

- Ontario municipalities and council operate under a legislated accountability and transparency framework
- Key requirements for municipalities include:
 - adopting policies related to accountability and transparency specified in section 270 of the *Municipal Act, 2001*
 - establishing a code of conduct for members of council and certain local boards
 - ensuring access to an Integrity Commissioner
 - certain *Municipal Conflict of Interest Act* and open meeting requirements

Codes of Conduct



- Municipalities are required to adopt a code of conduct for members of council and certain local boards
 - Mandatory subject matters that must be included: gifts, benefits and hospitality; respectful conduct; dealing with confidential information; and use of municipal or local board property/equipment

Accountability Officers

- It is mandatory for municipalities to provide access to an Integrity Commissioner
- The following accountability officers are optional:



**Municipal
Ombudsman**



Auditor General



**Lobbyist Registry
and Registrar**

Ontario Ombudsman

The Ontario Ombudsman has a role with respect to municipalities.



Ombudsman may investigate municipalities upon receipt of complaint or on own initiative

Ombudsman cannot compel municipalities to act

Ombudsman may make recommendations to council and the municipality as part of a report

Municipality determines whether and how to address any recommendations made by Ombudsman

Ombudsman does not replace locally established complaint mechanisms or act as integrity commissioner for municipalities

Privacy and Confidentiality

- The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) is the primary statute for privacy and confidentiality
 - Sets out rules for collection, use and disclosure of personal information
 - Regulates confidential information of other kinds (in addition to personal information)
- Other laws, including local by-laws, regulate personal and other kinds of confidential information
- Councillors may have responsibilities if receiving confidential information in the course of their duties (e.g. protecting and safeguarding the information)
 - check with municipal staff about appropriate measures and the municipality's practices (e.g. providing for physical security)

Municipal Office Eligibility/Ineligibility

Eligible	<ul style="list-style-type: none">✓ A resident, owner or tenant of land in the municipality or the spouse of such owner or tenant✓ A Canadian citizen✓ 18 years of age or older✓ Not legally prohibited from voting✓ Not disqualified by any legislation from holding municipal office
Ineligible	<ul style="list-style-type: none">✗ any person not eligible to vote in the municipality✗ an employee of the municipality (unless a leave of absence is taken before nomination and the employee resigns if elected)✗ a judge of any court✗ a member of the Ontario Legislature, Senate or House of Commons✗ a person who was a candidate in the previous election and did not file a campaign financial statement by the deadline

Nomination Process

- Nominations can be filed beginning on May 1, 2022.
- Nomination day is August 19, 2022 (between 9:00 am and 2:00 pm).
- Withdrawal of a nomination must be filed with the clerk's office in writing before 2:00 pm on nomination day.
- It is recommended that a candidate personally attend at the clerk's office to withdraw a nomination.
- Clerk must certify nominations by 4:00 pm on Monday following nomination day (August 22, 2022).



Nomination Process (cont'd)

- Candidates must complete Form 1 (nomination paper) and submit it to the municipal clerk with the filing fee:
 - \$200 for head of council or
 - \$100 for all other offices
- The clerk may require candidates to show proof of eligibility or fill out a declaration that the individual is eligible to run.
- In a ward system, an eligible voter in the municipality may run in any ward.
- Municipal clerks may choose to permit municipal election candidates (for municipal council and school board trustee) and third-party advertisers to file nomination and registration paperwork electronically (e.g. without having to attend the clerk's office in person)



Nomination Process: 25 Signature Requirement



- The nomination for an office on council must be endorsed by at least 25 persons using Form 2 - endorsement of nomination form.
- Persons endorsing a nomination must be eligible to vote in an election for an office within the municipality if a regular election was held on the day that the person endorses the nomination.
- Individuals may endorse more than one nomination.
- The clerk is entitled to rely upon the information filed by the candidate.

Running For a Different Office

- Occasionally, a candidate changes their mind and decides to run for a different office
- A candidate may run for only one office at a time
- If a candidate files a second nomination, the first nomination is deemed to be withdrawn
- If a candidate decides to run for a different office on the same council or as a school board trustee and both are elected at large, everything from the first campaign is transferred to the second campaign.
- Note: If a candidate was running for an at-large council position and decided to run for the head of council position the nomination filing fee would need to be topped up to \$200
- If one or both offices is/are elected by ward, the two campaigns must be kept separate and a separate nomination filing fee would be required.

Contributions

- Candidates and third-party advertisers do not have to open a bank account if they do not raise or spend money.
- A contribution includes money, goods or services.
- Contributions to candidates from trade unions and corporations are prohibited in municipal elections.
- Corporations and trade unions can contribute to third-party advertisers.
- Municipalities and local boards must establish rules and procedures regarding the use of municipal or board resources during the campaign period.
- Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution.



Contributions (Cont'd)



- Candidates can accept contributions from:
 - individuals who are normally resident in Ontario
 - the candidate and their spouse
- third-party advertisers may accept contributions from individuals normally resident in Ontario, trade unions that hold bargaining rights for employees in Ontario and corporations that carry on business in Ontario.
- Corporations are deemed to be a single corporation if one of the corporations controls the others, directly or indirectly, or if all of the corporations are owned or controlled by the same person or group of persons either directly or indirectly.

Contributions (Cont'd)

- Candidates and third-party advertisers cannot accept contributions from:

- ✗ a federal political party, constituency association or registered candidate in a federal election
- ✗ a provincial political party, constituency association or registered candidate or leadership contestant
- ✗ federal or a provincial government
- ✗ a municipality
- ✗ a school board
- ✗ a business or group that is not a corporation

Contributions (Cont'd)

- Contributions over \$25 may be by cheque or money order or by a method that clearly shows where the funds originated.
- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution.
- Donations under \$25 at fundraising events are not contributions.
- Ticket price of fundraiser is a contribution.
- Receipts must be issued for each contribution and should include the name and address of the contributor and the amount and date of the contribution.
- No anonymous contributions except for pass the hat collections (limited to \$25).

Contribution Limits

- The limit on contributions to any one candidate or registered third-party advertiser is \$1,200.
- Contributors are limited to an aggregate total of \$5,000 to any number of candidates running for the same council or school board.
- Contributors are limited to an aggregate total of \$5,000 to any number of third-party advertisers registered in the same municipality.
- Limit applies whether it is one large contribution or the total of a number of smaller contributions or combination of money, goods and services.
- Candidates and third-party advertisers are required to inform contributors of contribution limits.

Self-Funding Limits

- There is a limit on the amount that a candidate for a municipal council can make to their own campaign. This limit also applies to contributions made by the candidate's spouse.
- This limit is based on the number of electors voting for the office, to a maximum of \$25,000 per candidate:
 - \$7,500 + \$0.20 per elector for head of council
 - \$5,000 + \$0.20 per elector for other council offices
- These contributions must be deposited into the campaign account, a receipt provided and the contributions reported on the financial statement.



Borrowing



- Loans can only be borrowed from a bank or other recognized lending institution in Ontario and must be directed into the campaign account.
- Loans may only be guaranteed by the candidate or their spouse.
- Generally, the same borrowing rules apply to third-party advertisers.

Campaign Expenses

- For the purposes of the *Municipal Elections Act, 1996*, the following are considered campaign expenses:
 - Candidates – costs incurred for goods or services by or under the direction of a candidate wholly or partly for use in their election campaign are expenses.
 - third-party advertisers – costs incurred by or under the direction of a registered third-party advertiser for goods or services for use wholly or partly in relation to third-party advertisements that appear during an election in a municipality are expenses.



Campaign Expenses (Cont'd)



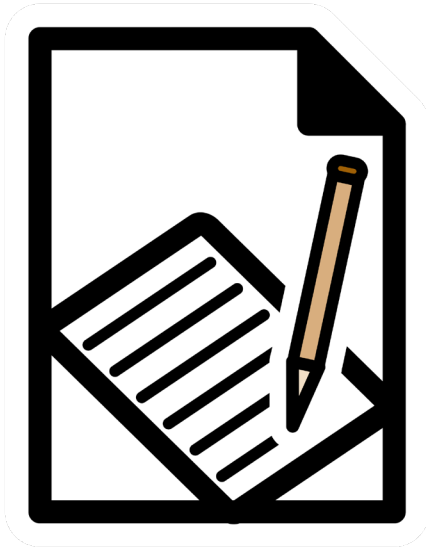
- A campaign expense includes:
 - ✓ any expense incurred for goods and services in relation to an election
 - ✓ the replacement value of any goods held in inventory from a previous election
 - ✓ the equivalent value of any contribution of goods and services for use in whole or in part

Spending Limits

- Ontario Regulation 101/97
- General Spending Limit:
 - Head of council: \$7500 + 85 cents per elector
 - All other offices: \$5000 + 85 cents per elector
- Spending Limit for Parties, etc.
 - Maximum amount for parties etc. after voting day – 10% of the above calculated amounts.
- The clerk's calculation of the spending limit is final



Spending Limits (Cont'd)



- The clerk will provide both candidates and third-party advertisers with two certificates:
 - preliminary estimate – when filing a nomination form or when registering as a third-party advertiser, based on the 2018 voters' list
 - amount based on the 2022 voters' lists which will be provided by September 25
- The higher of the two amounts is the spending limit.

Expenses Not Subject to The Spending Limits

- Expenses that are not subject to the general campaign spending limit include:
 - holding a fundraising event or activity
 - expenses related to a recount
 - expenses incurred by a candidate with a disability that are directly related to the disability
 - audit and accounting fees
 - expenses related to a compliance audit
 - expenses related to a court action for a controverted election
 - expenses incurred after voting day

(Note: expenses related to a recount and controverted elections do not apply to third-party advertisers)

CAMPAIGN FINANCE RULES



- Campaign finance rules for candidates (sections 88.8-88.11 and 88.15-88.20 of the *Municipal Elections Act, 1996*).
- Campaign finance rules for third-party advertisers (sections 88.12-88.14 and 88.21 of the Act).
- A campaign bank account must be opened for election campaign purposes prior to spending money or accepting contributions.
- All contributions of money must be deposited in the campaign account.

Campaign Finance Rules (Cont'd)

- Accurate record keeping is a legislated requirement.
- Candidates and third-party advertisers must keep records of:
 - receipts issued for every contribution
 - value of every contribution
 - whether contribution is in form of money, goods or services
 - contributor's name and address
 - every expense including the receipts obtained for each expense.
- All campaign financial records must be retained until after November 15, 2026, when the new council/local board has been sworn in.



Campaign Finance Rules (Cont'd)

- As a best practice, candidates and third-party advertisers should:
 - ensure that receipts are stored in a secure place
 - have a multi-part receipt (one for contributor, one for candidate to keep).
 - make sure that receipts are sequentially numbered
 - consider including contribution limits on the receipt
 - have the bank provide monthly statements and cancelled cheques for the account
 - produce duplicate deposit slips for every deposit
 - maintain a petty cash fund



Campaign Advertisements

- Candidates and third-party advertisers cannot cause an election campaign advertisement to appear unless they provide the following information to the broadcaster or publisher in writing:
 - the name of the candidate/registered third-party advertiser
 - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third-party advertiser
 - the third-party advertiser must also include the name of the municipality where the third-party advertiser is registered.
- No broadcaster or publisher shall cause a campaign or third-party advertisement to appear unless this information has been provided.
- The period during which third-party advertisements can appear is May 1, 2022 until the close of voting on voting day on October 24, 2022.



Financial Statement

- Candidates and third-party advertisers must file their financial statement on or before 2:00 pm Friday, March 31, 2023.
- If a candidate or third-party advertiser feels that they will not meet the deadline, they may apply to the courts for an extension prior to the March 31, 2023 deadline.



Financial Statement (Cont'd)

- All contributions must be reported.
- The names of contributors who contribute more than \$100 must be reported on the financial statement.
- The clerk is required to make financial statements available to the public in an electronic format free of charge.
- Financial statements must include an auditor's report if expenses or contributions exceed \$10,000.



Financial Statement (Cont'd)

- Candidates can close their campaign and file their financial statement after voting day until January 3rd, 2023 (adjusted from December 31st as it falls on a Saturday).
- third-party advertisers can close their campaign and file their financial statement after early withdrawal or at any time after voting day and January 3rd, 2023.
- Clerks are required to make public by April 30, 2023 (or within 90 days of a by-election) a report (on a website or in another electronic format) setting out all candidates and third-party advertisers and indicating whether each candidate/third-party advertiser complied with the filing requirements.
- Clerks can determine conditions and limits regarding electronic filing of financial statements.

Financial Statement (Cont'd)

- The candidate's nomination fee is refundable only if the financial statement is filed on time.
- A candidate or third-party advertiser who misses the filing deadline may file within the 30-day grace period, provided a \$500 late filing fee is paid to the municipality.
- A candidate or third-party advertiser may resubmit a financial statement to correct an error up until the filing deadline.



Surplus



- Entire amount of a campaign surplus must be paid to the clerk.
- A candidate or third-party advertiser is entitled to a refund of any contributions they (or their spouse, if an individual) made to the campaign before the filing of the financial statement and the payment of the surplus to the clerk.
- The clerk holds the surplus monies in trust for the candidate in the event of a compliance audit.
- The clerk holds the surplus monies in trust by the third-party advertiser in the event of a compliance audit.
- If there is no compliance audit, the surplus becomes the property of the municipality or school board.

Compliance Audit

- Every council and school board must establish a compliance audit committee.
- Members of the committee cannot be a candidate, a member or employee of a council or school board or a registered third-party advertiser.
- The clerk reviews contributions to candidates and third-party advertisers. If the clerk determines that a contributor has exceeded the contribution limits, the clerk will provide a report to the compliance audit committee, which will determine whether or not to proceed with legal action.
- The clerk sends the report regarding contributors to trustee candidates to the secretary of the school board, who will forward the report to the school board's compliance audit committee.
- A qualified elector may apply to the compliance audit committee for a review of a candidate's or third-party advertiser's campaign finances even if the candidate or third-party advertiser hasn't filed a financial statement.
- The committee will consider the application and decide whether to retain an auditor.

Compliance Audit (cont'd)

- Compliance audit committee meetings are required to be open to the public but the committee may deliberate in private.
- Electors can apply for a compliance audit of a third-party advertiser's campaign finances.
- The compliance audit committee is required to provide brief written reasons for its decision.
- If the auditor's report concludes that a contravention of the *Municipal Elections Act, 1996* has occurred, the committee will decide whether or not to proceed with legal proceedings.



Offences

- It is an offence to directly or indirectly:
 - offer, give, lend or promise to give any valuable consideration connected to the exercise or non-exercise of an elector's vote.
 - offer a person money or other valuables in order to convince them to run for office or refrain from running for office.
 - give, procure or promise to procure an office or employment to induce a voter to vote or not vote, or a candidate to run or not run for office.



Penalties

In general, the following penalties are available to the courts upon conviction for an offence under the *Municipal Elections Act, 1996*:

Individual	Candidate	Trade Union or Corporation
<ul style="list-style-type: none">• Maximum fine of \$25,000• Up to six months imprisonment• Ineligibility to run in the next general election or, if convicted of a corrupt practice, to vote in next general election	<ul style="list-style-type: none">• Penalties for an individual, plus<ul style="list-style-type: none">• fine for excess campaign expenses• forfeiture of office if offence committed knowingly	<ul style="list-style-type: none">• Maximum fine of \$50,000

Voters' List

- The preliminary list of electors, as corrected by the clerk, becomes the voters' list on September 1, 2022.
- The clerk determines how and when individuals can apply to have their name and information corrected or added to or removed from the voters' list.
- The clerk can also remove a name from the list if the clerk becomes aware that the person has died.



Voters' List (Cont'd)

- One copy of the voters' list can be provided to each municipal candidate or trustee candidate (request must be made to the clerk in writing).
- Candidates running in a ward are entitled only to that portion of the list that contains the names of the electors entitled to vote for that office.
- Copies of the voters' list are not available before September 1, 2022.
- The voters' list shall not be posted in a public place.
- The voters' list shall not be made available to the public by posting on an internet website or via any other print or electronic medium of mass communication.
- third-party advertisers are not eligible to receive a copy of the voters' list.

Voters' List (Cont'd)

- The clerk may require anyone who receives a copy of the list to sign a receipt acknowledging the list is only to be used for election purposes and any other use would be in violation of the *Municipal Elections Act, 1996*.
- An elector's name shall appear only once on the list.
- In a ward system, an elector is entitled to vote only in the ward where he or she resides.



Scrutineers

- The scrutineer must have written proof of authorization from the candidate.
- Clerk may require an oath of secrecy.
- During the regular election process, only one candidate or scrutineer per ballot box.
- Scrutineers are not permitted to touch ballots.
- third-party advertisers cannot appoint scrutineers.
- No age restriction on scrutineers.
- No “campaigning” within the voting place.

Recounts

- In the event of a tie, a recount is automatic.
- In addition:
 - councils and school boards may establish policies prior to the election setting out additional conditions for an automatic recount.
 - council may pass a resolution for a recount within 30 days after clerk declares the election results
 - an eligible elector may apply to the Superior Court of Justice for a recount within 30 days after clerk declares election results.
- In all instances, the recount must happen within 15 days of the clerk receiving a court order or council passing a resolution to conduct a recount.
- Recount must be held in the same manner as the original count.

Key Dates

Key Date	Activity
May 1, 2022	Opening of nominations/registration as third-party advertiser
August 19, 2022	Nomination Day
October 21, 2022	Last day for third-party advertisers to register
October 24, 2022	Voting day
January 3, 2023	Candidate and Third-party advertiser campaign periods end
March 31, 2023	Campaign financial statement filing deadline

Resources

- Legislation
 - [*Municipal Elections Act, 1996*](#)
 - [*Municipal Act, 2001*](#)
 - [*Municipal Conflict of Interest Act*](#)
 - [*Education Act*](#)

- [MMAH Municipal Elections Resources](#)

- [Municipal World](#)

- [Municipal Councillor's Guide](#)



Questions



Ministry of Municipal Affairs and Housing
Municipal Services Office – North
Thunder Bay

Ellen Beaudry
Municipal Advisor
Ellen.beaudry@Ontario.ca

2022 Candidate Information Session Part 2



MUNICIPALITY OF
GREENSTONE

Council Orientation Program

- Orientation will be provided for the newly elected Council.
- Topics covered will include:
 - Declaration of Office
 - The Role of Council, Councillors, and Municipal Administration
 - Municipal Powers
 - Open and Closed Meetings
 - Municipal Accountability
 - MFIPPA (Municipal Freedom of Information and Protection of Privacy Act)
 - Defamation
 - Bias / Favoritism
 - Fiduciary duty
 - Immunity
 - Conflict of Interest / Code of Conduct
 - Workplace Harassment, Sexual Harassment , Violence, Bullying Training
 - Corporate Overview
 - Strategic Plan
 - Division Overview
 - Procedural By-Law Training



Council Meeting Schedule

Council has 20 regular scheduled meetings each year. Meetings will be held each month on the second and fourth Monday of every month with the exception of:

- January – 3rd Monday of the month
- July, August and December – 2nd Monday of every month

This does not include any special meeting that may be called in addition to these meetings, or committee of adjustment meetings.



Local Boards and Committees

There are several boards and committees that the Municipal Council members may sit on including but not limited to:

- Committee of Adjustment
- Library Board
- Thunder Bay District Health Unit
- Thunder Bay Social Services Administration Board
- Local Citizen Committees
- Chamber of Commerce
- Kenogamisis Golf Club Board



**What does the
compensation look
like?**

**Mayor - \$27,600
Councillor - \$16,550**



Filing Your Nomination

Nominations opened on May 2, 2022 and will be received until Nomination Day on August 19, 2022 between 9:00a.m. until 2:00p.m.

There are no appointments available between July 13th and July 29th.

- Book an appointment with the Clerk to submit your nomination contact: Kristina Miousse at 807-854-1100 ext: 2059 or email kristina.miousse@greenstone.ca
- You will require:
 - Identification
 - Nomination Fee \$200 Office of the Mayor and \$100 all other offices (Cash, Debit, Certified cheque or money order)



Questions?

Thank you for joining us.

