

# Candidates

Persons wishing to seek elected municipal or school board office should read the relevant legislation and regulations for qualifications required for the office, e.g., the Municipal Act, 2001, the Education Act, and the Municipal Elections Act, 1996.

It is the responsibility of the candidate to determine whether he or she is qualified to be elected to and hold office.

Candidates can only be nominated for one office on a municipal council or school board in the Province of Ontario at a time. If person is nominated for a second office, the first nomination is deemed to be withdrawn.

## **Qualification – Municipal Office**

A candidate for municipal office must, upon nomination, be a qualified municipal elector and fulfil all of the following requirements:

- a resident of the municipality, a non-resident owner or tenant of land in the municipality or the spouse of such non-resident owner or tenant;
- a Canadian citizen;
- at least 18 years old;
- not legally prohibited from voting; and
- not disqualified by any legislation from holding municipal office.

**NOTE:** A candidate, if nominated, must remain qualified throughout the election and, if elected, throughout the term of office.

## **Municipal Employees**

An employee of a municipality who wishes to run for office in the municipality that is their employer must take an unpaid leave of absence prior to being nominated. If elected, the employee must resign his or her employment with the municipality.

If an employee of an upper tier or lower tier municipality wishes to run for office of the opposite tier, they can run without taking an unpaid leave of absence or resigning provided that being elected to the opposite tier does not include sitting on the other tier.

## **Example**

An employee of a region wishes to run for council in a local municipality. The employee does not need to take a leave to run for office. If elected, the employee cannot sit on regional council without resigning their employment. If the employee is not required to sit on regional council, the employee can retain their job.

## **Persons Not Eligible to Run for Municipal Office**

The following persons **are disqualified** from being elected to municipal office:

- any person not eligible to vote in the municipality;
- an employee of a municipality unless he or she
  - takes an unpaid leave of absence before being nominated, and
  - resigns, if elected to the office;
- a judge of any court;
- a member of the Legislative Assembly of Ontario, a Senator or a member of the House of Commons; or
- an inmate of a penal or correctional institution under sentence of imprisonment.

## **Qualification – School Board**

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

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

**NOTE:** A candidate, if nominated, must remain qualified throughout the election and, if elected, throughout the term of office. School board candidates should confirm that they have the qualifications described in section 219 of the Education Act.

## **School Board Employees**

An employee of a school board who wishes to run for office on any school board must take an unpaid leave of absence prior to being nominated. If elected, the employee must resign. A person may not be employed by one school board and hold office on a different school board.

## **Persons Not Eligible to Run for School Board Office**

A candidate for school board office cannot be a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a board.

The following persons **are disqualified** from being elected to school board office:

- any person not eligible to vote in the municipality;
- an employee of a school board unless he or she
  - takes an unpaid leave of absence before being nominated, and
  - resigns, if elected to the office;
- a judge of any court;
- a member of the Legislative Assembly of Ontario, a Senator or a member of the House of Commons; or
- an inmate of a penal or correctional institution under sentence of imprisonment.

**NOTE:** Despite the above disqualification, MPs, MPPs and Senators may be nominated for municipal or school board office without having to resign their current seat in Parliament, the Legislature or the Senate. However, by 2 p.m. on Friday, September 12 (nomination day), MPs, MPPs and Senators are required to resign their current seat should they wish to continue to seek municipal or school board office. Federal or Provincial Cabinet Ministers must step down from Cabinet prior to filing their nomination, and resign their seat by nomination day. If an MP, MPP or Senator does not resign prior to the close of nominations, their nomination will be rejected.

## **Nomination**

Nomination papers may be filed in the office of the clerk from the first day of January 2014 that municipal offices are open (January 2, 2014 in most municipalities) until 2 p.m. on nomination day, Friday, September 12, 2014.

The nomination must be in the prescribed form and accompanied by the prescribed fee. (Form 1)

The municipal clerk must certify or reject the nomination paper by 4 p.m. on Monday, September 15, 2014.

## **Nomination Process**

- Obtain nomination papers from the clerk of the municipality or online (Form 1).
- A nomination paper must be filed in person by the candidate or by an agent.
- The nomination paper must have original signatures. The nomination paper may not be faxed, mailed or emailed. Either the candidate or the agent must bring the completed and signed nomination papers to the office of the clerk. The candidate may be required to show proof of identity and qualifications.
- The prescribed nomination filing fee must be paid at the time of filing the nomination. Payment to the municipality must be made by cash, cheque, money order or by telephone or on-line banking.
- The nomination filing fee is:
  - \$200 for the office of head of council; and
  - \$100 for all other offices.

**NOTE:** A candidate is entitled to a refund of the filing fee if he or she:

- is elected;
- receives more than two per cent of the votes cast for the office; or
- withdraws the nomination before nomination day.

## **Withdrawal of Candidacy**

If a candidate decides to withdraw from the election, he or she must notify the clerk in writing no later than 2 p.m. on nomination day (Friday, September 12, 2014).

A candidate who withdraws before nomination day is entitled to a refund of the nomination filing fee. A candidate who withdraws is still required to submit a completed financial disclosure covering all financial transactions made up to the date the nomination was withdrawn. (Form 4)

Form 4 is available on line

## **Nomination to More Than One Office**

A person may only be a candidate for one office. If a person who is nominated for an office files a second nomination for a different office, the first nomination is deemed to be withdrawn.

If a person's name appears on more than one ballot and he or she is elected to any of those offices, his or her election is void and the office is vacant.

## **Changing Offices**

### **To Same Council or School Board**

If, after filing nomination papers for an office, a candidate decides to seek election to another office on the same municipal council or school board:

- the first nomination is deemed to be withdrawn at the time the second nomination is filed;
- the nomination filing fee is transferred to the new office; and
- if both offices are to be elected by a general vote of all electors in the municipality, contributions received and expenses incurred for the original office are transferred to the new office.

### **Example**

A candidate nominated for the office of councillor elected by a general vote in a municipality decides prior to the close of nominations on nomination day to file a new nomination for the office of mayor. The original nomination for the office of councillor is deemed to have been withdrawn at the time the nomination for mayor is filed. All contributions received and expenses incurred for the office of councillor are transferred to the new office, the office of mayor. Only one financial disclosure is required to be filed as the campaigns are deemed to be a single campaign.

If the candidate changes offices on the same council or school board, but one or both of the offices is **elected by ward**:

- the nomination filing fee is transferred to the new office;
- the two campaigns are deemed to be separate campaigns;
- contributions and expenses cannot be transferred to the new office; and
- two separate financial disclosures must be filed, one for each office.

### **Example**

A candidate nominated for the office of ward councillor files a new nomination for the office of mayor. The original nomination for the office of ward councillor is deemed to be withdrawn at the time the nomination for mayor is filed. Each campaign – one for ward councillor and one for mayor – is considered a separate campaign and contributions and expenses cannot be transferred. The candidate is required to file two separate financial disclosures, one for the ward councillor campaign and one for the mayoralty campaign.

## To a Different Council or School Board

If, after being nominated, a candidate decides to seek election to an office on a **different** council or school board:

- the first nomination is deemed to be withdrawn at the time of filing the second nomination and the first election campaign period ends;
- a second filing fee for the new office must be paid;
- the two campaigns are separate campaigns;
- contributions and expenses **cannot** be transferred to the new office; and
- the candidate must file two separate financial disclosures, one for each office.

### Example

A candidate nominated for the office of councillor decides to seek election instead for the office of school board trustee. Upon filing the new nomination for trustee, the original nomination for councillor is deemed to be withdrawn and a second nomination filing fee must be paid. Each campaign is a separate campaign; contributions and expenses may not be transferred. The candidate is required to file two financial disclosures, one for the office of councillor and one for the office of school board trustee.

## Acclamations and Additional Nominations

If, on Monday, September 15, 2014 at 4 p.m. the number of certified candidates is the same as the number to be elected, the clerk will declare the candidates elected by acclamation.

Where the number of certified candidates is fewer than the number of positions to be elected, the clerk shall declare those candidates elected and call for additional nominations. Additional nominations may be filed between 9 a.m. and 2 p.m. on Wednesday, September 17, 2014 and certified by the clerk by 4 p.m. on Thursday, September 18, 2014.

## Scrutineers

Candidates may appoint scrutineers to represent them during the conduct of the vote and the counting of the votes. Appointments must be in writing and scrutineers may be required to show the appointment form to election officials at the voting place.

The Municipal Elections Act, 1996 prohibits campaigning in the voting place and allows the clerk to define the boundaries of the voting place.

**If using scrutineers, the following rules may apply:**

- there is a limit of one (1) scrutineer per candidate per ballot box;
- the number of scrutineers in any one polling place for any one candidate is reduced by one if the candidate is in the polling place;
- scrutineers may be required by the clerk to take an oath of secrecy;
- scrutineers may not interfere with the activity of the vote or the counting of the ballots (they may observe but they can't touch the ballots); and
- acclaimed candidates are not entitled to scrutineers, neither are they entitled to be scrutineers.

**Scrutineers and certified candidates (not including those elected by acclamation) are entitled to:**

- enter the voting place 15 minutes before opening to inspect ballot boxes, ballots and all other papers relating to the vote;
- be present when election materials and documents are delivered to the clerk;
- place his or her seal on the ballot box to ensure ballots deposited in the box cannot be withdrawn without breaking the seal;
- examine ballots as they are counted, but not touch them; and
- object to a ballot or counting of ballots if the ballot or votes do not comply with the rules.

**NOTE:** Where a municipality uses vote counting equipment or an alternative voting method, candidates should check with the clerk to determine any additional requirements with respect to scrutineers.

**VOTING DAY**

Voting day is the fourth Monday in October (October 27, 2014).