

2022 Municipal Election Information for Candidates

The Township of Cavan Monaghan



Revision Dates:

April 29, 2022

Note: this guide may be amended as needed
(revision dates will be noted).

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Introduction

This guide is prepared for candidates seeking candidacy in the 2022 Municipal and School Board election and will highlight some of the processes in the upcoming election. For a comprehensive overview, candidates are urged to review the *Municipal Election Act 1996 (MEA)*, as amended, including applicable Regulations (www.e-laws.gov.on.ca) to fully understand all the legislative requirements. It is imperative that candidates satisfy themselves, through their own research or with the assistance of legal counsel, of the various legal and financial requirements related to their candidacy.

The Ministry of Municipal Affairs reviews the Municipal Elections Act, 1996 after each Ontario Municipal Election to determine if it meets the needs of Ontario communities. Bill 181 (The Municipal Elections Modernization Act, 2016) and Bill 68 (Modernizing Ontario's Municipal Legislation Act, 2017) both made changes to the Municipal Elections Act. Some of these changes came into effect immediately after Royal Assent and certain changes did not come into effect until April 1, 2018, in time for the Municipal Election. MMAH has prepared three guides for candidates, voters and third party advertisers which are all available online: www.ontario.ca/municipalelections.

Over the course of the next few months, candidates will receive information from the Township Clerk's office. Please ensure that you are checking the Township's website regularly for the most current information www.cavanmonaghan.net

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Summary – 2022 Municipal Election Highlights

- Nominations may be filed by candidates between Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office from May 2, 2022 to August 18, 2022 and on August 19, 2022 from 9:00 a.m. until 2:00 p.m. Please contact the Clerk's department to book an appointment.
- Candidates running for Municipal Council must obtain 25 endorsement signatures from eligible voters in the municipality in which the office is being sought. Signatures must be submitted in conjunction with the candidate's nomination papers. Nominations filed for the School Board do not require the endorsement of 25 persons.
- Candidates wishing to withdraw their nomination must do so in person in writing by 2:00 p.m. August 19, 2022.
- **Voting day is the Monday, October 24, 2022.**
- The Township of Cavan Monaghan will be using internet and telephone voting allowing electors to vote from anywhere within the defined voting period. **For the 2022 elections, voting will be open from October 11, 2022 at 10:00 a.m. to October 24, 2022 until 8:00 p.m.**
- A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. Additionally, a contributor is limited to a maximum of \$5,000 in total contributions to candidates running for office on the same Council or Board jurisdiction. Contributors who exceed this limit may be liable to penalties under the Municipal Elections Act, 1996, as amended.
- Penalties for contravening the Municipal Elections Act, 1996, as amended, have been increased. An individual who contravenes the contribution rules may face a fine of up to \$25,000 (\$50,000 for corporations and trade unions) and/or up to six months in prison if the offence was committed knowingly. Candidates who are convicted of contravening certain provisions of the Act also forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.
- A candidate is entitled to receive a refund of the nomination filing fee if they file their financial statement and auditor's report on or before 2:00 p.m. on March 31, 2023.
- Expenses incurred by a candidate with a disability that are directly related to the candidacy are not subject to the spending limit. *MEA Sec. 88.19 (3) 9.*

- The candidate's spending limit formula is a base amount, which varies by office, plus \$0.85 cents per elector.
- A candidate will receive a preliminary spending limit estimate when filing their nomination, and will receive a final spending limit after the close of nominations. Whichever of these two amounts is higher becomes the candidate's official spending limit.
- The deadline for filing financial statements is 2:00 p.m. on March 31, 2022. If a candidate does not file by this deadline, and has not applied to the courts for an extension, the candidate forfeits any office won in the election, is ineligible to be elected and may not be appointed to any office until after the next regular election.
- A candidate who has a deficit may extend their campaign to June 30, 2023. A candidate who incurs expenses related to a recount, controverted election or compliance audit after their campaign has ended on December 31, 2022 may re-open their campaign. *MEA* s. 88.24 (4)(5).
- All surplus funds must be turned over to the Clerk to be held in trust. A candidate may access his or her surplus if he or she subsequently incurs expenses related to a compliance audit, the Clerk shall return the surplus, with interest to the candidate. *MEA* s. 88.24 (1), s. 88.28. Surplus funds not required for such expenses become the property of the municipality or school board. Surplus funds may not be carried forward for use by the candidate in a subsequent election.
- Financial filing forms have been revised. All candidates must now use the most up-to-date version of Form 4.
- Individuals, corporations or trade unions are eligible to register as third party advertisers provided that they formally register with the Clerk as a third party advertiser. Third party advertising is an advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s). There is no registration fee for third party advertising.
- Access to Apartment Buildings, Condominiums etc. by Candidates (or their Authorized Representative) - Candidates can campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows. *MEA* s. 88.1.

Key Dates

2022

Monday, May 2

- First day to file a nomination paper for the offices of Mayor, Deputy Mayor, Councillor and School Board Trustee.
 - Once the nomination paper is filed with the Clerk, the candidate can start raising and spending money on their campaign.
 - Preliminary spending limit provided to candidates.
 - Preliminary contribution limit provided to candidates running for Mayor, Deputy Mayor and Councillor (does not apply to School Board Trustee candidates).
- First day to file a notice of registration as a third party advertiser, a third party advertiser cannot raise or spend money on their campaign, nor begin advertising, until their registration is certified by the Clerk, preliminary spending limit provided to third party advertiser upon certification.

Friday, August 19 at 2:00 p.m.

- Deadline for candidates to:
 - File a nomination
 - Withdraw a nomination
 - Change office

Monday, August 22

- Last day for the Clerk to certify candidate nomination papers.

Thursday, September 1

- Voters' List will be available to candidates.

Friday, September 23

- Final spending limits provided to candidates and registered third party advertisers.
- Final self-contribution limit provided to candidates running for Mayor, Deputy Mayor and Councillor (does not apply to School Board Trustee candidates).

Friday, October 21

- Last day to register as a third party advertiser.

Monday, October 24

- Election Day

2023**Tuesday, January 3**

- End of campaign period for candidates and third party advertisers.
- Last day to file a Notice of Extension, Form 6, to continue campaigning to erase a deficit.

Friday, March 31 at 2:00 p.m.

- Deadline for candidates and third party advertisers to file the initial financial statement.

Monday, May 1, 2023

- Candidates and third party advertisers who did not file their financial statement by Friday, March 31, 2023 may file it within the 30 day grace period if they pay a \$500 late filing fee. Any candidates who file within the 30 day grace period is not entitled to receive their refund of nomination filing fee.

Friday, June 29, 2023

- Last day for an eligible elector in the Township of Cavan Monaghan to file a compliance audit application.

Friday, June 30

- End of extended campaign period.

Friday, September 29 at 2:00 p.m.

- Deadline for candidates and third party advertisers to file the supplementary financial statement (applies only to those who extended their campaign period).

Monday, October 30, 2023

- Candidates and third party advertisers who did not file their financial statement by Friday, September 29, 2023 may file the it within the 30 day grace period if they pay a \$500 late filing fee.

Friday, December 29, 2023

- Last day for an eligible elector in the Township of Cavan Monaghan to file a compliance audit application.

What voting method will be used by the Township?

The Township will offer internet and telephone voting for the 2022 election. Both of these methods allow electors to vote from anywhere within the defined voting period using a telephone or the internet. **For the 2022 elections, the voting period will be from October 11, 2022 (commencing at 10:00 a.m.) to October 24, 2022 until 8:00 p.m.** Eligible voters will receive a personalized voting instruction letter by mail before Election Day. The voting package will provide details on how to vote online or by phone. The information will also include a secret PIN number that electors use to access the voting system. The PIN number, in conjunction with a personal piece of information would be required for voters to vote. By combining these two pieces of information, the integrity of the vote is maintained.

Electronic and telephone voting stations will also be available at the Municipal Office during the defined voting period for public use.

What are the Offices for Cavan Monaghan Council?

The Township of Cavan Monaghan has a five (5) member Council consisting of:

Election by General Vote:

Mayor (1)
Deputy Mayor (1)

Election by Ward Electors Only:

Councillor (1) Ward 1
Councillor (1) Ward 2
Councillor (1) Ward 3

Council will serve a term of four (4) years commencing November 15, 2022 until November 14, 2026. The Mayor and the Deputy Mayor will also serve on the upper tier County of Peterborough Council. The Mayor and Deputy Mayor will each have one vote on County Council. Council members will also be appointed to various Boards and Committees.

What are the Offices for School Board Trustee?

Trustee (1), Kawartha Pine Ridge District School Board for the Township of Cavan Monaghan, Township of Douro-Dummer, Township of Asphodel-Norwood and the Township of Otonabee-South Monaghan.

<http://www.kprschoools.ca>

How do I know if I am eligible to hold an office as a member of Council?

Qualifications for members of Council are set out in Section 256 of the Municipal Act, 2001 and Section 17 of the Municipal Elections Act, 1996, as amended.

In order to run for office in a municipality, a person must be:

1. A Canadian citizen;
2. At least 18 years old;
3. A resident of the municipality or owner or tenant of land there, or the spouse of such owner or tenant; and
4. Who is not disqualified by any legislation from holding office.

Examples of those ineligible to seek candidacy include:

- individuals that did not file their financial statements from the 2018 Election
- employees of the municipality (Council position) *** Exception – leave of absence effective the date of nomination*
- employees of the school board (School Board position) *** Exception – leave of absence effective the date of nomination*
- Judge of any court
- Senator *** Exception – must resign as of Nomination Day*
- MP *** Exception – must resign as of Nomination Day*
- MPP *** Exception – must resign as of Nomination Day*
- A corporation
- A person serving a sentence of imprisonment
- A person acting as executor or trustee

Who Can Vote in a Municipal Election?

A person is entitled to vote if, on voting day, he or she (*MEA s.17 (2)*, as amended),

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

Eligibility is determined by a person's relationship to property, specifically ownership and/or occupancy. In other words, a person is entitled to one vote in every municipality and school board jurisdiction in which they own or occupy property. This is not the case in a provincial or federal election where, irrespective of the number of properties owned in different municipalities, a person is entitled to only one vote, based on the location of their primary residence.

How many electors are there in the Township of Cavan Monaghan?

The approximate number of electors is as follows:

Ward 1	1702
Ward 2	2598
Ward 3	3283
Total	7583

Nomination Process

Candidates must complete and sign the Nomination Form 1. Nominations must be **submitted in person** by either the candidate or an agent filing on behalf of a candidate. If the Nomination Form is filed by an agent on behalf of the candidate, the **Nomination Form must be accompanied by a letter that is commissioned by a Commissioner of Oaths** stating that the candidate gives permission to the agent to file the nomination on their behalf. A form letter is available through the Township. The agent must provide a copy of the candidate's identification as well as providing their own identification. It is the responsibility of the candidate to satisfy himself or herself that he or she is qualified to be nominated for an office.

Effective April 1, 2018, the nomination of the person for an office on Council must be endorsed **by at least 25 persons** and the **person endorsing the 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 – see Form 2.

Nominations filed for the School Board do not require the endorsement of 25 persons.

A fee is required at the time the Nomination Form is filed. Filing fees are \$200 for the Head of Council (Mayor) and \$100 for all other offices, including School Board Trustee positions and must be paid by cash, certified cheque (payable to the Township of Cavan Monaghan), money order or interac.

- ✓ The deadline for submission of a nomination is August 19, 2022 at 2:00 p.m.
- ✓ The deadline for the withdrawal of a nomination is August 19, 2022 at 2:00 p.m.
- ✓ Nominations are unofficial until formal certification by the Clerk on August 22, 2022.

Identification will be required to be produced by all candidates (including incumbents) and agents filing on behalf of a candidate. Examples of acceptable identification:

An original copy of a document listed below if the document shows the person's name, qualifying address and signature:

- Ontario driver's licence (photo card).
- Ontario health card (photo card).
- Ontario motor vehicle permit (plate portion).
- A mortgage, lease or rental agreement.
- An insurance policy.
- A loan or financial agreement with a financial institution.

Note: a passport alone is not considered acceptable identification, a passport must be accompanied by one of the above noted documents to verify the qualifying address.

The Association of Municipalities of Ontario (AMO) has an online course which is geared to individuals who are planning to run for a seat on municipal council. The course is entitled "So you want to run for Council 1.0" and can be found on AMO's website at www.amo.on.ca .

The course content was designed by current and retired members of council, and covers the opportunities and challenges that exist in community leadership. Some of the areas covered in the course are:

- 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

Exception for Additional Nominations

If the number of nominations filed for an office is less than the number of persons to be elected to an office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on the Wednesday following Nomination day – August 24, 2022.

Refund of Nomination Deposit

A candidate is entitled to receive a refund of the nomination filing fee if he or she files their financial statements with the Clerk by the filing date. For the 2022 municipal election, the filing date is before 2:00 p.m. on March 31, 2023.

Examination and Certification of Nominations by Clerk

The Clerk shall examine each nomination that has been filed before 4:00 p.m. on the Monday following Nomination Day – August 22, 2022. Any additional nominations filed under the Municipal Elections Act Section 33(5) shall be examined before 4:00 p.m. on the Thursday following Nomination Day – August 25, 2022.

Withdrawal of Nominations

A person may withdraw his or her nomination by filing a written withdrawal at/with the Clerks Department before 2:00 p.m. on August 19, 2022.

Acclamations

If, at 4:00 p.m. on August 22, 2022 the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate or candidates elected by acclamation.

Candidates – Helpful Checklist for Nominations

- ✓ Neatly print or type out the on-line Nomination Form 1. The name that appears on the Nomination Form is the name that will appear on the ballot. With the agreement of the Clerk some flexibility can be allowed for first names e.g. Tony for Anthony. Last names cannot be amended.
- ✓ Are you a Canadian citizen and at least 18 years old?
- ✓ Verify your qualifying address. Do you own, or are the tenant of land, or the spouse of an owner or tenant of land, in the municipality?
- ✓ Confirm office being nominated for. e.g. Mayor.
- ✓ Confirm that you have the endorsement of 25 persons who are eligible to vote in the election in the municipality in which the office is being sought.
- ✓ Have you read the Ministry of Municipal Affairs and Housing Municipal Candidates Guide or the applicable School Board Guide to ensure that you understand your obligations as a candidate?
- ✓ Can you produce the appropriate identification? If an agent is filing on your behalf you must provide a certified copy of your identification and ensure that the agent can produce appropriate identification for themselves. Copies of identification, including the agent's will be retained on file.
- ✓ Provide confirmation to the Clerk's Office of the contact information you wish to be made public (e.g. email address? business phone?).
- ✓ Can you provide the appropriate filing fee in the form of cash, certified cheque (payable to the Township of Cavan Monaghan), money order or interac.

What are the regulations governing election signs?

Election signs must be removed within forty-eight (48) hours after Election Day (October 24, 2022). No election sign shall be greater than 5.0 square metres in sign area and 1.2 metres in height. Election signs are not permitted within any municipal road allowance. Where ever possible election signs should be installed on private property with the property owner's permission. The Township has the authority to remove any signs deemed to cause a safety hazard.

It is the candidate's responsibility to familiarize him/herself with County and Provincial regulations. As an additional resource please see the attached County of Peterborough website <https://peterboroughcounty.civicweb.net/document/289555/>

Access to Apartment Buildings, Condominiums etc. by Candidates (or their Authorized Representative)

Campaign provisions have been clarified through recent amendments to the MEA to allow candidates to campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows.

Use of Corporate Resources

It is important that all candidates receive fair and consistent treatment to ensure the integrity of the electoral process and a fair and unbiased election. There must be equal treatment for all candidates. The Township of Cavan Monaghan implemented By-law No. 2022-20 Use of Corporate Resources for Election Purpose as outlined below.

In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- a) Corporate resources, assets and funding may not be used for any election-related purposes;
- b) Staff may not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave. Staff who serve as election officials before or on Election Day shall not participate in any campaign-related activities for any candidate;
- c) Candidates may not use any municipally owned facilities for any election-related purposes. Neither campaign related signs nor any other election-related material will be displayed in any municipally owned facilities;
- d) The budgets for Members of Council for the period of January 1 to Election Day in a municipal election year be restricted to 11/12th of the approved annual budget amount with the provision that subsequent to election day:
 1. New Members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and

2. Re-elected Members of Council have available to them the balance of funds remaining as of Election Day.
- e) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
1. All printing, photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council; and
 2. The ordering of municipal office furniture and furnishings, except those of an emergency nature, as well as no movement of municipal furniture and furnishings, except those of an emergency nature; and
 3. The ordering of municipal stationary (including letterhead, business cards, name tags. etc.)
- f) Members of Council shall not:
1. Print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office; and
 2. Profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election; and
 3. Print or distribute by paper or electronically any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that the Minutes of Municipal Council and Committee meetings be exempt from this policy.
- g) Members of Council are responsible for ensuring that the content of any communication material, printed, hosted (i.e. email) or distributed by the Township of Cavan Monaghan, is not election related.
- h) In any material printed or distributed by paper or electronically by the Township of Cavan Monaghan, candidates are not permitted to:
1. Illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election; and
 2. Identify where they or any other individual will be running for office; or
 3. Profile or make reference to candidates in any election.
- i) Email accounts, web sites or domain names that are funded by the Township of Cavan Monaghan may not include any election-related campaign material.
- j) The municipality's voice mail system may not be used to record election related messages or the computer network (including the Township's email system) to distribute election related correspondence.

- k) The municipality's logo, may not be printed or distributed on any election materials or included on any election campaign related website.
- l) Photographs produced for and owned by the Township of Cavan Monaghan may not be used for any election purposes.
- m) The above recommendations also apply to an acclaimed Members or a Member not seeking re-election.

No Candidate or Registered Third Parties shall use the facilities, equipment (including computer hardware and software), supplies, services, Staff, Staff offices or other resources of the Municipality (including Councillor email, newsletters and Councillor budgets) for any election campaign or campaign related activities.

No Candidate or Registered Third Parties shall undertake campaign-related activities on Municipal property during regular working hours or during a Council meeting. With the exception of participation in campaign related events made available to "all" candidates that may be held in rented Municipal Facilities including green space (i.e. All Candidates Meeting). Rental of Municipal Facilities by a candidate or a candidate's representative is "not" permitted for a municipal election, save and except for:

- training offered to all candidates; and
- an all candidates meeting that is organized/hosted by someone or a group other than a candidate or a candidate's representative and all candidates are invited to attend.

A signed rental agreement for the use of Municipal Facilities including green space will be prepared with authorization being given to the Clerk to invite all registered Candidates.

No Candidate or Registered Third Parties shall use the services of persons during hours in which those persons receive compensation from the Township.

That in accordance with the Municipal Elections Act, 1996, as amended, the Clerk be authorized and directed to take the necessary action to give effect to this policy.

What kind of remuneration is paid to a Township Councillor?

The Township adopts a by-law to establish Council remuneration each term of Council. Candidates are encouraged to review the by-law.

Note: Commencing January 1, 2019, Canada Revenue Agency (CRA) will no longer permit 1/3 of a Councillor's remuneration to be tax free.

What are my Financial Responsibilities as a Candidate?

All candidates are urged to review the Municipal Elections Act, 1996, as amended, (www.e-laws.gov.on.ca) and the Municipal Affairs and Housing's Candidates Guide

available on their website (<http://www.mah.gov.on.ca/Page219.aspx>) or at the Clerk's office to fully understand all the legislative requirements. The onus of responsibility is on candidates to satisfy themselves, through their own determination, or with professional assistance, of the various legal and financial requirements relating to their candidacy. It is important to fully reference Sections 88(1) – 88(32), *MEA*, as well as other relevant sections within the Act. Although this guide provides a summary of the provisions, it does not account for all of the financial responsibilities associated with the candidacy.

All nominated candidates, including those not elected, those who withdrew their nomination and whose nomination was rejected by the Clerk, must disclose and report on or before March 31, 2023 by 2:00 p.m. their contributions and expenses as of January 3, 2023 in accordance with the following:

- All candidates are required to file a detailed financial statement on the prescribed form – [Financial Statement, Form 4](#)
- Candidates must have their financial statement audited and submit the auditor's report to the Clerk along with their financial statements if expenses are over \$10,000.

Candidates' financial statements are filed with the Clerk and are public documents, which are to be available at no charge for viewing by the public on the Township website. The Clerk will advise at least 30 days prior to March 31, 2023 filing deadline of all the filing requirements of the Act.

It is the responsibility of the candidate to file a complete and accurate financial statement by the filing date.

As a candidate, how much may I spend to run a campaign?

Candidates are advised to refer to the 2022 Candidates Guide for information on Campaign Contributions and Fund Raising and on Campaign Expenses. The provincial guide is available online from the Ministry of Municipal Affairs. <http://www.mah.gov.on.ca/AssetFactory.aspx?did=19840>

The candidate must have filed their nomination form before incurring any costs/revenues. The maximum spending limit for candidates to run their election campaign is based on a base amount plus the number of electors eligible to vote for the particular office for which the candidate is running.

Candidates will be provided with an estimate of campaign expense when they file their nomination. The Clerk shall, after determining from the Voters' List the number of electors eligible to vote for each office as of September 23 in the 2022 election calculate the maximum amount of campaign expenses that may be incurred by a candidate and prepare a certificate of this amount. A copy of this **certificate confirming the final maximum spending limit will be provided by September 26, 2022 to candidates.**

Post Election Parties/Expressions of Appreciation (s. 88.20 (9) and O.Reg. 101/97 as amended s. 5.1))

All candidates have limits on the amount they may spend towards the cost of holding parties and making other expressions of appreciation. The maximum post-election appreciation cost is a maximum of 10% of the spending limit. A preliminary campaign appreciation limit will be provided based on the preliminary calculation (noted above) at the time a candidate files their nomination. Final campaign appreciation limits will be calculated based on the final campaign spending expense limits and provided to candidates by September 26, 2022.

Maximum Contributions to a Candidates own Campaign

The maximum contribution to a candidate's own election campaign (including contributions from his/her spouse) has changed.

This limit does not apply to school board trustee candidates.

Contributions MEA s. 88.15

Campaign contributions are any money, goods or services that are given to a candidate for his or her campaign (including money and goods that a candidate contributes themselves to their own campaign) which include:

- ✓ The amount charged for admission to a fund-raising function.
- ✓ The difference between the amount paid and the market value of a good or service sold at a fund-raising function.
- ✓ The difference between the amount paid and the market value of a good or service purchased for the campaign.
 - Example: Your order for campaign signs would normally cost \$500, but the vendor agrees to sell them to you for \$300. You must 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.
- ✓ Any unpaid but guaranteed balance of a campaign loan.
- ✓ Election signs from previous municipal campaigns that are reused – the current market value of the sign (i.e. what it would cost you to buy those signs today) is considered a contribution that you make to your campaign.

Candidates should advise contributors to their campaign that the contributor's name, address and contribution amount will posted as public information electronically (i.e. posted on the Township website) and that every contribution made will be posted.

Goods & Services Donated and Deemed Not to be Contributions

The following are deemed not to be contributions:

- ✓ The value of services provided by voluntary unpaid labour.

- ✓ The value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer.
- ✓ An amount of \$25 or less that is donated at a fund-raising function.
- ✓ The value of free political advertising provided it is in accordance with the Broadcasting Act (Canada) and is made available to all candidates.
- ✓ A campaign loan from a bank or a recognized lending institution is not considered to be a contribution.

Timing of Contributions

Contributions can be solicited by, or accepted on behalf, of a person seeking local municipal office, if that person has been duly nominated as a candidate. Contributions may only be accepted during a candidate's campaign period (in the event of a campaign that was not extended this occurs from the time the nomination is filed up until January 3, 2023). Any contributions received outside the campaign period that cannot be returned to the contributor including any anonymous contributions must be turned over to the Clerk. Candidates must make reasonable efforts to satisfy themselves that a contributor is entitled to make contributions.

Eligible Contributors *MEA* s. 88.8 (3)

Only the following may make contributions:

- ✓ An individual who is normally a resident in Ontario.
- ✓ Yourself and your spouse.

Ineligible Contributors

The following shall **not** contribute to a campaign:

- ✓ A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate in a federal election.
- ✓ A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- ✓ The Crown in right of Canada or Ontario, a municipality or local board.
- ✓ A trade union.
- ✓ A corporation.

Note: See separate guide for third party contributions.

Contribution Limits

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. This limit is never to be exceeded regardless of the number of offices a candidate may have been nominated for during an election period. In addition to this, a contributor shall not make contributions exceeding a total of \$5,000 to multiple

candidates for office on the same council or local board. Candidates are required to inform each of their contributors of their contribution limits.

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.

For school trustees:

There are no limits on how much a school trustee candidate and their spouse can contribute to their campaign. Contributions that the candidate and their spouse make to their campaign do not count toward the \$5,000 limit.

If the school trustee candidate's campaign ends with a surplus, they can withdraw the value of contributions that they and their spouse made from the surplus. If there is still a surplus once they have withdrawn their contributions, the surplus remaining must be turned over to the Clerk.

School trustee candidates are not permitted to refund contributions made by anyone other than themselves or their spouse.

Contribution Refunds

Where the candidate learns a contribution has been made or accepted in contravention to any provision of the Act, the candidate must immediately return the contribution. If this is not possible, any such contribution should be paid to the Clerk. The following are examples of a contribution which must be returned or paid to the Clerk:

- ✓ Issued/received outside a candidate's campaign period.
- ✓ Issued/received from anonymous sources (except for cash donations less than \$25 received as part of the fundraising event e.g. "pass-the-hat").
- ✓ Issued/received from ineligible sources (e.g. individuals not residents of Ontario).
- ✓ Issued/received in excess of the \$1,200 per contributor limit or the \$5,000 total limit.
- ✓ Issued/received a **cash** contribution in excess of \$25.
- ✓ Issued/received from funds not belonging to the contributor.

Frequently Asked Questions Regarding Campaign Contributions

How can contributions of cash be made?

Cash contributions may only be accepted up to \$25; contributions more than \$25 must be made by cheque, money order, credit card or by a method that clearly shows where the funds came from.

What is the definition of contributions of 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).

All contributions of goods or services the candidate receives are considered contributions and should be supported by an invoice from the contributor of the good or service. The contribution must be recorded just as if it were money.

If a vendor is willing to sell goods and services to the campaign at less than market value, the difference between market value and what the campaign paid must be recorded as a contribution. When you record the expense, you should record what you paid plus the value of the discount. As businesses are not permitted to make contributions, the discount would have to be a personal contribution from the vendor.

Who can accept campaign contributions?

Only the candidate and those persons authorized by the candidate can accept campaign contributions. Contributions can only be accepted during the campaign period and only from a person or entity entitled to make a contribution.

How are anonymous contributions handled?

An anonymous contribution cannot be accepted. The only exception to this rule is a donation received at a fund-raising function held on behalf of a candidate (eg. "pass-the-hat" donations). Each of these donations must be \$25 or less. However, the total revenue from any such donation source must be reported as part of the candidate's financial statement. Any anonymous contribution received that cannot be returned must be paid to the Clerk.

Are contributions income tax-deductible?

Contributions to municipal and school board campaigns **are not** income tax-deductible.

Fundraising

Fundraising activities are to only be held for a candidate and must occur within his or her campaign period.

As of April 1, 2018 the *MEA* defines a fund-raising function as an event or activity,

- a) held by a candidate or under a candidate's direction for the purpose of raising funds for his or her election campaign, or
- b) held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements.

Candidates must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on their campaign financial statement. The price of admission to a fundraising function and/or any amount paid for a good or service (offered for sale in excess of fair market value) is to be considered and treated as a campaign contribution.

If a candidate holds an event to promote their campaign and they happen to receive some contributions or ask people to consider contributing to their campaign, this would not qualify as a fundraising event. Similarly, if a candidate has a sentence in their 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 their campaign, not to raise money.

Expenses

Any costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign are considered expenses.

The nomination fee is a personal expense. It is not considered to be a campaign expense, and should not be reported on the campaign financial statement.

Candidates can only incur expenses during the campaign period, except for expenses related to the preparation of an auditor's report. If a candidate is required to include an auditor's report with their financial statement, they may incur these expenses after the campaign period has ended, and report them on their financial statement.

Goods and services that are contributed to a campaign are also expenses. They should be treated as if the contributor gave the candidate money and the candidate went out and purchased the goods and services – candidates must record both the contribution and the expense. Most expenses are subject to a maximum campaign expense limit.

Campaign Inventory

Campaign expenses include the value of any goods held in inventory by a candidate from a previous campaign for use in the 2022 Municipal Election campaign period. The inventory of reusable campaign materials remaining on hand at the end of a campaign becomes the property of the candidate and must be valued and reported as closing inventory on his or her financial statement.

Deadline for Claiming Expenses

The 2022 Municipal Election campaign period ends on January 2, 2023 (a campaign is also deemed to end on August 19, 2022 if a nomination is rejected by the Clerk or on the date a candidate submits his or her withdrawal).

Financial Statements and Disclosure

It is the responsibility of the candidate to file a complete and accurate Form 4 Financial Statement in person at Township Office by the deadline applicable to their respective campaign. All nominated candidates for the 2022 Municipal Election (including those who have withdrawn or were not elected) must disclose their contributions and expenses, using the prescribed form, no later than 2:00 p.m. on March 31, 2023

If campaign contributions (including contributions from the candidate) or campaign expenses are greater than \$10,000, the candidate must have their financial statement audited and include the auditor's report when submitting the financial statement to the Clerk.

If a candidate is unable to file their financial statement by the deadline, they may apply to the Superior Court of Justice for an extension before the filing deadline. If the financial statement is not filed by the deadline, the candidate may file their financial statement within 30 days after the deadline, if they pay the municipality a \$500 late filing fee. Candidates will not receive a refund of their nomination fee if they file during the 30-day grace period.

If the financial statement is not filed by the end of the 30-day grace period, and the candidate did not apply to the court for an extension prior to the deadline, the candidate will forfeit their elected office and they will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election.

Note: Candidate's financial statements are deemed to be public documents and will be posted to the Township's website in their entirety.

Campaign Surplus and Deficits

If the candidate's campaign has a surplus after they have refunded contributions made by themselves or their spouse, the candidate must pay the surplus over to the Clerk when they file their financial statement. The surplus will be held in trust, and can be used if the candidate incurs expenses related to a recount, an application for a controverted election, or a compliance audit. If the surplus is not needed for these expenses, it becomes the property of the municipality or the school board.

Record Keeping/Accounting System

Consulting with an auditor (specifically one with experience in campaign financing) on an election campaign accounting system is advisable. This will ensure that a candidate's record keeping and accounting procedures are followed in a satisfactory manner, allowing any necessary audits to be carried out at minimal cost. The auditor is required to examine and to report as to whether the financial statement presents fairly the information contained in the accounting records on which the financial statement is based. Further information regarding campaign accounting requirements can be found in the MEA.

The following is an excerpt from Section 88.22, *MEA*:

- (1) A candidate shall ensure that,
 - a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
 - b) all contributions of money are deposited into the campaign accounts;
 - c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
 - d) all payments for expenses are made from the campaign accounts;
 - e) contributions of goods or services are valued;
 - f) receipts are issued for every contribution and obtained for every expense;
 - g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
 - h) records are kept of every expense including the receipts obtained for each expense;
 - i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
 - j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
 - k) records are kept of any loan and its terms under section 88.17;
 - l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and

until their successors are elected and the newly elected council or local board is organized;

- m) financial filings are made in accordance with sections 88.25 and 88.32;
- n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- p) a contribution not returned to the contributor under clause (o) is paid to the Clerk with whom the candidate's nomination was filed;
- q) an anonymous contribution is paid to the Clerk with whom the candidate's nomination was filed; and
- r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
 - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Compliance Audits

As per the *MEA*, a Compliance Audit Committee will be constituted and delegated full authority to address applications requesting an audit of a candidate's financial statement. The Committee's term will be equal to that of the elected council. A Terms of Reference will be established by the Clerk. The central role of the Committee will be to review applications and grant or reject audit requests. Where granted, the Committee will appoint an auditor to review the final statement and, where indicated, the Committee will decide whether legal proceedings shall be commenced.

Notice of Penalties

Further to *MEA* s. 33.1, the Clerk shall, before Voting Day, give notice of the penalties under section 88.23(2) and section 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive as per *MEA* s. 34.

MEA s. 88.23,

- (1) A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,
 - 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.
- (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.
- (3) In the case of a default described in subsection (1), the Clerk shall,
- a. notify the candidate in writing that the default has occurred;
 - b. if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
 - c. make available to the public the name of the candidate and a description of the nature of the default.

Section 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).

Accessibility Provisions within the Municipal Elections Act

Pursuant to *MEA* s.12.1 in providing for matters and procedures not otherwise covered by the Act, the Clerk shall have regard to the needs of electors and candidates with disabilities. The Clerk shall also prepare an accessibility plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day.

Within 90 days after voting day, the Clerk shall submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Accessibility Resources for Candidates

Candidates must also have regard for the needs of electors with disabilities. Campaign offices, election materials and canvassing should all be reviewed in order ensure that accessibility has been considered for all electors, including those with disabilities.

Accessibility Ontario has a number of great resources that will assist with planning for an accessible election. <https://accessontario.com>

The Township of Cavan Monaghan has developed Accessibility Standards for Customer Service. For more information on the provision of service to persons with disabilities please visit the Township's website. <https://www.cavanmonaghan.net>

Third Party Advertising

The *MEA* now includes framework for third party advertising that came into effect on April 1, 2018. For full details on the responsibilities of Third Party Advertisers refer to the *MEA*, as amended or use the link below:

<http://www.mah.gov.on.ca/Page18736.aspx#finance>

Third Party Advertising Definition:

An advertisement is any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- (a) a candidate, or
- (b) a “yes” or “no” to a question on a ballot.

Does not include:

- An advertisement by and under the direction of a candidate;
- Where no expenses are incurred by the person /entity in relation to the advertisement;
- When given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

Advertising that does not cost money to post or to broadcast, such as comments made on social media will not be considered to be third party advertising.

Registration of Third Party Advertisers – *MEA* s.88.6

Individuals, corporations or trade unions are eligible to register as a third party advertiser provided that they have formally registered with the local Clerk as a third party advertiser. Registration allows a third party advertiser to promote or oppose any candidate that the electors in the municipality can vote for.

Registrations can be accepted by the Clerk, or designate, from May 2, 2022 to October 24, 2022. There is no registration fee for third party advertising. The Clerk will review the registration and then certify the notice of registration if deemed compliant or reject the registration (*MEA* s. 88.6 (13)).

The following are not permitted to register:

- Municipal election candidates;
- Federal and Provincial political parties, constituency associations, registered candidates and leadership contestants;
- Federal and Provincial government, a municipality or local board.

If third party advertisers want to advertise in more than one municipality, they are required to register in each municipality. This also means that each registration is a separate campaign with its own spending limits.

Third Party Advertising Requirements - MEA s.88.4, s.88.21

No individual, corporation or trade union is permitted to incur expenses for a third party advertisement that appears during the restricted period unless they are a registered third party. The restricted period is the date registration is filed and ends at the close of voting on Voting Day.

Contributions by corporations and trade unions to candidates are banned, however, corporations and trade unions can contribute to third party advertisers. Money goods and services are considered contributions.

The following are permitted to contribute to a Third Party Advertiser:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.
- The registered third party and in the case of an individual, his or her spouse (subject to *MEA* s.88.12(5)).

Contributions:

- cannot be made or accepted unless a third party has registered;
- maximum contribution from a single contributor is \$1,200 to a registered third party and \$5,000 to two or more registered third parties in a municipality.
- there is no limit on how much a registered third party (and, if the third party is an individual, their spouse) can contribute to their own advertising campaign.

Expenses:

- subject to maximum expense limit;
- required to record expenses and file a financial statement.

Mandatory Information to be included in Third Party Advertisements

The third party advertiser must be registered at the time of the advertisement.

The ad **must** contain the following:

- ✓ name of the registered third party;
- ✓ municipality where the third party is registered;
- ✓ a telephone number, mailing address or email address at which the third party may be contacted regarding the advertisement.

A registered third party is not permitted to allow third party advertisement to appear during the restricted period unless the broadcaster/publisher has been provided with the ad requirements as noted above in writing.

Third party advertisers are required to identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears or is broadcast.

The broadcaster/publisher retains records with respect to the third party advertisement - *MEA* s. 88.3 (1). They must retain the record for four (4) years after the date of the appearance of the advertisement and permit inspection during normal business hours.

Municipal Authority to Remove Advertisements

A municipality may require the following to remove or discontinue the advertising:

- ✓ a person who has contravened the provisions for third party advertisers or caused/permitted the contravention;
- ✓ the owner or occupier of the land on which the contravention occurred.

Campaign Period – *MEA* s. 88.28

Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period - *MEA* s. 88.12. A third party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules.

The 2022 election campaign:

- ✓ begins on the day, but not before May 2, 2022, the third party registers for the election (registration must be certified by the Clerk); and
- ✓ ends on January 3, 2023.

Filing Requirements – *MEA* s. 88.29, s. 88.30

All registered third parties are required to file a financial statement using the prescribed form. Candidates, whose campaign contribution and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement.

A registered third party whose campaign contributions in the municipality exceed \$10,000 or whose total campaign expenses exceed \$10,000 is required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditors report using the prescribed forms by 2:00 p.m. on March 31, 2023 for the filing period ending January 3, 2023.

Notice of Default – MEA s. 88.27(2)

The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The Clerk also has to make this information public.

Electronic Versions of Financial Statements – MEA s. 88(9.1)

The Clerk shall make the financial statements filed under *MEA* s. 88.25, s. 88.29 and s. 88.32 available at no charge for viewing by the public on the municipal website or in another electronic format as soon as possible after the documents are filed.

Penalties – MEA s. 88.23, s. 88.27, s. 88.35

As with candidates, there is a 30 day grace period for those who missed the deadline to file a financial statement and auditor's report, provided that the third party advertiser pays a \$500 late filing fee to the municipality.

Third party advertisers are subject to spending limits and must file financial statements with the Clerk and the Clerk must review the statements for possible contraventions and submit any identified contribution to the Compliance Audit Committee. The Clerk is required to publicly identify the third parties who file or did not file a financial statement.