

# CANDIDATE INFORMATION PACKAGE FOR THE 2018 MUNICIPAL ELECTION



April 2018

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# BROOKE- ALVINSTON VOTES

Monday, October 22



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## Introduction

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This guide has been prepared for the purpose of supplying information to persons intending to stand for elected office. This guide is also available on the municipal website.

This year's Municipal Election will be conducted for a term of office from December 3, 2018 to November 14, 2022. The elected positions are for:

Mayor/County Councillor: 1 to be elected  
Councillors: 4 to be elected

This Guide is only intended to provide candidates with information on running for office. Candidates are responsible for ensuring they are familiar with the requirements of the *Municipal Elections Act* and should consult the *Act* for complete information and legislative requirements. A copy of the *Municipal Elections Act*, 1996 is available for candidates from the Clerks Department and it is also available online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Candidates must comply with all the requirements relating to election campaign financing. The Ministry of Municipal Affairs produces a guide for candidates that outlines the financial reporting requirements under the *Act*. This guide should be available online from the Ministry website.

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### **DISCLAIMER**

*The Municipality of Brooke-Alvinston Clerk's Office has prepared this information package for those persons seeking election or re-election for Municipal Council on October 22, 2018.*

*The information in this package is general in nature and candidates should refer to the Municipal Elections Act, 1996 for specific provisions and additional information. You may obtain a copy of the Act from Publications Ontario (telephone 1-800-668-9938), or online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). You may also call the Clerk's Office at 519-898-2173 if you have any questions or concerns.*

## IMPORTANT DATES TO ALL CANDIDATES

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May 1, 2018 to July 27, 2018	<p><b>Nomination Period:</b></p> <p>Nominations may be filed by candidates in the Clerk’s Office prior to Nomination Day at any time, Monday to Friday from 8:30 a.m. to 4:30 p.m. excluding statutory holidays</p> <p>On Nomination Day (July 27, 2018), nominations may only be filed with the Clerk’s Office between the hours of 9:00 a.m. and 2:00 p.m.</p>
May 1, 2018 to December 31, 2018	<p><b>Campaign Period</b></p> <p>The campaign period begins on May 1, 2018 or when a candidate files his or her nomination paper, whichever is later, and ends on December 31, 2018 unless the candidate withdraws the nomination or if the Clerk rejects the nomination</p>
Friday, July 27, 2018, 9:00 a.m. to 2:00 p.m	<p><b>Nomination Day</b></p> <p>Last day for filing nominations. Last day to withdrawal a nomination</p>
July 30, 2018	<p><b>Certification</b></p> <p>Certification of nomination papers to be completed by 4:00 p.m. Declaration of acclamation provided after 4:00 p.m.</p>
September 4, 2018	<p>Voters’ List available to certified candidates</p>
September 25, 2018	<p>Final expense limits provided to candidates and third party advertisers</p>
October 22, 2018	<p><b>Election Day (Voting Day);</b> unofficial election results announced after 8:00 p.m.</p>
October 23, 2018	<p><b>Official Election Results</b></p> <p>The Clerk will publicly declare official election results</p>
December 3, 2018	<p><b>Term of Office Commences</b></p> <p>The elected members must take the oath of office prior to taking their seat, this regular meeting of Council is generally held the first Thursday of December at a time determined by the Mayor elect</p>
March 29, 2019	<p><b>Deadline for Filing Financial Statements</b></p> <p>This is the final date by which all nominated candidates must file their financial statement. The statement covers the period from the day the candidate filed their nomination paper until December 31, 2018.</p>



## **SCHOOL BOARD ELECTIONS – (Information to be confirmed)**

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### **Trustee**

**1 to be elected**

#### **Lambton Kent District School Board**

Central Lambton: Petrolia, St. Clair, Brooke-Alvinston, Oil Springs, and Enniskillen

Nomination paper filed with: Clerk, St. Clair Township, Mooretown, ON

### **Trustee**

**1 to be elected**

#### **Le Conseil Scolaire Public De District De Centre-Sud-Ouest**

Regional Municipality of Haldimond -Norfolk, Counties of Oxford,Elgin, Lambton, and Municipality of Chatham-Kent, Chatham, ON

Nomination paper filed with: Clerk, Municipality of Chatham-Kent, Chatham, ON

### **Trustee**

**1 to be elected**

#### **St. Clair Catholic District School Board**

North & Central Lambton: Petrolia, St. Clair, Brooke-Alvinston, Oil Springs, and Enniskillen, Warwick, Plympton-Wyoming and Lambton Shores

Nomination paper filed with: Clerk, Lambton Shores, Forest, ON

### **Trustee**

**1 to be elected**

#### **Le Conseil Scolaire De District Des**

Ecoles Catholiques Du Sud-Ouest  
Counties of Lambton, Huron and Bruce

Nomination paper filed with: Clerk, City of Sarnia, Sarnia, ON

School Board Trustee positions are subject to change, based on information provided by the School Board to the Municipality no later than April 2018, in accordance with *Regulation 412/00 of The Education Act*, as amended.

## **QUALIFICATION OF CANDIDATES**

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### **Candidate Qualifications: MEA, s.29, Municipal Act, s.256, s.257**

A person is qualified to be elected or hold office, if, as of the day he or she files his/her nomination is:

- Entitled to be an elector under MEA, s.17
  - Is a Canadian Citizen
  - Is at least 18 years of age
  - Resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse of such a person; and
  - is not prohibited from voting as noted or otherwise by law.
- Not disqualified for violation of filing financial information
- Not disqualified by any Act from holding such office
- Not disqualified under the provisions as outlined in MEA, s.90(2) and 91(1)

### **Candidate Dis-Qualification: MEA, s.17, s.90, s.91, Municipal Act, s.258, s.423, s.424**

The following persons are disqualified:

- A person who is serving a sentence of imprisonment in a penal or correctional institution.
- A corporation
- A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44 of the *Municipal Elections Act*.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information
- The *Municipal Conflict of Interest Act* provides that a member can be disqualified from holding municipal office for a period of up to seven years if found to have contravened the Act.

### **Voters List**

The 2018 Voters' List is initially prepared by MPAC. The Voters' List contains the names, addresses and school support of each person who meets the qualifications of a voter.

The information contained on the Voters' List is to be used for election purposes only. The use and sale of the Voters' List for commercial purposes is strictly prohibited.

Candidates are entitled to receive a copy of the list for their use and candidates may request either an electronic or paper copy of the list by completing the appropriate form

### **Voting Method**

The Municipality will be using the Vote-By Mail method for the 2018 election.

Voting procedures will be available on May 1, 2018 and are available to candidate upon request.

## **NOMINATION PROCEDURES**

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### **Forms, Declarations and Fees**

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as early as May 1, 2018 with respect to the 2018 election. A copy of the prescribed nomination form will be available in the Clerk's office in mid-April 2018 and will be made available on line at a later date.

Please note that nomination papers submitted by fax or mail will not be accepted.

Forms must be filed in person at the Clerks Department.–Candidates are required to complete the Nomination Paper, which includes a declaration of qualifications.

When filing nomination papers each candidate will be asked to provide identification i.e. driver's license. A photocopy of this identification will be kept for verification.

The final day for filing the 2018 municipal election is Nomination Day, July 27, 2018 from 9:00 am - 2:00 pm.

The nomination must be accompanied by the prescribed nomination filing fee. The prescribed fee is \$200 for the head of Council and \$100 for all other offices and can be paid by cash, cheque, debit, certified cheque or money order payable to the municipality.

If an agent is filing the nomination on behalf of a Candidate, the Candidate's nomination paper must be commissioned before the agent files the nomination form with the Municipality and the agent must provide a copy of the Candidate's identification as well as providing their own identification.

The nomination must:

- a) be in the prescribed form;
- b) be accompanied by a declaration of qualification in the prescribed form, signed by the person being nominated; and
- c) be accompanied by the prescribed nomination filing fee (\$200.00 for Head of Council position; \$100.00 for all other offices).

Prior to 4:00 p.m. on the Monday following Nomination Day-July 30, 2018, the Clerk shall examine each nomination filed and if satisfied the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify as such on the nomination filed. If not satisfied, the Clerk shall reject the nomination and as soon as possible, give notice to the person who sought to be nominated and all other candidates for that office. The Clerk's decision to certify or reject a nomination is final.

If at 4:00 p.m. on the Monday following Nomination Day (July 30, 2018) 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.

### **REASONS FOR CLERK TO REJECT A NOMINATION**



Under the *Municipal Elections Act, 1996, as amended*, the Clerk is required to reject or certify nominations of candidates. The Clerk may consider the following criteria in his or her decision to reject or certify individual nominations:

- the candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk;
- the candidate does not satisfy subsection 29(1) of the *Municipal Elections Act, 1996, as amended*, (the candidate is qualified to hold office, is not ineligible under the *Municipal Elections Act, 1996, as amended*, or is not otherwise prohibited by law from being nominated);
- the nomination form is not complete in its entirety or the prescribed filing fee has not been paid; or
- the necessary financial statement was not filed for any office in the previous regular election or any new election in which the individual may have been a candidate.

There may be other circumstances in which a candidate is disqualified from being nominated or elected other than those identified above.

**It is the responsibility of each candidate to ensure they are not disqualified from being nominated for the office. Every candidate is required to complete a Declaration of Qualification on the nomination form and an additional Declaration provided by the Clerk.**

### **Exception for Additional Nominations**

If the number of nominations filed for an office and certified under section 35 of the *Municipal Elections Act, 1996* is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 2 p.m. on the Wednesday following Nomination Day. (August 1, 2018)

## **CAMPAIGN CONTRIBUTIONS AND EXPENSES**

The *Municipal Election Act, 1996* as amended, imposes limitations on the expenses for candidates in municipal elections and also imposes requirements on candidates to report the contributions received and the manner in which funds have been expended. The campaign period begins the day the candidate files a Nomination period and ends on December 31, 2018. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office.

Once an individual files their nomination paper, they will be given a Preliminary Certificate of Maximum Campaign Expense Limit based on the Voters' List from the 2014 municipal election. Each candidate will be provided a final certificate on or before September 25, 2018 which is calculated using the greatest number of electors on the Voters' List as of the 2014 municipal election or September 15, 2018, whichever provides the highest maximum limit.

The following is the formula used to calculate the limits:

Head of Council	\$7,500 + \$0.85 for each elector entitled to vote
Candidate for another office	\$5,000 + \$0.85 for each elector entitled to vote

### **Filing Financial Statements**

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 29, 2019 by 2:00 p.m. their contributions and expenses as of December 31, 2018 in accordance with the following:

- all candidates are required to file a detailed financial statement on the prescribed form (Form 4)

The financial statement must be filed by March 29, 2019, 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 municipal website. The Clerk will advise at least 30 days prior to the March 29, 2019 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.

### **Candidate Duties – Checklist**

Every candidate must do the following:

- open a separate account at a financial institution **exclusively** for campaign purposes in the name of the candidate's election campaign;
- deposit **all** contributions intact into the campaign account, including contributions made by the candidate and his or her spouse;
- pay **all** campaign related expenditures from the campaign account (an exception to this rule is that the nomination filing fee will not be paid from the account, since the account cannot be used until after being nominated);
- value and record contribution of goods and services;

- issue receipts for all contributions received and obtain all receipts for all expenses incurred;
- maintain records of:
  - ❖ the receipts issued for every contribution including the acceptance date of the contribution and issuance date of the receipt;
  - ❖ the value of every contribution whether a contribution is in the form of money, goods or services;
  - ❖ the contributor's name and address;
  - ❖ all expenses, including the receipts obtained for each expense;
  - ❖ any claim for payment of an expense that the candidate disputes or refuses to pay;
  - ❖ the funds raised and expenses incurred from each separate fund-raising activity;
  - ❖ the monies received at fund-raising functions by donations of \$10 or less; and
  - ❖ any campaign account loan.
  
- give proper direction to persons authorized to incur expenses and accept contributions on behalf of the candidate;
- return any improper contributions to the contributor or, if not possible, turn over the contribution to the clerk;
- pay all anonymous contributions to the clerk;
- file a financial statement. A municipality may, by by-law permit electronic filing. Candidates should check with their local clerk to determine if the municipality permits electronic filing
- report the surplus (deficit) of the campaign period and any contributions refunded from the surplus to the candidate or the spouse of the candidate;
- list contributors, by name, address and amount of contribution, if the contribution totals more than \$100; and
- maintain all election finance records for the term being sought and until the new council is organized following the next election.

**NOTE:** Receipt forms are valuable documents and should be stored in a secure place. Receipts must be signed by the candidate or his or her designate. It is a good practice to have a receipt that is a multi-part form, one for the contributor and one or more for the candidate's records. Receipts should be sequentially numbered.

## **SCRUTINEERS**

Each candidate may appoint, in writing, any number of persons necessary to act as scrutineers to represent them at the polls, and to be present during the counting of the votes.

Only one scrutineer per candidate may be in the voting place for each ballot box. If a candidate enters the voting place they are considered to be a scrutineer.

Candidates and scrutineers have the following rights:

- to be present when ballot boxes, materials related to the ballot boxes and statement of the results are being delivered to the Clerk
- To enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other election documents but not to delay the opening of the voting place
- To place their own seal on the ballot box before the opening of the voting place
- To sign the statement of the results of an election
- To place their own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited.

Scrutineers and candidates are prohibited from the following:

- Engaging electors in conversation while in a voting place or location
- Attempting directly or indirectly to interfere with how an elector votes
- Attempting to campaign or persuade

If you should have any questions please do not hesitate to contact:

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