

Candidate Information Session

2022 MUNICIPAL ELECTION

April 20, 2022



Ontario

A portrait of a man with dark hair, wearing a light-colored shirt, looking directly at the camera. The image has a purple and blue color scheme. At the top, it says '✓ VOTE FOR ME'. Below the portrait, it says 'I WOULD NEVER:' followed by a list of promises, each preceded by a checkmark. At the bottom left of the image, there is a small yellow box with the text 'STARECAT.COM'.

✓ VOTE FOR ME

I WOULD NEVER:

- ✓ Give you up
- ✓ Let you down
- ✓ Run around
- ✓ Desert you
- ✓ Make you cry
- ✓ Say goodbye
- ✓ Tell a lie
- ✓ Hurt you

STARECAT.COM

Disclaimer

- The information in these slides is provided by the Ministry of Municipal Affairs and Housing and the City of Thunder Bay 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
- Eligibility rules
- Nomination process
- Campaign finances
- Compliance/Offences/Penalties
- Voters' list and voting proxy
- Scrutineers
- Recounts
- Key Dates
- Resources



Running for Municipal Office



Questions during the live session

OfficeoftheCityClerk@thunderbay.ca

(807) 625-2231

Role of Municipal Government

- Municipal Governments are legislated by the Municipal Act as well as other legislation that is created for local government (Elections Act, Conflict of Interest Act, Assessment Act, Planning Act etc.)
- Cities and towns are designated as upper tier, lower tier or single tier municipalities
- Thunder Bay is a single tier municipality



Role of Municipal Government

- **The municipal level** - This is the level of government that is usually based in a city, town or district (a *municipality*).
- Municipal governments are responsible for areas such as libraries, parks, community water systems, local police, garbage and recycling, roadways and parking.
- They receive authority for these areas from the provincial governments.
- Municipal Government is the level of government closest to the people but with the least amount of power.



Positions to be elected

CITY COUNCIL

- Mayor (1)
- Councillor-at-Large (5)
- Ward Councillor (7)



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



"We're running a bit short of time tonight, so let's skip the questions and go right to the answers."

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
- carry out the duties of the head of council under the *Municipal Act, 2001* or any other Act

Role of Head of Council

SECTION 226.1 OF THE *MUNICIPAL ACT, 2001*

As chief executive officer of a municipality, the head of council shall,

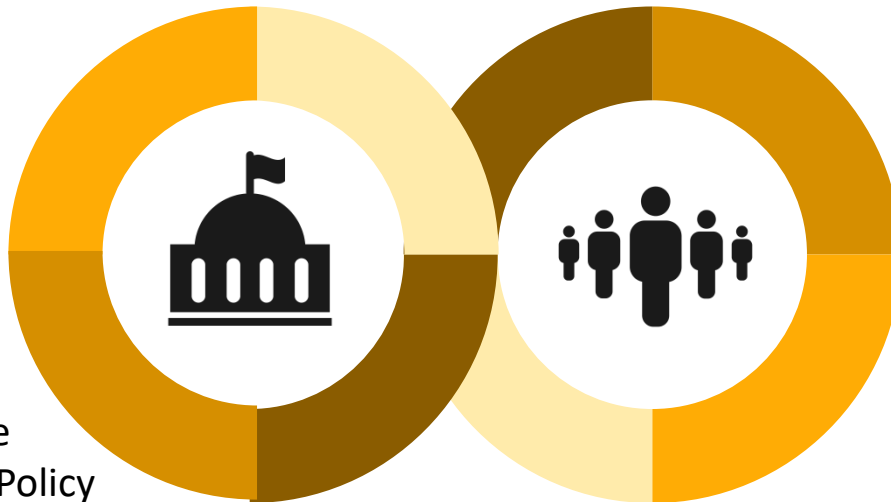
- uphold and promote the purposes of the municipality;
- promote public involvement in the municipality's activities;
- act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

Council's Responsibilities

- Two of the significant ways that municipal council's make an impact on the taxpayer and the community are decisions relative to Land Use Planning and the annual City Budget
- City Council makes decisions that once ratified are the responsibility of Administration to implement
- Council provides leadership for the city's future through by-laws, policy and budget decisions
- City Council has one employee – the City Manager who is responsible for managing all human resources for the City of Thunder Bay
- City Council has statutory officers as per legislation that fulfill specific roles (Chief Building Officer, Clerk, Treasurer, Fire Chief etc.)

Council/Staff Relationship

All municipalities should recognize the importance of council-staff relations



Council

- Representative
- Direction and Policy
- Decisions
- Political Leadership

City Manager and Staff

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

Representative Role

- Council is 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

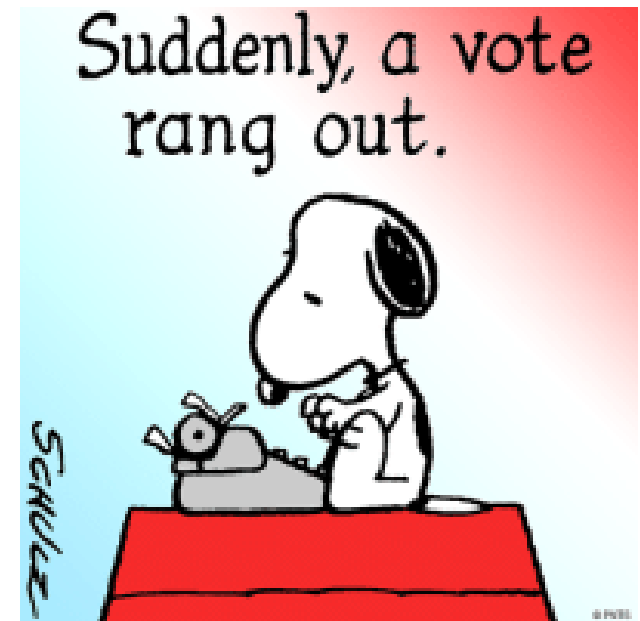
- Council's objectives are to ensure financial and administrative resources are used efficiently
 - council monitors implementation of approved policies and programs
 - practical aspects of implementation and administration rests with staff
- Council may wish to develop processes to help ensure:
 - policies 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

A few more things you need to know

- The Mayor's position is planned and salaried as a full time position
- The Mayor has 1.5 support staff to assist their work
- 12 members of council are planned and salaried as part time positions
- 12 members of council share 1 full time staff person (council support) for administrative support (ordering supplies, registering for events, etc.) the position also has additional duties
- Members of Council sit on 5-7 committees, boards each (Parking Authority, TBDSSAB, Board of Health, Communications Committee etc.)
- Members are generally in receipt of constant communication from constituents

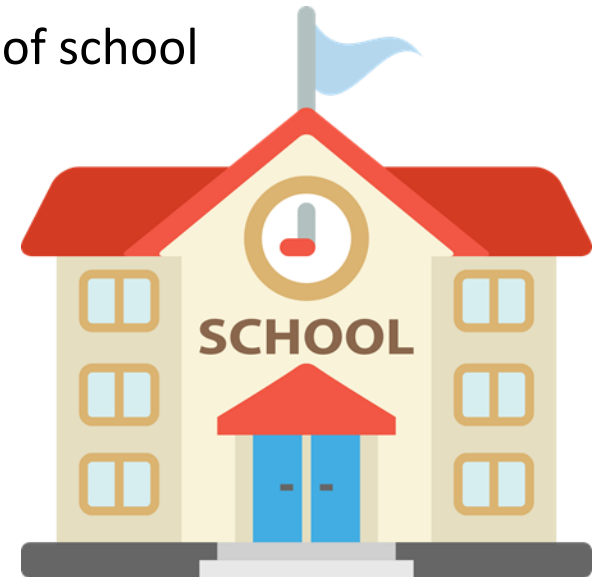
A few more things you need to know

- Ward/Townhall meetings are limited to a max of 4 per year
- Each member of council has a budget to be used for payment of telecommunications expenses, costs for advertising Ward/Townhall meetings, administrative supplies and supporting city council work
- Decisions are made by City Council via vote with a majority of council



Role of School Board Trustee

- School board trustees are members of the school board.
- Trustees are locally-elected representatives of the public, and are advocates for public education.
- The Education Act creates four different kinds of school boards:
 - (i) English-language public district school boards
 - (ii) English-language separate district school boards
 - (iii) French-language public district school boards
 - (iv) French-language separate district school boards



Trustees to be elected

- ENGLISH Language PUBLIC Trustee for the Lakehead District School Board (8)
- ENGLISH Language SEPARATE Trustee for the Thunder Bay Catholic District School Board (6)
- FRENCH Language PUBLIC Trustee for the Conseil scolaire public du Grand Nord de l'Ontario (1)
- FRENCH Language SEPARATE Trustee for the Conseil scolaire de district catholique des Aurores boréales (5)



Role of School Board Trustee

- The role of a school board trustee is to:
 - establish policy direction
 - participate in making decisions that benefit the entire school board while representing the interests of constituents
- Trustees are accountable to:
 - constituents
 - Ministry of Education
 - families



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

School Board Trustee - Eligibility/Ineligibility

Eligibility	Ineligible
<ul style="list-style-type: none">✓ a resident within the jurisdiction of the board✓ eligible to vote for school board election✓ be a Canadian citizen aged 18 or older✓ meet any other qualifications to vote for the school board (for example – being a Roman Catholic, or hold French language rights)	<ul style="list-style-type: none">✗ any person who is not eligible to vote for the school board✗ an employee of any school board who has not taken an unpaid leave of absence✗ municipal officials✗ 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

WHERE, WHEN AND HOW TO FILE?

- Nomination packages are available at the Office of the City Clerk and online at tbayvotes.ca.
- Nomination must be filed in the City Clerk's office, in-person or by an agent, starting Monday, May 2.
- The deadline to file is Nomination Day, Friday, August 19, 2022.
- On Nomination Day, nominations may be filed between 9 am and 2 pm

NEW for 2022

Nomination must be filed **by appointment only**. Book online at tbayvotes.ca or call (807) 625-2230.

Nomination Process

Nominations must be filed in person and include:

- Form 1 - Nomination Paper, a prescribed form
- Form 2 - Endorsement of Nomination, endorsed by at least 25 people, required if running for City Council, not School Board Trustee
- Identification
- Applicable filing fee (\$200 for Mayor, \$100 for all others)



Nomination package also includes:

- Declaration of qualifications
- Consent to release personal information

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.

Nomination Process

- 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).



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 was running for a councillor position and decided to run for the head of council position the nomination filling fee would need to be topped up to \$200



Questions during the live session

OfficeoftheCityClerk@thunderbay.ca

(807) 625-2231

Campaign Advertisements

- Candidates 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
 - the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate
- No broadcaster or publisher shall cause a campaign to appear unless this information has been provided.



Campaign Advertisements

- The broadcaster or publisher of a candidate advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:



- the name of the candidate
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate
- a copy of the advertisement, or the means of reproducing it for inspection.
- a statement of the charge made for its appearance.

Campaign Finance Rules



- Campaign finance rules for candidates (sections 88.8-88.11 and 88.15-88.20 of the *Municipal Elections Act, 1996*).
- 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

- Accurate record keeping is a legislated requirement.
- Candidates 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

- As a best practice, candidates 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



Contributions

- A contribution includes money, goods or services.
- Contributions to candidates from trade unions and corporations are prohibited in municipal elections.
- 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



- Candidates can accept contributions from:
 - individuals who are normally resident in Ontario
 - the candidate and their spouse

Contributions

- 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).

Contributions Limits

- The limit on contributions to any one candidate 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.
- 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 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.



Campaign Expenses

- 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



- The clerk will provide candidates with two certificates:
 - preliminary estimate – when filing a nomination form, 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

Financial Statement

- Candidates must file their financial statement on or before 2:00 pm Friday, March 31, 2023.
- If a candidate 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

- 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

- 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).
- 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 indicating whether each candidate complied with the filing requirements.
- Clerks can determine conditions and limits regarding electronic filing of financial statements.

Financial Statement

- The candidate's nomination fee is refundable only if the financial statement is filed on time.
- A candidate 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 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 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.
- 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. 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 campaign finances even if the candidate hasn't filed a financial statement.
- The committee will consider the application and decide whether to retain an auditor.

Compliance Audit

- Compliance audit committee meetings are required to be open to the public but the committee may deliberate in private.
- 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.
- 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.

Voters' List



- 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 they reside.

Voting Proxy

- A person who is entitled to be an elector in a local municipality may appoint another person who is also entitled to vote as their voting proxy.
- No proxy appointments can be made until nominations close.
- A voter must directly appoint another eligible voter by name as their proxy.
- A person may only act as the voting proxy for one person, unless they are acting on behalf of a spouse, sibling, parent, child, grandparent or grandchild.
- The prescribed proxy form must be completed by the individual appointing the proxy.

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.

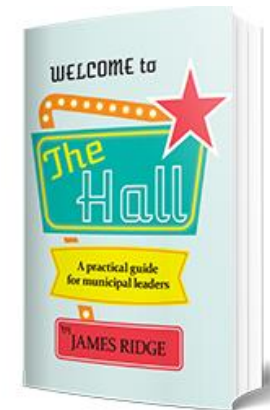
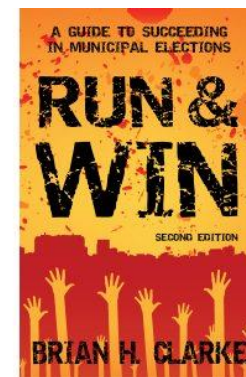
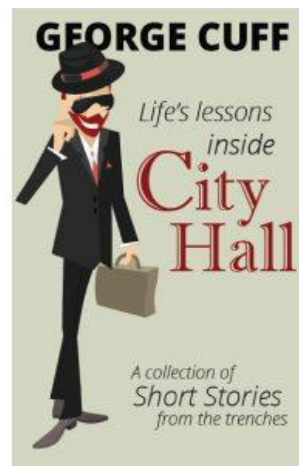
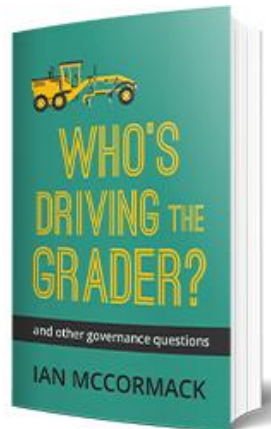
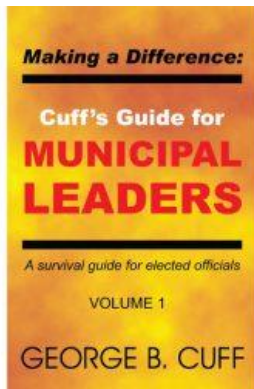
Key Dates



- **Monday, May 2** – Nomination period begins
- **Friday, August 19** – Nomination Day, 9 a.m. – 2 p.m.
- **Monday, October 24** – Voting Day
- **Tuesday, November 15** – New term of office commences
- **Tuesday, January 3, 2023** – Campaign period ends
- **Friday, March 31, 2023** – Campaign financial statement filing deadline – 2 p.m.

Resources

- [Municipal Government Books - Municipal World](#)
- [Municipal Elections | AMO](#)
- Women in Politics – mentorship, advisory, support
- Members of council (past or present)



Resources

Provincial Legislation

[*Municipal Elections Act, 1996*](#)

[*Education Act, 1990*](#)

[Central Forms Repository](#)

MMAH Municipal Election Guides

[2022 Voters' Guide](#)

[2022 Candidates' Guide](#)

[Ontario Municipal & School Board Elections Website \(ontarioschooltrustees.org\)](https://ontarioschooltrustees.org)

[Municipal Councillor's Guide](#)



More Information

tbayvotes.ca

Municipal Election Office

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Questions



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CITY OF
Thunder Bay
Superior by Nature

