City of Kingston
Information Report to Council
Report Number 16-244

To: Mayor and Members of Council
From: Denis Leger, Commissioner, Corporate & Emergency Services
Resource Staff: John Bolognone, City Clerk
George Wallace, Senior Special Projects Manager
Date of Meeting: July 12, 2016
Subject: Amendments to the Municipal Elections Act, 1996

Executive Summary:

The Province of Ontario conducted an extensive public review of the Municipal Elections Act, 1996 (the “Act”) with more than 3,400 submissions received from the public, Associations (AMO and AMCTO), municipal Councils and staff across the Province. On April 4, 2016 the Province of Ontario introduced changes to the Act in response to the concerns raised during the review. Bill 181, “An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts” (short title “Municipal Elections Modernization Act, 2016”) received Royal Assent on June 9, 2016. As such, the amendments are now in force save and except a number of provisions respecting third party advertising which will come into force April 1, 2018. Bill 181 sets out significant amendments to the Act that are intended to modernize municipal elections, increase transparency and accountability and make election rules clearer.

The amendments, among other matters:

- provide the option of using ranked ballots in future municipal elections;
- shorten the campaign period by opening nominations on May 1 instead of January 1;
- create a framework to regulate third party advertising;
- make campaign finance rules clearer and easier to follow;
- remove barriers that could affect electors and candidates with disabilities;
- make it easier to change information on the voters’ list; and
- increase the responsibilities of the City Clerk respecting overall election administration and the review of candidate/registered third party financial statements and auditor’s reports.
The government still needs to pass Regulations respecting such matters as ranked ballot elections. Two Regulations, (1) Vote Counting and Reporting Requirements for Ranked Ballot Elections under the Municipal Elections Act, 1996 and (2) By-law Authority and Consultation Requirement for Ranked Ballot Elections under the Municipal Elections Act, 1996, were posted on the Regulatory Registry on June 13, 2016 and the comment due date for both is July 28, 2016. It is understood that the government intends to finalize these Regulations as soon as possible so that municipalities have the time to consider the use of ranked balloting for the 2018 municipal elections.

At this time it is not possible for staff to fully assess the potential implications of the amendments to the Act until such time as the Regulations have been finalized. Staff proposes to continue to monitor the process until such time as the Regulations have been passed and then report back to Council. However, it appears that municipalities will have the option to use ranked balloting for the 2018 municipal election. Resourcing requirements for the 2018 municipal election will be contingent on the requirements of the Regulations and the Act, as amended, especially if Council opts to use ranked balloting. It is noted that the actual budget for the 2014 municipal election was $552,105. Should Council decide to utilize ranked ballot voting, a substantial investment (staff, technology and finances) will be required in terms of overall election administration, new voting technology, ballot design and testing, and staff time and resources to engage the electorate and explain how the ranked ballot process will work. This will be in addition to possible election staff increases to address the issue of long lines at the polling stations on Election Day that was identified as part of the 2014 post-election analysis.

In terms of next steps, staff will continue to monitor the proposed Regulations respecting the “Municipal Elections Modernization Act, 2016”, and then report back to Council and seek direction respecting the form and administration of the 2018 municipal election once the final details and requirements respecting such matters as ranked ballot voting are known.

**Recommendation:**

There is no recommendation as this report is for information purposes only.
Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER
Denis Leger, Commissioner,
Corporate & Emergency
Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Community Services Not required
Jim Keech, President and CEO, Utilities Kingston Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer Not required
Options/Discussion:

Background:

The Municipal Elections Act, 1996 (the “Act”) sets out rules for electors, candidates and registered third parties, and outlines the roles for City Clerks and City Councils in municipal and school board elections in Ontario. The Ministry of Municipal Affairs and Housing (MMAH) reviews the Act after each municipal election to determine if it meets the needs of Ontario communities.

An extensive public review of the Act took place in 2015 (see Exhibit A attached hereto). The Province received more than 3,400 submissions regarding potential changes with respect to the Act from Associations (AMO and AMCTO), members of the public, municipal Councils and staff. The majority of the submissions were received from members of the public who were in support of giving municipalities the option of using ranked ballots in future elections. Council contributed to the submissions to the Province through the following motion carried by City Council at the January 27, 2015 Council meeting:

“Moved by Deputy Mayor Neill
Seconded by Councilor Holland

Whereas, the Ontario Provincial Government is now considering Municipal Electoral Reform, proposing preferential balloting; and

Whereas, permanent residents are valued and active participants in our communities, civically engaged and participating in our municipalities; and

Whereas, many democracies around the world have lowered the voting age to sixteen; which has further increased electoral participation; and

Whereas, during the Provincial Electoral Review there is an excellent opportunity to expand the electoral franchise in municipal elections;

Therefore, be it resolved that the City of Kingston expresses its support for Preferential Balloting in Ontario Municipal Elections; and

That the City of Kingston encourages the Province of Ontario consider expanding the rights of permanent residents to vote in Ontario Municipal Elections; and

That the Province of Ontario also consider granting election rights to those who are sixteen years old or older.

That copies of this motion be sent to the Ontario Premier’s Office, the Leaders of both Opposition Parties, AMO, FCM, and all Ontario Municipalities over 30,000 residents.”

Carried With Agreed to Amendments (12:1)

The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) made a submission to the Standing Committee on Finance & Economic Affairs on May 12, 2016 with respect to the proposed amendments to the Act. AMCTO provided 23 recommendations during the public consultations on the Act that were intended to help strengthen the administration of
municipal elections. According to the AMCTO submission, almost three quarters of those recommendations were incorporated into Bill 181. AMCTO also conducted a survey of its member municipalities, the results of which are referenced in the various sections of this report dealing with specific amendments to the Act.

**Amendments to the Municipal Elections Act:**

Bill 181, “An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts” (See Exhibit C attached hereto) received Royal Assent on June 9, 2016. As such, the amendments are now in force with the exception of a number of provisions related to registered third parties which do not come into force until April 1, 2018. The approved amendments respond to the concerns heard during the public review of the Act and represent significant updates to the Act and the rules governing the conduct of municipal elections in Ontario. The amendments to the Act are intended to modernize municipal elections, increase transparency and accountability, allow more choice in municipal elections and make election rules clearer.

The following are some of the amendments to the Act which will directly impact the municipal elections in the City of Kingston:

- the option to use ranked ballot voting;
- allowing candidates to file forms electronically;
- removing the requirements for original signatures for everything but third-party registration, nomination forms, and proxies;
- removing the requirements for using registered mail;
- making accessibility reporting more effective;
- shortening the campaign period;
- creating a framework for third party advertising;
- prohibiting corporate and union donations to candidates;
- providing candidates greater flexibility to accept contributions from more modern payment methods;
- considering a nominal increase to the candidate nomination fee;
- allowing candidates to correct errors in their financial statement up until the deadline;
- extending the City Clerk’s authority for removing names from the voters’ list;
- clarifying the rules for finalizing financial statements;
- requiring the Clerk to review candidate and registered third party financial statements and auditor’s reports;
- giving the City Clerk, rather than Council, the authority to determine the dates and times for advance voting, extended and reduced voting hours, and early opening on voting day; and
- creating a Voters’ List Working Group to identify long-term solutions for an improved voters’ list.

The following presents more detail respecting some of the approved amendments:
Definitions

New definitions have been added for “compliance audit committee”, “ranked ballot election”, “registered third party”, “restricted period for third party advertisements” and “third party advertisement”. Amendments are also proposed to the definitions for “fund-raising function” and “prescribed”. The amendment to the definition of “fund raising function” and the addition of the definition for “registered third party” will not come into force until April 1, 2018.

Corporations

A new subsection 1 (3) has been added to provide that two or more corporations are deemed to be a single corporation if one of the corporations controls the others, either directly or indirectly, or if all of the corporations are owned or controlled by the same person or group of persons, either directly or indirectly.

The Voters’ List

The government has indicated that it will be working with stakeholders and a stakeholder working group to look at systemic issues in the development of the voters’ list, and to try to identify solutions for longer-term improvements. While this work is ongoing, some amendments have been made to the legislation to help address certain issues. These include:

- All certified candidates would have access to the parts of the voters’ list that apply to the office they are running for beginning September 1\textsuperscript{st} of the election year (subsection 23 (5));
- During the period beginning September 15\textsuperscript{th} and ending September 25\textsuperscript{th}, the Clerk must prepare an interim list of the changes to the voters’ list and provide a copy of the interim list to each person who received a copy of the voters’ list and to each certified candidate (subsection 27 (1));
- Currently applications to add, delete or change a person’s own information on the voters’ list must be done in person or in writing. Municipal Clerks would be able to determine other formats that people could use to make these applications (subsection 24 (2) (c));
- The process to remove another person’s name from the voters’ list has been simplified and limited to when the elector has died (section 25 of the Act); and
- Within 30 days after voting day the Clerk shall prepare a final list of the approved changes to the voters’ list and provide a copy to the Municipal Property Assessment Corporation (subsection 27 (2)).

As noted in the submission by AMCTO, one of the biggest priorities for municipal Clerks following past elections has been the poor quality of the voters’ lists. 92% of the Clerks surveyed agreed that a new approach for creating the voters’ list is required. The amendments through Bill 181 should create small short-term improvements in the voters’ list for the 2018 election. However, AMCTO is of the opinion that the key issues can only be solved by transforming the way the voters’ list is constructed and that this will require a commitment from provincial ministries to do a better job of collaborating and sharing information. AMCTO indicated that it will continue to work with the Voters’ List Working Group to address the issues.
Changes to the Election Calendar

Amendments to the Act respond to a frequent recommendation from the public, municipal Councils and municipal staff to shorten the election campaign period. Currently for a regular election, the period for filing nominations begins on January 1 in the year of the election and ends on the second Friday in September. The amendments to section 31 and clause 33 (4) (a) of the Act shorten the election campaign period from 37 weeks to 13 weeks by moving the first day for filing nominations to May 1st of the election year and moving the last day to file a nomination (Nomination Day) to the fourth Friday in July. The intent of shortening the length of the nomination period is to give municipalities more time to prepare ahead of the election. Information provided by MMAH indicated that Ontario currently has the longest nomination period of any province. The amendments also respond to feedback from the public review process about campaign fatigue.

Other deadlines that are affected by amendments to subsections 8 (5.1) and (5.2) and clause 8.1 (1) (a) of the Act include:

- the municipality would have to pass a By-law to place a question on the ballot by March 1st in the election year (section 8.1 (1) (a));
- The deadline for other questions (e.g. a school board or Minister’s question) would be May 1st in the election year (section 8 (5.1));
- The deadline to pass a By-law authorizing the use of alternative voting (e.g. by mail or by internet) and vote counting equipment would be May 1st in the year before the election, i.e. by May 1, 2017 for the 2018 election (section 42 (2) (a)); and
- The Clerk would need to have procedures and forms related to alternative voting and vote counting equipment in place by December 31st in the year before the election (section 42 (4)).

Nomination and Eligibility

Amendments to section 33 of the Act introduce a new requirement that anyone wishing to run for office on a Council must submit the signatures of 25 voters supporting the nomination (section 33 (1.1)). The individuals providing the signatures would each have to fill out a declaration stating that he or she was eligible to vote on the day that he or she signed the endorsement (section 33 (2) (a.1)). It is noted that a person may endorse more than one nomination. If a candidate files a nomination, and then changes their mind and decides to run for a different office on the same Council, they would not have to submit new signatures (section 33 (2.1)). It is noted that the signature requirement does not apply to candidates running for school board trustee positions. Sections 33 (1.1), 33 (2) (a.1) and 33 (2.1) do not come into force until April 1, 2018.

Amendments to section 17 of the Act authorize the Minister to make Regulations governing who is, and is not, considered to be a tenant for the purpose of determining eligibility to vote in a local municipality.
A new subsection 19 (7) has been added to provide “for greater certainty” that where a municipality is divided into wards, an elector is entitled to vote only in the ward where he or she resides, even if the elector resides in one ward and is the owner or tenant or land in a different ward or is the spouse of an owner or tenant of land in a different ward.

A new subsection 29 (4) clarifies that a person is eligible to be nominated for an office in any ward of the municipality.

Ranked Ballots

Ranked ballot voting (section 41.1) is perhaps the most significant of the amendments in terms of the associated logistical, financial and resourcing implications for municipalities. Under this section, municipalities have the option to pass a By-law (section 41.2) to use ranked ballot voting beginning with the 2018 municipal election as an alternative to the current system. The intent of the amendment is to allow more choice in how municipal elections are run. Ranked ballots are an additional tool that would give municipalities more flexibility to meet the needs of their local communities.

In one of its Fact Sheets respecting the amendments to the Municipal Elections Act, MMAH outlined the following rationale for introducing the option to use ranked ballots:

- ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement;
- ranked ballots may reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate in an election because they think their first choice candidate may not win the election;
- ranked ballots may reduce negative campaigning – since voters can rank multiple candidates, there is an incentive for candidates to appeal to voters not just as a first preference vote, but also to gain a high ranking from supporters of other candidates; and
- ranked ballots may encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced.

Ranked ballot voting is not mandatory for municipalities. Also, ranked ballots are not being considered for school board trustees. If Council decided to use ranked ballots to elect the Mayor and Councilors, electors would still use the current voting method to vote for school board trustees. Two MMAH Fact Sheets respecting Ranked Ballots are attached hereto as Exhibits D and E.

In Kingston, single-member elections are used for the Mayor and Council positions, i.e. only one candidate will win. Single-member ranked ballot elections use a system called Ranked Choice Voting whereby the winning candidate must receive 50% of the total votes plus one (a simple majority). In a ranked ballot election, there may be multiple rounds of ballot counting before a winner can be declared. Electors rank the candidates in order of preference – first choice, second choice, third choice, etc. – instead of voting for just one candidate. First choice votes would be counted for all of the candidates. If a candidate receives at least 50% plus one votes, he or she is elected. If none of the candidates receives enough first choice votes, the candidate with the fewest votes is eliminated. Each of the eliminated candidate’s ballots is then
redistributed to one of the remaining candidates according to the second choice marked on each of the eliminated candidate’s ballots. If one of the remaining candidates then has enough combined first and second choice votes, he or she is elected. If none of the remaining candidates receives enough combined votes to be elected, the candidate that has the fewest votes after the second choice count is eliminated and those ballots are redistributed based on the third place choice marked on each of the eliminated candidate’s ballots. The process continues until one candidate has enough votes to win.

In a single-member ranked ballot election, the voter’s first choice is always counted. Their second, third, etc. choices will only be counted if their earlier choice has been eliminated. If all of the candidates that a voter had listed as their preference(s) were eliminated, their ballot would become “exhausted”. Exhausted ballots would be removed from the count, as they could not be redistributed to any of the remaining candidates.

The following is a simple illustration of how a ranked ballot election would work:

1,000 people voted – only one candidate can be elected. 501 votes are needed to win (50% of 1,000 plus 1 makes it a simple majority).

<table>
<thead>
<tr>
<th>Candidate 1</th>
<th>Candidate 2</th>
<th>Candidate 3</th>
<th>Candidate 4</th>
<th>Candidate 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Count</td>
<td>75</td>
<td>120</td>
<td>405</td>
<td>125</td>
</tr>
</tbody>
</table>

Based on the first choice votes, none of the candidates received enough votes (501) to be elected. Therefore, candidate 1 with the fewest number of votes is eliminated and their 75 votes are redistributed to the four remaining candidates based on the second choice candidate on each ballot.

<table>
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<tr>
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<th>Candidate 4</th>
<th>Candidate 5</th>
</tr>
</thead>
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<tr>
<td>First Count</td>
<td>75</td>
<td>120</td>
<td>405</td>
<td>125</td>
</tr>
<tr>
<td>2nd Choice Votes</td>
<td>25</td>
<td>30</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Second Count</td>
<td>145</td>
<td>435</td>
<td>130</td>
<td>290</td>
</tr>
</tbody>
</table>

Following redistribution of the candidate 1 votes based on the second choice candidate on each ballot, none of the candidates received enough votes (501) to be elected. Therefore, candidate 4 with the fewest number of second count votes is eliminated and their 130 second count votes are redistributed to the three remaining candidates based on the third choice candidate on each of the ballots.

<table>
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<td>Second Count</td>
<td>145</td>
<td>435</td>
<td>130</td>
<td>290</td>
</tr>
<tr>
<td>3rd Choice Votes</td>
<td>15</td>
<td>75</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Third Count</td>
<td>160</td>
<td>510</td>
<td></td>
<td>330</td>
</tr>
</tbody>
</table>
Following redistribution of the candidate 4 votes based on the third choice on each of the ballots, candidate 3 with 510 votes is elected.

In looking at the results for the 2014 municipal election, had that been a ranked ballot election, and assuming that everyone voted the same way, eight of the Districts would have been decided based on first choice votes. The elected candidates in those eight Districts received a low of 51.9% of the vote to a high of 87.3%. For the office of Mayor and the other four District Councilors, multiple ballot counts would have been required as the winning candidates received a low of 33.7% of the vote to a high of 40.6%.

Section 41.1 of the Act provides that the Lieutenant Governor in Council may, by Regulation, authorize municipalities to conduct ranked ballot elections and may provide that the ranked ballot elections are authorized only for specified offices on a municipal Council. The Regulation may also establish the standards and procedures for the conduct of ranked ballot elections, including rules to govern ballots, voting procedures, the counting of votes and recounts. The Regulation may also outline the powers that the Clerk may exercise in administering a ranked ballot election and the information to be made available to the public with respect to the counting of votes in each round. Currently, no Canadian jurisdiction uses ranked ballot voting. In accordance with section 41.2 of the Act, Council would have to pass a By-law to implement ranked ballot voting that a Regulation has been passed pursuant to section 41.1. Two Regulations were posted on the Regulatory Registry on June 13, 2016 and the comment due date for both is July 28, 2016. Each of the Regulations is summarized briefly in the following sections of this report.

As identified in the AMCTO submission, public education and engagement will be one of the biggest challenges for municipalities if a decision is made to use ranked ballots. Significant resources will be required to engage the electorate and explain how the ranked ballot election process works. This will result in additional resource and time implications for staff at what is already an extremely busy time. From an administrative perspective, there are a range of additional factors that will make a ranked ballot election more complex and more costly including: the design of the ballots; acquiring updated voting technology to accommodate ranked ballots (if it is available); investing in the necessary IT support for the new voting system; logic testing the ballot filing and counting processes; and additional election support staff. While the foregoing can all likely be addressed if the necessary resources are provided (human, technology and financial), the challenges become more daunting as the October 2018 election gets closer. Based on the AMCTO Survey of municipal Clerks, 75% indicated that if their Council decided in favour of ranked ballots for the 2018 election they would not feel prepared.

Proposed Regulations

1. Vote Counting and Reporting Requirements for Ranked Ballot Elections under the Municipal Elections Act, 1996

   This proposed regulation sets out the rules governing ballots, voting procedures, the counting of votes, recounts and reporting results. A summary is attached as Exhibit F. Highlights include:
In addition to the general rules for what can appear on a ballot, ranked ballots must include the number of candidates to be elected for each office, instructions on how to mark the ballot and the maximum number of preferences that may be ranked;

- If a voter gives the same candidate more than one ranking, only the highest will be counted;
- If a voter skips a ranking, the next highest will be counted;
- If a voter gives two candidates the highest ranking, so that it is not possible to determine which candidate is the first preference, the ballot will be rejected;
- If it is not possible to determine the voter’s next preference, the ballot becomes exhausted;
- A voter does not have to rank the maximum number of preferences;
- Candidates may be eliminated either using single or batch elimination;
- The Clerk decides which elimination method is to be used – the method must be the same for all offices and all rounds of counting;
- A candidate must receive a predetermined number of votes to be elected. The Regulation will set out the formula for calculating this number for each office;
- Rules are established to deal with situations where candidates to be eliminated are tied;
- The Clerk must report: the candidates elected; number of ballots cast; number of ballots declined or rejected; threshold for each office; number of votes each candidate received in 1st round of voting; results of each subsequent round of vote counting; and, the number of exhausted ballots; and,
- Rules are established regarding an application to the court for a determination of the validity of disputed ballots and for a recount.

2. By-law Authority and Consultation Requirement for Ranked Ballot Elections under the Municipal Elections Act, 1996

This Regulation authorizes ranked ballot elections and sets out the conditions, limitations and procedural requirements for municipalities passing a By-law authorizing the use of ranked ballots. A summary is attached as Exhibit G. Highlights include:

- If a By-law is passed, ranked ballots must be used to elect all members of Council (regular election or any by-elections);
- The By-law may specify the maximum number of rankings an elector may make – if the By-law does not specify a maximum, the default number is three;
- The number of rankings may be different for each office being elected;
- Before passing a By-law, the municipality must hold an Open House to provide information about how the election will be conducted, estimated cost of the election, any vote-counting equipment being considered, and any alternative voting method being considered;
- The City must hold a Public Meeting at least 15 days after the Open House to allow the public to speak to Council about the By-law; and,
- The By-law must be passed no later than May 1, 2017 for the 2018 election.
Campaigning

A new section 88.1 to the Act allow candidates to access apartment buildings, condominiums, non-profit housing co-ops and gated communities from 9 a.m. to 9 p.m. in order to campaign. Landlords and condominium corporations cannot prohibit tenants or owners from displaying campaign signs on their leased premises (subsections 88.2 (1) and (2)). However, reasonable limits may be imposed on the size or type of signs and signs may be prohibited in common areas unless space in the building is being used as a voting place (subsections 88.2 (3) and (4)). Candidates and third party advertisers would need to include language in their campaign advertisements and on their signs so that it is clear who is responsible for the messaging and a definition of “election campaign advertisement” is included (sections 88.3 and 88.4).

Third Party Advertising

Bill 181 proposes to introduce a framework to regulate third party advertising, which would include contribution and spending limits (section 88.4). Only individuals, corporations and trade unions who are eligible to contribute to candidates could register as a third party advertiser. Third party advertisers must be registered in each municipality where they want to advertise. Registration allows a third party advertiser to promote or oppose any candidate in the election or a “yes” or “no” answer to a question on the ballot. Eligibility to be a registered third party is restricted (section 88.6). For example, a candidate cannot be a registered third party. The parties would also have to identify themselves on signs and advertisements (section 88.5). Municipalities would be authorized under section 88.7 of the Act to remove third party advertising in case of a contravention. It is noted that Sections 88.3 (Candidates’ election campaign advertisements), 88.4 (Third party advertisements), 88.5 (Mandatory information in third party advertisements), 88.6 (Registration of third party advertisers – Notice of registration) and 88.7 (Municipal authority to remove advertisements) do not come into force until April 1, 2018.

Campaign Contributions to Candidates

Contributions to candidates are currently governed by the Act which specifies what is, and is not, a contribution, when contributions can be made, who can make contributions and specifies maximum amounts (sections 88.8 and 88.9) that can be contributed. The Act also provides for contribution rebates (section 88.11) provided the municipality passes a By-law or a local board passes a resolution establishing the conditions under which an individual is entitled to a rebate. Other amendments are proposed, including increasing from $10 to $25 the amount of contributions and goods and services sold at a fund raising event that are not considered contributions and for which receipts do not have to be issued (subsection 88.8 (8)).

As initially drafted, the proposed amendments would have provided all municipalities the option to ban corporate and union donations. Currently, only the City of Toronto has that ability and has prohibited such contributions in the past two elections. However, that section has been repealed and under a new subsection 88.8 (4) of the Act corporations that carry on business in Ontario and trade unions that hold bargaining rights for employees in Ontario cannot make contributions to candidates.
Under a new section 88.34 of the Act, the Clerk is required to review the contributions that are reported on a candidate’s financial statements to determine whether any contributors appear to have exceeded the contribution limits. The Clerk is required to make a report about each such contributor to Council and forward the report to the Municipal Compliance Audit Committee (MCAC) or the secretary of a local board. Said report is required as soon as possible following the day that is 30 days after the filing date. The filing date for a general election is December 31st in the year of the election, which means the Clerk’s reports would have to be filed as soon as possible after January 30th. After the Clerk files a report with the secretary of a local board, the secretary of the board is responsible for submitting the report to the MCAC. It is noted that section 88.34 (Review of contributions of candidates) does not come into force until April 1, 2018.

According to the AMCTO Survey, only 21% of municipal Clerks indicated that they would be comfortable fulfilling this responsibility. One of the concerns outlined in the AMCTO submission respecting this proposed amendment is that most municipalities (including Kingston) do not have an electronic filing system for candidate’s filings. To determine when or where contributors exceeded the limits, most Clerks would have to invest in significant IT upgrades or review and cross-reference financial filings manually. AMCTO recommended that this responsibility should rest with the municipality’s Compliance Audit Committee which is specifically tasked with reviewing and auditing candidate’s financial statements.

Contributions to Registered Third Parties

New sections (88.12 to 88.14 and 88.16 to 88.18) are proposed to govern contributions to registered third parties in relation to third party advertisements. In general, the rules are analogous to those governing contributions to candidates. The Act identifies what constitutes a contribution. Contributions can only be made: by a person or entity that is entitled to make a contribution; to third party advertisers who are registered; and, during the applicable campaign period. Corporations and trade unions are permitted to make contributions to registered third parties. Maximum contribution amounts are specified. It is noted that sections 88.12 (Contributions to registered third parties), 88.13 (Maximum contribution to registered third parties), 88.14 (Fund-raising for registered third parties), 88.15 (Contributions for third party advertisements), and 88.17 (Campaign account loans, registered third party) do not come into force until April 1, 2018.

Under a new section 88.36 of the Act, the Clerk is required to review the contributions that are reported on the financial statements of a registered third party to determine whether any contributors appear to have exceeded the contribution limits. The Clerk makes a report about each such contributor to Council and forwards the report to the Municipal Compliance Audit Committee. Said report is required as soon as possible following the day that is 30 days after the filing date of December 31st in the year of the election. It is noted that sections 88.35 (Compliance audit of registered third parties) and 88.36 (Review of contributions to registered third parties) do not come into force until April 1, 2018.
Campaign Expenses of Candidates and Registered Third Parties

The Act currently imposes restrictions on candidate’s campaign expenses. New sections have been added respecting the formula to be used to calculate the maximum amount of campaign expenses that can be incurred by candidates (subsections 88.20 (11) and (12)) or registered third parties (subsections 88.21 (11) and (12)). The formula, to be used after the 2018 election, is based on the number of electors entitled to vote for the office for which the candidate is nominated. The number of electors is the greater of:

- the number shown on the voters’ list from the previous election as it existed on September 15th as amended to include changes that were approved as of that day; OR
- the number shown on the voters’ list for the current election as it exists on September 15th in the year of the current election as amended to include changes approved as of that day.

The Clerk will calculate the maximum permitted amounts and give a certificate of the applicable amounts to each candidate or the person filing the third party registration. An initial certificate is to be provided at the time a person files his or her nomination (section 33.0.1 (1) or a third party is registered (section 88.21 (15)) based on the number of voters for the previous election. A second certificate is then to be provided to candidates (section 88.20 (13)) based on the voters’ list as it exists on September 15th of the current election year. The Clerk’s calculations are final (sections 88.20 (14) and 88.21 (17)). Before voting day the Clerk is required to provide each person nominated for office a notice respecting the penalties related to election campaign finances and the refund of the nomination filing fee (section 33.1).

For the 2018 municipal election, the number of voters is to be determined from the voters’ list from the previous election as it existed on nomination day of the previous election, as amended to include changes that were approved as of that day (subsections 88.20 (15) and 88.21 (13) (a)).

The amendments outline what constitutes an expense and indicate that expenses can only be incurred during the candidate’s campaign period (generally from the day his or her nomination is filed to December 31st of the election year (section 88.24 (1))). New spending limits (amount to be set out in a Regulation) will be imposed on candidate expenses for holding parties and making other expressions of appreciation after the close of voting (subsection 88.20 (9)). Analogous restrictions are imposed on registered third parties for expenses that they are permitted to incur in relation to third party advertisements (sections 88.19 (2) and 88.21). It is noted that sections 88.19 (2) (Expense for third party advertisements) and 88.21 (Registered third party expenses) do not come into force until April 1, 2018.

Financial Statements of Candidates and Registered Third Parties

Section 88.30 of the Act specifies the deadlines (last Friday in March following the election for a regular election) by which candidates and registered third parties are required to file certain financial statements and auditor’s reports, each in the prescribed form, with the Clerk (sections 88.25 and 88.28). Amendments to the Act impose the same deadlines and requirements for
financial statements and auditor’s reports on registered third parties (section 88.29). At least 30
days prior to the filing date, the Clerk must give notice to each candidate (section 88.25 (9) and
registered third party (section 88.29 (7) respecting the filing requirements and penalties.

Currently a candidate’s nomination fee is refunded if the candidate withdraws the nomination, is
elected to office or receives more than a specified percentage of the votes cast. A proposed
amendment to the re-enacted section 34 of the Act provides that a candidate’s nomination fee
will only be refunded if the candidate’s financial statement and auditor’s report (if required) are
filed by the deadline.

The Act imposes automatic penalties on a candidate for default in filing a financial statement by
a specified deadline, for incurring expenses greater than the allowed maximum or failing to pay
the amount of any surplus to the Clerk. The penalties for candidates (section 88.23 (2)) are: the
candidate forfeits any office to which he or she was elected and the office is deemed to be
vacant; and, until the next regular election has taken place, the candidate is ineligible to be
elected or appointed to any office to which the Act applies. Section 88.23 of the Act has been
amended to permit a candidate to avoid the automatic penalties for failing to file a financial
statement by the specified date if the candidate pays a late filing fee of $500 and files the report
within 30 days of the specified deadline. The automatic penalty for similar defaults by a
registered third party is set out in a new section 88.27 of the Act, i.e. the third party is not
entitled to register again until after the next election has taken place. However, a third party can
avoid the automatic penalty if the third party pays a late filing fee of $500 and files the report
within 30 days of the specified deadline. The late filing fee is the property of the municipality
(sections 88.23 (10) and 88.27 (7)).

A candidate or third party may, before the last day for filing a document, apply to the Superior
Court of Justice to extend the time for filing the required financial documents and, if the Court is
satisfied that there are mitigating circumstances justifying a later filing deadline, the Court may
grant an extension for the minimum period necessary to enable the candidate or third party to
file the documents, but said extension shall not be more than 90 days (sections 88.23 (6) and
88.27 (3)).

It is noted that sections 88.26 (Duties of registered third parties), 88.27 (Effect of default by
registered third party), 88.28 (Campaign period for registered third parties) and 88.29 (Financial
statements, etc. of registered third parties) all come into force April 1, 2018.

As soon as possible after April 30th in the year following an election, the Clerk is required to
provide a report to the public setting out which candidates and registered third parties have filed
their financial statements and auditor’s reports by the deadline, and which ones have not done
so (new subsections 88.23 (4) and (5) and 88.29 (11) of the Act).

Election Administration

The proposed amendments include a number of changes on how elections are conducted, as
follow:
• Currently Section 12.1 of the Act requires the Clerk to have regard for the needs of electors and candidates with disabilities. Amendments to that section require the Clerk to prepare an accessibility plan regarding the identification, removal, and prevention of barriers that could affect electors and candidates with disabilities, and to make the plan available to the public prior to Election Day. Within 90 days after voting day, the Clerk must prepare a report about the identification, removal, and prevention of barriers that affected electors and candidates with disabilities, which report must be made available to the public (report does not need to be presented to Council);

• The Clerk has greater flexibility in determining how certain election documents may be submitted and how notices are sent out (subsection 24 (2) (c));

• Original signatures are required only for nomination forms, third party registration forms and proxy appointment forms;

• Before May 1st of the election year, municipalities and school boards shall establish rules and procedures with respect to the use of municipal and board resources during the election campaign period (section 88.18);

• New subsections 56 (3), (4) and (5) of the Act authorize municipalities and school boards to establish a policy before the election addressing when an automatic recount would be conducted (e.g. if two candidates are within 10 votes of each other, a recount would be held without either of the candidates having to request it);

• Amendments to subsections 43 (1), (2) and (3) authorize the Clerk, rather than Council, to determine the dates for advance voting, the number and location of voting places for the advanced vote, and the hours when advanced voting places will be open, which may be different for different voting places;

• Voters would not be able to take pictures or video of their marked ballots or show his or her marked ballot to another person, except in the case where assistance is required to vote (subsection 49 (3));

• Members of the public would be able to inspect documents and materials related to the election for 120 days after the results of the election have been declared; and

• As soon as possible after voting day, the Clerk is required to provide the public with information regarding the number of votes received by each candidate, the number of votes for “yes” or “no” for a question on the ballot, and the number of declined and rejected ballots (section 55 (4.1)).

Discussion

The Province appears to be moving quickly to finalize the amendments to the Municipal Elections Act, 1996 (the Act) and pass the associated Regulation(s) in order to afford municipalities the option to use ranked ballot voting in the 2018 municipal election. Bill 181, the “Municipal Elections Modernization Act, 2016” (short title) received Third Reading on June 7, 2016. Staff recognizes that the proposed amendments to the Act respond to the concerns heard during the public review of the Act. Staff supports the intent of the amendments to modernize municipal elections, increase transparency and accountability, allow more choice in municipal elections and make election rules clearer. However, it must also be recognized that some of the proposed amendments could have significant implications for the City in terms of
resourcing the election (human, technical and financial) depending on the decisions that Council makes respecting the 2018 municipal election.

There are two particular areas of concern with the proposed amendments that have the greatest potential to impact how the municipal election is administered and resourced and what it will cost municipal taxpayers. These two concerns were also identified in the submission by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) to the Standing Committee on Finance & Economic Affairs on May 12, 2016. These two concerns relate to:

- The additional responsibilities assigned to the Clerk to review the financial statements of candidates and registered third parties; and
- The option to introduce ranked balloting.

Clerk’s Responsibilities

Under the current Act, within 10 days after Nomination Day the Clerk is required to calculate the maximum permitted election campaign expense amount and provide the candidate with a certificate confirming that amount. It is the candidate’s responsibility to file complete and accurate financial statements and auditor’s reports with the City Clerk, in the form prescribed by the Ministry, reflecting the election campaign finances. The required financial statements and auditor’s reports are to be submitted by the last Friday in March in the year after the election. An auditor’s report is not required if the total campaign contributions received and expenses incurred are each less than $10,000. Under the current Act, there is no requirement for the Clerk to review the financial statements and auditor’s reports. A Municipal Compliance Audit Committee (MCAC) is appointed pursuant to the Act (sections 81 and 81.1) to review any compliance audit applications submitted by an elector and to decide if the application should be granted or rejected. If the application is granted, the MCAC appoints an auditor to conduct a compliance audit, considers the auditor’s report and then takes action based on the findings of the auditor’s report in accordance with the provisions of the Act.

While the foregoing requirements, filing deadlines and processes basically remain the same under the amended Act, the Clerk’s role has been significantly expanded. Firstly, instead of certifying the maximum campaign expense amount for candidates once, the Clerk will now be required to certify the amount twice for candidates. As discussed earlier in this report, the Clerk will be required to provide an initial certificate at the time a candidate files his or her nomination or a third party is registered. A second certificate is then to be provided to candidates on or before September 15th of the election year.

Secondly, and the more significant of the changes for the City Clerk, is the introduction of the requirements respecting the review of candidate and registered third party financial statements and auditor’s reports. Under new sections 88.34 and 88.36 of the Act, the Clerk must review all candidate and registered third party financial statements in order to determine whether any contributor appears to have exceeded any of the contribution limits. The Clerk is then required to file a separate report in respect of each contributor who appears to have contravened the contribution limits, which report is forwarded to the Municipal Compliance Audit Committee (MCAC). Where the report involves a contributor to a candidate for an office on a local board,
the Clerk’s report is forwarded to the secretary of the local board who is then responsible for submitting the report to the MCAC. The new sections of the Act set out the timing for the preparation/submission of the Clerk’s report(s) and the procedures to be followed by the MCAC in reviewing the Clerk’s report and deciding whether or not to commence legal proceedings.

According to the AMCTO Survey, only 21% of municipal Clerks indicated that they would be comfortable fulfilling this responsibility. One of the main concerns outlined in the AMCTO submission relates to the Clerk’s relationship with Council and role within the municipality. It was the opinion of AMCTO that this new requirement puts the Clerk “in an impossible position. They must on the one hand build a positive working relationship with council, while on the other hand, monitor campaign contributions of those very same councillors”. This could place the Clerk “in a potential conflict whenever they have to deal with election compliance or enforcement”.

Another concern outlined in the AMCTO submission respecting the new responsibilities for the Clerk is that most municipalities (including Kingston) do not have an electronic filing system for candidate’s financial statements. To determine when or where contributors exceeded the limits, most Clerks would have to invest in significant IT upgrades or review and cross-reference financial filings manually. For the 2014 Election, there was a total of 69 candidates running for Council or the School Boards. Had the new provisions been in place, the Clerk would have been required to review each of the candidate’s financial statements and auditor’s reports together with each of the hundreds of associated contributions. In addition, the Clerk has to review the financial statements and auditor’s reports for all registered third parties.

AMCTO recommended that this responsibility should rest with the Municipal Compliance Audit Committee which is specifically tasked with reviewing and auditing candidate’s financial statements. However, the version of Bill 181 that received Royal Assent still shows the Clerk as being responsible for reviewing the financial statements and auditor’s reports of candidates and registered third parties.

Ranked Ballot Election

Until such time as the Regulation(s) have been passed, it is difficult for staff to fully assess the potential implications of the proposed amendments to the Act respecting the option to use ranked balloting. As discussed earlier in this report, the required Regulations that would authorize the City to use ranked balloting have been posted on the Regulatory Registry for comment. The deadline for comments is July 28, 2016. It is anticipated that the Regulation will establish the standards and procedures for the conduct of ranked ballot elections, including rules to govern ballots, voting procedures, the counting of votes and recounts, the Clerk’s powers in administering the election and the information to be made available to the public with respect to the counting of votes in each round.

It is noted that the actual budget for the 2014 municipal election was $552,105. At this point it would be safe to say that should Council decide to utilize ranked ballot voting for the 2018 election, a significant investment will be required in terms of the overall election operation, support systems and administration. From an administrative perspective, there are a range of
additional factors that will make a ranked ballot election more complex and more costly resulting in additional resource and time implications for staff at what is already an extremely busy time. Significant investments would be in the form of human resources, technological resources and financial resources and could conceivably be in the magnitude of $250,000 to $300,000 or more. This would include:

- Public Education and Engagement – the City will need to invest significant resources to engage the electorate and explain how a ranked ballot election works and how electors are to fill out a ballot. This will be required prior to passing a By-law to authorize a ranked ballot election and likely throughout the election campaign. Additional staff resources may be necessary at the polling stations on the advanced voting days and/or on Election Day to ensure that electors fully understand how to fill out their ballot before voting;
- Mandatory Public Consultation – as per the requirements of the proposed Regulation, an Open House must be held to provide information to the public about ranked ballot elections and a public meeting must be held to allow the public to comment on the required By-law to authorize a ranked ballot election;
- Ballot Design – the ballots will need to be re-designed to accommodate the ability of all electors to rank their choices for the offices of Mayor and Councillor and to vote for school board trustees based on the current practice. At this point it is unclear if both voting methodologies can be accommodated on a single ballot or if separate ballots will be required;
- Voting Technology – voting technology will also need to be updated in order to count and recount as necessary the ranked ballots for Mayor and Councillor and to count the standard ballots for the school board trustees. At this point it is unclear if the new electronic voting/counting technology will have been designed and fully tested prior to the 2018 election or if it will be available in sufficient quantities for all municipalities that opt for ranked balloting. Also, the technology will need to be designed to accommodate the prescribed reporting requirements (number of ballots cast; number of ballots declined or rejected; threshold for each office; number of votes each candidate received in 1st round of voting; results of each subsequent round of vote counting; and, the number of exhausted ballots);
- Logic Testing – once the new ballots have been designed and assuming that electronic vote tabulation is available, the new ranked ballot system will need to be fully tested to ensure reliability and accuracy with the first count and any subsequent re-distribution of ballots and re-counts;
- IT Support – investments in the necessary IT support will also be required for the new voting system;
- Staff Training – Additional training will be required to ensure that staff in the election office and working at the advance polls and on Election Day fully understand the ranked ballot voting process. This will likely need to include development of a contingency plan for manual counting/redistribution/recounting should there be a problem with the electronic vote tabulation system (if one is available);
- Election Support Staff – additional staff may be required at the advance polls and on Election Day to engage electors and ensure that they fully understand the ranked ballot process and how to fill out their ballot before voting. This will be in addition to possible
election staff increases to address the issue of long lines at the polling stations on Election Day that was identified as part of the 2014 post-election analysis.

Until such time as the regulations are passed, staff is not really in a position to provide an opinion on the feasibility of ranked ballot voting for the 2018 election. As noted earlier in the report, 75% of municipal Clerks surveyed by AMCTO indicated that if their Council decided in favour of ranked ballots for the 2018 election they would not feel prepared. While all of the above noted matters can likely be addressed if the necessary resources are provided (human, technology and financial), the challenges become more daunting as the May 1, 2017 deadline to pass a By-law to authorize a ranked ballot election and the October 2018 election itself gets closer.

Next Steps:

As noted above, Bill 181 has now received Royal Assent and is in force. Regulations respecting ranked ballots have now been posted on the Regulatory Registry with the deadline for comments July 28, 2016. Information provided by MMAH indicates that the Province plans to pass the Regulations as quickly as possible so that municipalities have the opportunity to consider ranked ballots before the 2018 municipal election. As such, staff proposes to continue to monitor the process to finalize the Regulations and then report back to Council for direction respecting the 2018 municipal election once the details and requirements respecting the option to use ranked balloting have been approved.

Should Council have an interest in using ranked balloting for the 2018 municipal election, the next key milestone in the process would be the passing of a By-law by the May 1st, 2017 deadline. Prior to passing a By-law, a mandatory Open House must be held to provide information to the public, followed by a mandatory Public Meeting respecting the actual By-law. To meet that deadline, staff would need to start investigations immediately in order to be able to appropriately advise Council with respect to the feasibility of ranked balloting in 2018. It is important that the electorate and Council have as much information as possible before the By-law is passed because once the By-law is passed ranked balloting **must** be used for the 2018 municipal election. Staff investigations would relate to such matters as:

- the availability and costing of the required technology to support ranked balloting;
- a preferred format for the necessary public consultation/education (i.e. in-house or consultant);
- resourcing requirements (staff and technology) for a ranked ballot election; and
- an estimate of the cost of the election (requirement for the mandatory Open House).

Existing Policy/By-Law:

Notice Provisions:

If City Council decides to implement a ranked ballot election, public consultation (Open House and Public Meeting) would occur in accordance with the requirements of the Regulation to be passed by the Province.

Accessibility Considerations:

This report may be available in different formats upon request.

Financial Considerations:

At this time the amendments to the Act have been finalized and the required Regulations have been posted for review. Therefore, it is not possible to fully assess the potential financial implications of the amendments to the Act. However, it is safe to say that should Council decide to utilize ranked ballot voting, a significant investment will be required in terms of overall election administration, new voting technology, ballot design and testing, and staff time and resources to support the election process and engage the electorate to explain how the ranked ballot process will work. The total cost for the 2014 municipal election was $552,105. Should Council decide to implement ranked balloting, additional significant investments would be required in the form of human resources, technological resources and financial resources that could conceivably add $250,000 to $300,000 or more to the cost of the 2018 election.

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Exhibits Attached:

Exhibit A –  News Release, Ontario to Introduce Ranked Ballot Option for Municipal Elections

Exhibit B –  Proposed Amendments to the Municipal Elections Act

Exhibit C –  Bill 181, an Act to Amend the Municipal Elections Act, 1996 and to Make Complementary Amendments to Other Acts

Exhibit D –  Ranked Ballots – Ministry of Municipal Affairs and Housing Fact Sheet
Exhibit E – Frequently Asked Questions about Ranked Ballots - Ministry of Municipal Affairs and Housing Fact Sheet

Exhibit F – Summary of Proposed Regulation, Vote Counting and Reporting Requirements for Ranked Ballot Elections under the Municipal Elections Act, 1996

Exhibit G – Summary of Proposed Regulation, By-law Authority and Consultation Requirement for Ranked Ballot Elections under the Municipal Elections Act, 1996

Exhibit H – Conference Presentation on Bill 181
Ontario to Introduce Ranked Ballot Option for Municipal Elections

Province to Introduce Legislation to Modernize Municipal Elections
April 4, 2016 12:30 P.M.

Ontario will introduce changes today to the Municipal Elections Act that would, if passed, modernize municipal elections and provide the option of using ranked ballots in future municipal elections.

Between May and July 2015, Ontario consulted on potential changes to the Municipal Elections Act and received more than 3,400 submissions. Most submissions were from members of the public and supported giving municipalities the option of using ranked ballots in future elections, which would allow a voter to rank candidates in order of preference. The option to use ranked ballots would begin for the 2018 municipal elections.

Other proposed changes to the act would, if passed, increase transparency and accountability and make election rules clear and modern, by:

- Shortening the campaign calendar by opening nominations for candidates on May 1 instead of January 1
- Creating a framework to regulate third party advertising, including contribution and spending limits
- Making campaign finance rules clearer and easier to follow for voters, candidates and contributors, including giving all municipalities the option to ban corporate and union donations
- Removing barriers that could affect electors and candidates with disabilities
- Making it easier to add or change information on the voters’ list

Enhancing transparency and accountability and allowing more choice in municipal elections is part of the government’s economic plan to build Ontario up and deliver on its number-one priority - growing the economy and creating jobs. The four-part plan includes investing in talent and skills, including helping more people get and create the jobs of the future by expanding access to high-quality college and university education. The plan is also making the largest investment in public infrastructure in Ontario’s history and investing in a low-carbon economy driven by innovative, high-growth, export-oriented businesses. The plan is also helping working Ontarians achieve a more secure retirement.
QUOTES

"These proposals clarify the rules for voters and allow for more choice in how to run elections, including the option of using ranked ballots. Thank you to everyone who shared their feedback with us."

- Ted McMeekin
Minister of Municipal Affairs and Housing

QUICK FACTS

- No Canadian jurisdiction currently uses ranked ballots.
- There are 444 municipalities in Ontario.
- In 2006, the City of Toronto was given the authority to ban union and corporate contributions, and has prohibited these contributions for the past two elections. It is currently the only municipality with the ability to do so.

LEARN MORE

- Summary of the Municipal Elections Act consultation
- Ranked ballots

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Available Online
Disponible en Français
Proposed Amendments to the Municipal Elections Act
April 4, 2016 12:30 P.M.

The government intends to introduce legislative amendments to the Municipal Elections Act that would, if passed, give municipalities the option of using ranked ballots in future municipal elections.

The Municipal Elections Act, 1996 sets out rules for electors and candidates, and roles for municipal clerks and councils in municipal and school board elections in Ontario. The Ministry of Municipal Affairs and Housing reviews the Municipal Elections Act after each Ontario municipal election to determine if it meets the needs of Ontario communities.

A public review of the Municipal Elections Act took place between May 2015 and July 2015. Through this review, the province received more than 3,400 submissions from the public, municipal councils and staff from across the province. The proposed changes respond to the concerns heard during the review.

A summary of the results of the public consultation can be read online.

Ranked Ballot Voting

The proposed changes to the Municipal Elections Act would, if passed, give municipalities the authority to pass a by-law to use ranked ballot voting, beginning in the 2018 municipal elections. Ranked ballots would allow a voter to rank candidates in order of preference.

The proposed legislation would address items such as consulting with the public before a municipality decides to implement ranked ballots, how votes in a ranked ballot election would be counted, and which offices on a municipal council may be elected using ranked ballots. The framework and details for ranked ballot elections would be set out in regulation.

Election Calendar

The government is proposing to shorten the municipal election campaign period by 120 days. Candidates would be able to register between May 1 and the fourth Friday in July instead of January 1 to the second Friday in September in the year of the election. Shortening the length of the nomination period would give municipalities more time to prepare ahead of the election, should they choose to use ranked ballots. Ontario currently has the longest nomination period of
any province. These changes respond to feedback heard during the review about the length of
the campaign period and campaign fatigue.

Third Party Advertising
The government is proposing to introduce a framework to regulate third party advertising, which
would include contribution and spending limits. Only contributors who are eligible under the act
could register as a third party. Third parties would also have to identify themselves on signs and
advertisements. Spending limits for third party advertising would be set out in a regulation.

Campaign Finance
The government is proposing changes to ensure that rules for municipal elections are consistent
with transparent, accountable, fair and modern election finance practices. Some examples
include giving all municipalities the option to ban corporate and union donations and setting
clear spending limits on post-campaign spending on gifts and parties. Changes to spending
limits for campaign finance would be set out in a regulation.

Compliance and Enforcement
Proposed changes to the act will help ensure the rules under the act are clearer and simpler for
voters, candidates and contributors to follow. One proposed change is to encourage compliance
by refunding nomination fees to candidates only if they file their financial statement by the
deadline. In this way, candidates would be encouraged to file on time.

Accessibility
Proposed changes to the act would require clerks to prepare accessibility plans to identify,
remove and prevent barriers that could affect electors and candidates with disabilities, and
make the plan available to the public prior to voting day.

The province plans to introduce the proposed amendments now so that municipalities have the
opportunity to consider ranked ballots before the 2018 municipal elections.
Bill 181

An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts

The Hon. T. McMeekin
Minister of Municipal Affairs and Housing

1st Reading April 4, 2016
2nd Reading April 19, 2016
3rd Reading June 7, 2016
Royal Assent June 9, 2016

Projet de loi 181

Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d’autres lois

L’honorable T. McMeekin
Ministre des Affaires municipales et du Logement

1re lecture 4 avril 2016
2e lecture 19 avril 2016
3e lecture 7 juin 2016
Sanction royale 9 juin 2016
EXPLANATORY NOTE

This Explanatory Note was written as a reader’s aid to Bill 181 and does not form part of the law. Bill 181 has been enacted as Chapter 15 of the Statutes of Ontario, 2016.

The Bill amends the Municipal Elections Act, 1996 and makes complementary amendments to the Assessment Act and the Education Act. Here are some highlights.

Changes to the election calendar:

Currently, for a regular election, the period for filing nominations begins on January 1 in the year of the election and ends on the second Friday in September. Amendments to the Act reduce this period, so that it begins on May 1 and ends on the fourth Friday in July. (See the amendments to section 31 and clause 33 (4) (a) of the Act.) Deadlines that relate to putting questions on a ballot are also changed. (See the amendments to subsections 8 (5.1) and (5.2) and clause 8.1 (1) (a) of the Act.)

Related and consequential amendments are made to other provisions of the Act that establish or refer to time periods for elections.

Eligibility to run for office:

Under amendments to section 33 of the Act, the nomination of a candidate for an office on a municipal council must be endorsed by at least 25 persons who are eligible to vote in the municipality. A person may endorse more than one nomination.

Eligibility to vote:

Under an amendment to section 17 of the Act, the Minister is authorized to make regulations governing who is, and is not, considered to be a tenant for the purpose of determining eligibility to vote in a local municipality.

Ranked ballot elections:

A framework is established for conducting ranked ballot elections for offices on a municipal council. The expression “ranked ballot election”, as defined in section 1 of the Act, is described in new subsection 41.1 (1) of the Act. Regulations may authorize municipalities to conduct ranked ballot elections, and may provide that ranked ballot elections are authorized for only specified offices on a municipal council. The regulations will establish standards and procedures for the conduct of ranked ballot elections, including rules to govern ballots, voting procedures and the counting of votes. (See new section 41.1 of the Act.)

If a regulation authorizes the use of ranked ballot elections, municipalities may pass by-laws with respect to them. Regulations may impose conditions and limitations on the authority of municipalities to pass these by-laws, and may impose requirements about public consultation. (See new section 41.2 of the Act.)

Advertising by candidates during an election campaign:

Under a new section 88.3 of the Act, candidates are required to identify themselves on their election campaign advertisements. Municipalities are authorized to remove election campaign advertisements in case of a contravention. (See section 88.7 of the Act.)

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 181, ne fait pas partie de la loi. Le projet de loi 181 a été édicté et constitue maintenant le chapitre 15 des Lois de l’Ontario de 2016.

Le projet de loi modifie la Loi de 1996 sur les élections municipales et apporte des modifications complémentaires à la Loi sur l’évaluation foncière et à la Loi sur l’éducation. En voici quelques points saillants.

 Modifications au calendrier électoral :

À l’heure actuelle, la période de dépôt des déclarations de candidature en vue d’une élection ordinaire commence le 1er janvier de l’année de l’élection et prend fin le deuxième vendredi de septembre. Les modifications à la Loi écourtent cette période, de sorte qu’elle commence le 1er mai et prenne fin le quatrième vendredi de juillet. (Voir les modifications à l’article 31 et à l’alinéa 33 (4) a) de la Loi.) Les délais pour soumettre des questions au scrutin sont également modifiés. (Voir les modifications aux paragraphes 8 (5.1) et (5.2) et à l’alinéa 8.1 (1) a) de la Loi.)

Des modifications connexes et corrélatives sont apportées à d’autres dispositions de la Loi qui fixent des délais pour les élections ou en font mention.

Eligibilité à se présenter à un poste :

Selon les modifications apportées à l’article 33 de la Loi, la déclaration de candidature d’un candidat à un poste au sein d’un conseil municipal doit être appuyée par au moins 25 personnes qui ont le droit de voter dans la municipalité. Une même personne peut appuyer la candidature de plus d’une personne.

Admissibilité à voter :

Selon une modification apportée à l’article 17 de la Loi, le ministre est autorisé à préciser, par règlement, qui est, et qui n’est pas, considéré un locataire aux fins de détermination de l’admissibilité à voter dans une municipalité locale.

Scrutin préférentiel :

Un cadre est mis en place pour la tenue d’un scrutin préférentiel pour des postes au sein d’un conseil municipal. L’expression « scrutin préférentiel », au sens de l’article 1 de la Loi, est décrétée au nouveau paragraphe 41.1 (1) de la Loi. Des règlements peuvent autoriser les municipalités à tenir un scrutin préférentiel et peuvent prévoir que ce mode de scrutin soit autorisé uniquement pour les postes au sein du conseil municipal qui sont précisés. Les règlements peuvent établir des normes et des modalités pour la tenue d’un scrutin préférentiel, notamment des règles régissant les bulletins de vote, les modalités du scrutin et le dépouillement du scrutin. (Voir le nouvel article 41.1 de la Loi.)

Si le scrutin préférentiel est autorisé par règlement, les municipalités peuvent adopter des règlements municipaux concernant ce mode de scrutin. Des règlements peuvent imposer des conditions et des restrictions au pouvoir d’une municipalité d’adopter de tels règlements municipaux, et peuvent imposer des exigences en matière de consultation du public. (Voir le nouvel article 41.2 de la Loi.)

Publicité faite par les candidats pendant une campagne électorale :

Selon le nouvel article 88.3 de la Loi, les candidats doivent s’identifier dans la publicité qu’ils font diffuser pendant leur campagne électorale. Les municipalités sont autorisées à retirer la publicité en cas de contravention. (Voir l’article 88.7 de la Loi.)
Advertising by third parties during an election campaign:

A framework is established for third party advertisements that appear during an election campaign. The expression “third party advertisement” is defined in section 1 of the Act, and certain exceptions are specified in that section.

Only individuals, corporations and trade unions who are registered as registered third parties in a municipality can incur expenses for third party advertisements that appear during the restricted period for such advertisements. Spending limits are imposed. (See new section 88.4 of the Act.)

Registered third parties are required to identify themselves on their advertisements. (See new section 88.5 of the Act.)

A new section 88.6 of the Act governs the registration of third party advertisers. Eligibility to be a registered third party is restricted. For example, a candidate cannot be a registered third party.

Municipalities are authorized to remove third party advertisements in case of a contravention. (See section 88.7 of the Act.)

Campaign contributions to candidates:

Contributions to candidates are currently governed by the Act. Section 66 of the Act currently specifies what is, and is not, a contribution. Sections 70 to 74 impose restrictions with respect to contributions, including specifying maximum amounts that can be contributed to candidates. Section 82 provides for contribution rebates. Those sections are re-enacted as sections 88.8 to 88.11 and 88.15 to 88.18 of the Act. Some amendments are made. For example, currently donations of $10 or less at fundraising functions are not considered to be contributions. An amendment increases that amount to $25, and provides that goods and services that are sold for $25 or less at a fundraising function for $25 or less are not considered to be contributions.

Currently, section 70.1 of the Act authorizes the City of Toronto to prohibit corporations and trade unions from making contributions to candidates for city council. That section is repealed. Under new section 88.8 of the Act, corporations and trade unions cannot make contributions to candidates.

Under new section 88.34 of the Act, the clerk of a municipality is required to review the contributions that are reported on a candidate’s financial statements to determine whether any contributors appear to have exceeded the contribution limits. The clerk makes a report about each such contributor to the municipal council and forwards the report to the compliance audit committee. The secretary of a local board has analogous duties and responsibilities in connection with candidates for local boards.

Contributions to registered third parties:

New sections 88.12 to 88.17 of the Act govern contributions to registered third parties in relation to third party advertisements. In general terms, the rules are analogous to those that govern contributions to candidates. For example, contributions may only be made to third party advertisers who are registered, and only during the applicable campaign period. Corporations and trade unions are permitted to make contributions to registered third parties. Maximum amounts that may be contributed to registered third parties are specified.

Under new section 88.36 of the Act, the clerk of a municipality is required to review the contributions that are reported on the financial statements of a registered third party to determine whether any contributors appear to have exceeded the contribu-
tion limits. The clerk makes a report about each such contributor to the municipal council, and forwards the report to the compliance audit committee.

Campaign expenses of candidates and of registered third parties:

Currently, sections 67 and 76 of the Act impose restrictions on candidates’ campaign expenses. Those sections are re-enacted as sections 88.19 and 88.20 of the Act. Some amendments are made. For example, a new spending limit is imposed on expenses for holding parties and making other expressions of appreciation after the close of voting. (See the new subsections 88.20 (9) and (10) of the Act.)

For registered third parties, analogous restrictions are imposed on the expenses that they are permitted to incur in relation to third party advertisements. (See new sections 88.19 and 88.21 of the Act.)

Financial statements of candidates and registered third parties:

Currently, candidates are required by sections 78 and 79.1 of the Act to file certain financial statements and auditor’s reports with the clerk of the municipality, by the deadlines specified in section 79 of the Act. Those sections are re-enacted as new sections 88.25 and 88.30 to 88.32 of the Act. Some amendments are made. For registered third parties, analogous financial statements and auditor’s reports are required and the same deadlines apply as for candidates. (See new sections 88.29 and 88.30 to 88.32 of the Act.)

Under 34 of the Act, as re-enacted, a candidate’s nomination fee is refunded if the candidate’s financial statement and auditor’s report are filed on time. Currently, the fee is refunded if the candidate withdraws the nomination, is elected to office or receives more than a specified percentage of the votes cast.

Currently, section 80 of the Act imposes automatic penalties on a candidate for a default in filing a financial statement by a specified deadline, for incurring expenses greater than the allowed maximum or for failing to pay the amount of any surplus to the clerk in accordance with the Act. That section is re-enacted as new section 88.23 of the Act, and an amendment is made. Under the amendment, a candidate is permitted to avoid the automatic penalties for failing to file a financial statement by the specified deadline if the candidate pays a late filing fee of $500 and files the report within 30 days after the specified deadline.

For registered third parties, the automatic penalty for analogous defaults is set out in new section 88.27 of the Act: the registered third party is not entitled to register again until after the next regular election has taken place. However, a registered third party is permitted to avoid the automatic penalty for failing to file a financial statement by the specified deadline if the registered third party pays a late filing fee of $500 and files the report within 30 days after the specified deadline.

The clerk of the municipality is required to give the public a report setting out which candidates and registered third parties have filed their financial statement and auditor’s report by the deadline, and which candidates and registered third parties have not done so. (See new subsections 88.23 (4) and (5) and 88.29 (11) of the Act.)

Administration of elections:

Currently, section 12.1 of the Act requires the clerk of a municipality to have regard to the needs of electors and candidates with disabilities. An amendment to that section requires the clerk to prepare a plan regarding the identification, removal and preven-

un rapport sur chaque donateur ainsi visé et le transmet au comité de vérification de conformité.

Dépenses engagées à l’égard de la campagne par les candidats et les tiers inscrits :

Les articles 67 et 76 de la Loi imposent actuellement des restrictions à l’égard des dépenses liées à la campagne des candidats. Ces articles sont réédités sous les numéros d’articles 88.19 et 88.20 de la Loi, et des modifications y sont apportées. Par exemple, une nouvelle limite est imposée aux frais engagés après la clôture du scrutin pour des célébrations et d’autres marques de reconnaissance. (Voir les nouveaux paragraphes 88.20 (9) et (10) de la Loi.)

En ce qui concerne les tiers inscrits, des restrictions similaires sont imposées à l’égard des dépenses qu’ils peuvent engager à l’égard de la publicité de tiers. (Voir les nouveaux articles 88.19 et 88.21 de la Loi.)

États financiers des candidats et des tiers inscrits :

Les articles 78 et 79.1 de la Loi obligent actuellement les candidats à déposer des états financiers et des rapports du vérificateur auprès du secrétaire de la municipalité, et ce, au plus tard aux dates limites précisées à l’article 79 de la Loi. Ces articles sont réédités sous les numéros d’articles 88.25 et 88.30 à 88.32 de la Loi, et des modifications y sont apportées. Des états financiers et des rapports du vérificateur analogues sont exigés des tiers inscrits, et les mêmes dates limites que pour les candidats s’appliquent. (Voir les nouveaux articles 88.29 et 88.30 à 88.32 de la Loi.)

Selon l’article 34 de la Loi, tel qu’il est réédité, un candidat reçoit un remboursement des droits de dépôt de sa déclaration de candidature s’il dépose son état financier et son rapport du vérificateur dans le délai imparti. À l’heure actuelle, les droits sont remboursés si le candidat retire sa candidature, est élu au poste ou obtient un pourcentage des suffrages exprimés supérieur à celui précisé.

L’article 80 actuel de la Loi impose automatiquement des peines au candidat qui ne dépose pas un état financier au plus tard à la date limite précisée, qui a engagé des dépenses supérieures au maximum permis ou qui ne verse pas tout excédent à son compte au moment où la candidature s’est déposée ou au plus tard à la date limite précisée. (Voir les nouveaux articles 88.29 et 88.30 à 88.32 de la Loi.)

En ce qui concerne les tiers inscrits, la peine imposée automatiquement pour des manquements analogues est énoncée au nouvel article 88.27 de la Loi : le tiers inscrit est inhabile à être inscrit relativement à une élection subséquente dans la municipalité jusqu’à ce que la prochaine élection régulière ait eu lieu. Toutefois, ce dernier peut éviter la peine prévue pour n’avoir pas remis un état financier au plus tard à la date limite précisée s’il verse des droits pour dépôt tardif de 500 $ et dépose le rapport dans les 30 jours suivant cette date.

Le secrétaire de la municipalité doit mettre à la disposition du public un rapport indiquant quels candidats et quels tiers inscrits ont déposé leur état financier et leur rapport du vérificateur à temps et quels sont ceux qui ne l’ont pas fait. (Voir les nouveaux paragraphes 88.23 (4) et (5) et 88.29 (11) de la Loi.)

Administration des élections :

À l’heure actuelle, l’article 12.1 de la Loi exige que le secrétaire de la municipalité tienne compte des besoins des électeurs et des candidats handicapés. Une modification à cet article exige que le secrétaire prépare un plan pour le repérage, l’élimination et la
tion of barriers that affect electors and candidates with disabilities, and to make the plan available to the public before voting day. The clerk’s report to council after voting day about the identification, removal and prevention of barriers must also be made available to the public.

For advance voting, section 43 of the Act currently authorizes the municipal council to establish the dates and hours for voting. An amendment transfers this authority to the clerk of the municipality.

Section 56 of the Act, which requires a recount to be held in case of a tie, is amended. The amendments authorize a municipality or local board to adopt a policy with respect to the circumstances in which the municipality or local board requires the clerk to hold a recount. The clerk is required to hold a recount in accordance with the policy.
An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Subsection 1 (1) of the Municipal Elections Act, 1996 is amended by adding the following definition:

“compliance audit committee” means, in relation to a municipality or local board, the committee established under section 88.37; (“comité de vérification de conformité”)

(2) The definition of “fund-raising function” in subsection 1 (1) of the Act is amended by striking out “by or on behalf of a candidate” and substituting “by a candidate or under a candidate’s direction”.

(3) The definition of “fund-raising function” in subsection 1 (1) of the Act, as amended by subsection (2), is repealed and the following substituted:

“fund-raising function” means 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; (“activité de financement”)

(4) The definition of “prescribed” in subsection 1 (1) of the Act is repealed and the following substituted:

“prescribed” means prescribed by the Minister or, for references in section 41.1, prescribed by the Lieutenant Governor in Council; (“prescrit”)

(5) Subsection 1 (1) of the Act is amended by adding the following definition:

“ranked ballot election” means, with respect to an office on the council of a municipality, an election authorized under subsection 41.1 (1); (“scrutin préférentiel”)

(6) Subsection 1 (1) of the Act is amended by adding the following definitions:

“registered third party” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered under section 88.6; (“tiers inscrit”)

Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d’autres lois

Sa Majesté, sur l’avis et avec le consentement de l’Assemblée législative de la province de l’Ontario, édicte :

1. (1) Le paragraphe 1 (1) de la Loi de 1996 sur les élections municipales est modifié par adjonction de la définition suivante :

«comité de vérification de conformité» Relativement à une municipalité ou à un conseil local, le comité créé en application de l’article 88.37. («compliance audit committee»)

(2) La définition de «activité de financement» au paragraphe 1 (1) de la Loi est modifiée par remplacement de «par un candidat ou en son nom» par «par un candidat ou selon ses directives».

(3) La définition de «activité de financement» au paragraphe 1 (1) de la Loi, telle qu’elle est modifiée par le paragraphe (2), est abrogée et remplacée par ce qui suit :

«activité de financement» S’entend d’un événement ou d’une activité :
(a) soit organisé par un candidat ou selon ses directives dans le but de recueillir des fonds pour sa campagne électorale;
(b) soit organisé par un tiers inscrit ou selon ses directives dans le but de recueillir des fonds à l’égard de la publicité de tiers. («fund-raising function»)

(4) La définition de «prescrit» au paragraphe 1 (1) de la Loi est abrogée et remplacée par ce qui suit :

«prescrit» Prescrit par le ministre ou, lorsque ce terme figure à l’article 41.1, par le lieutenant-gouverneur en conseil. («prescribed»)

(5) Le paragraphe 1 (1) de la Loi est modifié par adjonction de la définition suivante :

«scrutin préférentiel» Relativement à un poste au sein du conseil d’une municipalité, élection autorisée en vertu du paragraphe 41.1 (1). («ranked ballot election»)

(6) Le paragraphe 1 (1) de la Loi est modifié par adjonction des définitions suivantes :

«période de restriction pour la publicité de tiers» Période visée au paragraphe 88.4 (2). («restricted period for third party advertisements»)
“restricted period for third party advertisements” means the period described in subsection 88.4 (2); (“période de restriction pour la publicité de tiers”)

“third party advertisement” means an advertisement in 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” answer to a question referred to in subsection 8 (1), (2) or (3),

but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1); (“publicité de tiers”)

(7) Subsection 1 (2) of the Act is repealed and the following substituted:

Deemed exception, third party advertisement

(2) An advertisement is deemed not to be a third party advertisement for the purposes of this Act if the person or entity that causes the advertisement to appear in any broadcast, print, electronic or other medium incurs no expenses in relation to the advertisement.

Same

(2.1) An advertisement is deemed not to be a third party advertisement for the purposes of this Act when it is given or transmitted by an individual to his or her employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

(8) Section 1 of the Act is amended by adding the following subsection:

Corporations deemed to be single corporation

(3) For the purposes of this Act, two or more corporations are deemed to be a single corporation,

(a) if one of the corporations controls the others, either directly or indirectly; or
(b) if all of the corporations are owned or controlled by the same person or group of persons, either directly or indirectly.

2. Paragraph 4 of subsection 2 (3) of the Act is amended by striking out “affidavit” and substituting “declaration”.

3. Subparagraph 1 iii of section 3 of the Act is amended by adding “that has not passed a by-law authorizing the use of a ranked ballot election” at the end.

4. Subsection 4 (4) of the Act is amended by striking out “the Liquor Licence Board of Ontario” and substituting “the board of the Alcohol and Gaming Commission of Ontario”.

5. Subsections 6 (4) and (5) of the Act are repealed.

6. Subsection 7 (3) of the Act is amended by adding the following paragraph:

7. Subparagraph 1 i of section 3 of the Act is amended by striking out “the Liquor Licence Board of Ontario” and substituting “the board of the Alcohol and Gaming Commission of Ontario”.

8. Subsections 6 (4) and (5) of the Act are repealed.

9. Subsection 7 (3) of the Act is amended by adding the following paragraph:
3. When the clerk counts the votes or conducts a recount for a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.

7. (1) Subsection 8 (5.1) of the Act is amended by striking out “June 1” in the portion before clause (a) and substituting “May 1”.

(2) Subsection 8 (5.2) of the Act is amended by striking out “June 1” and substituting “May 1”.

(3) Section 8 of the Act is amended by adding the following subsection:

**Expenses**

(12) Nothing in this Act prevents a municipality or the clerk of a municipality from incurring expenses in respect of a question which are required or authorized by this Act to be incurred.

8. (1) Clause 8.1 (1) (a) of the Act is repealed and the following substituted:

(a) shall be passed on or before March 1 in the year of a regular election at which it is intended to submit the question to the electors;

(2) The English version of clause 8.1 (1) (c) of the Act is amended by striking out “repealed” and substituting “revoked”.

9. Subsection 11.1 (4) of the Act is amended by striking out “by registered mail”.

10. (1) Subsection 12 (3) of the Act is amended by adding “Subject to subsection (4)” at the beginning.

(2) Section 12 of the Act is amended by adding the following subsection:

**Exception**

(4) The power conferred by subsection (1) does not include the power to require a person, for the purposes of the procedure set out in subsection 52 (1), to furnish proof of identity and residence in addition to what is prescribed for the purposes of subparagraph 1 ii of subsection 52 (1).

11. Subsection 12.1 (2) of the Act is repealed and the following substituted:

**Plan re barriers**

(2) The clerk shall prepare a 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 in a regular election.

**Report**

(3) Within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect elec-
tors and candidates with disabilities and shall make the report available to the public.

12. Section 14 of the Act is amended by striking out “under this Act and that is required to be signed” and substituting “under section 33, 44 or 88.6”.

13. Section 17 of the Act is amended by adding the following subsection:

Status as tenant

(4) Despite the definitions of “owner or tenant” and “tenant” in subsection 1 (1), a regulation may specify circumstances in which a person is, and is not, considered to be a tenant for the purposes of clause (2) (a).

14. Section 18 of the Act is repealed and the following substituted:

Voting subdivisions

18. (1) On or before March 31 in each year in which there is a regular election, the clerk of each local municipality may divide the local municipality into voting subdivisions.

Notice to Municipal Property Assessment Corporation

(2) If the clerk acts under subsection (1), he or she shall, on or before March 31 in the year of the regular election, inform the Municipal Property Assessment Corporation of the boundaries of the voting subdivisions.

15. Section 19 of the Act is amended by adding the following subsection:

Same

(7) For greater certainty, if a municipality is divided into wards, an elector is entitled to vote only in the ward where he or she resides, even if the elector resides in one ward and is the owner or tenant of land in a different ward or is the spouse of an owner or tenant of land in a different ward.

16. Section 21 of the Act is repealed.

17. (1) Clause 23 (3) (e) of the Act is repealed.

(2) Subsection 23 (4) of the Act is amended by striking out the word “candidate” and substituting “certified candidate”.

(3) Subsection 23 (5) of the Act is repealed and the following substituted:

Same

(5) The clerk shall not provide a copy of the voters’ list under subsection (3) or a part of the voters’ list under subsection (4) until September 1.

18. (1) Subsection 24 (1) of the Act is amended by striking out “the Tuesday after Labour Day” in the portion before clause (a) and substituting “September 1”.

(2) Subsection 24 (2) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at

stacles pour les électeurs et les candidats handicapés et le met à la disposition du public.

12. L’article 14 de la Loi est modifié par remplacement de «aux termes de la présente loi et qui doivent être signés» par «en application des articles 33, 44 ou 88.6».

13. L’article 17 de la Loi est modifié par adjonction du paragraphe suivant:

Statut de locataire

(4) Malgré les définitions de «locataire» et de «propriétaire ou locataire» au paragraphe 1 (1), un règlement peut préciser les circonstances dans lesquelles une personne est, et n’est pas, considérée un locataire pour l’application de l’alinéa (2) a).

14. L’article 18 de la Loi est abrogé et remplacé par ce qui suit :

Sections de vote

18. (1) Au plus tard le 31 mars de chaque année pendant laquelle se tient une élection ordinaire, le secrétaire de chaque municipalité locale peut diviser celle-ci en sections de vote.

Avis à la Société d’évaluation foncière des municipalités

(2) S’il agit en vertu du paragraphe (1), le secrétaire avise la Société d’évaluation foncière des municipalités des limites territoriales des sections de vote au plus tard le 31 mars de l’année de l’élection ordinaire.

15. L’article 19 de la Loi est modifié par adjonction du paragraphe suivant :

Idem

(7) Il est entendu que si une municipalité est divisée en quartiers, l’électeur a le droit de voter uniquement dans le quartier où il réside, même s’il est propriétaire ou locataire d’un bien-fonds situé dans un quartier différent ou le conjoint d’un tel propriétaire ou locataire.

16. L’article 21 de la Loi est abrogé.

17. (1) L’alinéa 23 (3) e) de la Loi est abrogé.

(2) Le paragraphe 23 (4) de la Loi est modifié par remplacement de «candidat» par «candidat certifié».

(3) Le paragraphe 23 (5) de la Loi est abrogé et remplacé par ce qui suit :

Idem

(5) Le secrétaire ne remet une copie de la liste électorale, en application du paragraphe (3), ou une partie de celle-ci, en application du paragraphe (4), qu’à partir du 1er septembre.

18. (1) Le paragraphe 24 (1) de la Loi est modifié par remplacement de «le mardi qui suit la fête du Travail» par «le 1er septembre» dans le passage qui précède l’alinéa a).

(2) Le paragraphe 24 (2) de la Loi est modifié par adjonction de l’alinéa suivant :

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the end of clause (b) and by adding the following clause:

(c) in any other format and manner that the clerk specifies.

19. Section 25 of the Act is repealed and the following substituted:

Removal of deceased person’s name from voters’ list

25. (1) The clerk may, on his or her own initiative, remove a person’s name from the voters’ list until the close of voting on voting day if the clerk is satisfied that the person has died.

Same, upon application

(2) The clerk shall remove a person’s name from the voters’ list upon receiving an application under subsection (3) if the clerk is satisfied that the person has died.

Timing of application

(3) A person may make an application to the clerk requesting that a deceased person’s name be removed from the voters’ list during the period that begins on September 1 and ends at the close of voting on voting day.

Form and manner of application

(4) The application shall be in writing and shall be filed,

(a) in person, by the applicant or his or her agent;

(b) by mail, by the applicant; or

(c) in any other format and manner that the clerk specifies.

20. (1) Subsection 27 (1) of the Act is repealed and the following substituted:

List of changes

Interim list

27. (1) During the period beginning on September 15 and ending on September 25 in the year of a regular election, the clerk shall,

(a) prepare an interim list of the changes to the voters’ list approved under sections 24 and 25 on or before September 15; and

(b) give a copy of the interim list to each person who received a copy of the voters’ list under section 23 and to each certified candidate.

(2) Subsection 27 (2) of the Act is repealed and the following substituted:

Final list

(2) Within 30 days after voting day, the clerk shall,

(a) prepare a final list of the changes to the voters’ list approved under sections 24 and 25; and
21. Section 29 of the Act is amended by adding the following subsections:

In municipality divided into wards

(4) If a municipality is divided into wards, a person is eligible to be nominated for an office in an election in any ward of the municipality.

22. Section 31 of the Act is repealed and the following substituted:

Nomination day

31. Nomination day for a regular election is the fourth Friday in July in the year of the election.

23. (1) Section 33 of the Act is amended by adding the following subsections:

Endorsement of nominations for council

(1.1) The nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination.

(1.2) Persons endorsing a nomination under subsection (1.1) 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.

(1.3) The clerk is entitled to rely upon the information filed by the candidate under clause (2) (a.1), and a nomination certified by the clerk under section 35 is conclusive evidence that all conditions precedent under subsection (1.1) have been complied with.

(2) Subsection 33 (2) of the Act is amended by adding the following clause:

(a.1) in the case of a nomination for an office on a council, be endorsed in accordance with subsection (1.1) and be accompanied by a prescribed declaration by each of the persons endorsing the nomination;

(3) Section 33 of the Act is amended by adding the following subsection:

b) remet une copie de la liste définitive des modifications à la Société d'évaluation foncière des municipalités.
Exception, endorsement

(2.1) If the person was previously nominated for an office on the same council in the same election and at that time filed the endorsed nomination and declarations described in clause (2) (a.1), that clause does not apply in connection with any subsequent campaign under subsection 88.24 (3).

(4) Subsection 33 (3) of the Act is repealed and the following substituted:

Exception, nomination filing fee

(3) If the person was previously nominated for an office on the same council or local board in the same election and paid the nomination filing fee at that time, clause (2) (c) does not apply in connection with any subsequent campaign under paragraph 1 of subsection 88.24 (3).

(5) Clause 33 (4) (a) of the Act is amended by striking out “on any day” at the beginning and substituting “on any day on or after May 1”.

(6) Section 33 of the Act is amended by adding the following subsection:

Same

(4.1) Despite clause (4) (b), if a person is present at the clerk’s office on nomination day at 2 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2 p.m.

24. Subsection 33.0.1 (1) of the Act is repealed and the following substituted:

Certificate, permitted amount of candidate’s expenses

(1) Upon the filing of a person’s nomination, the clerk shall calculate the applicable maximum amount of the person’s expenses for the purposes of subsection 88.20 (6), as of the filing date, using the number of electors referred to in paragraph 1 of subsection 88.20 (11), and shall give the person, or the agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.

25. Section 33.1 of the Act is repealed and the following substituted:

Notice of penalties

33.1 The clerk shall, before voting day, give to each person nominated for an office notice of,

(a) the penalties under subsections 88.23 (2) and 92 (1) related to election campaign finances; and

(b) the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.

Exception : appui

(2.1) Si la personne a précédemment été déclarée candidate à un poste au sein du même conseil municipal au cours de la même élection et qu’elle a déposé à ce moment la déclaration de candidature qui a été appuyée conformément au paragraphe (1.1) et les déclarations visées à l’alinéa (2) a.1), cet alinéa ne s’applique pas relativement à toute campagne subséquente visée au paragraphe 88.24 (3).

(4) Le paragraphe 33 (3) de la Loi est abrogé et remplacé par ce qui suit :

Exception : droits pour le dépôt d’une déclaration

(3) Si la personne a précédemment été déclarée candidate à un poste au sein du même conseil municipal ou conseil local lors de la même élection et qu’elle a versé à ce moment les droits pour le dépôt d’une déclaration de candidature, l’alinéa (2) c) ne s’applique pas relativement à toute campagne subséquente visée à la disposition 1 du paragraphe 88.24 (3).

(5) L’alinéa 33 (4) a) de la Loi est modifié par remplacement de «n’importe quel jour» par «n’importe quel jour à partir du 1er mai» au début de l’alinéa.

(6) L’article 33 de la Loi est modifié par adjonction du paragraphe suivant :

Idem

(4.1) Malgré l’alinéa (4) b), si une personne est présente au bureau du secrétaire à 14 h le jour de la déclaration de candidature et qu’elle n’a pas encore déposé de déclaration de candidature, elle peut le faire aussitôt que possible après 14 h.

24. Le paragraphe 33.0.1 (1) de la Loi est abrogé et remplacé par ce qui suit :

Attestation du montant autorisé des dépenses du candidat

(1) Lors du dépôt de la déclaration de candidature d’une personne, le secrétaire calcule le montant maximal des dépenses de la personne à la date du dépôt pour l’application du paragraphe 88.20 (6) en fonction du nombre d’électeurs visé à la disposition 1 du paragraphe 88.20 (11). Il remet une attestation du montant à la personne ou à son représentant, si ce n’est pas elle qui dépose la déclaration.

25. L’article 33.1 de la Loi est abrogé et remplacé par ce qui suit :

Avis des peines

33.1 Avant le jour du scrutin, le secrétaire avise chaque personne qui est déclarée candidate à un poste :

a) des peines prévues aux paragraphes 88.23 (2) et 92 (1) en ce qui concerne le financement des campagnes électorales;

b) du remboursement des droits pour le dépôt d’une déclaration de candidature que le candidat a le droit de recevoir dans les circonstances visées à l’article 34.
26. Section 34 of the Act is repealed and the following substituted:

Refund

34. A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on the filing date in accordance with that subsection.

27. Subclause 39 (a) (ii) of the Act is amended by striking out “to be posted in every voting place” at the end and substituting “to be made available to the public in every voting place”.

28. Section 39.1 of the Act is repealed.

29. (1) Subsection 41 (1) of the Act is repealed.

(2) Paragraph 5 of subsection 41 (2) of the Act is repealed and the following substituted:

5. If the surnames of two or more candidates for an office are identical, or in the clerk’s opinion, so similar as to cause possible confusion, the clerk shall differentiate the candidates on the ballots as the clerk considers to be appropriate in the circumstances.

(3) Subsection 41 (6) of the Act is amended by striking out “to the prescribed form and”.

30. The Act is amended by adding the following sections:

Ranked ballot elections

41.1 (1) The Lieutenant Governor in Council may, by regulation, authorize elections for offices on a municipal council to be conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector’s preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round.

Restriction, prescribed offices

(2) The regulation may provide that a ranked ballot election is authorized for only specified offices on a municipal council.

Upper-tier municipalities

(3) If a regulation authorizes ranked ballot elections for offices on the council of an upper-tier municipality, the regulation may specify the clerk who is responsible for prescribed matters relating to the election.

Standards and procedures

(4) The regulation may establish standards and proce-

26. L’article 34 de la Loi est abrogé et remplacé par ce qui suit :

Remboursement

34. Le candidat a le droit de recevoir un remboursement des droits pour le dépôt de sa déclaration de candidature si les documents exigés par le paragraphe 88.25 (1) sont déposés au plus tard à 14 h à la date de dépôt conformément à ce paragraphe.


28. L’article 39.1 de la Loi est abrogé.

29. (1) Le paragraphe 41 (1) de la Loi est abrogé.

(2) La disposition 5 du paragraphe 41 (2) de la Loi est abrogée et remplacée par ce qui suit :

5. Si les noms de famille de deux candidats ou plus à un poste sont identiques ou, de l’avis du secrétaire, si semblables qu’il y a un risque possible de confusion, ce dernier établit une distinction entre les candidats sur les bulletins de vote de la façon qu’il estime appropriée dans les circonstances.

(3) Le paragraphe 41 (6) de la Loi est modifié par suppression de «à la formule prescrite et».

30. La Loi est modifiée par adjonction des articles suivants :

Scrutin préférentiel

41.1 (1) Le lieutenant-gouverneur en conseil peut, par règlement, autoriser la tenue d’élections conformément aux règles suivantes, pour des postes au sein d’un conseil municipal :

1. Les électeurs votent en classant par ordre de préférence les candidats à un poste.
2. Les voix sont distribuées aux candidats en fonction des préférences indiquées sur les bulletins de vote.
3. Le dépouillement du scrutin se fait en un ou plusieurs décomptes, à l’issue de chacun desquels au moins un candidat est élu ou éliminé.

Restriction : postes prescrits

(2) Les règlements peuvent prévoir que le scrutin préférentiel n’est autorisé que pour les postes au sein d’un conseil municipal qui sont précisés.

Municipalités de palier supérieur

(3) Si un règlement autorise la tenue d’un scrutin préférentiel pour des postes au sein du conseil d’une municipalité de palier supérieur, le règlement peut préciser le secrétaire qui est responsable des affaires prescrites concernant le scrutin.

Normes et modalités

(4) Les règlements peuvent établir des normes et des
dures for the conduct of ranked ballot elections, including rules governing the following matters:

1. Ballots, voting procedures, the counting of votes and recounts.

2. Powers that the clerk of the municipality may exercise in administering ranked ballot elections.

3. Information to be made available to the public with respect to the counting of votes in each round.

Subdelegation

(5) The regulation may authorize the clerk of a municipality to establish procedures for ranked ballot elections.

Varying the operation of the Act

(6) If, in the opinion of the Lieutenant Governor in Council, it is necessary or desirable in order to further the purposes of this section and this Act, the regulation may vary the operation of any of the following provisions of this Act or may provide that any of the following provisions do not apply with respect to a ranked ballot election:

1. Section 11.1 (special case, responsibilities of clerks).
2. Subsection 47 (5) (rights of candidates and scrutineers).
3. Subsection 52 (3) (marking ballot, etc.).
4. Section 54 (counting of votes).
5. Section 55 (delivery of statement and ballot box to clerk).
6. Clause 57 (1) (a) (recount).
7. Subsection 58 (3) (court order).
8. Section 59 (inclusion of a related recount).
9. Subsections 62 (1) and (3) (recount, clerk’s duties).
10. Section 63 (judicial recount).
11. Such other provisions of this Act as the Lieutenant Governor in Council considers appropriate.

Transition

(7) The regulation may provide for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the implementation of ranked ballot elections or in connection with the cessation of the use of ranked ballot elections in a municipality.

By-laws re ranked ballot elections

41.2 (1) The council of a municipality may pass by-laws with respect to ranked ballot elections for offices on the council if such elections are authorized by a regulation made under section 41.1.

modalités pour la tenue d’un scrutin préférentiel, notamment des règles régissant les questions suivantes :

1. Les bulletins de vote, les modalités du scrutin, le dépouillement du scrutin et les nouveaux dépouillements.
2. Les pouvoirs que le secrétaire de la municipalité peut exercer dans le déroulement d’un scrutin préférentiel.
3. Les renseignements qui doivent être mis à la disposition du public relativement à chaque décompte du dépouillement du scrutin.

Subdélégation

(5) Les règlements peuvent autoriser le secrétaire d’une municipalité à établir des modalités pour la tenue d’un scrutin préférentiel.

Modification de l’application de la Loi

(6) Si, de l’avis du lieutenant-gouverneur en conseil, cela est nécessaire ou souhaitable afin de réaliser l’objet du présent article et de la présente loi, les règlements peuvent modifier l’application de l’une ou l’autre des dispositions suivantes de la présente loi, ou prévoir que celle-ci ne s’applique pas à l’égard du scrutin préférentiel :

1. L’article 11.1 (cas particulier : responsabilités des secrétaires).
2. Le paragraphe 47 (5) (droits des candidats et des représentants).
3. Le paragraphe 52 (3) (façon de marquer le bulletin de vote).
4. L’article 54 (dépouillement du scrutin).
5. L’article 55 (remise du relevé des résultats et de l’urne au secrétaire).
6. L’alinéa 57 (1) a) (nouveau dépouillement).
7. Le paragraphe 58 (3) (ordonnance).
8. L’article 59 (nouveau dépouillement connexe).
10. L’article 63 (dépouillement judiciaire).
11. Les autres dispositions de la présente loi que le lieutenant-gouverneur en conseil estime appropriées.

Questions transitoires

(7) Les règlements peuvent prévoir les questions provisoires qui, de l’avis du lieutenant-gouverneur en conseil, sont nécessaires ou souhaitables pour la mise en oeuvre du scrutin préférentiel ou la cessation de son utilisation dans une municipalité.

Règlements municipaux sur le scrutin préférentiel

41.2 (1) Le conseil d’une municipalité peut adopter des règlements municipaux concernant le scrutin préférentiel pour pourvoir des postes au sein du conseil si un tel mode de scrutin est autorisé par un règlement pris en vertu de l’article 41.1.
Restrictions on authority of municipality

(2) The Lieutenant Governor in Council may, by regulation, impose conditions and limitations on the authority of a municipality to pass a by-law, including establishing standards and procedures for public consultation about a proposed by-law.

Same

(3) A ranked ballot election cannot be conducted for an office on the council unless the municipality has passed a by-law in accordance with this section.

31. (1) Clause 42 (2) (a) of the Act is amended by striking out “June 1 in the year of the election” and substituting “May 1 in the year before the year of the election”.

(2) Section 42 of the Act is amended by adding the following subsection:

Same

(2.1) Despite clause (2) (b), in the case of a by-election,

(a) if the council of a local municipality passes a by-law under clause (1) (a) authorizing the use of voting and vote-counting equipment, the municipality may pass another by-law providing that the first by-law does not apply to the by-election and the municipality may pass a by-law authorizing the use of any voting and vote-counting equipment for the by-election;

(b) if the council of a local municipality passes a by-law under clause (1) (b) authorizing electors to use an alternative voting method, the municipality may pass another by-law providing that the first by-law does not apply to the by-election and the municipality may pass a by-law authorizing any alternative voting method for the by-election.

(3) Clause 42 (3) (b) of the Act is repealed and the following substituted:

(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed.

(4) Subsection 42 (4) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Same

(4) The following rules apply with respect to the clerk’s duties under clause (3) (a):

... . . . .

(5) Subparagraph 1 i of subsection 42 (4) of the Act is repealed and the following substituted:

Restriction : pouvoir d’une municipalité

(2) Le lieutenant-gouverneur en conseil peut, par règlement, imposer des conditions et des restrictions au pouvoir d’une municipalité d’adopter un règlement municipal, notamment en établissant des normes et des modalités en matière de consultation du public au sujet d’une proposition de règlement.

Idem

(3) Le scrutin préférentiel ne peut être utilisé pour pourvoir un poste au sein d’un conseil que si la municipalité a adopté un règlement municipal conformément au présent article.

31. (1) L’alinéa 42 (2) a) de la Loi est modifié par remplacement de «1er juin de l’année de l’élection» par «1er mai de l’année précédant l’année de l’élection».

(2) L’article 42 de la Loi est modifié par adjonction du paragraphe suivant :

Idem

(2.1) Malgré l’alinéa (2) b), dans le cas d’une élection partielle :

a) si le conseil d’une municipalité locale adopte, en vertu de l’alinéa (1) a), un règlement municipal autorisant l’utilisation d’équipement permettant de recueillir les votes et de dépourvoir le scrutin, la municipalité peut adopter un autre règlement prévoyant que le premier ne s’applique pas à l’élection partielle et elle peut adopter un règlement autorisant l’utilisation de tout type d’équipement permettant de recueillir les votes et de dépourvoir le scrutin pour l’élection partielle.

b) si le conseil d’une municipalité locale adopte, en vertu de l’alinéa (1) b), un règlement municipal autorisant l’utilisation par les électeurs d’un mode de scrutin de remplacement, la municipalité peut adopter un autre règlement prévoyant que le premier ne s’applique pas à l’élection partielle et elle peut adopter un règlement autorisant l’utilisation de tout mode de scrutin de remplacement pour l’élection partielle.

(3) L’alinéa 42 (3) b) de la Loi est abrogé et remplacé par ce qui suit :

b) remet une copie des modalités et des formules à chaque candidat au moment du dépôt de sa déclaration de candidature.

(4) Le paragraphe 42 (4) de la Loi est modifié par remplacement du passage qui précède la disposition 1 par ce qui suit :

Idem

(4) Les règles suivantes s’appliquent à l’égard des fonctions que l’alinéa (3) a) attribue au secrétaire :

... . . . .

(5) La sous-disposition 1 i du paragraphe 42 (4) de la Loi est abrogée et remplacée par ce qui suit :
(6) Section 42 of the Act is amended by adding the following subsection:

Timing, vote counting

(6) When a by-law authorizing the use of voting or vote-counting equipment or an alternative voting method is in effect, the votes shall not be counted until after the close of voting on voting day.

32. Subsections 43 (1), (2) and (3) of the Act are repealed and the following substituted:

Advance vote

(1) Before voting day, each local municipality shall hold an advance vote on one or more dates.

Same

(2) Subject to subsection (3), the clerk shall establish,

(a) the date or dates on which the advance vote is held;

(b) the number and location of voting places for the advance vote; and

(c) the hours during which the voting places shall be open for the advance vote, which may be different for different voting places.

Same

(3) The advance vote shall not be held more than 30 days before voting day.

33. Subsection 44 (4) of the Act is repealed and the following substituted:

Timing

(4) A person shall not appoint a voting proxy for an election until the later of,

(a) the time for the withdrawal of nominations under section 36 has expired for all offices for which the election is being conducted; and

(b) the time when the clerk has certified all persons qualified to be nominated under subsection 35 (2).

Same

(4.1) An appointment under subsection (4) does not remain in effect after voting day of the election.

34. (1) Subsection 45 (4) of the Act is amended by striking out “provide a space for use as a voting place, free of any charge related to the provision of space” at the end and substituting “provide, free of any charge, a space for use as a voting place”.

(2) Paragraph 2 of subsection 45 (7) of the Act is amended by striking out “on nomination day” and substituting “on September 1”.

(6) L’article 42 de la Loi est modifié par adjonction du paragraphe suivant :

Délai : dépouillement du scrutin

(6) Lorsqu’un règlement municipal autorisant l’utilisation d’équipement permettant de recueillir les votes ou de dépouiller le scrutin ou d’un mode de scrutin de remplacement est en vigueur, le scrutin ne doit être dépourvu qu’après la clôture du scrutin le jour du scrutin.

32. Les paragraphes 43 (1), (2) et (3) de la Loi sont abrogés et remplacés par ce qui suit :

Vote par anticipation

(1) Avant le jour du scrutin, chaque municipalité locale tient un vote par anticipation à une ou plusieurs dates.

Idem

(2) Sous réserve du paragraphe (3), le secrétaire fixe :

a) la ou les dates pour la tenue du vote par anticipation;

b) le nombre et l’emplacement des bureaux de vote pour le vote par anticipation;

c) les heures d’ouverture des bureaux de vote pour le vote par anticipation, lesquelles peuvent être différentes pour différents bureaux de vote.

Idem

(3) Le vote par anticipation ne doit pas se tenir plus de 30 jours avant le jour du scrutin.

33. Le paragraphe 44 (4) de la Loi est abrogé et remplacé par ce qui suit :

Délai

(4) Une personne ne doit pas nommer de mandataire aux fins d’une élection avant le dernier en date des événements suivants :

a) l’expiration du délai imparti en application de l’article 36 pour retirer les candidatures aux postes pour lesquels l’élection est tenue;

b) la certification par le secrétaire de toutes les personnes ayant les qualifications requises pour être déclarées candidates en application du paragraphe 35 (2).

Idem

(4.1) La nomination visée au paragraphe (4) cesse d’être en vigueur après le jour du scrutin.

34. (1) Le paragraphe 45 (4) de la Loi est modifié par remplacement de «fournit un local comme bureau de vote sans exiger de droits rattachés à la fourniture du local» par «fournit sans frais un local comme bureau de vote» à la fin du paragraphe.

(2) La disposition 2 du paragraphe 45 (7) de la Loi est modifiée par remplacement de «le jour de la déclaration de candidature» par «le 1er septembre».
(3) Paragraph 3 of subsection 45 (7) of the Act is amended by striking out “on nomination day” and substituting “on September 1”.

35. (1) Subsection 46 (2) of the Act is amended by striking out “The council of a local municipality may pass a by-law providing” at the beginning and substituting “The clerk may establish”.

(2) Subsections 46 (3) and (4) of the Act are repealed and the following substituted:

Reduced voting hours, institutions and retirement homes

(3) Despite subsection (1), the clerk may establish reduced voting hours with respect to a voting place described in subsection 45 (7) that is only for the use of residents of the institution or retirement home.

(4) An elector who is in a voting place at the time for closing under subsection (1) or (3) and has not yet voted is still entitled to vote.

36. Subsection 49 (3) of the Act is repealed and the following substituted:

Same, revealing a vote

(3) No elector shall,

(a) take a photograph or video recording of his or her marked ballot; or

(b) show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52 (1).

37. Section 51 of the Act is amended by adding the following subsection:

Ranked ballot election

(3) Despite paragraph 3 of subsection (2), in a ranked ballot election for an office, an elector is entitled to rank as many candidates for the office as are specified by regulation.

38. (1) Paragraph 5 of subsection 52 (1) of the Act is amended by striking out “or declines to vote and returns the ballot” at the end.

(2) Section 52 of the Act is amended by adding the following subsections:

Declining to vote

(5) If an elector returns a ballot to the deputy returning officer and indicates that the elector is declining to vote, the elector is no longer entitled to vote and the deputy returning officer shall immediately write the word “declined” upon the ballot.

Same, record

(6) The deputy returning officer shall keep a record of the number of electors who indicate that they are declining to vote.

(3) La disposition 3 du paragraphe 45 (7) de la Loi est modifiée par remplacement de «de jour de la déclaration de candidature» par «de 1er septembre».

35. (1) Le paragraphe 46 (2) de la Loi est modifié par remplacement de «Le conseil d’une municipalité locale peut adopter un règlement municipal prévoyant» par «Le secrétaire peut prévoir» au début du paragraphe.

(2) Les paragraphes 46 (3) et (4) de la Loi sont abrogés et remplacés par ce qui suit :

Heures de scrutin écourées : établissements et maisons de retraite

(3) Malgré le paragraphe (1), le secrétaire peut fixer des heures de scrutin écourées à l’égard d’un bureau de vote visé au paragraphe 45 (7) qui n’est destiné qu’aux résidents de l’établissement ou de la maison de retraite.

Électeur qui se trouve dans le bureau de vote à la clôture

(4) L’électeur qui se trouve à l’intérieur d’un bureau de vote à l’heure de clôture fixée en application du paragraphe (1) ou (3) et qui n’a pas encore voté a le droit de voter.

36. Le paragraphe 49 (3) de la Loi est abrogé et remplacé par ce qui suit :

Idem : révélation du vote

(3) Aucun électeur ne doit :

a) prendre une photographie ou faire un enregistrement vidéo de son bulletin de vote après y avoir inscrit son vote;

b) montrer à quiconque son bulletin de vote après y avoir inscrit son vote, de façon à révéler le vote qu’il a exprimé, sauf dans le cas où de l’aide lui est fournie pour voter en application de la disposition 4 du paragraphe 52 (1).

37. L’article 51 de la Loi est modifié par adjonction du paragraphe suivant :

Scrutin préférentiel

(3) Malgré la disposition 3 du paragraphe (2), dans un scrutin préférentiel pour un poste, l’électeur a le droit de classer par ordre de préférence autant de candidats pour le poste à pourvoir que précisent les règlements.

38. (1) La disposition 5 du paragraphe 52 (1) de la Loi est modifiée par suppression de «ou il refuse de voter et rend son bulletin de vote» à la fin de la disposition.

(2) L’article 52 de la Loi est modifié par adjonction des paragraphes suivants :

Refus de voter

(5) Si un électeur rend son bulletin de vote au scrutateur et indique son refus de voter, l’électeur n’a plus le droit de voter et le scrutateur inscrit immédiatement la mention «refusé» sur le bulletin.

Idem : consignation

(6) Le scrutateur consigne le nombre d’électeurs qui indiquent leur refus de voter.
39. (1) Section 55 of the Act is amended by adding the following subsection:

Information to be made available

(4.1) As soon as possible after voting day, the clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.

2. The number of declined and rejected ballots.

3. The number of votes for the affirmative or negative on a by-law or question.

(2) Subsection 55 (5) of the Act is amended by striking out “Despite subsection 88 (6) (records)” at the beginning and substituting “Despite subsection 88 (6.1)”.

40. (1) Section 56 of the Act is amended by adding the following subsection:

Recount in accordance with policies

(1.1) The clerk shall hold a recount in accordance with any policy passed by the municipality or local board under subsection (3) or (4).

(2) Section 56 of the Act is amended by adding the following subsections:

Municipality, policy

(3) A municipality may, by by-law, adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.

Local board, policy

(4) A local board may, by resolution, adopt a policy with respect to the circumstances in which the local board requires a recount of the votes cast in an election.

Same

(5) A by-law or resolution adopted under subsection (3) or (4),

(a) applies to a regular election if it is passed on or before May 1 in the year of the election; and

(b) applies to a by-election if it is passed more than 60 days before voting day.

41. (1) Subsection 60 (1) of the Act is repealed and the following substituted:

Manner of doing recount

(1) A recount under section 56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment.

(2) Subsection 60 (3) of the Act is amended by adding “Despite subsection (1)” at the beginning.
Section 60 of the Act is amended by adding the following subsection:

Exception for ranked ballot election

Subsection (3) does not apply with respect to a ranked ballot election.

(4) Paragraph 1 of subsection 65 (4) of the Act is amended by striking out the portion before subparagraph ii and substituting the following:

1. The clerk shall fix the date of nomination day to be a day not less than 30 days and not more than 60 days after,
   i. the expiry of the appeal period with respect to a by-election ordered by a court, if no appeal has been filed,
   i.1 the final disposal of an appeal of a by-election ordered by a court,

(2) Subsection 65 (5) of the Act is amended by striking out “subject to subsection (6)” in the portion before paragraph 1.

(3) Paragraph 1 of subsection 65 (5) of the Act is amended by striking out the portion before subparagraph i and substituting the following:

1. The clerk shall fix the date of voting day, to be a day not less than 60 days and not more than 90 days after,
   i. the expiry of the appeal period with respect to a by-election ordered by a court, if no appeal has been filed,
   i.1 the final disposal of an appeal of a by-election ordered by a court,

(4) Paragraph 2 of subsection 65 (5) of the Act is amended by striking out “the Liquor Licence Board of Ontario” and substituting “the board of the Alcohol and Gaming Commission of Ontario”.

(5) Paragraph 3 of subsection 65 (5) of the Act is repealed and the following substituted:

3. The voters’ list shall be prepared as follows:
   i. the clerk shall notify the Municipal Property Assessment Corporation that a by-election is required and,
      A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the Municipal Property Assessment Corporation shall, within 10 days after the clerk notifies the Corporation that a by-election is required, give the clerk the preliminary list that is required for the by-election, or
      B. for a question under clause 8 (1) (b) or (c), the Municipal Property Assessment Corporation shall, at least 60 days before voting day, give the clerk the preliminary list that is required for the by-election,
ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after receiving the list, and

iii. the corrected list constitutes the voters’ list.

3.1 Applications to revise the voters’ list may be made under section 24 or 25 during the period that begins when the clerk has made corrections as described in subparagraph 3 ii and ends at the close of voting on voting day.

(6) Subsection 65 (6) of the Act is repealed.

43. Sections 66 to 82.1 of the Act are repealed.

44. Subsection 83 (7) of the Act is amended by adding the following paragraph:

5. Failure to comply with the procedural requirements imposed under sections 41.1 and 41.2 for a ranked ballot election.

45. (1) Subsection 88 (4) of the Act is amended by striking out “sections 78 and 79.1” and substituting “sections 88.25, 88.29 and 88.32”.

(2) Subsection 88 (6) of the Act is repealed and the following substituted:

Exception re filings, etc.

(6) Subsection (5) does not apply to documents and materials filed with or prepared by the clerk or any other election official under this Act once the 120-day period has elapsed.

Exception re ballot box, etc.

(6.1) Subsection (5) does not entitle a person to inspect the contents of a ballot box or any applications made under section 24 or 25 unless authorized to do so by a court order.

(3) Subsection 88 (9.1) of the Act is repealed and the following substituted:

Information to be made available

(9.1) The clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

46. The Act is amended by adding the following sections:

THE ELECTION CAMPAIGN

Access to residential premises

88.1 No person who is in control of an apartment building, condominium building, non-profit housing cooperative or gated community may prevent a candidate or his or her representative from campaigning between 9 a.m. and 9 p.m. at the doors to the apartments, units or houses, as the case may be.

Display of signs at residential premises

88.2 (1) No landlord or person acting on a landlord’s

ii. aussitôt que possible après avoir reçu la liste préliminaire, le secrétaire y apporte les corrections visées à l’article 22.

iii. la liste corrigée constitue la liste électorale.

3.1 Les demandes de modification de la liste électorale peuvent être présentées en vertu de l’article 24 ou 25 pendant la période qui commence au moment où le secrétaire a apporté les corrections visées à la sous-disposition 3 ii et qui prend fin à la clôture du scrutin le jour du scrutin.

(6) Le paragraphe 65 (6) de la Loi est abrogé.

43. Les articles 66 à 82.1 de la Loi sont abrogés.

44. Le paragraphe 83 (7) de la Loi est modifié par adjonction de la disposition suivante :

5. L’inobservation des exigences procédurales imposées en vertu des articles 41.1 et 41.2 pour le scrutin préférentiel.

45. (1) Le paragraphe 88 (4) de la Loi est modifié par remplacement de «des articles 78 et 79.1» par «des articles 88.25, 88.29 et 88.32».

(2) Le paragraphe 88 (6) de la Loi est abrogé et remplacé par ce qui suit :

Exception : dépôt

(6) Le paragraphe (5) ne s’applique pas au matériel et aux documents déposés auprès du secrétaire ou d’un autre membre du personnel électoral, ou préparés par ceux-ci, en vertu de la présente loi, après le délai de 120 jours.

Exception : urne

(6.1) Le paragraphe (5) ne donne pas le droit à une personne d’examiner le contenu d’une urne ou toute demande présentée en vertu de l’article 24 ou 25, sauf si elle est autorisée à le faire par une ordonnance d’un tribunal.

(3) Le paragraphe 88 (9.1) de la Loi est abrogé et remplacé par ce qui suit :

Renseignements à rendre publics

(9.1) Le secrétaire met les documents déposés en application des articles 88.25, 88.29 et 88.32 à la disposition du public sans frais sur un site Web ou sous une autre forme électronique dès que possible après leur dépôt.

46. La Loi est modifiée par adjonction des articles suivants :

CAMPAGNÉ ÉLECTORALE

Interdiction : accès à des lieux résidentiels

88.1 Le responsable d’un immeuble d’appartements ou de condominiums, d’une coopérative de logement sans but lucratif ou d’un ensemble résidentiel protégé ne peut empêcher un candidat ou son représentant de faire campagne, entre 9 h et 21 h, aux portes des appartements, des parties privatives de condominium, des logements ou des maisons, selon le cas.

Interdiction : affiches électorales dans des lieux résidentiels

88.2 (1) Le locateur ou la personne agissant en son
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same, condominium corporations

(2) No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying signs in relation to an election on the premises of his or her unit.

exception

(3) Despite subsections (1) and (2), a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building in which the premises are found.

same

(4) Despite subsection (3), no landlord, person, condominium corporation or agent may prohibit the display of signs in relation to an election in common areas of the building if space in the building is being used as a voting place.

47. The Act is amended by adding the following section:

candidates’ election campaign advertisements

88.3 (1) In this section,

“election campaign advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

mandatory information in advertisement

(2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate.

mandatory information for broadcaster, etc.

(3) A candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

prohibition, broadcaster or publisher

(4) No broadcaster or publisher shall cause an election campaign advertisement to appear if the information set out in paragraphs 1 and 2 of subsection (3) has not been provided.

records

(5) The broadcaster or publisher of an election campaign advertisement shall maintain records containing the following information for a period of four years after the

nom ne peut interdire à un locataire de poser des affiches électorales sur les lieux qui font l’objet du bail.

idem: association condominiale

(2) L’association condominiale ou l’un ou l’autre de ses représentants ne peut interdire à un propriétaire ou à un locataire de partie privative de condominium de poser des affiches électorales sur les lieux de la partie privative.

exception

(3) Malgré les paragraphes (1) et (2), le locateur, la personne, l’association condominiale ou le représentant peut fixer des conditions raisonnables quant à la dimension et à la nature des affiches électorales qui peuvent être posées sur les lieux, et peut interdire l’affichage dans les aires communes de l’immeuble où ces lieux se trouvent.

idem

(4) Malgré le paragraphe (3), le locateur, la personne, l’association condominiale ou le représentant ne peut interdire la pose d’affiches électorales dans les aires communes de l’immeuble si un espace dans l’immeuble est utilisé comme bureau de vote.

47. La Loi est modifiée par adjonction de l’article suivant:

publicité reliée à la campagne électorale d’un candidat

88.3 (1) La définition qui suit s’applique au présent article.

publicité reliée à une campagne électorale» Publicité diffusée par les médias imprimés, électroniques ou autres, y compris la radiodiffusion, qui a pour but de favoriser ou de soutenir l’élection d’un candidat.

renseignements à fournir dans la publicité

(2) Toute publicité reliée à une campagne électorale qui a été achetée par un candidat ou selon ses directives doit identifier le candidat.

renseignements à fournir au radiodiffuseur ou à l’éditeur

(3) Aucun candidat ne doit faire diffuser une publicité reliée à une campagne électorale sans fournir par écrit à son radiodiffuseur ou à son éditeur les renseignements suivants :

1. Le nom du candidat.
2. Le nom, l’adresse et le numéro de téléphone d’affaires du particulier qui traite avec le radiodiffuseur ou l’éditeur selon les directives du candidat.

interdiction : radiodiffuseur ou éditeur

(4) Aucun radiodiffuseur ou éditeur ne doit faire diffuser une publicité reliée à une campagne électorale si les renseignements énoncés aux dispositions 1 et 2 du paragraphe (3) n’ont pas été fournis.

dossiers

(5) Le radiodiffuseur ou l’éditeur d’une publicité reliée à une campagne électorale tient des dossiers comprenant les renseignements suivants, pendant quatre ans après la
date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (3).

2. A copy of the advertisement, or the means of re-producing it for inspection.

3. A statement of the charge made for its appearance.

48. The Act is amended by adding the following sections:

Third party advertisements

88.4 (1) No individual, corporation or trade union shall incur expenses for a third party advertisement that appears during the restricted period for third party advertisements unless the individual, corporation or trade union is a registered third party under section 88.6 when the expenses are incurred and when the advertisement appears.

Restricted period for third party advertisements

(2) The restricted period for third party advertisements in relation to an election in a municipality begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party in relation to the election and ends at the close of voting on voting day.

Limit on expenses

(3) The expenses incurred in relation to third party advertisements cannot exceed the amount calculated under section 88.21 (registered third parties’ expenses) for the registered third party.

Mandatory information in third party advertisements

88.5 (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

1. The name of the registered third party.

2. The municipality where the registered third party is registered.

3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

Mandatory information for broadcaster, etc.

(2) A registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:

1. The name of the registered third party.

2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party.

3. The municipality where the registered third party is registered.

date de diffusion de la publicité, et permet au public de les examiner pendant les heures normales de bureau :

1. Les renseignements fournis en application du paragraphe (3).

2. Une copie de la publicité, ou les moyens de la reproduire aux fins d’examen.

3. Un relevé des frais demandés pour la diffusion de la publicité.

48. La Loi est modifiée par adjonction des articles suivants :

Publicité de tiers

88.4 (1) Aucun particulier, aucune personne morale ou aucun syndicat ne doit engager des dépenses à l’égard de la publicité de tiers qui est diffusée pendant la période de restriction pour la publicité de tiers à moins d’être un tiers inscrit visé à l’article 88.6 au moment où les dépenses sont engagées et au moment où la publicité est diffusée.

Période de restriction pour la publicité de tiers

(2) Dans le cadre d’une élection municipale, la période de restriction pour la publicité de tiers commence le premier jour où un particulier, une personne morale ou un syndicat peut déposer un avis d’inscription en tant que tiers inscrit relativement à l’élection et prend fin à la clôture du scrutin le jour du scrutin.

Restriction des dépenses

(3) Les dépenses engagées à l’égard de la publicité de tiers ne doivent pas dépasser un montant calculé en application de l’article 88.21 (dépenses du tiers inscrit) pour le tiers inscrit.

Renseignements à fournir dans la publicité d’un tiers inscrit

88.5 (1) Aucun tiers inscrit ne doit faire diffuser une publicité de tiers pendant la période de restriction sans que les renseignements suivants y figurent :

1. Le nom du tiers inscrit.

2. La municipalité où le tiers est inscrit.

3. Le numéro de téléphone et l’adresse postale ou électronique auxquels le tiers inscrit peut être contacté au sujet de la publicité.

Renseignements à fournir au radiodiffuseur ou à l’éditeur

(2) Aucun tiers inscrit ne doit faire diffuser une publicité de tiers pendant la période de restriction sans fournir par écrit à son radiodiffuseur ou à son éditeur les renseignements suivants :

1. Le nom du tiers inscrit.

2. Le nom, l’adresse et le numéro de téléphone d’affaires du particulier qui traite avec le radiodiffuseur ou l’éditeur selon les directives du tiers inscrit.

3. La municipalité où le tiers est inscrit.
Prohibition, broadcaster or publisher

(3) No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in paragraphs 1 to 3 of subsection (2) has not been provided.

Records

(4) The broadcaster or publisher of a third party 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:

1. The information provided under subsection (2).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.

49. The Act is amended by adding the following section:

Registration of third party advertisers

Notice of registration

88.6 (1) An individual, corporation or trade union may, in person or by an agent, file with the clerk of the municipality responsible for conducting an election a notice of registration to be a registered third party for the election, and the notice must be filed in the prescribed form and must include a declaration of qualification signed by the individual or by a representative of the corporation or trade union, as the case may be.

Same

(2) A notice of registration may only be filed with the clerk of a local municipality.

Date of registration

(3) On the date on which the clerk certifies the notice of registration, the individual, corporation or trade union is a registered third party for the election.

Eligibility for registration

(4) Only the following persons and entities are eligible to file a notice of registration:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.

Restriction

(5) The following persons and entities are not eligible to file a notice of registration:

1. A candidate whose nomination has been filed under section 33.

Interdiction : radiodiffuseur ou éditeur

(3) Aucun radiodiffuseur ou éditeur ne doit faire diffuser une publicité de tiers pendant la période de restriction si les renseignements énoncés aux dispositions 1 à 3 du paragraphe (2) n’ont pas été fournis.

Dossiers

(4) Le radiodiffuseur ou l’éditeur d’une publicité de tiers tient des dossiers comprenant les renseignements suivants, pendant quatre ans après la date de diffusion de la publicité, et permet au public de les examiner pendant les heures normales de bureau :

1. Les renseignements fournis en application du paragraphe (2).
2. Une copie de la publicité, ou les moyens de la reproduire aux fins d’examen.

49. La Loi est modifiée par adjonction de l’article suivant :

Inscription : publicité de tiers

Avis d’inscription

88.6 (1) Les particuliers, les personnes morales et les syndicats peuvent déposer auprès du secrétaire de la municipalité chargé de la tenue de l’élection, en personne ou par l’intermédiaire d’un représentant, un avis d’inscription comme tiers inscrit relativement à l’élection, qui doit être déposé sous la forme prescrite et doit comprendre une déclaration de qualifications requises dûment signée par eux, ou leur représentant dans le cas des personnes morales et des syndicats.

Idem

(2) L’avis d’inscription peut être déposé uniquement auprès du secrétaire d’une municipalité locale.

Date d’inscription

(3) Le particulier, la personne morale ou le syndicat est un tiers inscrit relativement à l’élection à la date à laquelle le secrétaire certifie l’avis d’inscription.

Admissibilité à l’inscription

(4) Seules les personnes et entités suivantes peuvent déposer un avis d’inscription :

1. Les particuliers qui résident normalement en Ontario.
2. Les personnes morales qui exercent des activités en Ontario.
3. Les syndicats qui sont titulaires de droits de négociation pour le compte d’employés dans Ontario.

Restriction

(5) Les personnes et entités suivantes n’ont pas le droit de déposer un avis d’inscription en application du présent article :

1. Les candidats dont la déclaration de candidature a été déposée en vertu de l’article 33.
2. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

3. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.

4. The Crown in right of Canada or Ontario, a municipality or local board.

Same

(6) For greater certainty, third party advertisements shall not be under the direction of a candidate whose nomination has been filed under section 33.

**Time for filing**

(7) In the case of a regular election, the notice of registration cannot be filed earlier than the first day for filing nominations under subsection 33 (4) and cannot be filed later than the Friday before voting day, at a time when the clerk’s office is open.

Same, by-election for an office

(8) In the case of a by-election for an office, the notice of registration cannot be filed earlier than the first day for filing nominations under subsection 65 (4) and cannot be filed later than the last day on which the clerk’s office is open before voting day, at a time when the clerk’s office is open.

Same, by-election re proposed by-law

(9) In the case of a by-election that relates to a proposed by-law under clause 8 (1) (a), the notice of registration cannot be filed before the council of a municipality passes a by-law indicating that a by-election is required and cannot be filed later than the last day on which the clerk’s office is open before voting day, at a time when the clerk’s office is open.

Same, by-election re question

(10) In the case of a by-election that relates to a question under clause 8 (1) (b) or (c), the notice of registration cannot be filed earlier than 60 days before voting day and cannot be filed later than the last day on which the clerk’s office is open before voting day, at a time when the clerk’s office is open.

Same

(11) In the case of a by-election that relates to a question under subsection 8 (2), the notice of registration cannot be filed before the clerk receives from a local board whose election he or she is responsible for conducting a copy of a resolution indicating that a by-election is required, and cannot be filed later than the last day on which the clerk’s office is open before voting day, at a time when the clerk’s office is open.

2. Les partis politiques fédéraux enregistrés en application de la *Loi électorale du Canada* (Canada), les associations de circonscription fédérales ou les candidats inscrits à une élection fédérale qui sont parrainés par un de ces partis.

3. Les partis politiques provinciaux, les associations de circonscription, les candidats ou les candidats à la direction d’un parti inscrits en application de la *Loi sur le financement des élections*.

4. La Couronne du chef du Canada ou de l’Ontario, les municipalités ou les conseils locaux.

*Idem*

(6) Il est entendu que la publicité de tiers ne doit pas être faite selon les directives d’un candidat dont la déclaration de candidature a été déposée en vertu de l’article 33.

**Moment du dépôt**

(7) Dans le cas d’une élection ordinaire, l’avis d’inscription ne doit pas être déposé avant le premier jour prévu pour le dépôt des déclarations de candidature en application du paragraphe 33 (4) ni après le vendredi précédant le jour du scrutin, pendant les heures d’ouverture du bureau du secrétaire.

*Idem* : élection partielle visant à pourvoir un poste

(8) Dans le cas d’une élection partielle pour pourvoir un poste, l’avis d’inscription ne doit pas être déposé avant le premier jour prévu pour le dépôt des déclarations de candidature en application du paragraphe 65 (4) ni après le dernier jour où le bureau du secrétaire est ouvert avant le jour du scrutin, pendant les heures d’ouverture du bureau.

*Idem* : élection partielle portant sur une proposition de règlement municipal

(9) Dans le cas d’une élection partielle portant sur une proposition de règlement municipal visée à l’alinéa 8 (1) a), l’avis d’inscription ne doit pas être déposé avant que le conseil de la municipalité adopte un règlement exigeant la tenue d’une élection partielle ni après le dernier jour où le bureau du secrétaire est ouvert avant le jour du scrutin, pendant les heures d’ouverture du bureau.

*Idem* : élection partielle portant sur une question

(10) Dans le cas d’une élection partielle portant sur une question visée à l’alinéa 8 (1) b) ou c), l’avis d’inscription ne doit pas être déposé plus de 60 jours avant le jour du scrutin ni après le dernier jour où le bureau du secrétaire est ouvert avant le jour du scrutin, pendant les heures d’ouverture du bureau.

*Idem*

(11) Dans le cas d’une élection partielle portant sur une question visée au paragraphe 8 (2), l’avis d’inscription ne doit pas être déposé avant que le secrétaire reçoive d’un conseil local pour lequel il est chargé de tenir l’élection une copie d’une résolution exigeant la tenue d’une élection partielle ni après le dernier jour où le bureau du secrétaire est ouvert avant le jour du scrutin, pendant les heures d’ouverture du bureau.
(12) In the case of a by-election that relates to a question under subsection 8 (3), the notice of registration cannot be filed before the clerk receives an order from the Minister indicating that a by-election is required, and cannot be filed later than the last day on which the clerk’s office is open before voting day, at a time when the clerk’s office is open.

Certification

(13) The clerk shall examine each notice of registration that has been filed and do one of the following upon filing:

1. If satisfied that the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with this Act, certify the notice of registration by signing it.

2. If not satisfied that the individual, corporation or trade union is qualified to be registered or that the notice of registration complies with this Act, reject the notice of registration.

Decision final

(14) The clerk’s decision to certify or reject a notice of registration is final.

50. The Act is amended by adding the following section:

Municipal authority to remove advertisements

88.7 If a municipality is satisfied that there has been a contravention of section 88.3, 88.4 or 88.5, the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

51. The Act is amended by adding the following sections:

CAMPAIGN CONTRIBUTIONS

Contributions to candidates

88.8 (1) A contribution shall not be made to or accepted by a person or an individual acting under the person’s direction unless the person is a candidate.

Only during election campaign

(2) A contribution shall not be made to or accepted by a candidate or an individual acting under the candidate’s direction outside the candidate’s election campaign period described in section 88.24.

Who may contribute

(3) Only the following persons may make contributions:

1. An individual who is normally resident in Ontario.

Idem

(12) Dans le cas d’une élection partielle portant sur une question visée au paragraphe 8 (3), l’avis d’inscription ne doit pas être déposé avant que le secrétaire reçoive un arrêté du ministre exigeant la tenue d’une élection partielle ni après le dernier jour où le bureau du secrétaire est ouvert avant le jour du scrutin, pendant les heures d’ouverture du bureau.

Certification

(13) Le secrétaire examine chaque avis d’inscription qui a été déposé et fait l’une ou l’autre des choses suivantes :

1. S’il est convaincu que le particulier, la personne morale ou le syndicat a les qualités requises pour être inscrit et que l’avis d’inscription est conforme à la présente loi, il certifie l’avis d’inscription en y apposant sa signature.

2. S’il n’est pas convaincu que le particulier, la personne morale ou le syndicat a les qualités requises pour être inscrit ou que l’avis d’inscription est conforme à la présente loi, il rejette l’avis d’inscription.

Décision définitive

(14) La décision du secrétaire de certifier ou de rejeter un avis d’inscription est définitive.

50. La Loi est modifiée par adjonction de l’article suivant :

Pouvoir de la municipalité de retirer la publicité

88.7 Si la municipalité est convaincue qu’il y a eu contravention à l’article 88.3, 88.4 ou 88.5, elle peut exiger que la personne qui, selon ce qu’elle croit en se fondant sur des motifs raisonnables, a contrevenu à cet article ou a causé ou permis la contravention, ou le propriétaire ou l’occupant du bien-fonds sur lequel la contravention est survenue, retire ou cesse la publicité.

51. La Loi est modifiée par adjonction des articles suivants :

CONTRIBUTIONS À LA CAMPAGNE

Contributions en faveur des candidats

88.8 (1) Aucune contribution ne doit être faite à une personne ou à un particulier agissant selon ses directives, ou acceptée par eux, à moins que cette personne ne soit candidate.

Contributions pendant la période de campagne électorale

(2) Aucune contribution ne doit être faite à un candidat ou à un particulier agissant selon ses directives, ou acceptée par eux, en dehors de la période de campagne électorale du candidat visée à l’article 88.24.

Qui peut faire des contributions

(3) Seules les personnes suivantes peuvent faire des contributions :

1. Les particuliers qui résident normalement en Ontario.
2. Subject to subsection (5), the candidate and his or her spouse.

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.

3. A corporation that carries on business in Ontario.

4. A trade union that holds bargaining rights for employees in Ontario.

5. The Crown in right of Canada or Ontario, a municipality or a local board.

Non-resident candidate, spouse

(5) If not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate’s election campaign.

Who may accept contribution

(6) A contribution may be accepted only by a candidate or an individual acting under the candidate’s direction.

Contributors

(7) A contribution may be accepted only from a person or entity that is entitled to make a contribution.

Contributions exceeding $25

(8) A contribution of money that exceeds $25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor’s name and account with the payment or by a money order signed by the contributor.

Exception re making information public

(9) For greater certainty, if a municipality or local board makes information available to the public on a website or in another electronic format, the provision of the information does not constitute a contribution to a candidate.

Same

(10) Without limiting the generality of subsection (9), the information referred to in that subsection includes the following:

1. The phone number and email address provided by the candidate in the nomination filed under section 33.
2. A hyperlink to the candidate’s website.

Maximum contributions to candidates

88.9 (1) A contributor shall not make contributions exceeding a total of $750 to any one candidate in an election.

More than one office

(2) If a person is a candidate for more than one office, a contributor’s total contributions to him or her in respect of all the offices shall not exceed $750.

Exception, mayor of City of Toronto

(3) Despite subsections (1) and (2), for the purposes of those subsections the maximum total contribution that a contributor may make to a candidate for the office of mayor of the City of Toronto is $2,500.

Multiple candidates

(4) A contributor shall not make contributions exceeding a total of $5,000 to two or more candidates for office on the same council or local board.

Exception, candidates and spouses

(5) This section does not apply to contributions made to a candidate’s own election campaign by the candidate or his or her spouse.

Fund-raising for candidates

88.10 (1) A fund-raising function shall not be held for a person who is not a candidate.

Same

(2) A fund-raising function for a candidate shall not be held outside the candidate’s election campaign period described in section 88.24.

Rebate of contributions to candidates

88.11 (1) A municipality may, by by-law, provide for the payment of rebates to individuals who made contributions to candidates for office on the municipal council.

Same, resolution

(2) A local board may, by resolution, provide for the payment of rebates to individuals who made contributions to candidates for office on the local board.

Same

(3) The by-law or resolution shall establish the conditions under which an individual is entitled to a rebate.

Same

(4) The by-law or resolution may provide for the payment of different amounts to different individuals on any basis.

2. Un hyperlien donnant accès au site Web du candidat.

Contributions maximales en faveur d’un candidat

88.9 (1) Un donateur ne doit pas faire en faveur d’un même candidat à une élection de contributions qui dépassent un total de 750 $.

Candidatures multiples

(2) Si la même personne est candidate à plus d’un poste, le montant total des contributions qu’un donateur peut faire en sa faveur à l’égard de tous les postes ne doit pas dépasser 750 $.

Exception : maire de la cité de Toronto

(3) Malgré les paragraphes (1) et (2), pour l’application de ces paragraphes, la contribution totale maximale qu’un donateur peut faire en faveur d’un candidat au poste de maire de la cité de Toronto est de 2 500 $.

Exception : deux candidats ou plus

(4) Un donateur ne doit pas faire de contributions qui dépassent un total de 5 000 $ en faveur de deux candidats ou plus à un poste au sein du même conseil municipal ou du même conseil local.

Exception : candidats et conjoints

(5) Le présent article ne s’applique pas aux contributions à la campagne électorale du candidat qui sont faites par le candidat lui-même ou par son conjoint.

Activités de financement pour les candidats

88.10 (1) Aucune activité de financement ne doit être tenue pour le compte d’une personne qui n’est pas candidate.

Idem

(2) Aucune activité de financement ne doit être tenue pour le compte d’un candidat en dehors de la période de campagne électorale de celui-ci visée à l’article 88.24.

Remise de contributions aux candidats

88.11 (1) Une municipalité peut, par règlement municipal, prévoir le versement de remises de contributions aux particuliers qui ont fait des contributions en faveur de candidats à un poste au sein du conseil municipal.

Idem

(2) Un conseil local peut, par résolution, prévoir le versement de remises de contributions aux particuliers qui ont fait des contributions en faveur de candidats à un poste au sein du conseil local.

Idem

(3) Le règlement municipal ou la résolution fixe les conditions auxquelles un particulier a droit à une remise de contributions.

Idem

(4) Le règlement municipal ou la résolution peut prévoir le versement de différents montants à des particuliers différents en fonction de n’importe quels critères.
52. The Act is amended by adding the following sections:

Contributions to registered third parties

88.12 (1) A contribution shall not be made to or accepted by an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality, or made to or accepted by an individual acting under his, her or its direction, unless the individual, corporation or trade union is a registered third party in relation to the election in the municipality.

Only during campaign period

(2) A contribution shall not be made to a registered third party, or to an individual acting under his, her or its direction, if the contribution is made outside the campaign period described in section 88.28 for the registered third party in relation to an election in the municipality.

Who may contribute

(3) Only the following may make contributions:

1. An individual who is normally resident in Ontario.

2. A corporation that carries on business in Ontario.

3. A trade union that holds bargaining rights for employees in Ontario.

4. Subject to subsection (5), the registered third party and, in the case of an individual, his or her spouse.

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following shall not make a contribution:

1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.

3. The Crown in right of Canada or Ontario, a municipality or local board.

Non-resident spouse

(5) If the spouse of a registered third party is not normally resident in Ontario, the spouse may make contributions only to the registered third party.

Who may accept contribution

(6) A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

52. La Loi est modifiée par adjonction des articles suivants :

Contributions en faveur des tiers inscrits

88.12 (1) Aucune contribution ne doit être faite à un particulier, à une personne morale ou à un syndicat, ou à une personne agissant selon ses directives, ou acceptée par eux, à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité, à moins que ce particulier, cette personne morale ou ce syndicat ne soit un tiers inscrit relativement à l’élection dans la municipalité.

Contributions pendant la période de campagne

(2) Aucune contribution ne doit être faite à un tiers inscrit, ou à un particulier agissant selon ses directives, en dehors de la période de campagne visée à l’article 88.28 pour le tiers inscrit relativement à une élection dans une municipalité.

Qui peut faire des contributions

(3) Seules les personnes et entités suivantes peuvent faire des contributions :

1. Les particuliers qui résident normalement en Ontario.

2. Les personnes morales qui exercent des activités en Ontario.

3. Les syndicats qui sont titulaires de droits de négociation pour le compte d’employés en Ontario.

4. Sous réserve du paragraphe (5), le tiers inscrit et, dans le cas d’un particulier, son conjoint.

Qui ne peut pas faire de contributions

(4) Sans préjudice de la portée générale du paragraphe (3), il est entendu que les personnes et entités suivantes ne doivent pas faire de contributions :

1. Les partis politiques fédéraux enregistrés en application de la Loi électorale du Canada (Canada), les associations de circonscription fédérales ou les candidats inscrits à une élection fédérale qui sont parrainés par un de ces partis.

2. Les partis politiques provinciaux, les associations de circonscription, les candidats ou les candidats à la direction d’un parti inscrit en application de la Loi sur le financement des élections.

3. La Couronne du chef du Canada ou de l’Ontario, les municipalités et les conseils locaux.

Conjoint non-résident

(5) Si le conjoint d’un tiers inscrit ne réside pas normalement en Ontario, il peut faire des contributions uniquement en faveur du tiers inscrit.

Qui peut accepter des contributions

(6) Une contribution ne peut être acceptée que par un tiers inscrit ou un particulier agissant selon ses directives.
Contributors

(7) A contribution may be accepted only from a person or entity that is entitled to make a contribution.

Contributions exceeding $25

(8) A contribution of money that exceeds $25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor’s name and account with the payment or by a money order signed by the contributor.

Exception re making information public

(9) For greater certainty, if a municipality or local board makes information available to the public on a website or in another electronic format, the provision of information does not constitute a contribution to a registered third party.

Same

(10) Without limiting the generality of subsection (9), the information referred to in that subsection includes the following:

1. The phone number and email address provided by the registered third party in the notice of registration filed under section 88.6.
2. A hyperlink to the website of the registered third party.

Maximum contributions to registered third parties

88.13 (1) A contributor shall not make contributions exceeding a total of $750 to a registered third party in relation to third party advertisements that appear during an election in a municipality.

More than one registered third party

(2) A contributor shall not make contributions exceeding a total of $5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

Exceptions

(3) Subsections (1) and (2) do not apply to contributions to a registered third party that are made by the registered third party itself and, if the registered third party is an individual, by his or her spouse.

Fund-raising for registered third parties

88.14 (1) A fund-raising function relating to third party advertisements to appear during an election in a municipality shall not be held for an individual, corporation or trade union that is not a registered third party in the municipality.

Same

(2) A fund-raising function relating to third party advertisements shall not be held for a registered third party outside the campaign period described in section 88.28 for the registered third party in relation to an election in the municipality.

53. (1) The Act is amended by adding the following section:

Donateurs

(7) Une contribution ne peut être acceptée que d’une personne ou d’une entité qui a le droit de faire des contributions.

Contributions supérieures à 25 $

(8) Les contributions en argent supérieures à 25 $ ne doivent pas être versées en espèces et elles doivent être versées soit de manière que le nom et le compte du donateur soient associés au paiement, soit sous forme de mandat signé par le donateur.

Exception : renseignements rendus publics

(9) Il est entendu que, si une municipalité ou un conseil local met des renseignements à la disposition du public sur un site Web ou sous une autre forme électronique, la diffusion des renseignements ne constitue pas une contribution à un tiers inscrit.

Idem

(10) Sans préjudice de la portée générale du paragraphe (9), les renseignements qui y sont mentionnés comprennent notamment :

1. Le numéro de téléphone et l’adresse électronique fournis par le tiers inscrit dans l’avis d’inscription déposé en vertu de l’article 88.6.
2. Un hyperlien donnant accès au site Web du tiers inscrit.

Contributions maximales en faveur des tiers inscrits

88.13 (1) Un donateur ne doit pas faire en faveur d’un tiers inscrit de contributions qui dépassent un total de 750 $ à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité.

Contributions en faveur de plus d’un tiers inscrit

(2) Un donateur ne doit pas faire de contributions qui dépassent un total de 5 000 $ en faveur de deux tiers inscrits ou plus qui sont inscrits dans la même municipalité à l’égard de la publicité de tiers.

Exceptions

(3) Les paragraphes (1) et (2) ne s’appliquent pas aux contributions en faveur d’un tiers inscrit qui sont faites par le tiers inscrit lui-même et, si le tiers inscrit est un particulier, par son conjoint.

Activités de financement pour les tiers inscrits

88.14 (1) Aucune activité de financement à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité ne doit être tenue pour le compte d’un particulier, d’une personne morale ou d’un syndicat qui n’est pas un tiers inscrit dans la municipalité.

Idem

(2) Aucune activité de financement à l’égard de la publicité de tiers ne doit être tenue pour le compte d’un tiers inscrit en dehors de la période de campagne visée à l’article 88.28 pour le tiers inscrit relativement à une élection dans une municipalité.

53. (1) La Loi est modifiée par adjonction de l’article suivant :
What constitutes a contribution

For an election campaign

88.15 (1) For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person’s direction, are contributions.

(2) Section 88.15 of the Act, as enacted by subsection (1), is amended by adding the following subsection:

For third party advertisements

(2) For the purposes of this Act, money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

(3) Section 88.15 of the Act, as enacted by subsection (1), is amended by adding the following subsections:

Contributions

(3) Without restricting the generality of subsections (1) and (2), the following amounts are contributions:

1. An amount charged for admission to a fund-raising function.
2. If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is $25 or less, the amount is not a contribution.
3. If goods and services used in the person’s election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
4. Any unpaid but guaranteed balance in respect of a loan under section 88.17.

Not contributions

(4) Without restricting the generality of subsections (1) and (2), the following amounts are not contributions:

1. The value of services provided by voluntary unpaid labour.
2. The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
3. An amount of $25 or less that is donated at a fund-raising function.

Ce qui constitue une contribution

Pour une campagne électorale

88.15 (1) Pour l’application de la présente loi, les sommes d’argent versées, les biens donnés et les services fournis à une personne pour sa campagne électorale, ou à une autre personne agissant selon ses directives, et acceptés par elles, constituent des contributions.

(2) L’article 88.15 de la Loi, tel qu’il est édicté par le paragraphe (1), est modifié par adjonction du paragraphe suivant :

Pour la publicité de tiers

(2) Pour l’application de la présente loi, les sommes d’argent versées, les biens donnés et les services fournis à un particulier, à une personne morale ou à un syndicat à l’égard de la publicité de tiers, ou à une autre personne agissant selon leurs directives, et acceptés par eux, constituent des contributions.

(3) L’article 88.15 de la Loi, tel qu’il est édicté par le paragraphe (1), est modifié par adjonction des paragraphes suivants :

Contributions

(3) Sans préjudice de la portée générale des paragraphes (1) et (2), les sommes suivantes constituent des contributions :

1. Une somme exigée en contrepartie de la participation à une activité de financement.
2. Si des biens et des services sont vendus lors d’une activité de financement pour une somme supérieure à leur valeur marchande, la différence entre cette somme et la valeur marchande. Toutefois, si la somme reçue pour les biens ou les services est de 25 $ ou moins, la somme ne constitue pas une contribution.
3. Si des biens et des services utilisés pendant la campagne électorale d’une personne ou à l’égard de la publicité de tiers sont achetés pour une somme inférieure à leur valeur marchande, la différence entre la valeur marchande et cette somme.
4. Tout solde impayé mais garanti à l’égard d’un prêt visé à l’article 88.17.

Non des contributions

(4) Sans préjudice de la portée générale des paragraphes (1) et (2), les sommes suivantes ne constituent pas des contributions :

1. La valeur des services fournis volontairement par une main-d’œuvre bénévole.
2. La valeur des services fournis volontairement, selon les directives de la personne ou du particulier, de la personne morale ou du syndicat, par un employé dont la rémunération, de toutes sources, qu’il reçoit pour ces services n’est pas supérieure à celle qu’il recevrait normalement pendant la période au cours de laquelle il a fourni ces services.
3. Une somme de 25 $ ou moins donnée lors d’une activité de financement.
4. The amount received for goods and services sold at a fund-raising function, if the amount is $25 or less.

5. The amount of a loan under section 88.17.

6. For a person referred to in subsection (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada), if,
   i. it is provided in accordance with that Act and the regulations and guidelines made under it, and
   ii. it is provided equally to all candidates for office on the particular council or local board.

Value of goods and services

(5) The value of goods and services provided as a contribution is,
   a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
   b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

No penalty

(6) No employer shall impose any penalty on an employee who refuses to provide services voluntarily as described in paragraph 2 of subsection (4).

54. The Act is amended by adding the following section:

Restriction: use of own money

88.16 (1) A contributor shall not make a contribution of money that does not belong to the contributor.

Exception, will

(2) Subsection (1) does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

55. (1) The Act is amended by adding the following section:

Campaign account loans

88.17 (1) A candidate and his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate’s campaign account.

4. La somme reçue pour des biens ou des services vendus lors d’une activité de financement, si elle est de 25 $ ou moins.

5. Le montant d’un prêt visé à l’article 88.17.

6. Pour une personne visée au paragraphe (1), la valeur de la publicité politique fournie gratuitement par une entreprise de radiodiffusion, au sens de l’article 2 de la Loi sur la radiodiffusion (Canada), si les conditions suivantes sont réunies :
   i. elle est fournie conformément à cette loi et aux règlements pris en vertu de celle-ci de même qu’aux directives données en vertu de celle-ci,
   ii. elle est fournie de façon égale à tous les candidats à un poste au sein du conseil municipal ou conseil local particulier.

Valeur des biens et des services

(5) La valeur des biens et des services fournis à titre de contribution correspond à ce qui suit :
   a) si la fourniture de ces biens et services fait partie du commerce du donateur, la somme la moins élevée que ce dernier exige du public en général en contrepartie de biens et de services semblables fournis dans le même secteur du marché à la même époque ou aux environs de celle-ci;
   b) si la fourniture de ces biens et services ne fait pas partie du commerce du donateur, la somme la moins élevée qu’un commerce qui fournit des biens ou des services semblables exige du public en général en contrepartie de ceux-ci dans le même secteur du marché à la même époque ou aux environs de celle-ci.

Aucune pénalité

(6) Nul employeur ne doit imposer de pénalité à un employé qui refuse de fournir des services volontairement tel que décrit à la disposition 2 du paragraphe (4).

54. La Loi est modifiée par adjonction de l’article suivant :

Restriction : utilisation de ses propres fonds

88.16 (1) Un donateur ne doit pas faire de contributions en argent si cet argent ne lui appartient pas.

Exception : testament

(2) Le paragraphe (1) ne s’applique pas au représentant successoral d’une personne décédée qui, dans son testament, ordonne qu’une contribution soit faite à un candidat, dont le nom est précisé, ou à un tiers inscrit, selon le cas, à même les fonds de la succession.

55. (1) La Loi est modifiée par adjonction de l’article suivant :

Prêt relatif au compte de la campagne

88.17 (1) Un candidat et son conjoint peuvent obtenir un prêt uniquement auprès d’une banque ou d’un autre établissement de crédit reconnu en Ontario, qui doit être versé directement au compte de la campagne du candidat.
(2) Section 88.17 of the Act, as enacted by subsection (1), is amended by adding the following subsection:

Same, registered third party

(2) A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account.

(3) Section 88.17 of the Act, as enacted by subsection (1), is amended by adding the following subsection:

Who may guarantee

(3) Only the following persons, as applicable, may guarantee a loan:

1. The candidate and his or her spouse.
2. The registered third party and, in the case of an individual, his or her spouse.

56. The Act is amended by adding the following section:

Use of municipal, board resources

88.18 Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

57. (1) The Act is amended by adding the following section:

CAMPAIGN EXPENSES

What constitutes an expense

For an election campaign

88.19 (1) For the purposes of this Act, costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

(2) Section 88.19 of the Act, as enacted by subsection (1), is amended by adding the following subsection:

For third party advertisements

(2) For the purposes of this Act, costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

(3) Section 88.19 of the Act, as enacted by subsection (1), is amended by adding the following subsections:

Expenses

(3) Without restricting the generality of subsections (1) and (2), the following amounts are expenses:

(2) L’article 88.17 de la Loi, tel qu’il est édicté par le paragraphe (1), est modifié par adjonction du paragraphe suivant :

Garantie du prêt

(3) Seules les personnes suivantes, le cas échéant, peuvent garantir un prêt :

1. Le candidat et son conjoint.
2. Le tiers inscrit ou, dans le cas d’un particulier, son conjoint.

56. La Loi est modifiée par adjonction de l’article suivant :

DÉPENSES LIÉES À LA CAMPAGNE

Ce qui constitue une dépense

Pour une campagne électorale

88.19 (1) Pour l’application de la présente loi, les frais engagés par une personne, ou selon ses directives, au titre de biens ou de services qui seront utilisés en totalité ou en partie pour sa campagne électorale constituent des dépenses.

(2) L’article 88.19 de la Loi, tel qu’il est édicté par le paragraphe (1), est modifié par adjonction du paragraphe suivant :

Pour la publicité de tiers

(2) Pour l’application de la présente loi, les frais engagés par un particulier, une personne morale ou un syndicat, ou selon ses directives, au titre de biens ou de services qui seront utilisés en totalité ou en partie à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité constituent des dépenses.

(3) L’article 88.19 de la Loi, tel qu’il est édicté par le paragraphe (1), est modifié par adjonction des paragraphes suivants :

DÉPENSES

(3) Sans préjudice de la portée générale des paragraphes (1) et (2), les sommes suivantes constituent des dépenses :
1. The replacement value of goods retained by the person, individual, corporation or trade union from any previous election in the municipality and used in the current election.

2. The value of contributions of goods and services.

3. Audit and accounting fees.

4. Interest on loans under section 88.17.

5. The cost of holding fund-raising functions.

6. The cost of holding parties and making other expressions of appreciation after the close of voting.

7. For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).

8. Expenses relating to a compliance audit.

9. Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.

10. The cost of election campaign advertisements (within the meaning of section 88.3) or third party advertisements, as the case may be.

Exception

(4) For greater certainty, the cost of holding fund-raising functions does not include costs related to:

(a) events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or

(b) promotional materials in which the soliciting of contributions is incidental.

Transition, candidates’ expenses

(5) In the following circumstances, a candidate’s expenses for the 2018 regular election that are described in paragraphs 7 and 8 of subsection (3) may include his or her expenses as a candidate in the 2014 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).

2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.).

58. The Act is amended by adding the following section:

Candidates’ expenses

88.20 (1) An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.

1. La valeur de remplacement des biens provenant d’une élection précédente dans la municipalité que la personne, le particulier, la personne morale ou le syndicat a conservés et qui sont utilisés dans la présente élection.

2. La valeur des contributions de biens et de services.

3. Les frais de comptabilité et de vérification.

4. Les intérêts sur les prêts visés à l’article 88.17.

5. Les frais engagés relativement à la tenue d'activités de financement.

6. Les frais engagés relativement à des célébrations et à d’autres marques de reconnaissance après la clôture du scrutin.

7. En ce qui concerne un candidat, les dépenses liées à un nouveau dépouillement ou aux instances visées à l’article 83 (élection contestée).

8. Les dépenses liées à une vérification de conformité.

9. Les dépenses engagées par un candidat handicapé ou par un tiers inscrit qui est un particulier handicapé et qui sont directement liées à son handicap et qui n’auraient pas été engagées n’eut été l’élection à laquelle elles se rapportent.

10. Les frais engagés à l’égard de la publicité reliée à une campagne électorale (au sens de l’article 88.3) ou de la publicité de tiers, selon le cas.

Exception

(4) Il est entendu que les frais relatifs à la tenue d’activités de financement ne comprennent pas ceux liés :

a) aux événements ou activités organisés afin de faire connaître un candidat, par exemple, et dans le cadre desquels la sollicitation de contributions est accessoire;

b) au matériel promotionnel dans lequel la sollicitation de contributions est accessoire.

Disposition transitoire : dépenses du candidat

(5) Dans les circonstances suivantes, les dépenses du candidat pour l’élection ordinaire de 2018 qui sont visées aux dispositions 7 et 8 du paragraphe (3) peuvent comprendre ses dépenses comme candidat à l’élection ordinaire de 2014 pour un poste au sein du même conseil municipal ou conseil local :

1. Les circonstances visées à la disposition 4 du paragraphe 88.24 (1) (déficit).

2. Les circonstances visées à la disposition 5 du paragraphe 88.24 (1) (dépenses liées notamment à un nouveau dépouillement).

58. La Loi est modifiée par adjonction de l’article suivant :

Dépenses du candidat

88.20 (1) Aucune dépense ne doit être engagée par une personne ou selon ses directives à moins que cette personne ne soit candidate.
Only during campaign period
(2) An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.

Exception, auditor’s report
(3) Despite subsection (2), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) may incur expenses related to the preparation of an auditor’s report under section 88.25 after the campaign period has ended.

Same
(4) For greater certainty, the expenses described in subsection (3) constitute expenses for the purposes of paragraph 3 of subsection 88.19 (3).

Who may incur expense
(5) An expense may only be incurred by a candidate or an individual acting under the candidate’s direction.

Maximum amount
(6) During the period that begins on the day a candidate is nominated under section 33 and ends on voting day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

Prescribed formula
(7) The formula prescribed for the purpose of subsection (6) must be written so that the amount calculated under it varies based on the number of electors entitled to vote for the office for which the candidate is nominated.

Exception
(8) Subsection (6) does not apply in respect of expenses described in paragraphs 3 and 5 to 9 of subsection 88.19 (3).

Maximum amount for parties, etc., after voting day
(9) The expenses of a candidate that are described in paragraph 6 of subsection 88.19 (3) shall not exceed an amount calculated in accordance with the prescribed formula.

Same
(10) The formula that is prescribed for the purposes of subsection (9) must be written so that the amount calculated under it varies based on the maximum amount determined under subsection (6) for the office for which the candidate is nominated.

Number of electors, regular election
(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:
1. The number determined from the voters’ list from the previous regular election, as it existed on September 15 in the year of the previous election, ad-
justed for changes made under sections 24 and 25 that were approved as of that day.

2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

Same, by-election

(12) For the purposes of subsection (7), for a by-election the number of electors is the greater of the following:

1. The number determined from the voters’ list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.

2. The number determined from the voters’ list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65 (4).

Certificate of maximum amounts

(13) The clerk shall calculate the maximum amounts permitted by subsections (6) and (9) for each office for which nominations were filed with him or her and give a certificate of the applicable maximum amounts to each candidate,

(a) in the case of a regular election, on or before September 25; and

(b) in the case of a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

Calculations final

(14) The clerk’s calculations are final.

Transition

(15) For the 2018 regular election and for any by-election that takes place after this section comes into force and before that regular election, the maximum amount determined under subsection (6) shall be determined as if paragraph 1 of subsection (11) read as follows:

1. The number determined from the voters’ list from the previous election, as it existed on nomination day of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

59. The Act is amended by adding the following section:

Registered third parties’ expenses

88.21 (1) An expense shall not be incurred by or under the direction of an individual, corporation or trade union tée pour tenir compte des changements apportés en application des articles 24 et 25 qui étaient approuvés à ce jour.

2. Le nombre établi à partir de la liste électorale de l’élection en cours, telle qu’elle existe le 15 septembre de l’année de cette élection, rajustée pour tenir compte des changements apportés en application des articles 24 et 25 qui sont approuvés à ce jour.

Idem : élection partielle

(12) Pour l’application du paragraphe (7), dans le cas d’une élection partielle, le nombre d’électeurs correspond au plus élevé des nombres suivants :

1. Le nombre établi à partir de la liste électorale de l’élection ordinaire précédente, telle qu’elle existait le 15 septembre de l’année de cette élection, rajustée pour tenir compte des changements apportés en application des articles 24 et 25 qui étaient approuvés à ce jour.

2. Le nombre établi à partir de la liste électorale pour l’élection partielle, telle qu’elle existe après que le secrétaire y a apporté des corrections en application de la sous-disposition 4 iii du paragraphe 65 (4).

Attestation de montants maximaux

(13) Le secrétaire calcule les montants maximaux permis par les paragraphes (6) et (9) pour chaque poste pour lequel des déclarations de candidature ont été déposées auprès de lui et à la date suivante remet à chaque candidat une attestation des montants maximaux applicables :

a) dans le cas d’une élection ordinaire, au plus tard le 25 septembre;

b) dans le cas d’une élection partielle, dans les 10 jours après que le secrétaire a apporté des corrections en application de la sous-disposition 4 iii du paragraphe 65 (4).

Calcul définitif

(14) Le calcul du secrétaire est définitif.

Disposition transitoire

(15) Pour l’élection ordinaire de 2018 et pour toute élection partielle tenue après l’entrée en vigueur du présent article et avant cette élection ordinaire, le montant maximal établi en application du paragraphe (6) est établi comme si la disposition 1 du paragraphe (11) s’interprétait comme suit :

1. Le nombre établi à partir de la liste électorale de l’élection précédente, telle qu’elle existait le jour de la déclaration de candidature de cette élection, rajustée pour tenir compte des demandes présentées en vertu des articles 24 et 25 qui étaient approuvées à ce jour.

59. La Loi est modifiée par adjonction de l’article suivant :

Dépenses du tiers inscrit

88.21 (1) Aucune dépense ne doit être engagée par un particulier, une personne morale ou un syndicat, ou selon
in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

Only during campaign period

(2) An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

Exception, auditor’s report

(3) Despite subsection (2), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of section 88.28 may incur expenses related to the preparation of an auditor’s report under section 88.29 after the campaign period has ended.

Same

(4) For greater certainty, the expenses described in subsection (3) constitute expenses for the purposes of paragraph 3 of subsection 88.19 (3).

Who may incur expense

(5) An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

Maximum amount

(6) During the restricted period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

Prescribed formula

(7) The formula prescribed for the purpose of subsection (6) must be written so that the amount calculated under it varies based on the number of electors entitled to vote in a regular election or by-election, as the case may be, in the municipality.

Exception

(8) Subsection (6) does not apply in respect of expenses described in paragraphs 3 and 5 to 9 of subsection 88.19 (3).

Maximum amount for parties, etc., after voting day

(9) The expenses of a registered third party that are described in paragraph 6 of subsection 88.19 (3) shall not exceed an amount calculated in accordance with the prescribed formula.

Same

(10) The formula that is prescribed for the purposes of subsection (9) must be written so that the amount calculated under it varies based on the maximum amount determined under subsection (6).

Number of electors, regular election

(11) Subject to subsection (16), for the purpose of ap-
ses directives, à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité à moins qu’il ne soit un tiers inscrit dans la municipalité.

Idem: pendant la période de campagne

(2) Aucune dépense ne doit être engagée par un tiers inscrit, ou selon ses directives, à l’égard de la publicité de tiers pendant une élection dans une municipalité en dehors de la période de campagne du tiers inscrit relativement à l’élection dans la municipalité.

Exception : rapport du vérificateur

(3) Malgré le paragraphe (2), le tiers inscrit relativement à une élection dans une municipalité et dont la période de campagne prend fin conformément à la disposition 2 ou 3 de l’article 88.28 peut engager des dépenses liées à la préparation d’un rapport du vérificateur en application de l’article 88.29 après que la période de campagne a pris fin.

Idem

(4) Il est entendu que les dépenses visées au paragraphe (3) constituent des dépenses pour l’application de la disposition 3 du paragraphe 88.19 (3).

Personnes et entités qui peuvent engager une dépense

(5) Une dépense ne peut être engagée que par un tiers inscrit ou un particulier qui agit selon ses directives.

Montant maximal

(6) Pendant la période de restriction pour la publicité de tiers, les dépenses d’un tiers inscrit à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité ne doivent pas dépasser un montant calculé conformément à la formule prescrite.

Formule prescrite

(7) La formule prescrite pour l’application du paragraphe (6) est établie de manière à ce que le montant qu’elle sert à calculer varie en fonction du nombre d’électeurs qui ont le droit de voter à une élection ordinaire ou à une élection partielle, selon le cas, dans la municipalité.

Exception

(8) Le paragraphe (6) ne s’applique pas à l’égard des dépenses visées aux dispositions 3 et 5 à 9 du paragraphe 88.19 (3).

Montant maximal pour les célébrations après le jour du scrutin

(9) Les dépenses du tiers inscrit visées à la disposition 6 du paragraphe 88.19 (3) ne doivent pas dépasser un montant calculé conformément à la formule prescrite.

Idem

(10) La formule qui est prescrite pour l’application du paragraphe (9) est établie de manière à ce que le montant qu’elle sert à calculer varie en fonction du montant maximal calculé en application du paragraphe (6).

Nombre d’électeurs : élection ordinaire

(11) Sous réserve du paragraphe (16), aux fins de
plying the prescribed formula for a regular election, the number of electors is the greater of the following:

1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day.

2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

Same, by-election

(12) Subject to subsection (16), for the purpose of applying the prescribed formula for a by-election, the number of electors is the greater of the following:

1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day.

2. The number determined from the voters’ list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65 (4).

Same, regular election or by-election

(13) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (12), the number shall be determined using the voters’ list from the previous election as the list existed on,

(a) nomination day in the year of the previous election, if the formula is being applied for the purposes of the 2018 regular election; or

(b) September 15 in the year of the previous election, if the formula is being applied for the purposes of an election in any other year.

When calculation must be made

(14) The clerk shall calculate the maximum amounts under subsections (6) and (9),

(a) for a regular election, no later than September 25 in the year of the election; and

(b) for a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

Certificate of maximum amounts

(15) Upon registering the registered third party, the clerk shall give the individual filing the registration a certificate setting out the applicable maximum amounts un-

l’application de la formule prescrite pour une élection ordinaire, le nombre d’électeurs correspond au plus élevé des nombres suivants :

1. Le nombre établi à partir de la liste électorale de l’élection ordinaire précédente, telle qu’elle existait le jour précisé au paragraphe (13), rajustée pour tenir compte des changements apportés en application des articles 24 et 25 qui étaient approuvés à ce jour.

2. Le nombre établi à partir de la liste électorale de l’élection en cours, telle qu’elle existe le 15 septembre de l’année de cette élection, rajustée pour tenir compte des changements apportés en application des articles 24 et 25 qui sont approuvés à ce jour.

Idem : élection partielle

(12) Sous réserve du paragraphe (16), aux fins de l’application de la formule prescrite pour une élection partielle, le nombre d’électeurs correspond au plus élevé des nombres suivants :

1. Le nombre établi à partir de la liste électorale de l’élection ordinaire précédente, telle qu’elle existait le jour précisé au paragraphe (13), rajustée pour tenir compte des changements apportés en application des articles 24 et 25 qui étaient approuvés à ce jour.

2. Le nombre établi à partir de la liste électorale pour l’élection partielle, telle qu’elle existe après que le secrétaire y a apporté des corrections en application de la sous-disposition 4 iii du paragraphe 65 (4).

Idem : élection ordinaire ou élection partielle

(13) Pour l’application de la disposition 1 du paragraphe (11) et de la disposition 1 du paragraphe (12), le nombre est établi à partir de la liste électorale de l’élection précédente, telle qu’elle existait, selon le cas :

a) le jour de la déclaration de candidature de l’année de l’élection précédente, si la formule est appliquée à l’élection ordinaire de 2018;

b) le 15 septembre de l’année de l’élection précédente, si la formule est appliquée à une élection de toute autre année.

Délai pour effectuer le calcul

(14) Le secrétaire calcule les montants visés aux paragraphes (6) et (9) à la date suivante :

a) dans le cas d’une élection ordinaire, au plus tard le 25 septembre de l’année de l’élection;

b) dans le cas d’une élection partielle, au plus tard 10 jours après que le secrétaire a apporté des corrections en application de la sous-disposition 4 iii du paragraphe 65 (4) ou de la sous-disposition 3 ii du paragraphe 65 (5).

Attestation des montants maximaux

(15) Au moment d’inscrire le tiers inscrit, le secrétaire remet au particulier qui dépose l’avis d’inscription une attestation indiquant les montants maximaux applicables.
der subsections (6) and (9) that apply with respect to the registered third party in relation to third party advertisements.

Exception

(16) Upon registering a registered third party before having calculated the amount under subsection (6), the clerk shall,

(a) calculate an estimated amount using the number of electors described in paragraph 1 of subsection (11) and give the individual filing the registration a certificate setting out the estimated amount as of the day of the calculation; and

(b) once the calculation under subsection (6) is made, give the individual who filed the registration a certificate setting out the amount calculated under subsection (6).

Calculations final

(17) The clerk’s calculations are final.

60. The Act is amended by adding the following sections:

DUTIES OF CANDIDATES AND REGISTERED THIRD PARTIES

Duties of candidates

88.22 (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;

visés aux paragraphes (6) et (9) qui s’appliquent au tiers inscrit à l’égard de la publicité de tiers.

Exception

(16) Au moment d’inscrire le tiers inscrit et avant de calculer le montant visé au paragraphe (6), le secrétaire : a) calcule un montant estimatif en fonction du nombre d’électeurs visé à la disposition 1 du paragraphe (11), et remet au particulier qui dépose l’avis d’inscription une attestation de ce montant au jour du calcul;

b) une fois terminé le calcul visé au paragraphe (6), remet au particulier qui a déposé l’avis d’inscription une attestation du montant calculé en application de ce paragraphe.

Calcul définitif

(17) Le calcul du secrétaire est définitif.

60. La Loi est modifiée par adjonction des articles suivants :

FONCTIONS DES CANDIDATS ET DES TIERS INSCRITS

Fonctions du candidat

88.22 (1) Le candidat doit s’assurer que :

a) aucune contribution en argent n’est acceptée et aucune dépense n’est engagée, sauf si un ou plusieurs comptes sont préalablement ouverts à une institution financière exclusivement aux fins de la campagne électorale;

b) les contributions en argent sont déposées dans les comptes de la campagne;

c) les fonds dans les comptes de la campagne électorale sont utilisés exclusivement aux fins de celle-ci;

d) les paiements en ce qui concerne les dépenses sont prélevés sur les comptes de la campagne;

e) les contributions de biens ou de services sont évaluées;

f) des récépissés sont délivrés à l’égard de chaque contribution et obtenus pour chaque dépense;

g) des dossiers sont tenus concernant :

(i) les récépissés délivrés à l’égard de chaque contribution,

(ii) la valeur de chaque contribution,

(iii) la forme de chaque contribution, soit en argent, soit sous forme de biens ou de services,

(iv) les nom et adresse du donateur;

h) des dossiers sont tenus concernant chaque dépense y compris le récépissé obtenu pour celle-ci;

i) des dossiers sont tenus pour toute demande de paiement d’une dépense que le candidat conteste ou refuse de payer;
(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 $750 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.

Candidate for mayor, City of Toronto

(2) A candidate for the office of mayor of the City of Toronto shall ensure that each of his or her contributors is informed that a contributor shall not make contributions exceeding a total of $2,500 to any one candidate for the office of mayor of the City of Toronto.

Exclusion of certain expenses

(3) Expenses described in paragraph 2 of subsection 88.19 (3) are not expenses for the purpose of clause (1) (a).

Contributions paid to clerk

(4) Contributions paid to the clerk under clause (1) (p) or (q) become the property of the local municipality.

Effect of default by candidate

88.23 (1) A candidate is subject to the penalties listed j) des dossiers sont tenus concernant le montant du revenu brut provenant d’une activité de financement et le montant brut des sommes recueillies lors d’une activité de financement sous forme de dons de 25 $ ou moins ou grâce à la vente de biens ou de services pour une somme de 25 $ ou moins;

k) des dossiers sont tenus concernant tout prêt visé à l’article 88.17 et ses conditions;

l) le candidat conserve les dossiers visés aux alinéas g), h), i), j) et k) pour la durée du mandat des membres du conseil municipal ou du conseil local et jusqu’à ce que leurs successeurs soient élu et le nouveau conseil soit constitué;

m) le dépôt de documents de nature financière est fait conformément aux articles 88.25 et 88.32;

n) des directives appropriées sont données aux personnes autorisées à engager des dépenses et à accepter ou à solliciter des contributions selon les directives du candidat;

o) une contribution en argent versée ou reçue en contravention à la présente loi ou à un règlement municipal adopté en vertu de celle-ci est remboursée à son donateur aussitôt que possible après que le candidat prend connaissance de la contravention;

p) une contribution qui n’a pas été remboursée à son donateur en application de l’alinéa o) est versée au secrétaire auprès duquel la déclaration de candidature du candidat a été déposée;

q) les contributions anonymes sont versées au secrétaire auprès duquel la déclaration de candidature du candidat a été déposée.

r) chaque donateur est informé qu’il ne doit pas faire de contributions qui dépassent :

(i) sous réserve du paragraphe (2), un total de 750 $ en faveur d’un même candidat à une élection,

(ii) un total de 5 000 $ en faveur de deux candidats ou plus à des postes au sein du même conseil municipal ou du même conseil local.

Candidat à la mairie de la cité de Toronto

(2) Le candidat au poste de maire de la cité de Toronto doit s’assurer que chacun de ses donateurs est informé que la contribution totale maximale qu’un donateur peut faire en faveur d’un même candidat au poste de maire de la cité de Toronto est de 2 500 $.

Exclusion de certaines dépenses

(3) Les dépenses visées à la disposition 2 du paragraphe 88.19 (3) ne sont pas des dépenses pour l’application de l’alinéa (1) a).

Contributions versées au secrétaire

(4) Les contributions versées au secrétaire en application de l’alinéa (1) p) ou q) deviennent la propriété de la municipalité locale.

Effets d’un manquement commis par le candidat

88.23 (1) Un candidat est passible des peines prévues
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.

Penalties

(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.

Notice of default

(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.

Clerk’s report re filing requirements

(4) The clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25.

Same

(5) The report mentioned in subsection (4) shall be made available on a website or in another electronic format as soon as possible after,

(a) April 30 in the year following a regular election; and

(b) 90 days after voting day in a by-election.

Application to court

(6) The candidate may, before the last day for filing a document under section 88.25 or 88.32, apply to the Su-
perior Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension of more than 90 days.

Notice to clerk

(7) If a candidate makes an application under subsection (6), the candidate shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 88.25 or 88.32 that the application has been made.

Effect of extension

(8) If the court grants an extension under subsection (6), the penalties set out in subsection (2) apply only if the candidate has not filed the document before the end of the extension.

Cessation of penalty

(9) The penalties set out in subsection (2) for a default described in clause (1) (a) do not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under section 88.25 or 88.32 and pays the clerk a late filing fee of $500.

Late filing fee

(10) The late filing fee is the property of the municipality.

Election campaign period for candidates

88.24 (1) For the purposes of this Act, a candidate’s election campaign period for an office shall be determined in accordance with the following rules:

1. The election campaign period begins on the day on which he or she files a nomination for the office under section 33.
2. The election campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
3. Despite paragraph 2, the election campaign period ends,
   i. on the day the nomination is withdrawn under section 36 or is deemed to be withdrawn under subsection 29 (2),
   ii. on nomination day, if the nomination is rejected under section 35, or
   iii. on the day the candidate files the documents under section 88.25, as long as the documents are filed after voting day and before December 31 in the year of a regular election.
4. Despite paragraphs 2 and 3, if the candidate has a deficit at the time the election campaign period would otherwise end and the candidate notifies the
clerk in the prescribed form on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the election campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of,

i. June 30 in the year following the regular election,

ii. the end of the six-month period following the 60th day after voting day, in the case of a by-election,

iii. the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the deficit was incurred,

iv. the day the candidate notifies the clerk in writing that he or she will not accept further contributions, and

v. the day A equals the total of B and C, where,

\[ A = \text{any further contributions}, \]

\[ B = \text{the expenses incurred during the extension of the election campaign period, and} \]

\[ C = \text{the amount of the candidate’s deficit at the start of the extension of the election campaign period}. \]

5. If, after the election campaign period ends under paragraph 2, 3 or 4, the candidate incurs expenses relating to a recount, a proceeding under section 83 (controverted elections) or a compliance audit and the candidate notifies the clerk in writing, the election campaign period is deemed to have recommenced, subject to subsection (2), and to have run continuously from the date of nomination until the earliest of,

i. the day the total of A and B equals the total of C and D, where,

\[ A = \text{any amount released to the candidate under subsection 88.31 (7)}, \]

\[ B = \text{any further contributions}, \]

\[ C = \text{the expenses incurred after the election campaign period recommences, and} \]

\[ D = \text{the amount of the candidate’s deficit, if any, before the election campaign period recommenced}, \]

ii. the day he or she is nominated in a subsequent election for an office on the council or local board, the election campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of,

i. the 30 juin de l’année qui suit l’élection ordinaire,

ii. le jour qui tombe six mois après le 60e jour qui suit le jour du scrutin, dans le cas d’une élection partielle,

iii. le jour où le candidat est déclaré candidat dans une élection subséquente à un poste au sein du conseil municipal ou du conseil local à l’égard duquel le déficit a été accusé,

iv. le jour où le candidat avise le secrétaire par écrit qu’il n’accepte plus de contributions,

v. le jour où A est égal au total de B et C, où :

\[ A = \text{correspond aux contributions supplémentaires}, \]

\[ B = \text{correspond aux dépenses engagées pendant que la période de campagne électorale est prolongée}, \]

\[ C = \text{correspond au déficit du candidat au moment où la période de campagne électorale est prolongée}. \]

5. Si, après que la période de campagne électorale prend fin en application de la disposition 2, 3 ou 4, le candidat engage des dépenses liées à un nouveau dépouillement, à une instance visée à l’article 83 (élection contestée) ou à une vérification de conformité et qu’il en avise le secrétaire par écrit, la période de campagne électorale est réputée avoir recommencé, sous réserve du paragraphe (2), et s’être poursuivie sans interruption à partir du jour de la déclaration de candidature jusqu’au premier en date des jours suivants :

i. le jour où le total de A et B est égal au total de C et D, où :

\[ A = \text{correspond aux sommes remises au candidat en application du paragraphe 88.31 (7)}, \]

\[ B = \text{correspond aux contributions supplémentaires}, \]

\[ C = \text{correspond aux dépenses engagées après que la période de campagne électorale recommence}, \]

\[ D = \text{correspond au déficit que le candidat a accusé, le cas échéant, avant que la période de campagne électorale n’ait recommencé}, \]

ii. le jour où le candidat est déclaré candidat dans une élection subséquente à un poste au
board in respect of which the expenses referred to in subparagraph i were incurred,

iii. the day the candidate notifies the clerk in writing that the candidate will not accept further contributions,

iv. June 30 in the year following the regular election, and

v. the end of the six-month period following the 60th day after voting day, in the case of a by-election.

Same

(2) An election campaign period that has ended under subparagraph 4 ii or 5 ii of subsection (1) cannot recommence under paragraph 5.

Multiple and combined campaigns

(3) The following rules apply if a person is a candidate, at different times in the same election, for more than one office on the same council or local board:

1. The person’s campaigns for offices for which the election is conducted by general vote shall be deemed to be one campaign for the last office for which he or she is nominated, but the election campaign period begins on the day of the first nomination.

2. Each campaign for an office for which the election is conducted by ward is a separate campaign.

Candidates’ financial statements, etc.

88.25 (1) On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor’s report, each in the prescribed form, reflecting the candidate’s election campaign finances,

(a) in the case of a regular election, as of December 31 in the year of the election; and

(b) in the case of a by-election, as of the 45th day after voting day.

Same

(2) If a candidate’s election campaign period ends as described in paragraph 3 of subsection 88.24 (1), the financial statement and auditor’s report must reflect the candidate’s election campaign finances as of the day the election campaign period ended.

Error in financial statement

(3) If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor’s report on or before the applicable filing date under section 88.30.

Supplementary financial statement and auditor’s report

(4) If the candidate’s election campaign period continues, the candidate may, at any time prior to the filing date, file a supplementary financial statement and auditor’s report.

Same

(2) If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor’s report.

Idem

(2) La période de campagne électorale qui a pris fin en application de la sous-disposition 4 ii ou 5 ii du paragraphe (1) ne peut pas recommencer en application de la disposition 5.

Campagnes multiples et combinées

(3) Les règles suivantes s’appliquent si une personne est candidate, à différents moments au cours de la même élection, à plus d’un poste au sein du même conseil municipal ou conseil local :

1. Les campagnes de la personne pour des postes pour lesquels l’élection est tenue au scrutin général sont réputées une seule campagne pour le dernier poste auquel la personne a été déclarée candidate, mais la période de campagne électorale commence le jour de la première déclaration de candidature.

2. Chaque campagne pour un poste pour lequel l’élection est tenue par quartier est une campagne distincte.

États financiers du candidat

88.25 (1) Au plus tard à 14 h à la date de dépôt, le candidat dépose auprès du secrétaire auprès duquel sa déclaration de candidature a été déposée un état financier ainsi qu’un rapport du vérificateur préparés, sous la forme prescrite, qui font état du financement de la campagne électorale du candidat à la date suivante :

a) dans le cas d’une élection ordinaire, le 31 décembre de l’année de l’élection;

b) dans le cas d’une élection partielle, le 45e jour après le jour du scrutin.

Idem

(2) Si la période de campagne électorale du candidat prend fin conformément à la disposition 3 du paragraphe 88.24 (1), l’état financier et le rapport du vérificateur doivent faire état du financement de la campagne électorale du candidat au jour où la période a pris fin.

Erreur dans l’état financier

(3) Si une erreur est repérée dans l’état financier déposé, le candidat peut retirer l’état et, au même moment, déposer un état financier et un rapport du vérificateur corrigés, au plus tard à la date de dépôt applicable visée à l’article 88.30. 

État financier et rapport du vérificateur supplémentaires

(4) Si la période de campagne électorale du candidat se
poursuit pendant la totalité ou une partie de la période de déclaration supplémentaire, le candidat dépose, au plus tard à 14 h à la date de dépôt supplémentaire correspondante, un état financier et un rapport du vérificateur supplémentaires qui couvrent cette période.

**Rapport supplémentaire**

(6) L’état financier ou le rapport du vérificateur supplémentaire contient tous les renseignements qui figurent dans l’état ou le rapport initial déposé en application du paragraphe (1), mis à jour pour refléter les changements survenus dans le financement de la campagne électorale du candidat pendant la période de déclaration supplémentaire.

**Vérificateur**


Exception

(8) Aucun rapport du vérificateur n’est exigé si le total des contributions reçues et le total des dépenses engagées lors de la campagne électorale jusqu’à la fin de la période applicable sont chacun égal ou inférieur à 10 000 $.

**Avis aux candidats avant la date de dépôt**

(9) Au moins 30 jours avant la date de dépôt, le secrétaire avise des questions suivantes chaque candidat dont la déclaration de candidature a été déposée auprès de lui :

1. Toutes les exigences relatives au dépôt prévues au présent article.
2. Le droit du candidat à un remboursement des droits pour le dépôt de sa déclaration de candidature, s’il satisfait aux exigences de l’article 34.
3. Les peines énoncées aux paragraphes 88.23 (2) et 92 (1).

**Idem : avant la date de dépôt supplémentaire**

(10) Au moins 30 jours avant la date de dépôt supplémentaire, le secrétaire avise les candidats suivants des exigences relatives au dépôt prévues au présent article et des peines énoncées aux paragraphes 88.23 (2) et 92 (1) :

1. Le candidat qui a avisé le secrétaire en application de la disposition 4 du paragraphe 88.24 (1).
2. Le candidat qui a avisé le secrétaire en application de la disposition 5 du paragraphe 88.24 (1).

**Dépôt électronique**

(11) Le secrétaire peut prévoir le dépôt électronique...
Document filed after filing date

(12) Si les documents dont le dépôt est exigé en application du présent article ne sont pas déposés au plus tard à 14 h le 30e jour suivant le jour applicable pour leur dépôt, le secrétaire les accepte uniquement dans le but de les rendre disponibles en application du paragraphe 88 (9.1).

61. La Loi est modifiée par adjonction des articles suivants :

Fonctions du tiers inscrit

88.26 (1) Le tiers inscrit doit s’assurer que :

a) aucune contribution en argent n’est acceptée et aucune dépense n’est engagée à l’égard de la publicité de tiers qui est diffusée pendant une élection dans une municipalité, sauf si un ou plusieurs comptes sont préalablement ouverts à une institution financière exclusivement aux fins de la campagne électorale;

b) les contributions en argent sont déposées dans les comptes de la campagne;

c) les fonds dans les comptes de la campagne électorale sont utilisés exclusivement aux fins de celle-ci;

d) les paiements en ce qui concerne les dépenses sont prélèves sur les comptes de la campagne électorale;

e) les contributions de biens ou de services sont évaluées;

f) des récépissés sont délivrés à l’égard de chaque contribution et obtenus pour chaque dépense;

g) des dossiers sont tenus concernant :

(i) les récépissés délivrés à l’égard de chaque contribution,

(ii) la valeur de chaque contribution,

(iii) la forme de chaque contribution, soit en argent, soit sous forme de biens ou de services,

(iv) les nom et adresse du donateur;

h) des dossiers sont tenus concernant chaque dépense y compris le récépissé obtenu pour celle-ci;

i) des dossiers sont tenus pour toute demande de paiement d’une dépense que le tiers conteste ou refuse de payer;

j) des dossiers sont tenus concernant le montant du revenu brut provenant d’une activité de financement et le montant brut des sommes recueillies lors d’une activité de financement sous forme de dons de 25 $ ou moins ou grâce à la vente de biens ou de services pour une somme de 25 $ ou moins;

k) des dossiers sont tenus concernant tout prêt visé à l’article 88.17 et ses conditions;

l) le tiers conserve les dossiers visés aux alinéas g), h), i), j) et k) pour la durée du mandat des membres ;
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 88.29 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 registered third party;

(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 registered third party becomes aware of the contravention;

(p) a contribution not returned to the contributor under clause (o) is paid to the clerk of the municipality in which the registered third party is registered;

(q) an anonymous contribution is paid to the clerk of the municipality in which the registered third party is registered; and

(r) each contributor is informed that a contributor shall not make contributions exceeding,

(i) a total of $750 to any one registered third party in relation to third party advertisements, and

(ii) a total of $5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

Exclusion of certain expenses

(2) Expenses described in paragraph 2 of subsection 88.19 (3) are not expenses for the purpose of clause (1) (a).

Contributions paid to clerk

(3) Contributions paid to the clerk under clause (1) (p) or (q) become the property of the local municipality.

Effect of default by registered third party

88.27 (1) Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

(a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;

(b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;

du conseil municipal ou du conseil local et jusqu’à ce que leurs successeurs soient élus et le nouveau conseil soit constitué;

m) le dépôt de documents de nature financière est fait conformément aux articles 88.29 et 88.32;

n) des directives appropriées sont données aux personnes autorisées à engager des dépenses et à accepter ou à solliciter des contributions selon les directives du tiers inscrit;

o) une contribution en argent versée ou reçue en contravention à la présente loi ou à un règlement municipal adopté en vertu de celle-ci est remboursée à son donateur aussitôt que possible après que le tiers prend connaissance de la contravention;

p) une contribution qui n’a pas été remboursée à son donateur en application de l’alinéa q) est versée au secrétaire de la municipalité où le tiers est inscrit;

q) les contributions anonymes sont versées au secrétaire de la municipalité où le tiers est inscrit.

r) chaque donateur est informé qu’il ne doit pas faire de contributions qui dépassent:

(i) un total de 750 $ en faveur d’un même tiers inscrit à l’égard de la publicité de tiers,

(ii) un total de 5 000 $ en faveur de deux tiers inscrits ou plus qui sont inscrits dans la même municipalité à l’égard de la publicité de tiers.

Exclusion de certaines dépenses

(2) Les dépenses visées à la disposition 2 du paragraphe 88.19 (3) ne sont pas des dépenses pour l’application de l’alinéa (1) a.

Contributions versées au secrétaire

(3) Les contributions versées au secrétaire en application de l’alinéa (1) p) ou q) deviennent la propriété de la municipalité locale.

Effets d’un manquement commis par le tiers inscrit

88.27 (1) Sous réserve du paragraphe (6) et en plus de toute autre peine qui peut lui être imposée en application de la présente loi, un particulier, une personne morale ou un syndicat qui est inscrit comme tiers inscrit relativement à une élection dans une municipalité est inhabile à être inscrit relativement à une élection subséquente dans la municipalité jusqu’à ce que la prochaine élection régulière ait eu lieu, selon le cas :

a) le tiers inscrit ne dépose pas un document au plus tard à la date pertinente selon ce que prévoit l’article 88.29 ou 88.32;

b) un document déposé en application de l’article 88.29 indique au vu du document un excédent visé à l’article 88.31 et le tiers inscrit ne verse pas la somme exigée par le paragraphe 88.31 (4) au secrétaire au plus tard à la date pertinente;
(c) if a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or

(d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date.

Notice of default

(2) In the case of a default described in subsection (1), the clerk shall notify the registered third party in writing that the default has occurred and shall make available to the public the name of the registered third party and a description of the nature of the default.

Application to court

(3) The registered third party may, before the last day for filing a document under section 88.29 or 88.32, apply to the Superior Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the registered third party to file the document but the court shall not grant an extension of more than 90 days.

Notice to clerk

(4) If a registered third party makes an application under subsection (3), the registered third party shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 88.29 or 88.32 that the application has been made.

Effect of extension

(5) If the court grants an extension under subsection (3), the penalty set out in subsection (1) applies only if the registered third party has not filed the document before the end of the extension.

Cessation of penalty

(6) The penalty set out in subsection (1) for a default described in clause (1) (a) does not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the registered third party files the relevant document as required under section 88.29 or 88.32 and pays the clerk a late filing fee of $500.

Late filing fee

(7) The late filing fee is the property of the municipality.

Campaign period for registered third parties

88.28 For the purposes of this Act, the campaign period for a registered third party in relation to an election in a municipality shall be determined in accordance with the following rules:

1. The campaign period begins on the day on which the individual, corporation or trade union is registered as a registered third party in relation to the election in the municipality.

Effect de la prorogation

(5) Si le tribunal accorde une prorogation en vertu du paragraphe (3), les peines prévues au paragraphe (1) ne s’appliquent que si le tiers inscrit n’a pas déposé le document avant la fin de la prorogation.

Cessation des peines

(6) Les peines énoncées au paragraphe (1) pour un manquement visé à l’alinéa (1) a) ne prennent pas effet si, au plus tard à 14 h le 30e jour suivant le jour applicable pour le dépôt du document, le tiers inscrit dépose le document pertinent selon ce que prévoit l’article 88.29 ou 88.32 et verse des droits pour dépôt tardif de 500 $ au secrétaire.

Droits pour dépôt tardif

(7) Les droits pour dépôt tardif sont la propriété de la municipalité.

Période de campagne des tiers inscrits

88.28 Pour l’application de la présente loi, la période de campagne d’un tiers inscrit relativement à une élection dans une municipalité est établie conformément aux règles suivantes :
2. The campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

3. Despite paragraph 2, if the registered third party has a deficit at the time the campaign period would otherwise end and the registered third party notifies the clerk in the prescribed form on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the date on which the registered third party was registered until the earliest of,

   i. June 30 in the year following the regular election,
   ii. the end of the six-month period following the 60th day after voting day, in the case of a by-election,
   iii. the day the registered third party notifies the clerk in writing that he, she or it will not accept further contributions, and
   iv. the day A equals the total of B and C, where,

       A = any further contributions,
       B = the expenses incurred during the extension of the campaign period, and
       C = the amount of the registered third party’s deficit at the start of the extension of the campaign period.

4. If, after the campaign period ends under paragraph 2 or 3, the registered third party incurs expenses relating to a compliance audit and he, she or it notifies the clerk in writing, the campaign period is deemed to have recommenced and to have run continuously from the day on which the registered third party was registered until the earliest of,

   i. the day the total of A and B equals the total of C and D, where,

       A = any amount released to the registered third party under subsection 88.31 (7),
       B = any further contributions,
       C = the expenses incurred after the campaign period recommences, and
       D = the amount of the registered third party’s deficit, if any, before the campaign period recommenced,
   ii. the day the registered third party notifies the clerk in writing that he, she or it will not accept further contributions,
   iii. the day the total of A and B equals the total of C and D, where,

       A = any amount released to the registered third party under subsection 88.31 (7),
       B = any further contributions,
       C = the expenses incurred after the campaign period recommences, and
       D = the amount of the registered third party’s deficit, if any, before the campaign period recommenced,
   iv. the day the registered third party notifies the clerk in writing that he, she or it will not accept further contributions,
   v. the day A equals the total of B and C, where,

       A = any further contributions,
       B = the expenses incurred during the extension of the campaign period, and
       C = the amount of the registered third party’s deficit at the start of the extension of the campaign period.
iii. June 30 in the year following the regular election, and
iv. the end of the six-month period following the 60th day after voting day, in the case of a by-election.

Financial statements, etc., of registered third parties

88.29 (1) On or before 2 p.m. on the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor’s report, each in the prescribed form, reflecting the registered third party’s campaign finances in relation to third party advertisements,
(a) in the case of a regular election, as of December 31 in the year of the election; and
(b) in the case of a by-election, as of the 45th day after voting day.

Error in financial statement

(2) If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected financial statement and auditor’s report on or before the applicable filing date under section 88.30.

Supplementary financial statement and auditor’s report

(3) If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor’s report for the supplementary reporting period.

Supplementary report

(4) A supplementary financial statement or auditor’s report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party’s campaign finances during the supplementary reporting period.

Auditor

(5) An auditor’s report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.

Exception re auditor’s report

(6) No auditor’s report is required if the total contributions received and total expenses incurred in the registered third party’s campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than $10,000.

Notice from clerk, before filing date

(7) At least 30 days before the filing date, the clerk shall give notice of the filing requirements of this section and the penalties set out in subsections 88.27 (1) and 92 (4) to every registered third party that registered in the municipality.

iii. le 30 juin de l’année qui suit l’élection ordinaire,
iv. le jour qui tombe six mois après le 60e jour qui suit le jour du scrutin, dans le cas d’une élection partielle.

États financiers du tiers inscrit

88.29 (1) Au plus tard à 14 h à la date de dépôt, le tiers inscrit dépóse auprès du secrétaire de la municipalité où il est inscrit un état financier ainsi qu’un rapport du vérificateur préparés sous la forme prescrite, qui font état du financement de la campagne du tiers inscrit à l’égard de la publicité de tiers à la date suivante :

a) dans le cas d’une élection ordinaire, le 31 décembre de l’année de l’élection;
b) dans le cas d’une élection partielle, le 45e jour après le jour du scrutin.

Erreur dans l’état financier

(2) Si une erreur est repérée dans l’état financier déposé, le tiers inscrit peut retirer l’état et, au même moment, déposer un état financier et un rapport du vérificateur corrigés, au plus tard à la date de dépôt applicable visée à l’article 88.30.

État financier et rapport du vérificateur supplémentaires

(3) Si la période de campagne du tiers inscrit relativement à une élection dans la municipalité se poursuit pendant la totalité ou une partie de la période de déclaration supplémentaire, le tiers inscrit dépôse, au plus tard à 14 h à la date de dépôt supplémentaire correspondante, un état financier et un rapport du vérificateur supplémentaires qui couvrent cette période.

Rapport supplémentaire

(4) L’état financier ou le rapport du vérificateur supplémentaire contient tous les renseignements qui figurent dans l’état ou le rapport initial déposé en application du paragraphe (1), mis à jour pour refléter les changements survenus dans le financement de la campagne du tiers inscrit pendant la période de déclaration supplémentaire.

Vérificateur


Exception

(6) Aucun rapport du vérificateur n’est exigé si le total des contributions reçues et le total des dépenses engagées lors de la campagne du tiers inscrit à l’égard de la publicité de tiers qui est diffusée pendant une élection dans la municipalité jusqu’à la fin de la période applicable sont chacun égal ou inférieur à 10 000 $.

Avis du secrétaire ; avant la date de dépôt

(7) Au moins 30 jours avant la date de dépôt, le secrétaire avise chaque tiers inscrit qui est inscrit dans la municipalité des exigences relatives au dépôt prévues au présent article et des peines énoncées aux paragraphes 88.27 (1) et 92 (4).
Documents filed after filing date

(10) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1).

Report by clerk

(11) As soon as possible after April 30 in the year following a regular election or 75 days after voting day in a by-election, the clerk shall make available to the public on a website or in another electronic format a list of all registered third parties for the election along with an indication of whether each has filed a financial statement and auditor’s report under subsection 88 (1).

62. The Act is amended by adding the following sections:

Filing dates and reporting periods for candidates, registered third parties

Filing date

88.30 (1) The filing date for documents that are to be filed under section 88.25 or 88.29 is the following:

1. In the case of a regular election, the last Friday in March following the election.
2. In the case of a by-election, 75 days after voting day.

Supplementary filing date

(2) The supplementary filing date for documents that are to be filed under section 88.25 or 88.29 is the following:

1. In the case of a regular election, the last Friday in September in the year following the election.
2. In the case of a by-election, 30 days after the expiry of the six-month period described in paragraph 2 of subsection (3).

Supplementary reporting period

(3) The supplementary reporting period for documents that are to be filed under section 88.25 or 88.29 is the following:

1. In the case of a regular election, the six-month period following the year of the election.
2. In the case of a by-election, the six-month period following the 45th day after voting day.

Treatment of surplus and deficit

88.31 (1) A candidate or registered third party has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true.

Total credits

(2) For the purposes of subsection (1), the total credits are the sum of:

(a) the contributions under section 88.15;
(b) any amounts of $25 or less that were donated at fund-raising functions;
(c) any amounts of $25 or less for goods or services that were sold at fund-raising functions;
(d) interest earned on campaign accounts; and
(e) revenue from the sale of election materials.

Total debits

(3) For the purposes of subsection (1), the total debits are the sum of the expenses under section 88.19.

Surplus paid to clerk

(4) If the financial statement or supplementary financial statement filed with the clerk shows a surplus and the campaign period has ended at the time the statement is filed, the candidate or registered third party shall, when the statement is filed, pay the surplus to the clerk, reduced by the amount of any refund under subsection (6).

Surplus held in trust by clerk

(5) The clerk shall hold the amount paid under subsection (4) in trust for the candidate or registered third party.

Refund

(6) If a candidate or registered third party who has a surplus has made contributions to the campaign or, in the case of an individual, if his or her spouse has made contributions to the campaign, the candidate or registered third party may, after the campaign period ends but before filing the financial statement or supplementary financial statement, as the case may be, refund to the candidate or registered third party or to the spouse, as the case may be, an amount that does not exceed the lesser of:

(a) the relevant contributions;
(b) the surplus.

Release of amount if campaign recommences

(7) If the campaign period for the candidate or registered third party recommences under paragraph 5 of subsection 88.24 (1) or paragraph 4 of section 88.28, as applicable, the clerk shall pay the amount held in trust to the candidate or registered third party, with interest.

2. La période de six mois qui suit le 45e jour après le jour du scrutin, dans le cas d’une élection partielle.

Excédent et déficit

88.31 (1) Un candidat ou un tiers inscrit a un excédent si le total des crédits dépasse le total des débits, et il accuse un déficit dans le cas contraire.

Total des crédits

(2) Pour l’application du paragraphe (1), le total des crédits correspond à la somme de ce qui suit :

a) les contributions reçues dans le cadre de l’article 88.15;

b) tout don en argent de 25 $ ou moins fait lors d’activités de financement;

c) toute somme de 25 $ ou moins reçue pour des biens et des services vendus lors d’activités de financement;

d) les intérêts produits par les comptes de la campagne électorale;

e) le produit de la vente de matériel électoral.

Total des débits

(3) Pour l’application du paragraphe (1), le total des débits correspond à la somme des dépenses visées à l’article 88.19.

Excédent versé au secrétaire

(4) Si l’état financier ou l’état financier supplémentaire qu’il a déposé auprès du secrétaire indique un excédent et que la période de campagne a pris fin au moment du dépôt, le candidat ou le tiers inscrit verse à ce moment l’excédent au secrétaire, déduction faite des remboursements visés au paragraphe (6), le cas échéant.

Excédent détenu en fiducie par le secrétaire

(5) Le secrétaire détient la somme versée en application du paragraphe (4) en fiducie pour le compte du candidat ou du tiers inscrit.

Remboursement

(6) Si un candidat ou un tiers inscrit qui a un excédent, ou, dans le cas d’un particulier, son conjoint, a fait des contributions à la campagne, le candidat ou le tiers inscrit peut, une fois la période de campagne terminée mais avant le dépôt de l’état financier ou de l’état financier supplémentaire, selon le cas, rembourser à son profit ou à celui de son conjoint, selon le cas, une somme qui ne dépasse pas le moindre de ce qui suit :

a) les contributions pertinentes;

b) l’excédent.

Remise des sommes si la campagne recommence

(7) Le secrétaire verse au candidat ou au tiers inscrit la somme détenue en fiducie, majorée des intérêts, si sa période de campagne recommence conformément à la disposition 5 du paragraphe 88.24 (1) ou à la disposition 4 de l’article 88.28, selon le cas.
Amount to become property of municipality or local board

(8) For a candidate, the amount held in trust becomes the property of the municipality or local board, as the case may be, when all of the following conditions are satisfied:

1. The election campaign period has ended under paragraph 2, 3 or 4 of subsection 88.24 (1).

2. It is no longer possible to recommence the campaign period under paragraph 5 of subsection 88.24 (1).

3. No recount, proceeding under section 83 (contested elections) or compliance audit has been commenced.

4. The period for commencing a recount, a proceeding under section 83 or a compliance audit has expired.

Same, for registered third party

(9) For a registered third party, the amount held in trust becomes the property of the municipality when all of the following conditions are satisfied:

1. The campaign period has ended under paragraph 2 or 3 of section 88.28.

2. It is no longer possible to recommence the campaign period under paragraph 4 of section 88.28.

3. No compliance audit has been commenced.

4. The period for commencing a compliance audit has expired.

Transition, candidate’s total debits

(10) For the 2018 regular election and for any by-election that takes place after this section comes into force and before that regular election, the total debits of a candidate shall be determined as if subsection (3) read as follows:

Total debits

(3) For the purposes of subsection (1), the total debits of a candidate are the sum of,

(a) the candidate’s expenses under section 88.19 or the predecessor to that section; and

(b) any deficit from a previous election campaign of the candidate if that campaign,
   (i) related to an office on the same council or local board as the present campaign, and
   (ii) was in the previous regular election or a subsequent by-election.

Propriété de la municipalité ou du conseil local

(8) En ce qui concerne un candidat, la somme détenue en fiducie devient la propriété de la municipalité ou du conseil local, selon le cas, lorsque les conditions suivantes sont réunies :

1. La période de campagne électorale a pris fin conformément à la disposition 2, 3 ou 4 du paragraphe 88.24 (1).

2. Il n’est plus possible de recommencer la période de campagne conformément à la disposition 5 du paragraphe 88.24 (1).

3. Aucun nouveau dépouillement ou vérification de conformité n’a été commencé et aucune instance visée à l’article 83 (élection contestée) n’a été introduite.

4. Le délai accordé pour commencer un nouveau dépouillement ou vérification de conformité ou pour introduire une instance visée à l’article 83 a expiré.

Idem : tiers inscrit

(9) En ce qui concerne un tiers inscrit, la somme détenue en fiducie devient la propriété de la municipalité ou du conseil local, selon le cas, lorsque les conditions suivantes sont réunies :

1. La période de campagne a pris fin conformément à la disposition 2 ou 3 de l’article 88.28.

2. Il n’est plus possible de recommencer la période de campagne conformément à la disposition 4 de l’article 88.28.

3. Aucune vérification de conformité n’a été commencée.

4. Le délai accordé pour commencer une vérification de conformité a expiré.

Disjonction transitoire : total des débits du candidat

(10) Pour l’élection ordinaire de 2018 et pour toute élection partielle tenue après l’entrée en vigueur du présent article et avant cette élection ordinaire, le total des débits du candidat est établi comme si le paragraphe (3) s’interprétait comme suit :

Total des débits

(3) Pour l’application du paragraphe (1), le total des débits d’un candidat correspond à la somme de ce qui suit :

a) les dépenses engagées par le candidat dans le cadre de l’article 88.19 ou d’une disposition qu’il remplace;

b) tout déficit d’une campagne électorale précédente du candidat si cette campagne :
   (i) visait un poste au sein du même conseil municipal ou du même conseil local que celui visé par la présente campagne,
   (ii) avait lieu lors de l’élection ordinaire précédente ou d’une élection partielle subséquente.
Return of surplus for subsequent expenses

88.32 (1) This section applies if all of the following circumstances exist:

1. A candidate or registered third party has paid a surplus to the clerk under subsection 88.31 (4).

2. The candidate’s election campaign period has ended under paragraph 2, 3 or 4 of subsection 88.24 (1) or the registered third party’s campaign period has ended under paragraph 2 or 3 of section 88.28.

3. It is no longer possible to recommence the campaign period under paragraph 5 of subsection 88.24 (1) or paragraph 4 of section 88.28.

4. The candidate or registered third party subsequently incurs expenses relating to a compliance audit.

Return of surplus

(2) If the candidate or registered third party notifies the clerk in writing that he, she or it is incurring subsequent expenses relating to a compliance audit, the clerk shall return the amount of the surplus, with interest, to the candidate or registered third party.

Effect of return of surplus

(3) If the surplus is returned to the candidate or registered third party, he, she or it is permitted to incur expenses relating to a compliance audit but no other expenses may be incurred.

Reporting periods

(4) The first reporting period of the candidate or registered third party under this section begins on the day after the surplus is returned and ends 90 days later, and each successive period of 90 days is a further reporting period.

Financial statements

(5) For each reporting period, the candidate or registered third party shall file with the clerk a financial statement in the prescribed form reflecting the expenses of the candidate or registered third party for the reporting period, and the financial statement must be filed no later than 2 p.m. on the 10th day after the end of the reporting period.

Final financial statement

(6) If, during a reporting period, the amount of surplus is reduced to zero or any remaining surplus is no longer required by the candidate or registered third party for expenses relating to a compliance audit, the candidate or registered third party shall file a final financial statement.

Repayment of remaining surplus

(7) If the final financial statement indicates that there is any remaining surplus, the candidate or registered third party shall pay the remaining surplus to the clerk when the financial statement is filed.
Remaining surplus held in trust by clerk

(8) The clerk shall hold the amount of the remaining surplus in trust for the candidate or registered third party.

Release of amount if another compliance audit

(9) If, after the candidate or registered third party pays the remaining surplus to the clerk, another compliance audit commences, subsections (2) to (8) apply, with necessary modifications, with respect to the subsequent compliance audit.

Amount to become property of municipality or local board

(10) The amount of the remaining surplus becomes the property of the municipality or the local board, as the case may be, when the compliance audit is finally determined and the period for commencing any other compliance audit has expired.

63. The Act is amended by adding the following section:

COMPLIANCE AUDITS AND REVIEWS OF CONTRIBUTIONS

Compliance audit of candidates’ campaign finances

Application by elector

88.33 (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate’s election campaign finances, even if the candidate has not filed a financial statement under section 88.25.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, and it shall be in writing and shall set out the reasons for the elector’s belief.

Deadline for applications

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate’s supplementary filing date, if any, under section 88.30.
4. The date on which the candidate’s extension, if any, under subsection 88.23 (6) expires.

Compliance audit committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee.

Solde de l’excédent détenu en fiducie par le secrétaire

(8) Le secrétaire détient le solde de l’excédent en fiducie pour le compte du candidat ou du tiers inscrit.

Remise de l’excédent : autre vérification de conformité

(9) Les paragraphes (2) à (8) s’appliquent, avec les adaptations nécessaires, advenant une autre vérification de conformité après que le candidat ou le tiers inscrit a versé le solde de l’excédent au secrétaire.

Propriété de la municipalité

(10) Le solde de l’excédent devient la propriété de la municipalité ou du conseil local, selon le cas, lorsqu’une décision définitive est rendue concernant la vérification de conformité et que le délai accordé pour commencer une autre vérification de conformité a expiré.

63. La Loi est modifiée par adjonction de l’article suivant :

VÉRIFICATION DE CONFORMITÉ ET EXAMEN DES CONTRIBUTIONS

Vérification de conformité du financement de la campagne électorale d’un candidat

Demande d’un électeur

88.33 (1) L’électeur qui a le droit de voter lors d’une élection et qui a des motifs raisonnables de croire qu’un candidat a contrevenu à une disposition de la présente loi se rapportant au financement des campagnes électorales peut demander une vérification de conformité du financement de la campagne électorale du candidat, même si ce dernier n’a pas déposé d’état financier en application de l’article 88.25.

Exigences

(2) La demande de vérification de conformité est présentée au secrétaire de la municipalité ou du conseil local où le candidat a été déclaré candidat à un poste, est formulée par écrit et expose les motifs à l’appui.

Date limite pour présenter une demande

(3) La demande est présentée dans les 90 jours qui suivent la dernière en date des dates suivantes :

1. La date de dépôt visée à l’article 88.30.
2. La date à laquelle le candidat a déposé un état financier, si le dépôt a eu lieu dans les 30 jours qui suivent la date de dépôt applicable visée à l’article 88.30.
3. La date de dépôt supplémentaire, s’il y a lieu, pour le candidat, visée à l’article 88.30.
4. La date à laquelle expire la prorogation de délai qui est accordée au candidat, le cas échéant, en vertu du paragraphe 88.23 (6).

Comité de vérification de conformité

(4) Dans les 10 jours qui suivent sa réception, le secrétaire de la municipalité ou du conseil local, selon le cas, transmet la demande au comité de vérification de conformité.
Procedural matters

(5) The meetings of the committee under this section shall be open to the public and reasonable notice shall be given to the candidate, the applicant and the public.

Same

(6) Subsection (5) applies despite sections 207 and 208.1 of the Education Act.

Decision of committee

(7) Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected.

Same

(8) The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

Appeal

(9) The decision of the committee under subsection (7) may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made.

Appointment of auditor

(10) If the committee decides under subsection (7) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate’s election campaign finances.

Same

(11) Only auditors licensed under the Public Accounting Act, 2004 or prescribed persons are eligible to be appointed under subsection (10).

Duty of auditor

(12) The auditor shall promptly conduct an audit of the candidate’s election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate.

Who receives report

(13) The auditor shall submit the report to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

Report to be forwarded to committee

(14) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee.

Questions de procédure

(5) Les réunions que tient le comité en application du présent article sont ouvertes au public et un avis raisonnable en est donné au candidat, à l’auteur de la demande et au public.

Idem

(6) Le paragraphe (5) s’applique malgré les articles 207 et 208.1 de la Loi sur l’éducation.

Décision du comité

(7) Dans les 30 jours qui suivent sa réception, le comité examine la demande et décide s’il doit y accéder ou la rejeter.

Idem

(8) La décision du comité d’accéder à la demande ou de la rejeter, accompagnée d’un bref exposé des motifs à l’appui de celle-ci, est remise au candidat, au secrétaire auprès duquel le candidat a déposé sa déclaration de candidature, au secrétaire du conseil local, s’il y a lieu, et à l’auteur de la demande.

Appel

(9) La décision que prend le comité en application du paragraphe (7) peut être portée en appel devant la Cour supérieure de justice au plus tard 15 jours après qu’elle est prise. Le tribunal peut rendre toute décision que le comité aurait pu prendre.

Nomination d’un vérificateur

(10) S’il décide d’accéder à la demande ou de la rejeter, accompagnée d’un bref exposé des motifs à l’appui de celle-ci, le comité nomme un vérificateur chargé de procéder à une vérification de conformité du financement de la campagne électorale du candidat.

Idem

(11) Seuls les vérificateurs titulaires d’un permis délivré en vertu de la Loi de 2004 sur l’expertise comptable ou les personnes prescrites peuvent être nommés en application du paragraphe (10).

Fonctions du vérificateur

(12) Le vérificateur procède promptement à une vérification du financement de la campagne électorale du candidat en vue de déterminer si ce dernier s’est conforme aux dispositions de la présente loi se rapportant au financement des campagnes électorales et il rédige un rapport exposant toute contravention apparente commise par le candidat.

Rapport

(13) Le vérificateur présente son rapport au candidat, au secrétaire auprès duquel le candidat a déposé sa déclaration de candidature, au secrétaire du conseil local, s’il y a lieu, et à l’auteur de la demande.

Rapport transmis au comité

(14) Dans les 10 jours qui suivent la réception du rapport, le secrétaire de la municipalité ou du conseil local le transmet au comité de vérification de conformité.
Powers of auditor

(15) For the purpose of the audit, the auditor,

(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and

(b) has the powers set out in section 33 of the Public Inquiries Act, 2009 and section 33 applies to the audit.

Costs

(16) The municipality or local board shall pay the auditor’s costs of performing the audit.

Decision

(17) The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention.

Notice of decision, reasons

(18) The decision of the committee under subsection (17), and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

Immunity

(19) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (10) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

Saving provision

(20) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances.

64. The Act is amended by adding the following section:

Review of contributions to candidates

88.34 (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9.

Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall pre-
pare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor’s total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor’s total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee.

Report, contributions to candidates for a local board

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor’s total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor’s total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board.

Same

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

Same

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee.

rédige un rapport identifiant chaque donateur dont les contributions en faveur d’un candidat à un poste au sein d’un conseil municipal semblent dépasser l’un des plafonds des contributions visés à l’article 88.9. Le rapport indique ce qui suit :

a) si les contributions totales du donateur en faveur d’un candidat à un poste au sein d’un conseil municipal semblent dépasser le plafond visé à l’article 88.9, le rapport indique les contributions faites par ce donateur au candidat;

b) si les contributions totales du donateur en faveur de deux candidats ou plus à un poste au sein du même conseil municipal semblent dépasser le plafond visé à l’article 88.9, les contributions faites par ce donateur à tous les candidats à un poste au sein du conseil.

Idem

(3) Le secrétaire rédige un rapport distinct en application du paragraphe (2) à l’égard de chaque donateur qui semble avoir dépassé l’un des plafonds des contributions visées à l’article 88.9.

Idem

(4) Le secrétaire transmet chaque rapport préparé en application du paragraphe (2) au comité de vérification de conformité.

Rapport : contributions en faveur des candidats au conseil local

(5) Aussitôt que possible après le jour qui tombe 30 jours après la date de dépôt ou la date de dépôt supplémentaire, selon le cas, visée à l’article 88.30, le secrétaire rédige un rapport identifiant chaque donateur dont les contributions en faveur d’un candidat à un poste au sein d’un conseil local semblent dépasser l’un des plafonds des contributions visés à l’article 88.9. Le rapport indique ce qui suit :

a) si les contributions totales du donateur en faveur d’un candidat à un poste au sein d’un conseil local semblent dépasser le plafond visé à l’article 88.9, les contributions faites par ce donateur au candidat;

b) si les contributions totales du donateur en faveur de deux candidats ou plus à un poste au sein du même conseil local semblent dépasser le plafond visé à l’article 88.9, les contributions faites par ce donateur à tous les candidats à un poste au sein du conseil.

Idem

(6) Le secrétaire rédige un rapport distinct en application du paragraphe (5) à l’égard de chaque donateur qui semble avoir dépassé l’un des plafonds des contributions visés à l’article 88.9.

Idem

(7) Le secrétaire transmet chaque rapport rédigé en application du paragraphe (5) au secrétaire du conseil local où le candidat a été déclaré candidat à un poste et, dans les 10 jours qui suivent la réception du rapport, le secrétaire du conseil local transmet celui-ci au comité de vérification de conformité.
Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Procedural matters

(9) The meetings of the committee under subsection (8) shall be open to the public, and reasonable notice shall be given to the contributor, the applicable candidate and the public.

Same

(10) Subsection (9) applies despite sections 207 and 208.1 of the Education Act.

Notice of decision, reasons

(11) The decision of the committee under subsection (8), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality or the secretary of the local board, as the case may be.

Saving provision

(12) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits.

65. The Act is amended by adding the following sections:

Compliance audit of registered third parties

Application by elector

88.35 (1) An elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality in which the registered third party was registered, and it shall be made in writing and shall set out the reasons for the elector’s belief.

Deadline

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.

Décision du comité de vérification de conformité

(8) Dans les 30 jours qui suivent la réception du rapport visé au paragraphe (4) ou (7), le comité de vérification de conformité l’examine et décide d’introduire ou non une instance contre le donateur pour la contravention apparente.

Questions de procédure

(9) Les réunions du comité visées au paragraphe (8) sont ouvertes au public et un avis raisonnable en est donné au donateur, au candidat concerné et au public.

Idem

(10) Le paragraphe (9) s’applique malgré les articles 207 et 208.1 de la Loi sur l’éducation.

Avis de décision : motifs

(11) La décision que prend le comité en application du paragraphe (8), accompagnée d’un bref exposé des motifs à l’appui de celle-ci, est remise au donateur et au secrétaire de la municipalité ou du conseil local, selon le cas.

Disposition d’exception

(12) Le présent article n’a pas pour effet d’empêcher quiconque de porter une accusation ou d’exercer un autre recours, à quelque moment que ce soit, à l’égard d’une prétendue contravention à une disposition de la présente loi se rapportant aux plafonds des contributions.

65. La Loi est modifiée par adjonction des articles suivants :

Vérification de conformité du financement de la campagne d’un tiers inscrit

Demande d’un électeur

88.35 (1) L’électeur qui a le droit de voter lors d’une élection dans une municipalité et qui a des motifs raisonnables de croire qu’un tiers inscrit qui est inscrit relativement à une élection dans la municipalité a entrepris à une disposition de la présente loi se rapportant au financement des campagnes peut demander une vérification de conformité du financement de la campagne du tiers inscrit à l’égard de la publicité de tiers, même si ce dernier n’a pas déposé d’état financier en application de l’article 88.29.

Exigences

(2) La demande de vérification de conformité est présentée au secrétaire de la municipalité où le tiers est inscrit, est formulée par écrit et expose les motifs à l’appui.

Date limite

(3) La demande est présentée dans les 90 jours qui suivent la dernière en date des dates suivantes :

1. La date de dépôt visée à l’article 88.30.
2. La date à laquelle le tiers inscrit a déposé un état financier, si le dépôt a eu lieu dans les 30 jours qui suivent la date de dépôt applicable visée à l’article 88.30.
3. The supplementary filing date, if any, for the registered third party under section 88.30.

4. The date on which the registered third party’s extension, if any, under subsection 88.27 (3) expires.

Application of s. 88.33 (4) to (20)

(4) Subsections 88.33 (4) to (20) apply to a compliance audit under this section, with the following modifications:

1. A reference to a candidate shall be read as a reference to the registered third party.

2. A reference to the clerk with whom the candidate filed his or her nomination shall be read as a reference to the clerk of the municipality in which the registered third party is registered.

3. A reference to election campaign finances shall be read as a reference to the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality.

Review of contributions to registered third parties

88.36 (1) The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13.

Report by the clerk

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under section 88.13 and,

(a) if the contributor’s total contributions to a registered third party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third party advertisements; and

(b) if the contributor’s total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third party advertisements.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee.

Same

3. La date de dépôt supplémentaire, s’il y a lieu, pour le tiers inscrit, visée à l’article 88.30.

4. La date à laquelle expire la prorogation de délai qui est accordée au tiers inscrit, le cas échéant, en vertu du paragraphe 88.27 (3).

Application des par. 88.33 (4) à (20)

(4) Les paragraphes 88.33 (4) à (20) s’appliquent à la vérification de conformité visée au présent article avec les adaptations suivantes :

1. La mention d’un candidat vaut mention d’un tiers inscrit.

2. La mention du secrétaire auprès duquel le candidat a déposé sa déclaration de candidature vaut mention du secrétaire de la municipalité où est inscrit le tiers inscrit.

3. La mention du financement des campagnes électorales vaut mention du financement de la campagne d’un tiers inscrit à l’égard de la publicité de tiers qui est diffusée pendant une élection dans la municipalité.

Examen des contributions en faveur d’un tiers inscrit

88.36 (1) Le secrétaire examine les contributions indiquées dans les états financiers déposés par le tiers inscrit en application de l’article 88.29 pour déterminer si un donateur semble avoir dépassé l’un des plafonds des contributions visés à l’article 88.13.

Rapport du secrétaire

(2) Aussitôt que possible après le jour qui tombe 30 jours après la date de dépôt ou la date de dépôt supplémentaire, selon le cas, visée à l’article 88.30 pour un tiers inscrit, le secrétaire rédige un rapport identifiant chaque donateur dont les contributions en faveur d’un tiers inscrit semblent dépasser l’un des plafonds des contributions visés à l’article 88.13. Le rapport indique ce qui suit :

a) si les contributions totales du donateur en faveur d’un tiers inscrit qui est inscrit dans la municipalité semblent dépasser le plafond visé à l’article 88.13, les contributions faites par ce donateur au tiers inscrit à l’égard de la publicité de tiers; et

b) si les contributions totales du donateur en faveur de deux tiers inscrits ou plus qui sont inscrits dans la municipalité semblent dépasser le plafond visé à l’article 88.13, les contributions faites par ce donateur à tous les tiers inscrits dans la municipalité à l’égard de la publicité de tiers.

Idem

(3) Le secrétaire rédige un rapport distinct en application du paragraphe (2) à l’égard de chaque donateur qui semble avoir dépassé l’un des plafonds des contributions visés à l’article 88.13.

Idem

(4) Le secrétaire transmet chaque rapport rédigé en application du paragraphe (2) au comité de vérification de conformité.
Decision of compliance audit committee

(5) Within 30 days after receiving a report under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Procedural matters

(6) The meetings of the committee under subsection (5) shall be open to the public, and reasonable notice shall be given to the contributor, the registered third party and the public.

Notice of decision, reasons

(7) The decision of the committee under subsection (5), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality.

Saving provision

(8) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits.

66. The Act is amended by adding the following section:

Compliance audit committee

88.37 (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act.

Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

(a) employees or officers of the municipality or local board;

(b) members of the council or local board;

(c) any persons who are candidates in the election for which the committee is established; or

(d) any persons who are registered third parties in the municipality in the election for which the committee is established.

Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee.

Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria.

Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of the committee.

Décision du comité de vérification de conformité

(5) Dans les 30 jours qui suivent la réception du rapport visé au paragraphe (4), le comité de vérification de conformité l’examine et décide d’introduire ou non une instance contre un donateur pour la contravention apparente.

Questions de procédure

(6) Les réunions du comité visées au paragraphe (5) sont ouvertes au public et un avis raisonnable en est donné au donateur, au tiers inscrit et au public.

Avis de décision : motifs

(7) La décision que prend le comité en application paragraphe (5), accompagnée d’un bref exposé des motifs à l’appui de celle-ci, est remise au donateur et au secrétaire de la municipalité.

Disposition d’exception

(8) Le présent article n’a pas pour effet d’empêcher quiconque de porter une accusation ou d’exercer un autre recours, à quelque moment que ce soit, à l’égard d’une prétendue contravention à une disposition de la présente loi se rapportant aux plafonds des contributions.

66. La Loi est modifiée par adjonction de l’article suivant :

Comité de vérification de conformité

88.37 (1) Avant le 1er octobre de l’année d’une élection, le conseil municipal ou le conseil local crée un comité pour l’application de la présente loi.

Composition

(2) Le comité se compose d’au moins trois et d’au plus sept membres qui ne sont pas :

a) des employés ou des fonctionnaires de la municipalité ou du conseil local;

b) des membres du conseil municipal ou du conseil local;

c) des candidats à l’élection pour laquelle le comité est créé;

d) des tiers inscrits dans la municipalité relativement à l’élection pour laquelle le comité est créé.

Admissibilité à une nomination

(3) Toute personne qui possède les qualifications requises et qui satisfait aux conditions prescrites peut être nommée au comité.

Idem

(4) Lorsqu’il nomme des personnes au comité, le conseil municipal ou le conseil local tient compte des critères d’admissibilité prescrits.

Mandat

(5) Le mandat du comité est le même que celui du conseil municipal ou du conseil local qui entre en fonctions à l’issue de l’élection ordinaire suivante, et celui des
office of the members of the committee is the same as the term of the committee to which they have been appointed.

Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee’s decisions.

Costs

(7) The council or local board, as the case may be, shall pay all costs in relation to the committee’s operation and activities.

67. Subsection 90 (3) of the Act is amended by adding the following clause:

(f) offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

68. (1) Section 92 of the Act is repealed and the following substituted:

Offences re campaign finances

Offences by candidate

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.

Exception, action in good faith

(2) However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 88.23 (2) do not apply.

Additional penalty, candidates

(3) If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

(2) Section 92 of the Act, as re-enacted by subsection (1), is amended by adding the following subsections:

Offences by registered third party

(4) A registered third party 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 penalty described in subsection 88.27 (1),

membres du comité est le même que celui du comité auquel ils ont été nommés.

Rôle du secrétaire

(6) Le secrétaire de la municipalité ou du conseil local, selon le cas, établit les pratiques et les procédures administratives du comité et exerce les autres fonctions prévues par la présente loi pour mettre en œuvre les décisions du comité.

Frais

(7) Le conseil municipal ou le conseil local, selon le cas, assume les frais liés au fonctionnement et aux activités du comité.

67. Le paragraphe 90 (3) de la Loi est modifié par adjonction de l’alinéa suivant :

f) offrir, donner, prêter ou promettre ou convenir de donner ou de prêter une contrepartie de valeur dans le but d’inciter une personne à devenir candidate, à s’abstenir de devenir candidate ou à retirer sa candidature.

68. (1) L’article 92 de la Loi est abrogé et remplacé par ce qui suit :

Infractions : financement de la campagnes

Infractions commises par un candidat

92. (1) Est coupable d’une infraction et passible, sur déclaration de culpabilité, des peines prévues au paragraphe 88.23 (2), en plus de toute autre peine qui peut lui être imposée en application de la présente loi, le candidat qui, selon le cas :

a) engage des dépenses supérieures au montant calculé en application de l’article 88.20 pour le poste en question;

b) dépose, en application de l’article 88.25 ou 88.32, un document qui est inexact ou autrement non conforme à cet article;

Exception

(2) Toutefois, si le juge qui préside conclut que le candidat a, de bonne foi, commis l’infraction par inadvertance ou par suite d’une erreur de jugement, les peines prévues au paragraphe 88.23 (2) ne s’appliquent pas.

Peine additionnelle : candidat

(3) Si les dépenses engagées par un candidat ou selon ses directives sont supérieures au montant calculé en application de l’article 88.20 pour le poste en question, le candidat est passible d’une amende égale à la partie excédentaire des dépenses, en plus de toute autre pénalité prévue par la présente loi.

(2) L’article 92 de la Loi, tel qu’il est réédité par le paragraphe (1), est modifié par adjonction des paragraphes suivants :

Infractions commises par un tiers inscrit

(4) Est coupable d’une infraction et passible, sur déclaration de culpabilité, des peines prévues au paragraphe 88.27 (1), en plus de toute autre peine qui peut lui être imposée en application de la présente loi, le tiers inscrit qui, selon le cas:
(a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or
(b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

Exception, action in good faith

(5) However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalty described in subsection 88.27 (1) does not apply.

Additional penalty, registered third parties

(6) If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

69. Section 94 of the Act is repealed and the following substituted:

General offence

94. A person who contravenes any provision of this Act or a regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

70. Paragraph 2 of subsection 94.1 (1) of the Act is repealed and the following substituted:

2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).

71. (1) Clauses 95 (1) (a), (a.1), (b) and (c) of the Act are repealed and the following substituted:

(a) prescribe anything that is permitted or required to be prescribed or that is permitted or required to be done in accordance with the regulations or as provided in the regulations, except in sections 41.1 and 41.2;

(a.1) prescribe forms;
(b) specify circumstances in which a person is, and is not, considered to be a tenant for the purpose of clause 17 (2) (a);
(b.1) prescribe a date for the purpose of subsection 19 (1.1);
(b.2) fix the amount of the nomination filing fee referred to in clause 33 (2) (c) and specify the manner in which it shall be paid;
(c) prescribe formulas for the purposes of subsections 88.20 (6) and (9) and 88.21 (6) and (9);

(2) Clauses 95 (1) (f), (g) and (i) of the Act are repealed and the following substituted:

(f) prescribe eligibility criteria for the purpose of subsection 88.37 (3) (compliance audit committee);

a) engage des dépenses supérieures au montant calculé en application de l’article 88.21;

b) dépose, en application de l’article 88.29 ou 88.32, un document qui est inexact ou autrement non conforme à cet article;

Exception

(5) Toutefois, si le juge qui préside conclut que le tiers inscrit a, de bonne foi, commis l’infraction par inadvertance ou par suite d’une erreur de jugement, les peines prévues au paragraphe 88.27 (1) ne s’appliquent pas.

Peine additionnelle : tiers inscrit

(6) Si les dépenses engagées par un tiers inscrit ou selon ses directives sont supérieures au montant calculé en application de l’article 88.21, le tiers inscrit est passible d’une amende égale à la partie excédentaire des dépenses, en plus de toute autre pénalité prévue par la présente loi.

69. L’article 94 de la Loi est abrogé et remplacé par ce qui suit :

Infraction générale

94. Est coupable d’une infraction quiconque contre vient à une disposition de la présente loi, à un règlement pris en vertu de celle-ci ou à un règlement municipal adopté par une municipalité en vertu de la présente loi.

70. La disposition 2 du paragraphe 94.1 (1) de la Loi est abrogée et remplacée par ce qui suit :

2. Pour toute infraction autre qu’une manoeuvre frauduleuse, les pénalités énoncées au paragraphe 88.23 (2) et 88.27 (1).

71. (1) Les alinéas 95 (1) a), a.1), b) et c) de la Loi sont abrogés et remplacés par ce qui suit :

a) prescrire tout ce qui est permis ou qui doit être prescrit ou qui peut ou doit être fait conformément aux règlements ou selon ce que prévoient les règlements, sauf aux articles 41.1 et 41.2;

a.1) prescrire des formes et des formules;

b) préciser les circonstances dans lesquelles une personne est, et n’est pas, considérée un locataire pour l’application de l’alinéa 17 (2) a);

b.1) prescrire une date pour l’application du paragraphe 19 (1.1);

b.2) fixer les droits à payer pour le dépôt d’une déclaration de candidature visés à l’alinéa 33 (2) c) et préciser leur mode de paiement;

c) prescrire des formules pour l’application des paragraphes 88.20 (6) et (9) et 88.21 (6) et (9);

(2) Les alinéas 95 (1) f), g) et i) de la Loi sont abrogés et remplacés par ce qui suit :

f) prescrire des critères d’admissibilité pour l’application du paragraphe 88.37 (3) (comité de vérification de conformité);
(3) The English version of clause 95 (1) (j) of the Act is amended by striking out “governing and clarifying” at the beginning and substituting “govern and clarify”.

(4) The English version of clause 95 (1) (k) of the Act is amended by striking out “varying” at the beginning and substituting “vary”.

(5) Subsection 95 (2) of the Act is amended by striking out “clause (1) (a), (a.1), (b), (c), (h), (i), (j) or (k)” and substituting “clause (1) (a.1), (b), (b.1), (b.2), (f), (h), (j) or (k)”.

(6) Subsection 95 (2.1) of the Act is repealed and the following substituted:

Transitional regulations, Municipal Elections Modernization Act, 2016

(2.1) The Minister may, by regulation, provide for transitional matters that, in the opinion of the Minister, are necessary or desirable in connection with the Municipal Elections Modernization Act, 2016.

Same

(2.2) A regulation made under subsection (2.1) applies despite any provision in this or any other public or private Act.

(7) Subsection 95 (3) of the Act is amended by striking out “clause (1) (f)” and substituting “clause (1) (e)”.

COMPLEMENTARY AMENDMENTS

Assessment Act

72. (1) Clause 2 (2) (e) of the Assessment Act is amended by striking out “or by the Municipal Elections Act”.

(2) Section 15 of the Act is repealed and the following substituted:

Enumeration

15. (1) For the purposes of the Municipal Elections Act, 1996, the assessment corporation shall conduct an enumeration of the inhabitants of a municipality and locality at the times and in the manner prescribed by the Minister.

Same, non-municipal territory

(2) For the purposes of elections to boards constituted under the District Social Services Administration Boards Act or under other provincial statutes, the assessment corporation shall conduct an enumeration of the inhabitants of all or part of the non-municipal territory at the times and in the manner prescribed by the Minister.

Education Act

73. (1) Section 58.7 of the Education Act is repealed and the following substituted:

Conduct of elections

58.7 The election of members of a district school board shall be conducted in the same manner as the election of

(3) La version anglaise de l’alinéa 95 (1) j) de la Loi est modifiée par remplacement de «governing and clarifying» par «govern and clarify» au début de l’alinéa.

(4) La version anglaise de l’alinéa 95 (1) k) de la Loi est modifiée par remplacement de «varying» par «vary» au début de l’alinéa.

(5) Le paragraphe 95 (2) de la Loi est modifié par remplacement de «l’alinéa (1) a), a.1), b), c), h), i), j) ou k)» par «l’alinéa (1) a.1), b), b.1), b.2), f), h), j) ou k)».

(6) Le paragraphe 95 (2.1) de la Loi est abrogé et remplacé par ce qui suit :

Règlements transitoires : Loi de 2016 sur la modernisation des élections municipales

(2.1) Le ministre peut, par règlement, prévoir les questions transitoires qui, à son avis, sont nécessaires ou souhaitables relativement à la Loi de 2016 sur la modernisation des élections municipales.

Idem

(2.2) Les règlements pris en vertu du paragraphe (2.1) s’appliquent malgré toute disposition de la présente loi ou de toute autre loi d’intérêt public ou privé.

(7) Le paragraphe 95 (3) de la Loi est modifié par remplacement de «l’alinéa (1) f)» par «l’alinéa (1) e)».

MODIFICATIONS COMPLÉMENTAIRES

Loi sur l’évaluation foncière

72. (1) L’alinéa 2 (2) e) de la Loi sur l’évaluation foncière est modifié par suppression de «ou la Loi sur les élections municipales».

(2) L’article 15 de la Loi est abrogé et remplacé par ce qui suit :

Recensement

15. (1) Pour l’application de la Loi de 1996 sur les élections municipales, la société d’évaluation foncière procède à un recensement de la population des municipalités et des localités aux moments et de la manière que prescrit le ministre.

Idem : territoire non-municipalisé

(2) Aux fins d’élections à des conseils constitués en vertu de la Loi sur les conseils d’administration de district des services sociaux ou d’autres lois provinciales, la société d’évaluation foncière procède à un recensement de la population de tout ou partie du territoire non-municipalisé aux moments et de la manière que prescrit le ministre.

Loi sur l’éducation

73. (1) L’article 58.7 de la Loi sur l’éducation est abrogé et remplacé par ce qui suit :

Tenue des élections

58.7 L’élection des membres d’un conseil scolaire de district se tient de la même façon que l’élection des
members of the council of a municipality that has not passed a by-law authorizing the use of a ranked ballot election.

(2) Subsection 63 (1) of the Act is repealed and the following substituted:

Conduct of elections

(1) The election of the board of a district school area shall be conducted in the same manner as for the members of a district school board where a district school area comprises,

(a) a municipality;
(b) all or part of two or more municipalities;
(c) territory without municipal organization and a municipality;
(d) territory without municipal organization and all or part of two or more municipalities.

(3) Subsection 93 (2) of the Act is amended by striking out the portion before the paragraph and substituting the following:

(2) Despite section 92, if any part of the area of a rural separate school zone is in a municipality in the year of a regular election, the election of members of the rural separate school board shall be conducted, with necessary modifications, in the same manner as for members of a district school board, except that the voter shall take the following oath or make the following affirmation in English or French:

. . . . .

COMMENCEMENT AND SHORT TITLE

Commencement

74. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

(2) The following provisions come into force on April 1, 2018:

1. Subsections 1 (3), (6) and (7) and 23 (1), (2) and (3).
2. Sections 47 to 50 and 52.
3. Subsections 53 (2), 55 (2) and 57 (2).
4. Sections 59, 61, 64 and 65.
5. Subsection 68 (2).

Short title

75. The short title of this Act is the Municipal Elections Modernization Act, 2016.

. . . . .

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

74. (1) Sous réserve du paragraphe (2), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) Les dispositions suivantes entrent en vigueur le 1er avril 2018 :

1. Les paragraphes 1 (3), (6) et (7) et 23 (1), (2) et (3).
2. Les articles 47 à 50 et 52.
3. Les paragraphes 53 (2), 55 (2) et 57 (2).
4. Les articles 59, 61, 64 et 65.
5. Le paragraphe 68 (2).

Titre abrégé

75. Le titre abrégé de la présente loi est Loi de 2016 sur la modernisation des élections municipales.
Ranked Ballots

Ontario has committed to providing municipalities with the option of using ranked ballots in future elections, starting in 2018, as an alternative to the current system.

Ranked ballots allow a voter to rank candidates in order of preference—first choice, second choice, third choice, etc.—instead of just voting for one candidate. See an example of a ranked ballot election here.

There are different degrees to which ranked ballots could be used. For example, some municipalities in other countries use ranked ballots for all of council. Some other municipalities use ranked ballots for only the mayor or head of council while the rest of council is elected using a first past the post system.

Please note that ranked ballots are not being considered for school boards. If a municipality decided to use ranked ballots to elect council positions, voters would still use the current voting method to vote for school board trustee.

Municipal Choice

Municipalities already have a lot of flexibility in the way they run their elections. Introducing ranked ballots as an option for municipalities would add to the range of options available to decide how we elect local representatives.

Every municipality must have a council of at least five members, but municipalities may decide to have more than five members.

Municipalities can also make decisions about how to structure their council. For example, many municipalities divide their territory into wards (often determined by population) and each ward elects one or more representatives to council.

Some municipalities do not use wards and choose to elect their entire council at-large. Others use a combination of wards and at-large representatives.

Municipalities also have a number of choices in the way voting works. Municipalities can make decisions on how voters cast their ballots. By default, Ontario voters vote in municipal elections in person at their voting place. However, the Municipal Elections Act allows municipalities to decide to use alternative voting methods to cast ballots and many municipalities have decided to do so. For
example, in many municipalities, voters may have the option of voting online, by mail or via telephone.

**Why Ranked Ballots?**

 Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement.

As an example of how ranked ballots work, let's assume you voted for three candidates, you marked a “1” next to your first choice candidate’s name, a “2” next to your second choice, and a “3” next to your third choice. If your first choice candidate is eliminated, ranked ballots take into account the next choices on your ballot. This helps to ensure that the winning candidate(s) receive support from a majority of voters more often.

By giving voters more choice, ranked ballots may also:

- reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate in an election because they think their first choice candidate may not win the election
- reduce negative campaigning — since voters can rank multiple candidates, there is an incentive for candidates to appeal to voters not just as a first preference vote, but also to gain a high ranking from supporters of other candidates
- encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced

There are two kinds of elections that are used in Ontario municipalities: single-member elections and multi-member elections.

Single-member elections are elections where only one candidate will win, such as:

- Elections for mayor
- A ward election where one person will be elected to represent the ward

Multi-member elections are elections where more than one candidate will win a seat, such as:

- When council members are elected at large
- A ward election where two or more people will be elected to represent the ward

In a ranked ballot election, there may be multiple rounds of counting before a candidate is declared the winner.

Single-member ranked ballot elections use a system called Ranked Choice Voting (RCV). Multi-member ranked ballot elections use a system called Single Transferrable Vote (STV).

**An example of a ranked ballot election**

Follow a ballot and learn what happens in a single-member and multi-member ranked ballot election.

**Counting Votes in a Ranked Ballot Election**

Learn about ranked ballot elections, including how votes are counted in single-member and multi-member elections.
Frequently Asked Questions

See answers to some frequently asked questions about ranked ballots.

Changing the voting system is a big decision for a municipality and its residents.

There are a number of ways municipalities can consult their residents about council decisions.

The public could also be given the ability to formally petition council to adopt ranked ballots and require that council hold a referendum to determine if voters support the use of ranked ballots.

The review asked about your views on how the public should be involved in municipal decision making on ranked ballots.

Submit

Submit

The deadline for public submissions and input was July 27, 2015.
Frequently Asked Questions about Ranked Ballots

1. **What are ranked ballots?**

   Ranked ballots are used in voting systems in which voters are able to rank candidates based on their preference (i.e. first preference candidate, second preference candidate, etc.).

2. **Would my municipality have to use ranked ballots?**

   No. Ontario is working on introducing changes to the Municipal Elections Act, which, if passed, would give municipalities the option to use ranked ballots in future municipal elections, starting in 2018, but ranked ballots would not be mandatory for municipalities.

3. **Why has the government committed to allowing the use of ranked ballots?**

   We want to allow more choice in how municipal elections are run. Ranked ballots are an additional tool that would give municipalities more flexibility to meet the needs of their local communities.

4. **When will the option to use ranked ballots be available to my municipality?**

   The proposal would give municipalities the option to begin using ranked ballots in the 2018 Ontario municipal elections.

**Counting Votes**

1. **What happens if there is a tie?**

   Under the current voting system, ties are decided by lot (i.e. by putting the candidates’ names in a hat or other container and drawing to see who will win). This method can also be used with ranked ballots.

2. **What would happen if all my choices were eliminated?**

   If all the candidates that a voter had listed as their preferences were eliminated, their ballot would become “exhausted.” Exhausted ballots would be removed from the count, as they could not be redistributed to any of the remaining candidates.
3. Would the ballots have to be counted by an electronic tabulator?

Ranked ballots can be counted manually or electronically. For instance, in their 2009 municipal election, Minneapolis, Minnesota counted all of the ballots cast in its first ranked ballot election by hand.

4. Why isn’t the threshold in a multi-member election 50 per cent plus one, like it is for a single-member election?

Unlike a single-member election, the threshold is not 50 per cent plus one because it would not be possible for more than one candidate to receive more than half of the votes cast.

5. Why does the surplus have to be redistributed?

The surplus votes must be redistributed because, without doing so it may not be possible for any other candidate to reach the threshold of votes required to be elected.

6. How are candidates’ surplus votes to be redistributed in a multi-member ranked ballot election?

In the event that a candidate receives more votes than the threshold (i.e. the number of votes required to be elected), they are declared a winner and their votes are redistributed to the other candidates. There are a few ways to redistribute these votes. One method is to calculate the percentage surplus received by the successful candidate. Every vote cast for that candidate is then redistributed to next preferences at a fraction of a vote equal to that percentage. This is necessary to ensure that enough votes remain in the count so that other candidates can meet the threshold.
Vote Counting and Reporting Requirements for Ranked Ballot Elections under the Municipal Elections Act, 1996

Summary of Proposal:

The Municipal Elections Modernization Act, 2016 (Bill 181) would, if passed, provide municipalities with the authority to conduct ranked ballot elections for offices on municipal councils if authorized by a regulation made by the Lieutenant Governor in Council. The Lieutenant Governor in Council could make regulations setting out:
- rules governing ballots, voting procedures, the counting of votes, recounts and reporting results
- conditions, limitations and procedural requirements for passing the by-law, including consultation requirements and timing
- powers that the clerk may exercise in administering a ranked ballot election

The government proposes a new regulation setting out the following rules governing ballots, voting procedures, the counting of votes, recounts and reporting results.

Requirements for Ballots
The general rules for what can appear on a ballot set out in the Municipal Elections Act would continue to apply to ranked ballots.
In addition, the ballots to be used in a ranked ballot election must contain the following information:
- the number of candidates to be elected for each office
- instructions to the voter on how to mark the ballot to rank their preferences
- the maximum number of preferences that may be ranked on the ballot for each office

How Rankings will be Interpreted
The voter's preference will be determined by looking at the rankings given to candidates.
If a voter gives the same candidate more than one ranking, only the highest of those rankings will be considered.
If a voter skips a ranking, the next highest ranking will be considered.
If a voter gives two candidates the highest ranking, so that it is not possible to determine which candidate is the voter's first preference, the ballot will be rejected.
In any round of counting after the first round, if a ballot is to be transferred, but it is not possible to determine which candidate is the voter's next preference, the ballot becomes exhausted.
A voter does not have to rank the maximum number of preferences. For example, if a voter only ranks one candidate, that candidate would be the voter's highest preference.
If the ballot is to be transferred in a later round, it would become exhausted because it would not be possible to determine the voter's next preference.

Elimination of Candidates
Candidates may be eliminated either using single elimination or batch elimination. The clerk has the authority to decide which elimination method will be used. The same elimination method must be used for all offices, and all rounds of vote counting. In the single elimination method, the candidate who has the lowest number of votes is eliminated, and those votes are distributed to the remaining candidates according to the next preference shown on each ballot. In the batch elimination method, all candidates who do not have a mathematical chance of being elected are eliminated at the same time, and those votes are distributed to the remaining candidates according to the next preference shown on each ballot.

**Calculation of the Threshold**
A candidate must receive a predetermined number of votes for that office in order to be elected. The regulation will set out the mathematical formula for calculating this number for each office to be elected.

**Vote Counting – Single Member Offices**
In the first round of counting, votes are counted according to the highest rankings indicated on the ballots.
If a candidate receives enough votes to meet or exceed the threshold, that candidate is elected and counting ends.
If no candidate has enough votes to meet or exceed the threshold, the candidate with the lowest number of votes is eliminated (depending on whether single or batch elimination is being used) and votes are distributed to the remaining candidates according to the next ranking on each ballot. The steps described above are repeated in subsequent rounds until a candidate has enough votes to meet or exceed the threshold and is elected.
If no candidate has enough votes to meet or exceed the threshold, and eliminating the candidate with the lowest number of votes would only leave one candidate remaining, the counting ends and the candidate with the highest number of votes is elected.

**Ties**
If it cannot be determined which candidate should be eliminated because candidates with the lowest number of votes are tied, the process to determine which candidate to eliminate is the following:
The tied candidate that had the lower number of votes in the previous round is eliminated. If candidates were tied in the previous round, vote totals in the earlier round are used. If the candidates were tied in all previous rounds, the name of the candidate who will be eliminated is chosen by lot.

**Vote Counting – Multi-member Offices**
In the first round of counting, votes are counted according to the highest rankings indicated on the ballots.
If the number of candidates who have enough votes to meet or exceed the threshold is the same as the number of candidates that are to be elected, those candidates are elected and the counting ends.
If one candidate has enough votes to meet or exceed the threshold, that candidate is elected, and their surplus votes must be distributed to the remaining candidates. The regulation will set out mathematical formulas for calculating the value of the distributed votes. If more than one candidate receives enough votes to meet or exceed the threshold, only the candidate with the highest number of votes is elected in that round, and that candidate’s surplus votes are distributed to the remaining candidates. If no candidate has enough votes to meet or exceed the threshold, the candidate or candidates with the lowest number of votes is/are eliminated (depending on whether single or batch elimination is being used) and votes are distributed to the remaining candidates according to the next ranking on each ballot. The steps described above are repeated in subsequent rounds until the number of candidates elected equals the number of candidates that are to be elected. If the number of candidates elected is less than the number of candidates to be elected, and eliminating the candidate with the lowest number of votes would leave the same number of candidates as the number of candidates to be elected, the counting ends and the remaining candidate with the highest number of votes is elected.

Ties
If it cannot be determined which of the candidates who have enough votes to meet or exceed the threshold has the highest number of votes because candidates are tied, the tied candidate that had the higher number of votes in the previous round will be considered to have the highest number of votes. If the candidates were tied in previous rounds, vote totals in the earlier round are used. If the candidates were tied in all previous rounds, the name of the candidate who will be considered to have the highest number of votes is chosen by lot. If it cannot be determined which candidate should be eliminated because candidates with the lowest number of votes are tied, the process to determine which candidate to eliminate is the following: The tied candidate that had the lower number of votes in the previous round is eliminated. If candidates were tied in the previous round, vote totals in the earlier round are used. If the candidates were tied in all previous rounds, the name of the candidate who will be eliminated is chosen by lot.

Reporting Requirements
In addition to declaring the candidates who have been elected, clerks must also report the following information to the public:
- the number of ballots cast
- the number of ballots that were declined or rejected
- the threshold for each office
- the number of votes each candidate received in the first round of vote counting
- the results of each round of vote counting, including the number of votes received by each remaining candidate and the number of exhausted ballots
Judicial Recount

An application may be made to the court for a determination of the validity of disputed ballots, and for a recount. The court will review the disputed ballots and determine which ballots should be included in the recount.

The clerk will conduct a recount of the ballots for the office, including or excluding the disputed ballots as determined by the court. The clerk will provide the results of the recount to the court.
By-law Authority and Consultation Requirement for Ranked Ballot Elections
Under the Municipal Elections Act, 1996

Summary of Proposal:

The Municipal Elections Modernization Act, 2016 (Bill 181) would, if passed, provide municipalities with the authority to conduct ranked ballot elections for offices on municipal councils if authorized by a regulation made by the Lieutenant Governor in Council. The Lieutenant Governor in Council could make regulations setting out:
- rules governing ballots, voting procedures, the counting of votes, recounts and reporting results
- conditions, limitations and procedural requirements for passing the by-law, including consultation requirements and timing
- powers that the clerk may exercise in administering a ranked ballot election

The government proposes a new regulation which authorizes ranked ballot elections and sets out the following conditions, limitations and procedural requirements for municipalities passing a by-law authorizing the use of ranked ballots:

General Requirements
If a by-law is passed, ranked ballots must be used to elect all of the members of council. The by-law may specify the maximum number of rankings that an elector may make. The maximum number of rankings may be different for each office being elected. If the by-law does not specify the maximum number of rankings, the default maximum is three.
If ranked ballots are authorized for a regular election, ranked ballots must also be used in any by-elections that are held to fill council vacancies during the council term.

Consultation and Timing: Lower and Single-Tier Municipalities
Before passing a by-law, the municipality must hold an open house to provide the public with information about:
- how elections would be conducted, including a description of vote counting estimated costs of conducting the election
- any voting and vote-counting equipment that is being considered for use in the election
- any alternative voting method being considered for use in the election.

The municipality must hold a public meeting to allow the public to speak to council about the proposed by-law. The public meeting must be held at least 15 days after the open house is held.
The by-law must be passed no later than May 1 in the year before the year of the election (e.g. May 1, 2017 for the 2018 election).

Restriction for Upper-Tier Municipalities
Upper-tier municipalities that have directly elected offices (i.e. the member does not also sit on a lower tier council) may pass a by-law authorizing the use of ranked ballots to elect those offices.
An upper tier municipality could only pass a by-law if all of the lower-tier municipalities within it have passed by-laws authorizing the use of ranked ballots to elect the lower-tier offices.

Consultation and Timing: Upper-Tier Municipalities
An upper tier municipality must provide the public with information about how elections would be conducted, and the estimated costs. The upper tier municipality must hold a public meeting to allow the public to speak to council about the proposed by-law. The by-law must be passed no later than July 1 in the year before the year of the election (e.g. July 1, 2017 for the 2018 election)

Division of responsibilities in Upper-Tier Elections
If an upper-tier municipality has passed a by-law authorizing the use of ranked ballots, the clerk of the lower-tier municipality with the largest number of electors would be responsible for counting the votes. The clerks of the other lower tier municipalities would be required to transmit the voting information to the designated clerk. The designated clerk would count the votes and provide the results to the clerk of the upper tier municipality, who would be responsible for making the results public.
BILL 181 CHANGES TO THE MUNICIPAL ELECTIONS ACT

Dawn McAlpine, Director of Legislative and Court Services/City Clerk, City of Barrie

Nicole Wellsbury, Municipal Clerk, Township of Scugog
Background

- April 4, 2016 – MMAH tabled Bill 181, following extensive consultation with AMO, AMCTO, candidates, the public, etc.;
- The most significant update to the *Municipal Elections Act* and the conduct of municipal elections in Ontario in recent memory;
- Bill has passed this reading and is awaiting royal assent;
- Will be in place for 2018 elections.
Issues Arising from 2014 Election

- Lack of regulation for third party advertising;
- Challenges with compliance and enforcement of election rules;
- The length of the campaign period;
- Areas where the Act could be updated and modernized.

Key Issues raised by AMCTO:
- Leg. needs to adequately reflect the widespread use of new technology
- Enhance accessibility planning and reporting
- Shorten/streamline campaign period
- Modernize & simplify campaign finance
- Clarify/strengthen role of Clerk
- Enhance enforcement mechanisms
Overview of Key Changes
Nomination Period & Process

• Nomination Period:
  • currently Jan 2\textsuperscript{nd} to mid-September
  • **New!**: from May 1\textsuperscript{st} until the fourth Friday in July
  • **Reduces the nomination period from 37 weeks in 2014 to 13 weeks in 2018**

• Requirement for 25 Endorsements:
  • Candidates must obtain 25 endorsement signatures from eligible electors, to be filed with their nomination
  • Volunteers firefighters are still **NOT** considered employees (last minute change prior to third reading) – return to status quo
### Other Changes to Elections Calendar

<table>
<thead>
<tr>
<th>Change</th>
<th>Old legislation</th>
<th>New legislation</th>
</tr>
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<tbody>
<tr>
<td>Authorizing Use of Alternative Voting Methods</td>
<td>June 1, 2018</td>
<td>May 1, 2017</td>
</tr>
<tr>
<td>Use of Corporate Resources Policy</td>
<td>N/A</td>
<td>May 1, 2018</td>
</tr>
<tr>
<td>Clerk’s Policies &amp; Procedures for voting/alternative voting</td>
<td>June 1&lt;sup&gt;st&lt;/sup&gt;, 2018</td>
<td>Prior to Jan 1&lt;sup&gt;st&lt;/sup&gt;, 2018</td>
</tr>
<tr>
<td>Approval of Ballot Question</td>
<td></td>
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<tr>
<td>• Ordered by upper-tier/minister</td>
<td>June 1&lt;sup&gt;st&lt;/sup&gt;, 2018</td>
<td>May 1&lt;sup&gt;st&lt;/sup&gt;, 2018</td>
</tr>
<tr>
<td>• Approved by Council by-law</td>
<td>180 days prior</td>
<td>March 1, 2018</td>
</tr>
</tbody>
</table>
Expanded powers/discretion for Clerks

• Establishment of Advance Voting dates, locations, and hours;
• Establishment of reduced voting hours at long term care facilities, hospitals, etc.;
• Management of the voters list.
Corporate & Trade Union Contributions

• 2010 Election – Toronto banned corporate and union donations to Council candidates;

• April 2016 – Bill 181 proposed to provide municipalities with the OPTION to prohibit these contributions by May 1\textsuperscript{st} in an election year;

• May 2016 – Minister announced that Bill 181 would be revised to prohibit corporate/trade union donations to candidates altogether;
  • \textit{Does not apply to third party campaigns}
Election Signs & Ads

• Candidates must now include language on their signs/ in their ads to make it clear who is responsible for the messaging (*won’t apply to by-elections between now and 2018*);
• Candidates must provide publishers/ broadcasters with name, business address, and telephone number, which broadcaster must retain for four years;
• Tenants in apartments/condos etc. now have the right to display campaign signs, subject to the condo corp’s/landlord’s right to limit size, etc.;
• Strengthened provisions for municipality to remove illegally placed campaign signs.
Clerk to Review and Report on Financial Contributions

- Clerks must now review financial statements, and identify and report on contributions made to candidates and third party registrants in excess of established limits;
- Report is to be referred to Compliance Audit Committee.
Recounts

- In the current Act, the ability to conduct a recount is limited to three circumstances:
  1. Where the counting of ballots has resulted in a tie vote;
  2. Where the Council or Minister of MAH decides a recount is required;
  3. Where an elector’s request for a recount has been granted by the Superior Court of Justice.
- New legislation proposes to provide Council with the authority to adopt a policy which dictates when recounts will be conducted, and when they won’t.
Campaign Finance

• The Bill proposes a new spending limit for parties and expressions of appreciation after voting day (amount to be set out in regulation);
• After the 2018 election, campaign deficits will not be carried forward from the previous campaign;
• Candidates will be required to inform contributors of contribution limits;
• A candidate will not have to open a bank account if they do not raise or spend money.
Filing of Financial Statements

- A candidate could resubmit a financial statement to correct an error up until the filing deadline;
- Clerk to release report naming candidates in default;
- Filing Fee—now refunded only if Financial Statement is filed on time;
- 30 day “grace period” and $500 late filing fee
Miscellaneous

- Election Accessibility Plan now required in advance of the Election; post-election report must be made publically available but need not be presented to Council;
- Clarification provided around candidates running in a ward in which they do not live;
- Prohibition from photographing marked ballot or showing marked ballot to anyone;
- New offence for any offer, promise or agreement intended to convince an individual to register, withdraw, or avoid becoming a candidate.
- Original signatures are now only required for nominations and proxies;
- No more registered mail!!! 😊
Third Party Advertising

• An advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate or a “yes” or “no” answer to a question on the ballot

• Bill 181 revised - removed supporting or opposing an issue

• Does not include:
  • an advertisement by or 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
Eligibility for Third Party Advertising

- Individuals, corporations or trade unions, if they formally register with local clerk as a 3rd party advertiser

- 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
Registration of Third Party Advertiser

- Registration filed with local municipal clerk on prescribed form with declaration of qualification. No registration fee
- May register in multiple municipalities – separate campaign for each, with own spending limits
- Registration for questions on the ballot included in 3rd party advertising
- Restricted period – earliest date that an individual, corporation or trade union is permitted to file a notice of registration as a registered 3rd party
- Registrations accepted between 1st day for filing nominations (May 1st) and the Friday before Voting Day (October 19, 2018) in regular election
Third Party Advertising Requirements

- Must be registered at time of advertisement
- Ad must contain
  - Name of registered 3rd party
  - The municipality where the 3rd party is registered
  - A telephone #, mailing address or email address at which the 3rd party may be contacted regarding the ad
- 3rd party advertiser must provide registered party name, business contact for individual who deals with advertiser and municipality where it registered
- Broadcaster/publisher retains records of above, copy of the ad/means of reproducing it and the cost, for 4 years after the date of appearance and permit inspection during normal business hours
Certifying Third Party Advertiser

- Clerk to be satisfied that the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with MEA as amended
- Signs registration if satisfied
- Rejects if not satisfied
- Clerk’s decision on certifying registration is final
- Date of clerk’s signature is deemed date that third party is registered
Contributions and Expenses

• Same campaign finance rules as candidates

• Contributions
  • not made or accepted unless registered as a 3rd party, or outside of campaign period
  • made by an individual, corporation, trade union, registered 3rd party or spouse of a registered 3rd party
  • Can’t exceed a total of $750/registered 3rd party or $5,000 to two or more registered 3rd parties – limit doesn’t include 3rd party itself

• Expenses
  • Subject to maximum expense limit
  • No expenses incurred unless registered as 3rd party when expenses incurred and when ad appears
  • Required to record expenses and file a financial statement
  • Clerk required to review contributions
Contraventions

- Municipality may require the following to remove or discontinue the advertising:
  - a person who contravened the provisions for 3rd party advertisers or caused/permitted the contravention
  - the owner or occupier of the land on which the contravention occurred
- Similar penalties as candidates for financial statement defaults
Ranked Ballots

• Allow a voter to rank candidates in order of preference – 1\textsuperscript{st} choice, 2\textsuperscript{nd} choice, 3\textsuperscript{rd} choice - instead of just voting for one candidate in 1\textsuperscript{st} past the post system

• Why?
  • potential to give voters a greater say in who is elected and increase voter engagement
  • winning candidate(s) receive support from a majority of voters more often;
  • Reduced strategic voting;
  • Reduced negative campaigning
  • Encourage candidates to remain in the race until voting day.
Ranked Ballots in different types of elections

- Single-member elections - only one candidate will win (Mayor or 1 representative elected/ward)
- Multi-member elections - more than one candidate will win a seat (council members elected at large or 2 or > representatives elected/ward)
- May be multiple rounds of counting before a candidate is declared the winner
- Single-member ranked ballot elections - sometimes referred to as Ranked Choice Voting (RCV)
- Multi-member ranked ballot elections - sometimes referred to as Single Transferrable Vote (STV)
Steps in Single-member ranked ballot

Source: Ministry of Municipal Affairs and Housing
Steps in Multi-member ranked ballot

• Voters rank their choices, threshold # of votes to be elected are calculated & 1\textsuperscript{st} place votes counted

• If sufficient candidates not elected & 1 candidate has received > required threshold, distribute the candidate’s proportionate surplus votes to remaining candidates based on the voter’s 2\textsuperscript{nd} choice – determine new count

• If sufficient candidates not elected & 2+ candidates receive meet or exceed threshold, only highest vote candidate is elected 1\textsuperscript{st} round & that candidate’s surplus votes distributed to remaining candidates (including those exceeding the threshold) – determine the new count

• If no candidate has enough votes to meet or exceed threshold, drop candidate with lowest # of votes & distribute votes to remaining – determine the new count

• And so on, until the # of candidates to be elected have reached the threshold
Ranked Ballots

• An option for municipalities to use ranked ballots for municipal candidates starting in 2018
• Not an option for school board elections, at this time
• Public consultation requirements, vote counting procedure, clerk’s administrative authority to be established in regulations
• No referendum required to move to ranked ballots but could be part of municipal public consultation
Considerations

- Type/amount of public consultation
- Education/awareness regarding how to vote
- How does it impact your ballot, voting method/counting method or equipment needs?
- Training of staff
- Accessibility
- Testing of vote counting to ensure votes are counted properly (1st time and any redistribution)
- May be longer to obtain results – not necessarily election night
- If not prescribed, how are you
  - Reporting results – when does redistribution occur?
  - Treating overvotes, undervotes or “errors”? 
  - Resolving ties?
Questions?