



***City of Kingston Candidate
Information Session
2018 Municipal Election
April 24, 2018***

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs for convenience only.
- The slides should not be considered legal advice. These slides are not meant to replace provincial legislation. For more specific information, please refer to the relevant legislation and regulations which can be found online at www.e-laws.gov.on.ca.
- As local facts and circumstances are variable, users should obtain their own legal and professional advice when specific issues arise.

Overview

- Overview of Legislation Changes
- Key Dates
- Eligibility to Run
- Nomination Endorsement
- Third Party Advertising
- Campaign Advertisements
- Campaign Contributions
- Campaign Expenses
- Compliance Audit Committee
- Status of Forms and Guides
- Available Resources

Brief History of Municipal Elections Act Changes

Bill 181 (Municipal Elections Modernization Act)

- Comprehensive package of amendments including new rules regulating third party advertising, and the return to nomination endorsement signatures.

Bill 68 (Modernizing Ontario's Municipal Legislation Act)

- Increased contribution limits and introduced self-funding limit.

Bill 154 (Cutting Unnecessary Red Tape Act, 2017)

- Clarified ability for Compliance Audit Committee to deliberate in private.

Key Dates

- Voting Day: Monday, October 22, 2018
- Nominations Open: May 1, 2018
- Nomination Day: Friday, July 27, 2018
(nominations close at 2:00 pm)
- Candidate campaign period: from when nomination filed until Wednesday, December 31, 2018
- Third party advertiser campaign period: from when registered until December 31, 2018

Key Dates (continued)

- Campaign financial statement filing deadline: Friday, March 29, 2019 at 2:00 pm
- Four year term
- For 2018 election, the term of all offices shall begin on December 1, 2018 and end on November 14, 2022
- Thereafter, the term of council shall begin on November 15.

Eligibility To Run For Municipal Office

What are the qualifications to run for municipal office?

- A resident, non-resident owner or tenant or spouse of a non-resident owner or tenant
- A Canadian citizen
- 18 years of age or older
- Not legally prohibited from voting
- Not disqualified by any legislation from holding municipal office

Not Eligible To Run For Municipal Office

Who is not eligible to run for municipal office?

- Any person not eligible to vote in the municipality
- An employee of the municipality (unless a leave of absence is taken before nomination and the employee resigns if elected)
- A judge of any court
- A member of the Ontario Legislature, Senate or House of Commons
- A person who was a candidate in the previous election and did not file a campaign financial statement by the deadline

Eligibility To Run For School Board

What are the criteria to run for school board trustee?

- A resident within the jurisdiction of the board
- Eligible to vote for school board election

On the day the candidate files a nomination, they must:

- Be a Canadian citizen aged 18 or older
- Meet any other qualifications to vote for the school board (for example – being a Roman Catholic, or hold French language rights)

Not Eligible To Run For School Board

Who is not eligible to run for school board trustee?

- Any person who is not eligible to vote for the school board
- An employee of any school board who has not taken an unpaid leave of absence
- Municipal officials
- A judge of any court
- A member of the Ontario Legislature, Senate or House of Commons
- A person who was a candidate in the previous election and did not file a campaign financial statement by the deadline

Nomination Endorsement Signatures

- Starting in the 2018 municipal election, candidates for council office will be required to submit 25 endorsement signatures with their nomination form.
- The requirement does not apply to school board trustee candidates.
- The signatures must come from people who are eligible to vote in the municipality. A signed declaration is required.
- Individuals may endorse more than one nomination.
- Clerk is entitled to rely upon the information filed by the candidate.

Third Party Advertising

- Beginning April 1, 2018, third party advertising is regulated under the Municipal Elections Act, 1996.
- Third party advertising includes:
 - Signs and advertisements supporting or opposing a candidate
 - Signs and advertising supporting or opposing a “yes” or “no” answer to a question on the ballot.

Third Party Advertising

- Third party advertising does not include:
 - Advertising about issues
 - Activities undertaken by or under the direction of a candidate
 - Activities that don't cost any money
- The provisions regulate third party advertising during the restricted period (May 1/18 to close of voting on October 22/18)

Third Party Advertising

- Individuals, corporations and trade unions may register to be a third party advertiser
- They will be required to identify themselves and to provide mandatory information on all advertising
- They would register in the municipality with the clerk
- Third parties may advertise in support of or opposition to any candidate being elected by voters in that municipality.
- They do not need to know who they want to support or oppose when they register.

Campaign Advertisements

- Candidates and third party advertisers cannot cause an election campaign advertisement to appear unless they provide the following information to the broadcaster or publisher in writing:
 - The name of the candidate/registered third party advertiser
 - The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate/registered third party advertiser
 - The third party advertiser must also include the name of the municipality where the third party advertiser is registered
- No broadcaster or publisher shall cause a campaign or third party advertisement to appear unless this information has been provided
- The restricted period for third party advertisements is May 1, 2018 until the close of voting on voting day

Campaign Contributions

- Candidates and third party advertisers do not have to open a bank account if they do not raise or spend money.
- Contributions to candidates from unions and corporations are prohibited in municipal elections.
- Corporations and unions can contribute to third party advertisers.
- Municipalities and local boards are required to set policies about the use of municipal or board resources during the campaign period.
- Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution.
- A contribution may only be accepted by a candidate or individual acting under the candidate's direction.

Changes To Contribution Limits

- Contribution limit to a single candidate or third party advertiser has been raised from \$750 to \$1,200
- The \$5,000 aggregate contribution limit has not changed
- New self-funding limit for contributions by a municipal council candidate and/or their spouse to the candidate's own campaign:
 - Head of council: \$7,500 + \$0.20 per elector to a **maximum of \$25,000**
 - Other offices: \$5,000 + 0.20 per elector to a **maximum of \$25,000**
- This limit does not apply to candidates for school trustee

Contribution Limits – New Responsibilities

- Clerks are required to inform candidates of their self-funding limit.
- Clerks are required to review the contributions reported on financial statements.
- Candidates and third party advertisers are required to inform all contributors of the contribution limits.

Changes to Campaign Expenses

- The nomination fee is not a campaign expense.
- After the 2018 election, campaign deficits will not be carried forward from the previous campaign.
- Expenses related to preparation of the auditor's report that accompanies the financial statement can be incurred after December 31.

Campaign Spending Limits

- The clerk will provide a notice of spending limits to all candidates and registered third party advertisers:
 - A Preliminary Estimate – when filing a nomination form or when registering as a third party advertiser, based on the 2014 voter's list.
 - A Final Spending Limit which will be provided by September 25 based on the 2018 voter's list.
- A 10% spending limit is in effect for parties and expressions of appreciation after the close of voting .

Campaign Finance Reporting

- The candidate's nomination fee is only refundable if the financial statement is filed on time.
- A candidate or third party advertiser who misses the filing deadline may file within a 30-day grace period, provided a \$500 late filing fee is paid to the municipality.
- A candidate or third party advertiser may resubmit a financial statement to correct an error up until the filing deadline.

Compliance Audit Committee

- Compliance audit committees consider applications for a compliance audit of the campaign finances of candidates and third party advertisers.
- If any contributor appears to have exceeded a contribution limit, the clerk must prepare a report for the compliance audit committee. The committee will hold a meeting to determine whether to commence legal proceedings against the contributor.

Compliance Audit Committee

- Compliance audit committees must give written reasons for their decisions.
- Meetings of compliance audit committees must be open to the public, however the committee can deliberate their decisions in private.
- The committee is no longer permitted to recover costs from an applicant.

Status of Forms

- Forms for municipal candidates and third party advertisers are available on the Ontario Central Forms Repository.

www.forms.ssb.gov.on.ca

Ministry Guidance Materials

- Election guides for voters, candidates and third party advertisers are available on the MMA municipal elections website.

<http://ontario.ca/municipalelections>

Resources

- e-Laws:
 - *Municipal Elections Act, 1996*
 - *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act, 1990*
 - *Education Act, 1990*
- MMA municipal elections website: <http://ontario.ca/municipalelections>
- Municipal World: <http://www.municipalworld.com/>

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