



Town of Collingwood

NOMINATION PROCEDURES

2010 Municipal Election

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2010 Municipal Election

Council of the Town of Collingwood is elected through an At-large election process. There are nine positions of office for the Town of Collingwood:

- Mayor (one (1));
- Deputy Mayor (one (1)); and
- Councillor (seven (7))

The term of office is a four (4) year term commencing December 1, 2010. Voting Day for the 2010 municipal election is **October 25, 2010**.

The positions for school board trustee include:

- English Public School Board Trustee
- French Public School Board Trustee
- English Separate School Board Trustee
- French Separate School Board Trustee

School Boards must provide election clerks with a copy of the Report of Determination and Distribution of School Board Members by no later than April 6, 2010. *Education Act O. Reg. 412/00 s. 9(2)*

Each candidate will be provided with the following documents:

- Nomination Procedures
- The Municipal Elections 2010 Guide and any other applicable information
- Nomination Paper (Form 1)
- Declaration of Qualifications (EL18(A) or EL18(B))

The Nomination Procedures and Municipal Elections 2010 Guide provide the candidate with general information related to their responsibilities, financial requirements and filing/withdraw procedures related to the 2010 municipal election.

Verification of Eligibility

Providing Identification

All candidates must provide suitable identification and a qualifying address within the municipality when filing a nomination. If an agent is submitting a nomination on behalf of a candidate, a copy of the candidate's identification must be provided at the time of filing. The surname provided on the identification provided by the candidate and the surname on the

nomination paper must be the same. Some flexibility can be given to first names as described on Page 5 - *Name on Ballot*. **Nominations will not be accepted if a person fails to produce acceptable identification.**

Acceptable identification includes any two (2) of the following, one to include photo identification:

- Any government issued identification card or form that contains the name and qualifying address
- Property tax bill
- Utility bill
- Bank Statement
- Mortgage, rental or lease agreement

No Permanent Address

If a proposed candidate has no permanent address, the *Municipal Elections Act, 1996* provides the opportunity for the candidate to take an affidavit to swear their place of residence as being the location to which they return most often to sleep. This affidavit is conclusive proof of their qualifying address.

*** A copy of the candidates' identification shall be kept by the municipality. If a nomination is filed by an agent, a copy of the agent's identification shall be kept along with the candidates. All provided identification shall be kept by the municipality in accordance with the Municipal Freedom of Information and Protection of Privacy Act.*

Qualifications of a Candidate

The certification of nomination papers shall be conducted by the Clerk before 4:00pm on September 13, 2010. Once a nomination paper has been certified by the Clerk, it can not be altered in any way.

Persons Qualified from Seeking Election to Council

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

- Entitled to be an elector under Section 17 of the *Municipal Elections Act, 1996*
 - Is a Canadian citizen
 - Is at least 18 years of age
 - Resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse of such a person; and

- Is not prohibited from voting as noted or otherwise, by law
- Not disqualified for violations of financial requirements or violations of requirements for filing financial information
- Not disqualified by any Act from holding such office
- Not disqualified under the provisions as outlines in Sections 90(2) and 91(1) of the *Municipal Elections Act, 1996*

Under S.29(1.1) of the *Municipal Elections Act, 1996*, despite Subsection (1), Section 258 of the Municipal Act, Section 9 of the Legislative Assembly Act and Section 219 of the Education Act, a sitting Senator, Member of Parliament (MP) or Member of the Provincial Parliament (MPP) may be nominated for local office. However, their nomination shall be rejected if they have not resigned their office as of the close of nominations.

Under s. 30(1), an employee of a municipality must take an unpaid leave of absence to be a candidate for that municipality. An employee of a school board must take an unpaid leave of absence to be a candidate for any school board.

Persons Disqualified from Seeking Election to Council

The following persons are disqualified:

- Except during a leave of absence under s. 30, any employee of a municipality or a local Board as defined in the Municipal Affairs Act. An employee must be on leave as of the day they are nominated.
- A judge of any court
- A Senator¹
- A Member of Parliament¹
- A Member of the Provincial Parliament¹
- A Crown Employee within the meaning of the *Public Service Act* who is a Deputy Minister or who is in a position or classification designated in the regulations made under that Act for the purposes of Section 11 thereof.
- A person who is serving a sentence of imprisonment in a penal or correctional institution, including a sentence being served in the evening or on weekends (this does not include a person serving a sentence at home).
- A corporation
- A person acting as executor or trustee or in any other representative capacity.

¹ Under the *MEA* a member of the Assembly (Ontario Legislature), House of Commons or Senate may be nominated, but if that person is still a member of those bodies as of the close of nominations on Nomination Day, the nomination shall be rejected by the Clerk.

- A person who was convicted of the corrupt practices described in s. 90(3) of the *Municipal Elections Act* of Voting Day in the current election is less than 4 years after Voting Day in the election in respect of which he or she was convicted.
- A candidate convicted of a corrupt practice as described in s. 91(1), if Voting Day in the current election is less than six years after Voting Day in the election in respect of which he or she was convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information.
- S. 423(1) of the *Municipal Act* provides that a member of a municipal council who knowingly votes to authorize the borrowing of any amount larger than permitted under s. 407 is disqualified from holding any municipal office for two years.
- S. 424(1) of the *Municipal Act* provides that a council applies any money raised for a special purpose or collected for a sinking or retirements fund to pay current or other expenditures other than those permitted by this Act, each member who votes for the application is disqualified from any municipal office for two years.
- S. 424(3) of the *Municipal Act* provides that if a council neglects in any year to levy the amount required to be raised for a sinking or retirement fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows efforts to produce the levying of the amount.
- The *Municipal Conflict of Interest Act* provides that a member can be disqualified from holding municipal office for a period of up to seven years is found to have contravened the Act.

Persons Disqualified from Seeking Election to School Boards

The following persons are disqualified:

- Except during a leave of absence under s. 30, any employee of a municipality or a local Board as defined in the *Municipal Affairs Act*. An employee must be on leave as of the day they are nominated.
- A Clerk, Treasurer, Deputy Clerk or Deputy Treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district Board or school Authority unless he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on Voting Day.
- A Senator¹
- A Member of Parliament¹
- A Member of the Provincial Parliament¹
- An inmate of a penal or correctional institution under sentence of imprisonment including a sentence being served in the evening or on weekends (this does not include persons serving house arrest).
- A corporation

- A person acting as executor or trustee or in any other representative capacity.
- A person who was convicted of the corrupt practice described in subsection 90(3) of the *Municipal Elections Act* if Voting Day in the current election is less than for years after Voting Day in the election in respect of which he or she was convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information.
- Otherwise ineligible or disqualified under the *Education Act* or any other Act.

Filing of Nomination Papers

Timelines

Nominations will only be accepted at the Clerk's Office located in the Town Hall, 97 Hurontario Street. Nominations may be received from **January 4, 2010** to **September 9, 2010** during regular business hours (Monday to Friday between 8:30am to 4:30pm) and **September 10, 2010** from 9:00am to 2:00pm. Faxed or emailed nominations will not be accepted.

The nomination must be completed in full and filed in person by the candidate or an agent of the candidate and shall include:

- a) Two (2) pieces of Identification;
 - Nomination Paper (Form 1);
- b) Declaration of Qualifications (EL18(A) or EL18(B)); and
- c) Applicable nomination fee.

Nominations that do not include the above items will not be accepted.

The date and time in which the nomination is filed shall be recorded by staff on the nomination paper, and be immediately available to the public.

Commissioner

When completing the Nomination Paper and Declaration of Qualifications, the papers must be signed in the presence of a commissioner. Papers that are not commissioned will not be accepted. Please note that selected municipal staff authorized as Commissioner of Oaths are available to commission the required Nomination Papers and Declaration of Qualification for those candidates filing their nomination in person. If a nomination is filed by an agent, the candidate's declaration must be completed and commissioned prior to filing. If the form is not commissioned upon filing, the nomination will not be accepted.

Name on Ballot

The 'Nominee' provided on the nomination paper is the name of the candidate as it will appear on the ballot. The first and last name of the candidate shall be confirmed with the candidate or agent at the time of filing. The candidate may shorten their first name subject to the agreement of the Clerk (i.e. Anthony shortened to Tony). Under no circumstances can a candidate alter or have an alternate surname or an occupation identified on the ballot (i.e. Dr, LL.B, etc.).

Selection of Office

Council of the Town of Collingwood is elected at large for a term of four (4) years commencing December 1, 2010. Only one of the following positions must be selected by the candidate upon time of nomination:

- Mayor (one);
- Deputy Mayor (one); and
- Councillor (seven)

The positions for school board trustee include:

- English Public School Board Trustee
- French Public School Board Trustee
- English Separate School Board Trustee
- French Separate School Board Trustee

Filing Fee

The filing fee must accompany the nomination. This fee must be in the form of cash, certified cheque or money order payable to the Town of Collingwood. Nominations not accompanied by the applicable filing fee will not be accepted. Personal cheques will not be accepted.

Fees for nomination include:

- \$200.00 for mayoral candidacy
- \$100.00 for deputy mayor, councillors and school board trustees

Refund of Filing Fee

A candidate is entitled to receive a refund of the nomination filing fee if he or she:

- Withdraws the nomination under section 36;
- Is elected to the office; or

- Receives more than the prescribed percentage of the votes cast in the election for the office.

List of Candidates

Please be aware that a list of candidates, including their name and office they are running for, will be provided to the public upon filing nomination papers. An unofficial candidate list will be posted at the Town Hall, on the municipal website, and may be listed on other social networking media. This information shall be updated on a daily basis where appropriate.

Change of Office

More Than One Nomination per Candidate

If a person who has filed nomination papers for a position of office and has since filed nomination papers for another position of office to which the *Municipal Election Act, 1996* applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A candidate may only be nominated for one office at a time.

Withdrawal Process

Prior to accepting a new nomination or if a candidate wishes to withdraw completely, the candidate must submit a letter or form withdrawing their candidacy, in person, by no later than **September 10, 2010 before 2:00pm**. Any withdrawals sent by mail, email or fax will not be accepted. If an agent is filing the withdrawal letter on behalf of the candidate, the candidate must provide the agent with a letter stating the agent has the authority to file the withdrawal letter on their behalf.

Identification of the candidate and/or agent must be provided at the time the letter of withdrawal is filed. A copy of the identification provided shall be filed with the candidate's nomination papers.

Changing from Deputy Mayor or Councillor to Mayor

The candidate or agent on behalf of the candidate must complete a Nomination Paper and Declaration of Qualifications for the new position of office. The candidate must pay the difference of \$100.00 in the nomination fee upon filing by cash, certified cheque or money order.

Changing from Mayor to Deputy Mayor or Councillor

The candidate must complete a Nomination Paper and Declaration of Qualifications for the new position of office. The difference of \$100.00 in the nomination fee shall be refunded to the candidate within six weeks of filing.

Changing from Deputy Mayor to Councillor; or Changing from Councillor to Deputy Mayor

The candidate must complete a Nomination Paper and Declaration of Qualifications for the new position of office. Please note the nomination fee for these two positions is the same so no refunds or additional fees apply.

Changing from School Board Trustee to Councillor, Deputy Mayor or Mayor; or Changing from Councillor, Deputy Mayor or Mayor to School Board Trustee

The candidate must complete a Nomination Paper and Declaration of Qualifications for the new position of office. The nomination fee is not transferable. The candidate must pay an additional nomination filing fee for whatever position of office they are filing for and the original nomination fee will be refunded to the candidate within six weeks of filing.

Refund of Nomination Fee – Complete Withdrawal

A candidate is entitled to receive a refund of the nomination filing fee if he or she withdraws the nomination by providing written notice to the Clerk before 2:00pm on September 10, 2010.

Update List of Candidates

The “List of Candidates” filed with the Clerk and provided to the public shall be amended to reflect the withdrawal by not later than the end of the business day following the date in which the withdrawal was filed.

Updating Candidates Information

All updates to candidate(s) information including email addresses, phone numbers, physical and mailing addresses shall be provided in writing to the Clerk at the candidate(s) earliest opportunity. Once the nomination paper has been certified by the Clerk, it can not be altered.

Surplus Cheque Request from Previous Election

All surplus cheques received by the Clerk during the 2006 municipal election shall be provided to the candidate after filing for the 2010 municipal election. A photocopy of the cheque shall be signed and dated by the candidate and filed with their nomination papers.

If an authorized representative is picking up the cheque, the representative must have a signed letter from the candidate stating the representative has the candidate's authority to pick up the cheque. The representative shall print his or her name, sign and date a photocopy of the cheque to be placed in the candidates file.

If the candidate wishes the cheque to be mailed, keep a copy of the cheque on file with a notation of the date of mailing. The cheque is to be sent by registered mail to the candidate's address identified on the nomination paper. A copy of the mail receipt shall be filed with the candidate's nomination papers.

Acclamations

If, at 4:00pm on the Monday following Nomination Day (September 13, 2010), the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate or candidates elected by acclamation.