

# Candidate Information Package

[www.owensoundvotes.ca](http://www.owensoundvotes.ca)

**ELECTION**

**2022**

**CITY OF OWEN SOUND**

Please Note:

This guide has been prepared for the purpose of supplying information, which will be of assistance to persons intending to stand for elected office.

Candidates for School Board offices are encouraged to contact the office of the Director of Education of the appropriate School Board to obtain information on the duties and responsibilities of a trustee. Candidates for the position of representative on the French language section of a School Board should contact the Clerk of the municipality responsible for the election of persons to that office.

It is most important to note that the contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references.

Prospective candidates must satisfy themselves through their own determination that they have complied with the election financing regulations and that they are in fact qualified, and not disqualified by law, to seek elected office. Candidates must make themselves aware of the penalty sections of the *Municipal Elections Act, 1996* ("MEA") respecting campaign finances.

This document is subject to revisions. Please check the revision history to confirm you are working from the most recent version of this document.

All procedures in this guide are subject to change based on public health guidelines.

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## **PART A Introduction**

### **1. Important Dates**

May 2, 2022	Nominations may be filed
Aug 19, 2022	Nomination Day – last day to file nominations from 9 a.m. to 2 p.m. Nominations or withdrawal cannot be accepted after 2 p.m.
Aug 22, 2022	Nominations to be certified or rejected by the Clerk by 4 p.m. Acclamations after 4 p.m.
September 1, 2022	Voters' List available to certified candidates Revision period begins for electors
October 14-24, 2022	Voting Period – begins at 10 a.m. October 14 <sup>th</sup> and ends at 8 p.m. October 24 <sup>th</sup>
October 24, 2022	Voting Day
November 21, 2022	Council term begins
January 3, 2023	Campaign period ends Last day to file extension of campaign
March 31, 2023	Financial filing deadline

### **2. Forms**

All forms that are to be completed by candidates will be available on the election website [www.owensoundvotes.ca](http://www.owensoundvotes.ca).

### **3. Elected Offices**

#### **3.1. Municipal**

At this election, members will be elected by all electors of the municipality for the period commencing November 21, 2022 and ending November 14, 2026 for the following offices:

- a. Mayor - 1
- b. Deputy Mayor - 1
- c. Councillors - 7

### **3.2. School Board**

- a. School Board Trustee – English Public – 1
- b. School Board Trustee – French Public – 1
- c. School Board Trustee – French Separate – 1
- d. School Board Trustee – English Separate – 1

## **PART B Qualifications**

### **4. Council Member**

A person is qualified to be elected or to hold office as a member of council for a local municipality if they:

- a. are entitled to be an elector in the local municipality; and
- b. are not disqualified from any Act from holding office.

A person is qualified to be elected or to hold office as a member of council for an upper-tier municipality if they:

- a. are entitled to be an elector in a lower-tier municipality within the upper-tier municipality; and
- b. are not disqualified from any Act from holding office.

### **5. Elector**

A person is entitled to be an elector if, on Voting Day, they:

- a. reside in the local municipality or are the owner or tenant of land there, or the spouse of such owner or tenant;
- b. are a Canadian citizen;
- c. are at least 18 years old;
- d. are not prohibited from voting.

The following are prohibited from voting:

- a. a person who is serving a sentence of imprisonment in a penal or correctional institution;
- b. a corporation;
- c. a person acting as executor or trustee or in any other representative capacity;
- d. a person who was convicted of a corrupt practice under the MEA, 1996 if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted; and

- e. anyone who is otherwise prohibited from voting by law.

## **6. Ineligible/Disqualification of a Council Member**

The following are not eligible to be elected or hold office as a member of council:

- a. an employee of the municipality, unless they take an unpaid leave of absence;
- b. the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman/registrar/investigator of a municipality; or
- c. A judge, a member of the Assembly or a public servant.

A member of council is disqualified from holding office if, at any time during the term of office, they:

- a. cease to be a Canadian citizen;
- b. are not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality; or
- c. are prohibited under any Act from voting in an election if an election was held at that time.

## **7. School Board Member**

A person is qualified to be elected as a member of a district school board if:

- a. they are qualified to vote for members of that district school board; and
- b. they are a resident in its area of jurisdiction.

A member of a district school board is eligible for re-election if otherwise qualified.

## **8. Disqualification of a School Board Member**

A person is not qualified to be elected or act as a school board member if the person:

- a. is an employee of a school board, unless they take an unpaid leave of absence;
- b. is the Clerk, Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or an upper-tier municipality, unless they take an unpaid leave of absence;
- c. is a member of the Assembly or Senate or House of Commons;
- d. is otherwise ineligible or disqualified under any Act;

- e. ceases to hold the qualifications required to be elected; or
- f. already has a seat on a school board.

## **PART C Nomination as a Candidate**

### **9. Qualified at Time of Nomination**

A person may be nominated for an office if, on the day the person is nominated:

- a. They are qualified to hold that office under the Act that creates it; and
- b. They are not ineligible under any Act or otherwise prohibited by law to be nominated for or to hold office.

A member of the Legislative Assembly of Ontario, the Senate or the House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations, the nomination will be rejected by the Clerk. This does not apply to a member of the Executive Council of Ontario or a federal Minister of the Crown.

A person can only be nominated for one office. If a person is nominated for another office the first nomination is deemed to have been withdrawn at the time the second nomination is filed.

An employee of a municipality or local board is eligible to be a candidate for and to be elected as a member of the council or local board that is the employer if the employee takes an unpaid leave of absence beginning on the day the employee is nominated and ending on Voting Day.

### **10. Nomination Period and Procedure**

Nominations must be filed in person:

- at City Hall during the period May 2, 2022, to August 18, 2022, from Monday to Friday, 8:30 am to 4:30 pm, and Friday, August 19, 2022, from 9:00 am to 2:00 pm (Nomination Day),
- by the nominee or by the nominee's agent,
- using the "Nomination Paper" Form 1,
- using the "Endorsement of Nomination" Form 2, endorsed by 25 people eligible to vote for the office (a person may endorse more than one nomination),
- with the prescribed nomination filing fee (cash, debit card, certified cheque or money order accepted): \$200.00 for Mayor or \$100 for all other offices, and



- with proof of identity and residence as prescribed in O. Reg. 304/13 and proof of citizenship satisfactory to the Clerk.

### **10.1. Nomination - Appointments**

Candidates are encouraged to make an appointment with a member of the Clerks Department to submit nomination papers. Appointments can be made by emailing [election2022@owensound.ca](mailto:election2022@owensound.ca) or calling 519-370-7340.

### **10.2. Nomination – Additional Materials to be provided by Candidate**

The nomination process will include completion by the candidate of the following:

- “Release of Campaign Information” Form OS11
- “Declaration of Qualification” Form OS21
- “Voters’ List Request and Declaration” Form OS42
- any other information required, and
- “Nomination Checklist” Form OS14A confirming submission of nomination materials and receipt of additional materials listed below.

### **10.3. Nomination – Additional Materials to be provided to Candidate**

The nomination process will include the candidate receiving the following:

- Blank “Financial Statement – Auditor’s Report Candidate” Form 4
- “Preliminary Certificate of Maximum Campaign Expenses” Form OS12A
- “Preliminary Certificate of Maximum Contributions – Own Campaign” Form OS12B (Council candidates only)
- “Nomination Notices” Form OS13A,
- A blank “Withdrawal of Nomination” Form OS16
- A blank “Appointment of Scrutineer by Candidate” Form OS17
- A copy of 2022 Municipal Election Procedures
- A copy of the Election Accessibility Plan
- A copy of Policy No. CrS-C39: Use of City Resources during Elections
- A copy of the completed “Nomination Checklist” Form OS14A

## **11. Campaign Contact Information**

During the nomination process, Candidates will be asked to consent to the Clerk releasing the following campaign contact information online:

- phone number,
- mailing address,
- email address, and
- website.

If the Candidate does not consent to providing this information, only their name will be provided online. Contact information provided may be personal or campaign specific, however only one phone number, address, email or website will be provided for each Candidate and the Candidate is responsible for updating this information. No pictures, biographies or platforms will be provided. The City does not endorse or support any Candidate.

## **12. Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of Candidates by posting in City Hall and on the election website an unofficial list of candidates which will be updated as each Nomination Paper is filed.

## **13. Multiple Nominations**

If a Candidate has filed an earlier nomination in the same election, the first nomination is considered withdrawn when the second nomination is filed. A new "Nomination Paper" Form 1 must be submitted but the endorsement of 25 eligible voters may be transferred to the new nomination.

## **14. Withdrawal of Nominations**

Candidates may withdraw their nomination in person or by an agent by filing a "Withdrawal of Nomination" Form OS16 with their original signature with the Clerk before 2:00 pm on Nomination Day, Friday, August 19, 2022. When a nomination is withdrawn, the Clerk will provide notice as follows:

- to all Candidates by email, and
- to the public by updating the unofficial list of candidates.

## **15. Certification or Rejection of Nomination Papers**

On or before Monday, August 22, 2022, at 4:00 pm, the Clerk will review each nomination received. The Clerk will certify the nomination by signing the nomination paper if satisfied that the person being nominated is qualified and the nomination complies with the Act.

The Clerk will reject a nomination if the person being nominated is not qualified to be nominated or the nomination does not comply with the Act. Notice of a rejected nomination will be provided as follows:

- a "Notice of Rejection of Nomination or Registration" Form OS19 sent to the person being nominated by email, and
- notice to all Candidates by email.

The Clerk's decision to certify or reject a nomination is final.

## **16. Official List of Candidates**

The final list of Certified Candidates will be posted at City Hall and on the election website on or before Wednesday, August 24, 2022.

## **17. Declaration and Notice of Election**

If after 4:00 pm on Monday, August 24, 2022, the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk will declare an election to be conducted and provide notice of:

- the election and the way voters will cast their ballot,
- the dates and times of the Voting Period, and
- the location and hours of operation of Election Help Centres.

## **18. Acclamations**

If after 4:00 pm on Monday, August 24, 2022, the number of Certified Candidates for an office is the same as or fewer than the number to be elected, the Clerk will declare the Candidate(s) elected by acclamation and post a "Declaration of Acclamation to Office" Form OS18 at City Hall and online. There is no election for any offices that have been acclaimed.

## **19. Additional Nominations**

If at 4:00 pm on Monday, August 24, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected, the Clerk will post a notice of additional nominations online and take further nominations between 9:00 am and 2:00 pm on Wednesday, August 26, 2022.

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 26, 2022, following the Withdrawal of Nomination procedure above. At 2:00 pm on Wednesday, August 26, 2022, the Clerk will certify or reject any additional Nomination Papers that have been filed.

After 4:00 pm on Thursday, August 27, 2022, the Clerk will:

- conduct an election with Certified Candidates who are not acclaimed,
- declare the Certified Candidate(s) elected by acclamation and post a "Declaration of Acclamation to Office" on Form OS18 online, if there is a sufficient number of certified nomination papers for an office, or
- hold a by-election, if the number of nomination papers filed is insufficient to form a quorum of the Municipal Council.

If the number of nominations filed is less than the number of positions for an office of Municipal Council, but forms a quorum, the vacancy or vacancies will be filled by appointing a person as set out in section 263(1)(a) of the *Municipal Act, 2001*.

## **20. Death or Ineligibility of a Candidate**

If a Certified Candidate dies or becomes ineligible before the close of voting:

- resulting in an acclamation for an office, the election to such office is void and a by-election for the office will be held, or
- resulting in one fewer Candidate and no acclamation, the Candidate's name will be removed from the ballot where possible and notice of their ineligibility will be provided on the election website.

## **PART D Campaign Finance Information**

### **21. General**

Candidates are required to keep complete and accurate financial statements during the course of their campaigns. All contributions and expenses are to be accounted for and disclosed by the candidate on the relevant prescribed financial form(s). Candidates should seek their own legal or accounting advice for questions about campaign finances. The Clerk is not responsible for giving financial advice.

### **22. Contributions**

#### **22.1. Contributions - Included**

Contributions include:

- a. monetary contribution;
- b. value of goods and services;
- c. the admission price for a fund-raising function;
- d. the difference between the amount paid and the market value of a good or service sold at a fund-raising function;
- e. the difference between the amount paid and the market value of a good or service purchased for the campaign; and
- f. any unpaid but guaranteed balance of a campaign loan.

#### **22.2. Contributions – Not included**

The following are not contributions:

- a. the value of services provided by voluntary unpaid labour;
- b. the value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer;
- c. an amount of \$25 or less that is donated at a fund-raising function;
- d. the amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less;
- e. the value of free political advertising provided it is in accordance with the *Broadcasting Act* (Canada) and is made available to all candidates; and

- f. the amount of a campaign loan obtained by the candidate or the spouse of the candidate.

### **22.3. Contributions - Value of Goods and Services**

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; and
- 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.

### **23. Campaign Account Loans**

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.

Only the candidate and his or her spouse can guarantee a loan.

#### Timing of Contributions

Contributions can be solicited by or accepted on behalf of a person seeking local government office once he or she has become a candidate (i.e., filed the nomination form). Any contributions received outside the campaign period that cannot be returned to the contributor and any anonymous contributions must be turned over to the Clerk.

### **24. Candidates' Financial Statements**

Candidates must submit their financial statement and auditor's report (if over \$10,000) on "Financial Statement – Auditor's Report Candidate" Form 4 with the Clerk on or before 2:00 p.m. on March 31, 2023.

If an error is identified in a filed financial statement, the candidate may withdraw the statement and file a corrected statement and auditor's report on or before March 31, 2023.

The financial statement is a public document and will be posted on the City's website.

The penalties associated with late filing do not take effect if the relevant documents are filed by a candidate 30 days after the filing date along with a late filing fee of \$500.

## **25. Contributors**

### **25.1. Contributors - Eligible**

Only the following persons may make contributions:

- a. an individual who is normally a resident in Ontario; or
- b. the Candidate and his or her spouse.

### **25.2. Contributors - Ineligible**

The following persons and entities shall not make a contribution:

- a. a Federal political party, constituency association or registered candidate in a Federal Election;
- b. a Provincial political party, constituency association or a registered candidate or leadership contestant;
- c. a corporation that carries on business in Ontario;
- d. a trade union that holds bargaining rights for employees in Ontario;  
or
- e. the Crown in right of Canada or Ontario, a municipality or a local board.

### **25.3. Contributors - Contribution Limit**

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

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.

### **25.4. Contributors - Candidate's Own Funds**

A candidate may contribute to his or her own campaign regardless of whether the candidate normally resides in Ontario.

A candidate for an office on a council and his or her spouse shall not make contributions to the candidate's own election campaign that, combined, exceed a prescribed amount.

If a campaign ends in a surplus, a candidate may withdraw from the campaign surplus the value of the candidate's contribution.

### **25.5. Contributors - Duties of Candidates**

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, the receipts issued for every contribution, the value of every contribution, whether the contribution is in the form of money, goods or services and 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;
- 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 of the MEA;
- n. proper direction is give 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 the MEA or a by-law passed under the MEA 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 who 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. \$1,200 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.

## **26. Fundraising**

Fundraising functions are events or activities held by or under a candidate's direction for the purpose of raising funds for the candidate's campaign.

A fundraising function shall not be held for a person who is not a candidate.

A fundraising function for a candidate shall not be held outside the candidate's election campaign period.

## **27. Expenses**

### **27.1. Expenses - General**

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.

Examples include:

- a. 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.
- b. The value of contributions of goods and services.
- c. Audit and accounting fees.
- d. Interest on loans under section 88.17.
- e. The cost of holding fund-raising functions.
- f. The cost of holding parties and making other expressions of appreciation after the close of voting.

- g. For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).
- h. Expenses relating to a compliance audit.
- i. Expenses that are incurred by a candidate with a disability are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- j. The cost of election campaign advertisements (within the meaning of section 88.3).

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.

Candidates should become familiar with these provisions:

- An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.
- An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.
- All expenses must be reported in the financial disclosure form to be filed by the candidate with the Clerk.

## **27.2. Expenses - Spending Limits**

The Clerk must provide each candidate with an estimated spending limit upon filing of nomination papers. The estimate will be calculated based on the number of electors in the previous election.

On or before September 26, 2022, the Clerk must provide each candidate with a final spending limit. The final campaign spending limit will be calculated based on the number of electors on the voters' list for the current election.

If the final limit is lower than the estimate, the higher amount becomes the candidate's official spending limit.

Spending limits for parties held after the close of voting will be provided to candidates in September.

### **27.3. Expenses - Deadline for Claiming Expenses**

The campaign period ends on January 3, 2023. Candidates should request suppliers to submit bills on or before this date.

## **28. Financial Statements**

### **28.1. Financial Statements - General**

It is the responsibility of the candidate to file a complete and accurate financial statement on time.

The filing deadline is March 31, 2023 by 2 p.m.

All nominated candidates, including those not elected, those who withdrew their nomination or those whose nomination was rejected by the Clerk, must disclose and report their contributions and expenses as of December 31, 2022 in accordance with the following:

- a. all candidates are required to file a detailed financial statement;
- b. candidates whose campaign contributions and total expenses are greater than \$10,000 must have their financial statement audited and submit the auditor's report to the Clerk along with their financial statement.

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 (if applicable) on or before the applicable filing date.

Candidates must keep all records for the term of office (i.e. until November 14, 2026), and those records should include a copy of the financial documents filed with the Clerk.

Candidates who do not file a financial statement by the deadline forfeit any office to which they have been elected and are ineligible to run in the next election.

The penalties associated with late filing do not take effect if the relevant documents are filed by a candidate 30 days after the filing date along with a late filing fee of \$500.

## **28.2. Financial Statements - Extension to Filing Deadline**

A candidate requiring an extension to the filing deadline must apply to the Superior Court of Justice prior to March 31, 2023. The court may grant an extension of up to 90 days.

A candidate who has applied for an extension to the filing deadline must inform the Clerk that they have done so prior to 2 p.m. on March 31, 2023.

The supplementary filing date is September 29, 2023.

Candidates who have extended or re-opened their campaign and who do not file a supplementary financial statement by the deadline forfeit any office to which they have been elected, and are ineligible to run in the next election.

## **28.3. Financial Statements - Filing**

Candidates' financial statements are filed with the Clerk and are public documents. The Clerk must retain the statements until the new council or school board takes office in November 2026.

These documents may be inspected by any person upon request at the office of the Clerk during normal office hours. Any person may make extracts from the documents and is entitled to copies of the documents upon payment for their preparation, at \$0.50 per page. Clerks are required to make the documents available electronically, at no cost to the requester.

The information in the documents shall only be used for election purposes.

## **28.4. Financial Statement - Surplus/Deficit**

When filing the financial statement, a candidate with a campaign surplus must pay the entire surplus to the Clerk who was responsible for conducting the election.

Prior to paying over any surplus monies to the Clerk, a candidate is entitled to refund any contributions made to the campaign by the candidate or his or her spouse. The amount that may be refunded is the lesser of the amount of the relevant contributions or the amount of the surplus.

## **29. Surplus Funds Held in Trust**

The Clerk is required to place the candidate's surplus monies in a trust fund for use by the candidate if the candidate incurs expenses related to a recount, an application for a controverted election, or a compliance audit. If

the surplus is not needed for these expenses, the surplus becomes the property of the municipality or school board.

### **30. Record Keeping**

#### **30.1. Record Keeping - General**

Candidates are required to keep complete and accurate financial statements during the course of their campaigns. All contributions and expenses are to be accounted for and disclosed by the candidate on the relevant prescribed financial form(s). Candidates should seek their own legal or accounting advice for questions about campaign finances. The Clerk is not responsible for giving financial advice.

#### **30.2. Record Keeping - Appointment of Auditor**

A candidate whose campaign contributions or expenses exceed \$10,000 must appoint an auditor. Only persons licensed under the *Public Accounting Act, 2004* may be appointed to the position of auditor.

### **31. Offences, Penalties and Enforcement**

#### **31.1. Offences**

Default penalties apply when:

- a. a candidate does not file a financial statement;
- b. the financial statement shows a surplus and the candidate fails to pay the amount to the Clerk; or
- c. the financial statement shows the candidate has exceeded the spending limit.

#### **31.2. Penalties**

In the case of a default described above:

- a. the candidate forfeits any office to which the person 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.

#### **31.3. Compliance Audits**

A council or local board shall establish a compliance audit committee before October 1<sup>st</sup> of an election year.

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the MEA 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.

Within 30 days after the compliance audit committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected. The decision of the committee may be appealed to the Superior Court of Justice within 15 days after the decision is made.

If the committee decides to grant the application it will appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The auditor will prepare a report to provide to the candidate, the Clerk and the applicant. The Clerk will forward the report to the committee.

The committee will consider the report within 30 days after receiving it and will decide whether to commence a legal proceeding against the candidate.

### **31.4. Penalties for Individuals**

The following penalties are available to the courts upon conviction:

- A fine not more than \$25,000
- Imprisonment for a term of not more than 6 months

## **32. Scrutineers (Candidates' Agents)**

### **32.1. Scrutineers - Where and when they may represent**

Each candidate may appoint in writing any number of scrutineers to represent them at:

- a. Election Help Centres, while they are open, or
- b. City Hall, during:
  - the opening and testing of the voting system,
  - the receipt of voting results, or
  - a recount and announcement of recount results.

Scrutineers must show proof of their appointment to an Election Official.

## **32.2. Scrutineers - Prohibitions**

Scrutineers and Candidates are prohibited from the following:

- a. attempting, directly or indirectly, to interfere with how an elector votes, and attempting to campaign or persuade an elector to vote for a particular candidate;
- b. displaying a candidate's election campaign material in an Election Help Centre;
- c. compromising the secrecy of the voting;
- d. interfering or attempting to interfere with an elector who is voting;
- e. obtaining or attempting to obtain, in an Election Help Centre, any information about how an elector intends to vote or has voted; and
- f. communicating any information obtained at an Election Help Centre about how an elector intends to vote or has voted.

## **33. Election Advertising**

### **33.1. Election Advertising - General**

Information in advertisements and campaign material is the responsibility of the candidate and any questions or concerns should be directed to the candidate.

The City takes no responsibility for the accuracy of information provided in campaign materials.

### **33.2. Election Advertising - Mandatory Information**

Election campaign advertisements must identify the name of candidate who purchased the advertisement.

When advertising with a broadcaster or publisher, the following information must be provided in writing with the advertisement:

- a. the name of candidate; and
- b. the name, business address and telephone number of the person dealing with the broadcaster or publisher.

### **33.3. Election Advertising - Municipal Authority to Remove**

If a municipality is satisfied that there has been a contravention of section 88.3, 88.4 or 88.5 of the MEA, 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.

### **33.4. Election Advertising - Municipal Sign By-law Regulations**

All posted election signs are subject to the City of Owen Sound Sign By-law No. 2022-027. The complete by-law and a short fact sheet about election campaign signs is available on the election website [www.owensoundvotes.ca](http://www.owensoundvotes.ca).

## **34. Canvassing**

### **34.1. Canvassing - Prohibition in Election Help Centres**

No campaign material or literature of any nature relating to any candidate shall be displayed within the area of an Election Help Centre. During a municipal election, any location designated as an Election Help Centre shall include the immediate area, as determined by the Clerk, in which the Help Centre is located. Campaign material includes campaign clothing or buttons, signs or any other advertising material.

### **34.2. Canvassing - Access to Rented Premises by Candidate**

Section 28 of the *Residential Tenancies Act* provides that no landlord shall restrict reasonable access to a residential complex by candidates for election to any office, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material.

### **34.3. Canvassing - Access to Condominiums by Candidate**

Section 118 of the *Condominium Act* provides that no corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.

## **PART E General Information**

### **35. Qualifications of Elector**

A person is entitled to be an elector if on Voting Day he or she:

- a. resides in the municipality or is the owner or tenant of land there or the spouse of such owner or tenant;



- b. is a Canadian citizen;
- c. is at least 18 years old; and
- d. is not prohibited from voting as per the MEA or other Act

### **36. Voter List and Enumeration**

The Preliminary List of Electors for the City of Owen Sound is prepared by the Municipal Property Assessment Corporation (MPAC) and contains the names and addresses and school support of each person who is listed in MPAC's data and who meets the qualifications of an elector.

Voters are placed on the Voter List primarily through information obtained by MPAC. MPAC uses an online web portal, [www.voterlookup.ca](http://www.voterlookup.ca), to allow all voters to check if they are on the Voter List. If a voter has moved since the last election or has not confirmed their citizenship through MPAC they may not be on the list. The City of Owen Sound encourages all voters to visit [www.voterlookup.ca](http://www.voterlookup.ca) to confirm they are on the list.

The City of Owen Sound will also be making a portal available in September which will enable voters to check if they are on the Voter List. Eligible voters without computer access or who would prefer assistance are invited to call or attend at the Clerk's Office at City Hall as of September 6, 2022 to determine if they are on the Voter List.

Voters may also provide this information at an Election Help Centre during the voting period. However, in an effort to keep the voting process as efficient as possible for everyone, the City is encouraging all eligible voters to ensure they are on the Voter List before Voting Day.

### **37. Revision of Voter List**

A person presenting appropriate identification may file an application at the Clerk's Office at City Hall or at an Election Help Centre requesting that the person's name be added, or removed from the Voters' List; or that information on the Voters' List relating to the person be amended.

All applications require an original signature and proof of identification or sworn affidavit from the applicant.

## **38. Voting**

### **38.1. Voting - Method**

The City of Owen Sound is using a telephone and internet method of voting. Voters will be able to cast their vote from their home, or anywhere they can access the internet or telephone.

### **38.2. Voting – Voting Period**

There is an extended voting period between October 14 at 10:00 a.m. to October 24 at 8:00 p.m. to make casting a ballot easier. Election Help Centres will be set up in Owen Sound during the voting period.

### **38.3. Voting - Proxy Votes**

Proxies will not be used in this election due to the accessibility of the voting system.

### **38.4. Voting - Procedure**

For information on the voting process including how to vote and voting system testing, please see the 2022 Municipal Election Procedures, which will be provided upon nomination and are also available on the election website, [www.owensoundvotes.ca](http://www.owensoundvotes.ca).

### **38.5. Voting - Electors Absence From Work**

An elector is entitled to have three (3) consecutive hours to vote on Voting Day (October 24, 2022). If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the voting station, the employer must allow them to be absent for as long as necessary and the absence shall be timed to suit the employer's convenience as much as possible. The employer shall not make a deduction from the employee's pay or impose any other penalty for the absence from work.

## **39. Election Help Centres**

### **39.1. Election Help Centres - Public**

During the voting period election staff will be available to assist voters at the following help centres during the dates and times noted below.

<b>Election Help Centres</b>		
<b>Date</b>	<b>Location</b>	<b>Time</b>
Friday, October 14	City Hall	10:00 a.m. – 4:30 p.m.
Saturday, October 15	Heritage Place Mall	12:00 p.m. – 4:00 p.m.
Sunday, October 16		
Monday, October 17 to Friday, October 21	City Hall	8:30 a.m. – 4:30 p.m.
Saturday, October 22	Heritage Place Mall	12:00 p.m. – 4:00 p.m.
Sunday, October 23		
Monday, October 24	City Hall	8:30 a.m. – 8:00 p.m.
	Heritage Place Mall	12:00 p.m. – 8:00 p.m.

### **39.2. Election Help Centres - Institutional and Retirement Home**

Election Help Centres will be provided for residents of the following facilities during the Voting Period, provided public health guidelines and the facilities allow access:

- Central Place Retirement Community
- Georgian Heights Health Care Centre
- Grey Bruce Health Services
- Hannah Walker/John Joseph Place
- Kelso Pines Retirement Home
- Kelso Villa Retirement Home
- Lee Manor Retirement Home
- Maple View Long-Term Care Home
- Seasons Retirement Community
- Summit Place Long-Term Care Home

The times of Election Help Centers at these facilities will be confirmed before the Voting Period and posted at each location.

#### **40. Voters' List**

Candidates are entitled, upon request, to obtain a copy of the voters' list. Electronic versions will be available after September 1, 2022. Candidates will be required to sign and file with the Clerk the related "Request and Declaration – Voters' List" Form OS42. Please note that no person shall use information obtained from the Voters' List except for election purposes. If a candidate wishes, they may use the electronic list to print paper copies.

### **PART F Council Information**

#### **41. General**

It is critical that candidates understand their responsibilities and time commitment. Once elected, Council members will receive orientation training. Candidates for Council are encouraged to contact the Clerk if they have questions about their role.

#### **42. Annual Salary**

Below are the 2022 salary rates.

Mayor	\$57,425.66
Deputy Mayor	\$29,047.46
Councillor	\$25,259.00

The Mayor and Council are also provided a spending limit which is typically used for courses and workshops.

#### **43. City of Owen Sound Mission Statement**

Strengthening our community through sound leadership.

#### **44. Legislated Responsibilities of Council and the Mayor**

Section 224 of the *Municipal Act, 2001*, describes the role of Council is to:

- represent the public and consider the well-being and interests of the municipality,
- develop and evaluate the policies and programs of the municipality,
- determine which services the municipality provides,
- ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council,
- ensure the accountability and transparency of the operations of the municipality, including the activities of senior management,
- maintain the financial integrity of the municipality, and
- carry out any other duties of council under any Act.

Section 225 of the *Municipal Act, 2001* describes the role of the Mayor is to:

- act as chief executive officer of the municipality,
- preside over council meetings so that its business can be carried out efficiently and effectively,
- provide leadership to the council,
- provide information and recommendations to the council with respect to the role of council,
- represent the municipality at official functions, and
- carry out any other duties of the head of council under any Act.

## **45. Time Commitment**

### **45.1. Time Commitment - Meetings of Council/Boards/Committees**

City Council generally meets two times a month according to the Council meeting schedule, posted online. Meetings generally last three or more hours and all members of Council must attend. Closed and Special meetings of Council are called as required.

Council members are also appointed to boards and committees, which require the Councillor to attend, participate, and report back to Council. The commitment varies but normally requires attendance at one meeting a month for three boards/committees selected by the council member during the annual board and committee selection process.

The Mayor is an ex-officio member of all committees without voting privileges unless stated otherwise in the Board and Committee By-law. The Mayor is a voting member of the Community Development, Tourism and Culture Advisory Committee and the Police Services Board.

Council members can expect to spend considerable time reviewing reports, emails, and correspondence for discussion at meetings. Members must be able to commit the time to read, understand and get clarification on the information, so they can be ready to comfortably speak to issues.

#### **45.2. Time Commitment - Public Events and Community Relations**

During the year public events are hosted by the City or partner organizations and Council members may be invited to receptions, open houses, conferences, celebrations, annual general meetings and other community events. Attendance at public events is not usually mandatory, however this provides an opportunity for Council to connect with the public.

While out in the community, Council members are often approached by individuals who want to address a problem or concern. Councillors also receive numerous emails and phone calls, which can happen during the day, nights and weekends. Councillors may be able to respond to some inquiries themselves while others may need to be referred to City staff.

#### **46. Directing Staff**

The City Manager is the only member of staff hired directly by Council. Other positions are provided for in the budget, approved by Council, and hired directly or indirectly by the City Manager. Council provides direction to staff as a group by passing resolutions during Council meetings.

#### **47. Code of Conduct**

Everyone at the City has a responsibility to share a common integrity base and, through adherence to the principles of the City Code of Conduct, serve to enhance public trust.

## **PART G Resources**

## **48. Resources**

Visit the City's Election webpage [www.owensoundvotes.ca](http://www.owensoundvotes.ca) to find up to date election information and important links including:

- Workshops;
- Ministry of Municipal Affairs Candidates' Guide;
- Courses;
- Legislation;
- Election Procedures;
- Accessibility Plan;
- Policy CrS-C39: Use of Corporate Resources During Election;
- By-laws; and
- Reports.

## **49. Election Questions**

### **49.1. Election Questions - Candidates**

Questions pertaining to all matters related to the election process, including the voting method, shall be directed to the Election team:

Phone: 519-370-7340

Email: [elections@owensound.ca](mailto:elections@owensound.ca)

### **49.2. Election Questions – Voters**

Voters who have questions about the election process, including voting method and how to get on the Voters' List can visit the election website at [www.owensoundvotes.ca](http://www.owensoundvotes.ca), call the election helpline at 519-370-7340, or visit City Hall during regular business hours. During the voting period, voters can also attend one of the Election Help Centres.

### **49.3. Election Questions - City Administration and Operation**

All inquiries related to the City's administration and operation should be directed to the City Manager, who will follow up with the necessary Director or appropriate staff.

Answers to questions posed by registered candidates will be shared with all registered candidates, without identifying the source of the query, by email dispatch, generally within one week.

Tim Simmonds, City Manager  
519-376-4440 ext. 1210  
[tsimmonds@owensound.ca](mailto:tsimmonds@owensound.ca)

## **50. Access to City Staff**

Candidates are invited to set up meeting requests through the City Manager's office. An appointment should be arranged in advance. To ensure fairness, access to senior staff shall be the same for all candidates, including existing members of Council.

Answers to all questions asked of staff will be recorded and shared with all registered candidates, by email dispatch, generally within one week.

## **51. Legal Questions**

For legal matters and clarifications, candidates are advised to contact their personal solicitor.