

***MUNICIPAL***

***ELECTION***

***2010***

**CANDIDATE'S GUIDE**



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## Section 1 - INTRODUCTION

### Overview

This Guide has been prepared by the Town of Caledon Clerk's Department as a supplement to the *Candidate's Guide - 2010 Municipal Election* published by the Province of Ontario. The Province's Guide provides information relating to Qualifications, Financial Responsibilities, Campaign Contributions, Campaign Expenses, and Financial Reporting. This Guide provides additional information that is pertinent to candidates running for office in the Town of Caledon.

It is important to note that the contents of this document are intended only as a guide and may not recite all applicable statutory references. For further assistance on any of the information contained in this Candidate's Guide, please call the numbers listed below. Alternatively, you may go to the Caledon Town Hall, 6311 Old Church Road, Caledon East, and speak to a Clerk's Department staff person.

**Prospective candidates must satisfy themselves through their own investigations that they have complied with election financing regulations and that they are not disqualified by law to seek elected office. In regard to the particular circumstance of a candidate, the candidate shall obtain independent legal, financial or other professional advice.**

### Clerk's Department Resource Staff

The Town of Caledon Clerk's Department staff would be pleased to assist you with any questions you may have concerning the 2010 Municipal Election. Contact numbers include the following:

Karen Landry 905-584-2272 Ext. 4218  
Director of Administration/Town Clerk

Debbie Thompson 905-584-2272 Ext. 4189  
Legislative Services Supervisor/Deputy Clerk

Leesa Wright 905-584-2272 Ext. 4168  
FOI/Records Co-ordinator

Laura Ricciuti 905-584-2272 Ext. 4288  
Accessibility Program Co-ordinator

E-mail: clerks@caledon.ca

Town of Caledon Website [www.caledon.ca](http://www.caledon.ca)

Town Clerk's Department Fax Number (905) 584-4325

**Schedule of Key Dates**

<p><b>Monday, January 4, 2010 to Friday, September 10, 2010</b></p>	<p><b>Nomination Period</b></p> <p>Nomination forms may be filed by candidates prior to Nomination Day, at any time when the Clerk's Department is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.)</p> <p>On Nomination Day, September 10, 2010, nomination forms may only be filed between 9:00 a.m. and 2:00 p.m.</p>
<p><b>Monday, January 4, 2010 to Friday, December 31, 2010</b></p>	<p><b>Campaign Period</b></p> <p>The campaign period begins once a candidate has filed a nomination form, and ends on December 31, 2010.</p> <p>Alternative time periods are imposed if the candidate withdraws the nomination, the Town Clerk rejects the nomination, or the candidate is continuing his or her campaign to address a campaign deficit.</p>
<p><b>May and June 2010</b></p>	<p><b>Enumeration</b></p> <p>A mail-in enumeration will be conducted by the Municipal Property Assessment Corporation. (MPAC).</p>
<p><b>June 1, 2010</b></p>	<p><b>Vote Counting</b></p> <p>The Town Clerk shall provide procedures relating to alternative vote counting methods to candidates.</p>
<p><b>Wednesday, September 1, 2010</b></p>	<p><b>Voters' List</b></p> <p>The Town Clerk shall make the list of voters available <b>for election purposes</b></p>

	<p><b>only.</b> In order to maintain confidentiality, public viewing of the voters' list must be supervised.</p>
<p><b>Tuesday, September 7, 2010 to Monday, October 25, 2010</b></p>	<p><b>Revision - Application to Add, Remove, or Amend an Elector's Name</b></p> <p>An individual may make a written application to the Town Clerk to remove (own name), add, or amend an elector (own) name on the voters' list. Eligible electors whose names are not on the voters' list or whose names were shown incorrectly on the list may be added to the voters' list or have the information on the list amended by filing an application at the Clerk's Department during the revision period, or at the voting place on Voting Day.</p>
<p><b>Tuesday, September 7, 2010 to Friday, September 10, 2010</b></p>	<p><b>Revision – Application to Remove another Elector's Name</b></p> <p>An individual may make a written application to the Town Clerk to remove another elector's name from the voters' list.</p> <p>A hearing may be required by the Clerk to make a determination on the removal of another elector's name from the voters' list.</p>
<p><b>Friday, September 10, 2010</b></p>	<p><b>Nomination Day</b></p> <p>Last day for filing nominations.</p> <p>Nomination forms filed on this date may only be filed between the hours of 9:00 a.m. to 2:00 p.m.</p>

<p><b>Friday, September 10, 2010</b></p>	<p><b>Withdrawal of Nomination Forms</b></p> <p>Nominations may be withdrawn by the candidate, or his/her agent, by filing the withdrawal in writing with the Town Clerk before 2:00 p.m. If the withdrawal is filed by an agent, it must be accompanied by written authorization provided by the candidate.</p>
<p><b>Monday, September 13, 2010</b></p>	<p><b>Certification of Nomination Forms</b></p> <p>The Town Clerk shall certify validly filed nomination forms before 4:00 p.m.</p>
<p><b>Monday, September 13, 2010</b></p>	<p><b>Acclamation</b></p> <p>The Town Clerk shall immediately after 4:00 p.m. declare any acclaimed eligible candidate(s) to be duly elected by acclamation.</p>
<p><b>Tuesday, September 14, 2010 to Monday, October 25, 2010</b></p>	<p><b>Proxy Vote Certificates</b></p> <p>Electors appointed as voting proxies must apply for their proxy voting certificates in the Clerk's Department, or any other place designated by the Town Clerk, during normal hours of operation, unless otherwise provided.</p> <p>On each day of an advance vote, the Clerk's Department or any other place designated by the Town Clerk, shall be open from 12:00 noon to 5:00 p.m. for the purpose of issuing proxy voting certificates.</p>

<p><b>Monday, September 13, 2010</b> <i>6:00pm</i> <b>Monday, September 13, 2010</b> <i>7:00pm</i></p>	<p><b>Tabulator Demonstration</b></p> <p><b>Candidate Information Session</b> An information session for candidates will be held at 5 p.m. to provide an overview of election information including that relating to signs; regulations and procedures at voting locations, scrutineers, and election results. A question &amp; answer period will follow.</p>																								
<p><b>Monday, September 20, 2010</b></p>	<p><b>Certificate of Maximum Campaign Spending Limits</b></p> <p>The Town Clerk shall have issued the certificate of maximum campaign spending limits to all certified candidates.</p>																								
<p><b>Monday, September 20, 2010</b></p>	<p><b>Interim Changes to Voters' List</b></p> <p>The Town Clerk will prepare and distribute Interim Changes to the Voters' List to all certified candidates.</p>																								
<p><b>October 8, 9, 13 &amp; 16, 2010</b></p>	<p><b>Advance Voting Dates &amp; Locations</b></p> <p>All Advance Voting Locations will be Accessible.</p> <table border="1" data-bbox="824 1365 1429 1892"> <thead> <tr> <th><b>Date</b></th> <th><b>Time</b></th> <th><b>Location</b></th> </tr> </thead> <tbody> <tr> <td>Friday October 8</td> <td>7:30 a.m. to 7:30 p.m.</td> <td>Town Hall - All Wards</td> </tr> <tr> <td>Saturday October 9</td> <td>8:00 a.m. to 4:00 p.m.</td> <td>Caledon Central Public School - Ward 1</td> </tr> <tr> <td>Saturday October 9</td> <td>8:00 a.m. to 4:00 p.m.</td> <td>Margaret Dunn Library - Ward 2</td> </tr> <tr> <td>Saturday October 9</td> <td>8:00 a.m. to 4:00 p.m.</td> <td>Town Hall - Ward 3 and 4 (except Poll 405)</td> </tr> <tr> <td>Saturday October 9</td> <td>8:00 a.m. to 4:00 p.m.</td> <td>ABUCC - Ward 5 and Poll 405</td> </tr> <tr> <td>Wednesday October 13</td> <td>7:30 a.m. to 7:30 p.m.</td> <td>Town Hall - All Wards</td> </tr> <tr> <td>Saturday October 16</td> <td>8:00 a.m. to 4:00 p.m.</td> <td>Caledon Central Public School -</td> </tr> </tbody> </table>	<b>Date</b>	<b>Time</b>	<b>Location</b>	Friday October 8	7:30 a.m. to 7:30 p.m.	Town Hall - All Wards	Saturday October 9	8:00 a.m. to 4:00 p.m.	Caledon Central Public School - Ward 1	Saturday October 9	8:00 a.m. to 4:00 p.m.	Margaret Dunn Library - Ward 2	Saturday October 9	8:00 a.m. to 4:00 p.m.	Town Hall - Ward 3 and 4 (except Poll 405)	Saturday October 9	8:00 a.m. to 4:00 p.m.	ABUCC - Ward 5 and Poll 405	Wednesday October 13	7:30 a.m. to 7:30 p.m.	Town Hall - All Wards	Saturday October 16	8:00 a.m. to 4:00 p.m.	Caledon Central Public School -
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			Ward 1
	Saturday October 16	8:00 a.m. to 4:00 p.m.	Margaret Dunn Library - Ward 2
	Saturday October 16	8:00 a.m. to 4:00 p.m.	Town Hall - Ward 3 and 4 (except Poll 405)
	Saturday October 16	8:00 a.m. to 4:00 p.m.	ABUCC - Ward 5 and Poll 405
<b>MONDAY, OCTOBER 25, 2010</b>	<b>VOTING DAY</b>		
	Voting places will be open from 10:00 a.m. to 8:00 p.m.		
<b>Week of October 25, 2010</b>	<b>Official Results</b>		
	The Town Clerk shall, as soon as possible after Voting Day, declare the candidate who received the highest number of votes for each office to be elected.		
<b>November 23 &amp; 30, 2010</b>	<b>Orientation for Councillors Elect</b>		
	The Town of Caledon will be hosting two (2) consecutive days of orientation for the Councillors Elect between 9:00 a.m. and 12:00 p.m.		
<b>Tuesday, December 7, 2010</b>	<b>Inaugural Meeting of Council - Term of Office Commences</b>		
	All elected members shall take the declaration of office prior to taking his or her seat.		
	The term of office commences December 1, 2010 and requires the declaration of office to be taken and ends on November 30, 2014.		
<b>Friday, December 31, 2010</b>	<b>End of Campaign Period</b>		
	Candidates may not raise funds or incur expenditures beyond this day, unless the candidate is continuing his or her		

	campaign to address a campaign deficit and has filed the appropriate documentation to do so.
<b>Friday, December 31, 2010</b>	<p><b>Extension of Campaign Period</b></p> <p>Candidates, if in a campaign deficit, may extend their campaign period by submitting a Form 6 (extension of campaign period form) to the Clerk's Department no later than 4:30 p.m. on Friday, December 31, 2010.</p>
<b>Friday, March 25, 2011</b>	<p><b>Deadline for Filing of Financial Statements</b></p> <p>All candidates must file a financial statement by 2:00 p.m. even if the nomination was withdrawn or the campaign period extended.</p>

**NOTE:** "Information Bulletins" will be issued by the Clerk's office to provide additional election information as it becomes available.

## **Section 2 – Council Roles**

### **Municipal Offices to be Elected**

On October 25, 2010, voters in the Town of Caledon will elect candidates to the following offices:

- **Mayor of the Town of Caledon**  
One to be elected at large.
- **Area Councillor for the Town of Caledon**  
Four to be elected, one in each ward. (Note: Wards 3 and 4 are combined)
- **Regional Councillor for the Town of Caledon**  
Four to be elected, one in each ward. (Note: Wards 3 and 4 are combined)
- **Member (Trustee) of Peel District School Board**
- **Member (Trustee) of Dufferin-Peel Catholic District School Board\***

- **Member (Trustee) of Conseil scolaire de district du Centre-Sud-Ouest\***
- **Member (Trustee) of Conseil scolaire de district catholique Centre Sud\***

NOTE: \*The school boards are to determine which municipality member (Trustee) nominations are to be submitted.

**Council Roles**

The *Municipal Act 2001*, Part VI – Practices and Procedures Sections 224 and 225 states as follows:

224. It is the role of council:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;
- to ensure that administrative practices and procedures are in place to implement the decisions of council;
- to maintain the financial integrity of the municipality; and
- to carry out the duties of council under this or any other *Act*.

225. It is the role of the head of council:

- to act as chief executive officer of the municipality;
- to preside over council meetings;
- to provide leadership to the council;
- to represent the municipality at official functions; and
- to carry out the duties of the head of council under this or any other *Act*.

**Council Responsibilities**

<b>Town of Caledon Council</b>	<b>Region of Peel Council</b>
<ul style="list-style-type: none"> <li>• Local planning and zoning</li> <li>• Local storm sewers</li> <li>• Local roads, streets and sidewalks</li> <li>• Libraries</li> <li>• Accessibility Programs</li> <li>• Fire Protection/Emergency Management</li> <li>• Local parks, trails and recreation services</li> </ul>	<ul style="list-style-type: none"> <li>• 9-1-1 Emergency Number System</li> <li>• Child Care</li> <li>• Paramedic &amp; Ambulance Services</li> <li>• Long-Term Care Facilities</li> <li>• Social Housing</li> <li>• Public Health</li> <li>• Social Services</li> </ul>

<ul style="list-style-type: none"> <li>• Collection of taxes</li> <li>• Economic Development</li> <li>• Building Permits</li> <li>• Regulatory By-law Compliance</li> <li>• Provincial Offences Court</li> </ul>	<ul style="list-style-type: none"> <li>• Waste Management</li> <li>• Heritage Complex</li> <li>• Regional Planning</li> <li>• Regional Roads</li> <li>• Ontario Works</li> <li>• TransHelp</li> <li>• Water</li> </ul>
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**Council Duties**

- Sit as a member of Council, which meet on Tuesdays. The Town of Caledon typically holds Council during the day with Committee and Public Information meetings during evening hours. One Council Meeting a month is scheduled to account for matters and delegates to be heard in the evening. The length of a Council meeting varies and typically runs a minimum of 4 hours. This does not include the reading of agenda material. The 2010 Council schedule can be found in the Candidate’s Guide Kit and on the Town website at [www.caledon.ca](http://www.caledon.ca). (2010 Election button). These meeting dates may be changed by Council resolution.
- The Mayor, on an as-needed basis, can call special meetings of Council.
- A Councillor may be required to assume the duties of Acting Mayor, on a rotational basis.
- A member of Council will serve as a Council appointee to various Boards and Committees at both the local and regional level. In many instances, citizens also serve on these committees. Examples of such appointments include Heritage Caledon, Accessibility Advisory Committee, Economic Development Advisory Committee, Audit Committee, Environmental Advisory Committee, Agricultural Advisory Committee. The time these meetings are held varies and the 2010 Committee schedule can be found on the Town website. These meetings average duration are 2 to 3 hours and are held during the day or evening.

**Remuneration**

The 2010 remuneration rates:

Mayor	\$58,529.38
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Regional Councillor	\$48,495.71 (2009 rate) for 2010 please contact the Regional Clerk's Department 905-791-7800
Caledon Councillor	\$25,893.14
School Board Trustees	<i>Please contact the appropriate school board for current information.</i>

### **Section 3 - Nomination Process**

**Time for filing** – Nominations for the Caledon 2010 Municipal Election may be filed in the Town of Caledon Clerk's Department, 6311 Old Church Road, Caledon East, on or after January 4, 2010 during normal office hours (8:30 a.m. to 4:30 p.m.). The last day nominations will be accepted is Nomination Day, September 10, 2010. Nominations may be filed on Nomination Day, between the hours of 9 a.m. and 2 p.m. **An individual must be qualified as a candidate at the time of filing the nomination.**

**Filing Fee** - Each Nomination Form filed must be accompanied by the prescribed filing fee, in the form of cash, certified cheque, interac or money order payable to the Town of Caledon, in the amount of \$200.00 for the office of Mayor, or in the amount of \$100.00 for all other offices. This fee is returned to the candidate provided that he/she is elected, or obtains more than 2% of the votes cast in the election for the office for which he/she runs, or if he/she withdraws the Nomination Form on or before 2:00 p.m. September 10, 2010.

**Nomination Form** - The candidate's name should be typed or printed as it is to appear on the ballot, given (first) names preceding surname. **No** reference to a candidate's occupation, degree, title, honour, or decoration shall appear on the ballot, but a name commonly called a nickname or any other name by which the candidate is commonly known may be used. **Candidates will be required to show proof of identity, in the form of an Ontario driver's licence, Ontario Health Card (Photo) or other identification as outlined in Ontario Regulation 500/09.**

The candidate's full qualifying address within the municipality must also be shown.

The Nomination Form must be signed in front of the Town Clerk or Commissioner, unless submitted by an agent. When a Nomination Form is submitted by an agent, the candidate must have signed the declaration of qualification, contained on the Nomination Form, in front of a duly authorized Commissioner for taking affidavits. The additional Town of Caledon Declaration of Qualification Form must be signed by the candidate in front of the Town Clerk or a Commissioner and submitted with the Nomination Form.

The prescribed Nomination Form and required Declaration of Qualification Form are available from the Town of Caledon Clerk's Department, or on the Town of Caledon website at [www.caledon.ca](http://www.caledon.ca). (2010 Election button)

**Please note:** If the candidate has filed an earlier nomination for an office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. If the person is nominated for more than one office (anywhere in Ontario) and the person's name appears on more than one ballot, and the candidate is elected to any one or more of the offices, the candidate's election is void. (see *Municipal Act, 2001 Section 261*)

**Photocopies, faxes, or e-mailed versions of a signature are not acceptable for this purpose or for any other document submission requirements.**

### **Withdrawal of Nominations**

A person nominated for any office may withdraw his or her nomination by submitting a written withdrawal to the Town Clerk before 2:00 p.m. on Friday, September 10, 2010. If an agent files a written withdrawal on behalf of a candidate, the candidate must provide the agent with an original signed letter authorizing him/her to file the withdrawal.

### **Qualifications**

Qualifications for election as a Member of Council or Local Board are governed by provisions of the *Municipal Act*, the *Municipal Elections Act*, and the *Education Act*.

#### **Qualified at Time of Nomination**

A person must be qualified at the time of filing the nomination as provided in Section 29(1) of the *Municipal Elections Act, 1996*. A person may be nominated for an office only if, as of the day the person is nominated,

- (a) he or she is qualified to hold that office under the *Act* that creates it; and
- (b) he or she is not ineligible under the *Municipal Elections Act, 1996* or otherwise prohibited by law to be nominated for or to hold the office.

Notwithstanding the above provision, some persons otherwise disqualified at the time of filing the nomination are entitled to file in accordance with Sections 29(1.1) and (1.2) and 30(1) of the *Municipal Elections Act, 1996*:

- 29(1.1) Despite subsection (1) and despite section 258 of the *Municipal Act, 2001*, section 9 of the *Legislative Assembly Act* and section 219 of the *Education Act*, a member of the Legislative Assembly of Ontario or the Senate or 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 on Nomination Day of the election, the nomination shall be rejected by the Clerk under section 35.
- 29(1.2) Subsection (1.1) does not apply to a member of the Executive Council of Ontario or a federal Minister of the Crown.
- 30(1) 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 he or she takes an unpaid leave of absence beginning as of the day the employee is nominated and ending on Voting Day.

**In addition to these provisions in the *Municipal Elections Act, 1996*, the *Education Act* provides for parallel changes for a candidate for a district school board or a school authority. (See Section 219(5) of the *Education Act*).**

### **Qualifications and Disqualifications for a Member of Council**

#### **Qualifications** (*Section 256 and 257 of the Municipal Act, 2001*)

256. Every person is qualified to be elected or to hold office as a member of a Council of a local municipality;
- (a) who is entitled to be an elector in the local municipality under section 17 of the *Municipal Elections Act, 1996*; (see Elector Qualification below); and
  - (b) who is not disqualified by this or any other *Act* from holding such office.
257. Every person is qualified to be elected or to hold office as a member of a Council of an upper-tier municipality,
- (a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the *Municipal Elections Act, 1996*; and
  - (b) who is not disqualified by this or any other *Act* from holding the office.

#### **Elector Qualifications (Council)**

Section 17(2) & (3) of the *Municipal Elections Act, 1996* "Qualifications of Electors".

- 17(2) A person is entitled to be an elector at an election held in a local municipality if on voting date, he or she,
- (a) resides in the local municipality, or is the owner or tenant of land there, or is 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 under subsection (3) or otherwise by law.

#### **Persons Prohibited from Voting**

- 17(3) The following persons 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, except as a voting proxy in accordance with section 44 (See Section on Voting Proxies); and

- (d) A person who was convicted of the corrupt practice described in subsection 90(3), 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.

**Ineligible/Disqualifications** (*Section 258 of the Municipal Act, 2001*)

258(1) The following are not eligible to be elected as a member of a council or to hold office as a member of a council:

1. Except in accordance with section 30 of the *Municipal Elections Act, 1996*,
  - i) an employee of the municipality,
  - ii) a person who is not an employee of the municipality but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman, or registrar referred to in section 223.11 or an investigator referred to in subsection 239.2(1) of the municipality, or
  - iii) a person who is not an employee of the municipality but who holds any administrative position of the municipality.
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. Except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any regulations made under that Part, a public servant within the meaning of that *Act*.

258 (2) A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,

- (a) ceases to be a Canadian citizen;
- (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality; in the case of a member of Council of a local municipality, or in a lower-tier municipality within the upper-tier municipality, in the case of a member of Council of an upper-tier municipality; or
- (c) would be prohibited under this or any other *Act* from voting in an election for the office of member of Council of the municipality if an election was held at that time.

❖ Please note that a candidate must maintain his or her qualifications throughout the election, and if elected, throughout the entire term of office otherwise his or her position will be forfeited and the seat will be deemed vacant.

**Qualifications and Disqualifications for School Board Trustees**

**Qualifications** - *Section 219 (1) (2) & (3) of the Education Act*

- (1) A person is qualified to be elected as a member of a district school board

or school authority if the person is qualified to vote for members of that district school board or that school authority and is resident in its area of jurisdiction.

- (2) A person who is qualified under subsection (1) to be elected as a member of a district school board or school authority is qualified to be elected as a member of that district school board or school authority for any geographic area in the district school board's or school authority's area of jurisdiction, regardless of which positions on that district school board or school authority the person may be qualified to vote for.
- (3) A member of a district school board or school authority is eligible for re-election if otherwise qualified.

**Disqualifications - Section 219 (4), (5), (9), (10), & (11) of the Education Act**

- (4) Despite Subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,
  - (a) an employee of a district school board or school authority;
  - (b) the Clerk or Treasurer or 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 school board or the school authority;
  - (c) a member of the Assembly or of the Senate or House of Commons of Canada; or
  - (d) otherwise ineligible or disqualified under this or any other Act.
- (5) Despite Subsection (4), none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:
  - (1) an employee of a district school board or school authority;
  - (2) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority.
- (5.1) Subsections 30(2) to (7) of the Municipal Elections Act, 1996 apply with necessary modifications to an individual referred to in subsection (5).
- (9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority.
- (10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is

elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election.

- (11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that school board or that school authority is vacated.

### **Certification of Nominations**

Certification of Nomination Forms will occur by 4:00 p.m. on **Monday, September 13, 2010**. The Clerk's decision to certify or reject a nomination is final. Once a candidate is certified, his or her name will be placed on the ballot. A candidate's name will be removed from the ballot in accordance with the Act in the case of ineligibility or death. Nomination Forms are public documents and are available for inspection in the Town of Caledon Clerk's Department.

### **Registered Mail/Change of Address/Information**

Statutory required election documents are sent to candidates via registered mail. Candidates should ensure that they pick up their letter upon receipt of the notification. It is a candidate's responsibility to ensure he or she fulfills all the requirements of the *Municipal Elections Act, 1996*, as amended, and many of the mailings are reminders to candidates of these requirements.

If you move or change any of the information you provided upon nomination, please email [clerks@caledon.ca](mailto:clerks@caledon.ca) or send the changes to the Clerk's Department, in writing, to have your file updated.

## **Section 4 – Campaigning**

### **Campaign Period**

The candidate's campaign period commences at the time the Nomination Form is filed with the Town Clerk and ends on December 31, 2010.

**Candidates must not spend or receive funds for their election campaign until their Nomination Form is filed with the Town Clerk.**

### **Financial Responsibilities of Candidates**

All candidates, including those not elected, those who withdraw their nomination or those whose nomination is rejected by the Town Clerk, must disclose and report their contributions and expenses, using the prescribed form, **on or before 2:00 p.m. on Friday, March 25, 2011**. A candidate that does not file a financial statement by the deadline forfeits any office to which he/she has been elected, and is ineligible to run in the next election.

A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice **prior to March 25, 2011**, and must inform the Clerk that an application for an extension has been made **prior to 2:00 p.m. on March 25, 2011**. The court may grant an extension of up to 90 days.

Candidates should consult the *The Municipal Elections 2010 Guide* published by the Province of Ontario for detailed information relating to financial responsibilities, campaign contributions, campaign expenses, and financial reporting.

**Helpful Hints:**

1. Open a separate bank account specifically for the campaign. Do not use your personal bank account for campaign purposes. **Open the account prior to accepting any contributions or spending any money other than the payment of the nomination filing fee.**
2. Obtain a line of credit or bank loan (deposited directly into the campaign account) to fund your account, if required, prior to obtaining contributions.
3. Contributions of money by a candidate and his/her spouse are contributions and a receipt must be issued.
4. Deposit all contributions intact into the campaign account. Contributions that have not been deposited may not be used to pay off debts or to pay for purchases, without being properly documented through your account.
5. Cash contributions may only be accepted up to \$25; contributions more than \$25 must be made by cheque, credit card or money order.
6. Issue receipts for all contributions of goods and services.
7. Pay all expenses by cheque or money order from the campaign account other than the nomination filing fee.
8. Consider establishing a petty cash fund for small purchases. Set up petty cash with funds from your campaign account.
9. Keep proper records of contributions and expenses. Records must be kept for the term and until the new council is organized following the next regular election.
10. Maintain records of:
  - The receipts issued for every contribution including the date the contribution is received and the date of the receipt
  - The value of every contribution whether it is in the form of money, goods or services
  - The contributor's name and address
  - All expenses and the receipt for each expense
  - A claim for payment of an expense that is in dispute or that you refuse to pay
  - The funds raised and expenses incurred from each separate fund-raising activity
  - The money received at a fund-raising function by donations of \$10 or less
  - A campaign account loan
11. Direct persons authorized to incur expenses and accept contributions on your behalf.

12. Return any improper contributions to the contributor or, if not possible to the Clerk.
  13. Pay all anonymous contributions to the Clerk.
  14. When closing your campaign account make sure:
    - All bills have been paid
    - All cheques have cleared the bank
    - All bank charges have been paid
    - Report the surplus (deficit) of the campaign period and any contributions refunded from the surplus to the candidate or the spouse of the candidate
    - That you have a cheque, bank draft or money order payable to the Town if you have a surplus
  15. File the Financial Statement and list of contributors, by name, address and amount of contribution, if the contribution totaled more than \$100.
- ❖ Please note the Provincial – Municipal Elections 2010 Guide advises a candidate to consult with an auditor early in the campaign to establish an accounting system that meets the requirements of the Act and suits the needs of the candidate. Pages 37 to 39 of the Provincial Guide outlines the records required for audit purposes and best practices for the issuing of receipts.

### **Contributions**

A contribution means money; goods and services given to and accepted by or on behalf of a person for his or her election campaign and include the following:

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

The following are **not** deemed to be contributions:

- the value of services provided by voluntary unpaid labour;
- the value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer;
- an amount of \$10 or less that is donated at a fund-raising function;
- the value of free political advertising provided it is in accordance with the *Broadcasting Act (Canada)* and is made available to all candidates;
- the amount of a campaign loan obtained by the candidate or the spouse of the candidate.

### **Who can make Contributions**

The following may make contributions:

- an individual living in Ontario
- a corporation that carries on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario
- a candidate and his/her spouse

A “corporation that carries on business in Ontario” is a business corporation. A business corporation may be federally incorporated or provincially incorporated. If it is federally incorporated, then its letters of incorporation should permit it specifically to carry on business in Ontario as well as in Canada. The corporation should be in good standing; that is, it has made the required filings with either the federal or provincial government and is in good standing in regard to any taxes payable so that its ability to carry on business has not been impaired.

A common business corporation is a sole director corporation where the corporation has one director and one officer. In these circumstances, the corporation may make a contribution even if the director/officer is the candidate.

The Act has identified only a business corporation as the type of business that has the legal authority to make a contribution. This would exclude a non-profit, charitable corporation and a business partnership.

Section 72 of the Act provides that corporations that are associated with one another under section 256 of the Income Tax Act (Canada) shall be deemed to be a single corporation. The purpose of this section is to prevent contributions being made to the candidate where the candidate has an influential role to play in a number of corporations. For example, assume that the candidate is a director and shareholder in a corporation of which he is the principal shareholder, that he is also a director and shareholder in a corporation of which his wife is the principal shareholder, that he is also a director and shareholder in a corporation in which his brother is the principal shareholder. In certain circumstances, the candidate may be able to control, directly or indirectly, each of these corporations. The effect of section 72 is to limit the contributions to be made by these corporations to only a contribution from one of these corporations, not to three contributions from each of these three corporations. (A word of caution, section 26 of the Income Tax Act is 17 pages long. Even the most careful corporate relationships may be caught by this section and it is advisable to obtain independent legal advice if there is an issue.) However, in these circumstances, the wife and the brother could each make a personal contribution to the candidate provided that they are normally resident in Ontario.

### **Who cannot make Contributions**

The following may not make contributions:

- a federal political party, constituency association or a registered candidate in a federal election;

- a provincial political party, constituency association or a registered candidate or leadership contestant;
- a federal or provincial government, a municipality or school board.

### **What limits are there on Contributions?**

The limit of a contribution whether donated in money, through a good or service, by an individual, corporation or trade union is \$750.00 to any one candidate, regardless of the number of offices the candidate was nominated for during the election period. The limit applies whether the contribution is made in one lump sum or through a number of small contributions.

**A contributor shall not make contributions exceeding a total of \$5000.00 to two or more candidates for office on the same council or local board.**

- ❖ Please refer to page 25 of the Provincial – Municipal Elections 2010 Guide for an example regarding this new rule.

### **Campaign Spending Limits**

Please note: campaign spending limits are calculated using the following formulas:

- \$7,500 plus \$0.85 cents per elector for office of Mayor
  - \$5,000 plus \$0.85 cents per elector for office of Councillor
- ❖ The following calculations give an **estimated guide** of campaign spending limits for Council and are based on the above formula, using the 2006 elector population:

Mayor	\$41,821.30
Ward 1	\$11,138.70
Ward 2	\$10,337.15
Ward 3/4	\$15,237.40
Ward 5	\$17,608.05

The Town Clerk is now required to provide an estimate of the Candidate's spending limit upon filing a nomination paper. A final spending limit will be provided no later than 10 days after nomination day. The last day to provide the Certificate of Maximum Campaign Spending Limits to a candidate is September 20, 2010.

### **Expenses**

The following expenses are subject to the spending limit:

- All expenses related to the election unless specifically excluded
- The replacement value of goods retained from any previous election and used in the current election (You may wish to refer to pages 31 and 32 of the Provincial – Municipal Elections 2010 Guide for Helpful Hints regarding the valuing of reusable campaign materials)

- The value of contributions of goods and services
- Interest on loans
- Nomination filing fee

The following expenses are excluded from the spending limit:

- Expenses incurred in holding a fund-raising function
  - Expenses incurred for parties and other expressions of appreciation after the close of voting
  - Expenses relating to a recount
  - Expenses relating to a controverted election
  - Expenses relating to a compliance audit
  - Expenses incurred by a candidate with a disability that are directly related to the disability and would not have been incurred if not for the election
  - Audit and accounting fees
- ❖ Please note expenses relating to a fund-raising function are exempt from the campaign spending limit. A fund-raising function is an event or activity held by or on behalf of a candidate for the primary purpose of raising money for the candidate's campaign. Refer to pages 29 and 31 of the Provincial – Municipal Elections 2010 Guide for further details and examples of a fund-raising function.

### **Campaign Surpluses**

Any campaign surplus shall be filed with the Town Clerk and becomes the property of the municipality.

### **Campaign Extension**

The campaign period begins when a nomination paper has been filed and ends on December 31, 2010.

A candidate may extend the campaign period to eliminate a deficit by completing a Form 6 and submitting it to the Clerk on or before December 31, 2010. The campaign may be extended to June 30, 2011.

- ❖ Please refer to page 34 of the Provincial – Municipal Elections 2010 Guide for further details regarding the extension of a campaign period and the supplementary filing requirements.

### **Use of Corporate Resources During an Election Period**

The use of Corporate resources during an Election shall be in accordance with The Use of Corporate Resources During an Election Period Policy C00-03 which contains specific restrictions regarding use of Corporate Resources during an Election. A copy of the policy is included as Appendix 1.

## **Scrutineers**

### **Appointment**

Candidates may appoint scrutineers in writing to represent them at voting places. Scrutineers must show their written appointment to election officials upon entering a voting place. Scrutineer appointment forms will be made available to candidates on September 13, 2010.

Only one scrutineer per candidate will be allowed at each voting place. Candidates who enter the voting place are considered to be scrutineers, and their scrutineer must leave the voting place during the period of time the candidate is in attendance. A candidate who has been declared to be elected, (by acclamation) may not remain in the voting place.

### **Rights**

Candidates and scrutineers have a number of rights, including the following:

- to be present when materials and documents related to the election are delivered to the Town Clerk at the end of each voting day;
- to enter the voting place 15 minutes before it opens and to inspect the vote tabulator stand, the ballots and all other forms and documents relating to the vote (but not so as to delay the timely opening of the voting place);
- to place his or her seal (which may not in any way identify the candidate) on the ballot box immediately before the opening of the voting place, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal;
- to place his or her own seal (which may not in any way identify the candidate) on the ballot box immediately after the close of voting on each day of an advance vote, so that ballots cannot be deposited or withdrawn without breaking the seal;
- to object to an elector receiving a ballot on the grounds that the issuance of the ballot does not comply with the prescribed rules (objection to be decided by the deputy returning officer); and
- to sign the statement of the results of an election, printed at the close of voting.

### **Prohibitions**

While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes;

No person shall display a candidate's election campaign material or literature (including buttons, pins, and clothing) in a voting place;

Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of voting; and

No person shall:

- a) interfere or attempt to interfere with an elector who is marking a ballot;
- b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; and/or
- c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.

The role of a candidate or a scrutineer in the voting place is to scrutinize the integrity of the process. It is not a communicative role.

Should an elector require the assistance of an interpreter, the elector must make his or her own arrangements to provide the interpreter. Candidates and scrutineers will not be permitted to serve as an interpreter for an elector.

If an elector requires assistance to vote for any reason other than language, the election staff will provide such assistance.

### **Media Advertising**

Advertisements are considered an election expense and are subject to maximum expense limitations.

The media may not charge more or less than its normal rates for advertising. If less is charged, the difference is deemed to be a contribution.

Organizations such as the Canadian Radio-television and Telecommunications Commission have guidelines that broadcasters must follow to ensure that candidates have equal access to coverage.

Free radio and TV time is not counted as a contribution if all candidates are offered the same free time.

### **Election Signs**

The Town of Caledon Election Sign By-law regulates the placement of election signs on municipal and private property.

An election sign may not be erected, affixed, or otherwise displayed prior to September 13, 2010.

An election sign is not permitted in a voting location.

An election sign that blocks a parking space, or which may constitute a danger or safety hazard to the general public is not permitted.

An election sign is not permitted on **municipal property** except in the following circumstances:

- a poster sleeve
- In the case where an election sign would be visually obstructed if placed on private property that abuts a road allowance, an election sign may be placed on a road allowance provided the following conditions are met:
  - the owner of the property which abuts the road allowance has provided consent to the placing of the sign
  - the sign has a maximum size of 0.5 square metres
  - the sign has a maximum height of 1.0 metre
  - a maximum of one election sign for each candidate for which an election is being held is permitted on that portion of the road allowance; and
  - the sign is a minimum of 5.5 metres (18 feet) from the shoulder of the roadway or 1 metre behind a sidewalk or utilities whichever is greater.
  - the sign complies with the remaining requirements of the Election Sign By-law

An election sign is permitted on **private property** provided it does not exceed a sign area of 1.5 square metres and a height of 2.4 metres.

By-law Enforcement Officers will make their best efforts to notify a candidate or a property owner, as the case may be, if a sign is removed in contravention of the Election Sign By-law. An officer will verbally notify or leave a notice in a mailbox at the residence in front of a property where the sign is removed whenever it is practical.

As part of the Candidate Information Session, By-law Enforcement Staff will provide guidance to candidates regarding the Election Sign By-law and the placement of election signs.

The consolidated Election Sign By-law is included as Appendix 2. If you have any questions regarding election signs, please contact our By-law Enforcement Office at 905-584-2272 Ext. 4213.

### **Prohibition of Campaigning in Voting Places on Voting and Advance Voting Days**

Voting place means that area designated by the Town Clerk where voting occurs. No campaigning shall be conducted in any voting place on voting day. As a minimum, a voting place is deemed to include the entire building and the property on which it is located.

The *Municipal Elections Act, 1996, as amended*, provides that while an elector is in a voting place, no one shall attempt, directly or indirectly, to influence how the elector

votes, and that no one shall display a candidate's campaign material or literature in a voting place. Election officials will remove, or have removed all campaign material or literature found in a voting place. This material includes campaign buttons, pins, and persons wearing campaign clothing or any other advertising material.

Candidates who are providing rides to constituents should ensure that their vehicles do not display election campaign material if they are entering the voting location property.

### **Access to Rented Premises by Candidates or their Authorized Representatives**

Excerpt from the *Residential Tenancies Act, 2006*, Section 28:

"No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material. 2006, c.17, s.28"

### **Access to Condominiums by Candidates or their Authorized Representatives**

Excerpt from the *Condominium Act*, Section 118:

"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 the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material. 1998, c.19, s.118"

Despite these legislative provisions, candidates may experience difficulty in gaining access to certain premises. If this occurs, candidates should contact the owner of the rental building or the board of directors of the condominium and request they advise their staff of the legislative right of candidates to have access to these buildings for canvassing purposes.

- ❖ Please note: The Town Clerk will not act or intervene on behalf of any candidate to secure access to any buildings for the purpose of canvassing or distributing election material.

## Section 5 - Voting Information

### Electoral qualifications

A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she:

- resides in the local municipality or is the owner or tenant of land there, or is the spouse of such owner or tenant;
- is a Canadian citizen;
- is at least 18 years old; and
- is not prohibited from voting by law under the prohibitions listed below, or otherwise by law.

### Prohibitions

The following are prohibited from voting:

- a person who is serving a sentence of imprisonment in a penal or correctional institution;
- a corporation;
- a person acting as executor or trustee or in any other representative capacity, except as a voting proxy (See section on Voting Proxies);
- a person who was convicted of the corrupt practice described in subsection 90(3), 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.

### Residence

The following rules apply to determining a person's residence:

- a person may only have one residence at a time;
- the place where a person's family resides is also his or her residence, unless he/she moves elsewhere with the intention of changing his/her permanent lodging place;
- if a person has no other permanent lodging place, the place where he/she occupies a room or part of a room as a regular lodger or to which he/she habitually returns is his/her residence.

Under subsection 2(1) of the *Municipal Elections Act, 1996, as amended*, a person's "residence" is the permanent lodging place to which, whenever absent, he or she intends to return.

A "tenant" includes an occupant and a person in possession other than the owner.

A "time share contract" means a contract by which a person acquires the right to use a property for residential purposes:

- a period of time each year, or other interval; and

- as part of a plan that provides for the use of the property to circulate among persons participating in the plan.

**A voter is only entitled to vote once in a municipality even though he or she may have more than one qualifying property address within the municipality.**

### **Voter Notification**

In October 2010, the Town Clerk will give one notice to all electors residing at a given address advising of the date and time of voting, including advance voting, and the location of the voting place at which an elector is eligible to vote on voting day.

### **Voting Places**

The Town Clerk will establish the number and location of voting places for the election as he/she considers most convenient for the electors. In choosing a location for a voting place, the Town Clerk shall consider the needs of electors whose mobility is impaired by disability or some other cause. All Voting locations must be fully accessible. A list of voting places will be available for candidates as of June 1, 2010. In the event that any voting place is subsequently changed due to circumstances beyond the Town Clerk's control, a notice of the change will be mailed to the candidates.

### **Voters' List**

The Town Clerk shall make the Voters' List available on or before September 1, 2010 in accordance with the prescribed regulations. All candidates are entitled to one copy of the Voters' List, upon written request. The list provided shall contain the names of electors entitled to vote for the candidates' office and will be provided on CD.

### **Electors Not On Voters' List**

Persons who qualify and are not on the Voters' List may still vote on Voting Day by attending at the appropriate voting location and requesting an Election Official to add their name to the Voters' List. **Electors must bring prescribed identification such as an Ontario driver's licence, Ontario photo health card or an Ontario motor vehicle (plate portion) or the combination of a Canadian Passport and a Property Tax Assessment Notice.**

A comprehensive list of the prescribed proof of identity and residence that a person may present is outlined in Ontario Regulation 500/09 and may be obtained through the link provided on our website.

### **Revision of Voters' List**

Applications for amendments to the Voters' List will be accepted by the Town Clerk commencing on September 7, 2010 and ending on Voting Day (October 25, 2010).

Eligible electors will be included on the Voters' List for the municipal election if the elector is listed on the preliminary list of electors received by the Town Clerk from the Municipal Property Assessment Corporation (MPAC) and is a qualified elector. If not included, the elector may have the list amended to include his/her name as follows:

1. The elector may apply to the Town of Caledon, Clerk's Department to be added (or deleted) to the Voters' List up to Voting Day, October 25, 2010. The Voters' List will be revised upon receipt of the completed application. (An individual may apply for the addition or deletion of another electors' name. The Town Clerk will address these applications in accordance with the procedures outlined in *the Municipal Elections Act, 1996*. **NOTE:** Applications to delete another electors' name must be made no later than September 10, 2010).
2. The elector may apply to be added to the Voters' List at the voting place in accordance with the procedure below.

### **Application for Addition of Name on Voters' List at the Voting Place**

All qualified electors attending at a voting place are entitled to vote. Where the qualified elector's name does not appear on the Voters' List, the deputy returning officer or designate at the voting location will issue the elector an Application to Amend the Voters' List. The deputy returning officer or designate will require the person to complete the application, provide proof of identity and residence, and verify qualifications. Once the Application to Amend the Voters' List is completed and accepted, the deputy returning officer or designate will add the voter name to the list and issue the voter a ballot.

### **Languages/Assistance to Vote**

Posters containing instructions on how to vote will be available in the voting places.

Should an elector require the assistance of an interpreter, the elector must make his or her own arrangements to provide the interpreter. Candidates and scrutineers will not be permitted to serve as an interpreter for an elector.

If an elector requires assistance for any reason other than language, the election staff will be able to provide such assistance. Candidates and scrutineers will not be permitted to provide this assistance.

### **Proxy Voting**

A person who is entitled to be an elector in the municipality may appoint another qualified elector within the municipality as his or her voting proxy, using the prescribed form.

A person shall not:

- appoint more than one voting proxy;
- act as a voting proxy for more than one other person (this restriction does not apply if the appointed proxy is the spouse, sibling, parent, child, grandparent or grandchild of the appointees).

The voting proxy is entitled to vote in his or her own right. A voting proxy may act for one other person or the specified family members, but not both.

A person who has been appointed a voting proxy shall:

- complete an application in the prescribed form, including a statutory declaration that he or she is the person appointed as a voting proxy; and
- present the application and the appointing document to the Town Clerk, or designate, in person at the Clerk's Department or any place designated by the Town Clerk.

For the purpose of issuing proxy voting certificates, the Town of Caledon Clerk's Department or any other place designated by the Town Clerk, will be open as follows:

- Weekdays - Monday, September 13, 2010 to Monday, October 25, 2010 between the hours of 8:30 a.m. to 4:30 p.m.
- Advance Voting Days - between the hours of 12 noon to 5:00 p.m.

A person may vote as a voting proxy only if he/she:

- submits the appointing document with the Clerk's Certificate to the deputy returning officer at the voting location; and
  - takes the prescribed oath.
- ❖ Please note: A person shall not appoint a voting proxy for an election until after the time for the withdrawal of nominations has expired. The first date for appointing a voting proxy is September 13, 2010.

### **Identification at the Voting Location**

Voters whose names appear on the Voters' List will be required to show identification at the voting place. If the identification is not acceptable or none is available, then the voter will be required to take and sign an oath of qualification.

A comprehensive list of the prescribed proof of identity and residence that a person may present is outlined in Ontario Regulation 500/09 and may be obtained through the link provided on our website.

Candidates may wish to include these requirements in their campaign literature to assist in the education of the electorate.

### **Advance Voting**

Electors will be able to vote at an Advance Voting prior to Election Day. Tentative dates have been set and will be provided to all candidates upon Council approval of the Advance Voting By-law in 2010.

### **Voting Day**

Voting Day is **Monday, October 25, 2010**. Voting places will be open from 10:00 a.m. to 8:00 p.m.

### **How to Mark the Ballot**

Electors are to vote by marking an 'X' on the ballot, in the box to the right of the name of the candidate of their choice, with the pen provided. It is suggested that candidates may wish to include this illustration in their campaign literature to assist electors. The candidates' names will be shown in the order of given (first) name then surname and are listed on the ballot in alphabetical order according to surname.



## **Section 6 – Further Information**

### **Publications**

The following publications relate to Municipal Elections:

**Candidates and Electors (Expected to be available February 2010)**

**Municipal Election Law (Expected to be available January 2010)**

Municipal World Inc. 1-888-368-6125

**Municipal Elections Act 1996, as amended**

Government of Ontario Book Store

880 Bay Street

Toronto, ON

416-326-5300

The following websites contain information and or publications relating to Municipal Elections:

[www.caledon.ca](http://www.caledon.ca)  
[www.mah.gov.on.ca](http://www.mah.gov.on.ca)  
[www.gov.on.ca](http://www.gov.on.ca)  
[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)  
[www.amo.on.ca](http://www.amo.on.ca)  
[www.municipalworld.com/election](http://www.municipalworld.com/election)

### **Contacts**

Additional information to candidates, upon request, about their duties and responsibilities can be obtained from:

Region of Peel [www.peelregion.ca](http://www.peelregion.ca)  
Jeff Payne, Acting Regional Clerk  
10 Peel Centre Drive, Suite A and B, Brampton, ON L6T 4B9  
905-791-7800 Toll-free: 1-888-919-7800

Ministry of Municipal Affairs and Housing  
Central Municipal Services Office  
777 Bay Street, 2<sup>nd</sup> Floor, Toronto, ON M5G 2E5  
416-585-6226 Toll-free: 1-800-668-0230

Dufferin-Peel Catholic District School Board [www.dpcdsb.org](http://www.dpcdsb.org)  
John B. Kostoff, Director of Education  
40 Matheson Boulevard West, Mississauga, ON L5R 1C5  
905-890-1221 Toll-free: 1-800-387-9501

Peel District School Board [www.peel.edu.on.ca](http://www.peel.edu.on.ca)  
Judith Nyman, Interim Director of Education  
HJA Brown Education Centre  
5650 Hurontario Street, Mississauga, ON L5R 1C6  
905-890-1010 Toll-free: 1-800-668-1146

Conseil scolaire de district du Centre-Sud-Ouest [www.csdcsso.on.ca](http://www.csdcsso.on.ca)  
Jean-Luc Bernard, Director of Education  
116 Cornelius Parkway, North York, ON M6L 2K5  
416-614-0844

Conseil scolaire de district catholique Centre-Sud [www.csdccs.edu.on.ca](http://www.csdccs.edu.on.ca)  
Bernard Lavallee, Director of Education  
10 Drewry Avenue, Toronto, ON M2M 1C8  
416-397-6564

APPENDIX "1"

Policy No.: ADM-005



CORPORATE POLICY

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DEPARTMENT: ADMINISTRATION

SUBJECT: USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

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**PURPOSE:**

The purpose of this policy is to clarify that members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No member shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Councillor newsletters, budgets or IT equipment) for any election campaign or campaign related activities.
- No member shall undertake campaign-related activities on municipal property during regular working hours.
- No member shall use the services of staff persons during hours in which those persons receive any compensation from the municipality.

**APPLICATION:**

This policy is applicable to all members of municipal Council.

**POLICY STATEMENT:**

1. That, in accordance with the provisions of the *Municipal Elections Act, 1996*:
  - a) Corporate resources and funding may not be used for any election-related purposes;
  - b) Staff may not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
  - c) Members of Council may not use their constituency office, or any municipally-provided facilities for any election-related purposes, which includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office;

- d) The following be discontinued for Members of Council from the day prior to Nomination day in a municipal election year to Election Day:
    - i) All forms of advertising, including in any municipal publications;  
  
All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council;
    - ii) The ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and,
    - iii) The ordering of stationery;
  - e) Members of Council may not deliver any unsolicited material outside their existing ward where the printing and/or distribution costs are paid by the municipality. Care should be taken to ensure that the mailing of newsletters be restricted to the member's ward only (with accommodation made for the normal spillage associated with Canada Post postal walks). This recommendation to be effective not only during an election year but at all times;
  - f) Members of Council shall not:
    - i) Print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;
    - ii) Profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election;
    - iii) Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that Minutes of municipal Council and Committee meetings be exempt from this policy.
  - g) Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality for the operation of each Councillor's Office, is not directly election-related;
  - h) Web sites or domain names that are funded by the municipality may not include any election-related campaign material;
  - i) Members of Council may not use the municipality's voice mail system to record election related messages;
  - j) The above recommendations also apply to an acclaimed Member or a Member not seeking re-election; and
  - k) That notwithstanding section 1(d) no newsletters or flyers shall be issued after June 30<sup>th</sup> (By-law 2009-104).
2. That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

**LIMITATION:**

Nothing in this Policy shall preclude a Member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents who elected them.

**IMPLEMENTATION:**

This policy shall become effective immediately upon approval by municipal Council.

**RATIONALE AND LEGISLATIVE AUTHORITY:**

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Corporation. The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the Member, which is a violation of the Act.

**RELATED POLICIES:**

C00-02 – Council Expense Accounts adopted by By-law 2009-104 (August 4, 2009)

## APPENDIX "2"

### OFFICE CONSOLIDATION

*This is a consolidation of the Town's Election Sign By-law Number 2003-77 as amended by By-law Number 2009-122. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Legislative Services section by calling 905-584-2272. If there are any discrepancies between this consolidation and By-laws numbered 2003-77 and 2009-122, the By-laws shall prevail.*

#### THE CORPORATION OF THE TOWN OF CALEDON

#### BY-LAW NO. 2003-77

Being a by-law to regulate election signs

WHEREAS paragraph 146 of section 210 of the Municipal Act, (R.S.O. 1990, chap. M45, as amended), provides that councils of local municipalities may pass by-laws to prohibit or regulate signs or other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

AND WHEREAS paragraph 1 of section 314 of the Municipal Act provides that councils of local municipalities may pass by-laws to prohibit or regulate the obstructing, encumbering, injuring or fouling of highways or bridges.

AND WHEREAS a public information meeting was held on October 8, 2002 by the Corporation of the Town of Caledon regarding proposed amendments to By-law 94-14 (Sign By-law), including election signs.

AND WHEREAS the Council of the Corporation of the Town of Caledon deems it necessary to regulate the location, manner and display of signs in order to prevent the unlimited proliferation of signs on highways that would create dangerous and undesirable situations, such as distractions to motorists, interference with vehicular traffic sight lines and maintenance activities and obstruction of pedestrian traffic.

NOW THEREFORE the Council of the Corporation of the Town of Caledon ENACTS AS FOLLOWS:

#### **DEFINITIONS**

1. In this by-law

**"by-law enforcement officer"** means a by-law enforcement officer appointed by Council of the Corporation of the Town of Caledon whose duties include the enforcement of regulations in respect of signs.

**"election sign"** includes federal, provincial and municipal election signs.

**“façade”** means the exterior wall of a building exposed to public view on the street which bears the municipal address of the building.

**“height”** means the vertical distance measured from the lowest grade level at the base of the sign to the highest point of the same sign.

**“highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**“illuminated”** means lighted by any means whatsoever including direct, indirect, internal and external sources of illumination.

**“lot”** means a parcel of land, described in a deed or transfer or any other document legally capable of conveying land, and which may be shown as a lot or block on a registered plan of subdivision.

**“lot line”** means any boundary of a lot or the vertical projection thereof.

**“municipal property”** means land or buildings owned by the Town, Region or a local board as defined in the *Municipal Affairs Act, as amended*.

**“Official Plan”** means the Official Plan of The Corporation of the Town of Caledon, as amended from time to time.

**“official sign”** means any sign which is required to be erected or displayed pursuant to any statute, by-law, regulation or other directive of any federal, provincial or municipal government or agency, board or commission thereof.

**“owner”** includes any person, firm, partnership, corporation, institution, religious or philanthropic organization, government or governmental agency controlling, maintaining or occupying the lands upon which a sign is, or will be erected or displayed.

**“Region”** or **“Region of Peel”** means The Regional Municipality of Peel.

**“road allowance”** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property.

**“rotating sign”** means any sign or portion of a sign which rotates on an axis

**“sign area”** means

- (1) the area of the sign within the perimeter which forms the outside shape, and
- (2) (a) where the sign consists of two sides, the area of one side of the sign, or  
(b) where the sign consists of more than two sides, the total of the areas of each side of the sign.

“By-law 2009-122  
effective Sep 15/09”

**“Town”** or **“Town of Caledon”** means The Corporation of the Town of Caledon.

**“voting place”** means the registered lot upon which the vote takes place, also known as the polling station.

#### GENERAL PROHIBITIONS

2. No person shall affix, erect, display, repair or alter, or cause or permit to be affixed, erected, displayed, repaired or altered, an election sign on any lands or buildings or structures within the Town of Caledon except in accordance with the provisions of this by-law.
3. No permit is required where an election sign is erected on any property in connection with any federal, provincial or municipal election.
4. Notwithstanding any other provision of this by-law and in addition thereto, no person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
  - (1) on any official sign or official sign structure;
  - (2) within a sight triangle;
  - (3) on the land, buildings, or in or on a vehicle that is parked at any voting place, or on the road allowance in front of the voting place;
  - (4) at any location where the election sign:
    - (a) obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device, or where it may interfere with vehicular traffic potentially endangering any person;
    - (b) obstructs openings required for light, ventilation, ingress, egress or firefighting;
    - (c) constitutes a danger or hazard to the general public;
    - (d) impedes or hinders or prevents parking by vehicles on private or public lands, or on a public highway, or eliminates a public parking space required by law;
    - (e) impedes or hinders a view of a public highway or a railway crossing;
  - (5) on any noise attenuation wall.
5. No person shall affix, erect, display, repair or alter, or cause or permit to be affixed, erected, displayed, repaired or altered, an illuminated or rotating election sign.
6. No person shall affix, erect, display, repair or alter, or cause or permit to be affixed, erected, displayed, repaired or altered, an election sign displaying the Corporation of the Town of Caledon logo, crest or seal.

7. No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or no earlier than six (6) weeks immediately preceding the day of a municipal election.
8. An election sign that is a wall sign may be affixed to the façade of the building or building unit which is used as a candidate's campaign headquarters provided such wall sign complies with the provisions of the Sign By-law for a wall sign.
9. An election sign shall be removed within seven (7) days immediately following 11:59 p.m. of the day of the election.

#### HIGHWAY

10. No person shall affix, erect or otherwise display an election sign on a highway except on a poster sleeve in accordance with the provisions of the Sign By-law.

#### PRIVATE PROPERTY

11. An election sign may be affixed, erected or displayed on private property in accordance with the following provisions:
  - (1) the sign area shall not exceed 1.5 square metres (16 square feet); and
  - (2) the height of the sign shall not exceed 2.4 metres (8 feet).

#### MUNICIPAL PROPERTY

12. No person shall affix, erect, or otherwise display, or cause or permit to be affixed, erected, or otherwise displayed, an election sign on municipal property except in accordance with sections 4 and 10.

#### OBSTRUCTIONS

*"By-law 2009-122  
effective Sep 15/09"*

- 12A. Notwithstanding sections 10 and 12, an election sign may be placed upon a road allowance provided the following conditions are met:
  - (1) the election sign would be visually obstructed if placed upon the private property which abuts the road allowance;
  - (2) the owner of the property which abuts the road allowance has provided consent to the placing of the sign;
  - (3) the sign has a maximum size of 0.5 square metres;
  - (4) the sign has a maximum height of 1.0 metre;
  - (5) a maximum of one election sign for each candidate for which an election is being held is permitted on that portion of the road allowance; and
  - (6) the sign complies with the remaining requirements of this by-law.

**ADMINISTRATION**

13. This by-law may be enforced by a by-law enforcement officer.
14. Where a person has affixed, erected or otherwise displayed, or caused or permitted to be affixed, erected or otherwise displayed, a sign contrary to this by-law, a by-law enforcement officer may make an order directing that the person
  - (1) affix, erect or otherwise display the sign in accordance with the requirements of this by-law, or
  - (2) remove the signwithin seventy-two (72) hours of the date of the order.
15. Any person to whom an order is issued by the by-law enforcement officer shall comply with the order.
16. An order made by the by-law enforcement officer may be delivered personally or by sending it by pre-paid ordinary mail to the owner of the sign.
17. Where the person to whom an order is issued fails to perform the work required by the order, The Corporation of the Town of Caledon may remove the sign at the expense of the owner of the sign, without further notice.
18. Notwithstanding the provisions of sections 14 and 17, where a sign has been erected contrary to the provisions of this by-law on lands owned or controlled by The Corporation of the Town of Caledon or by a local board thereof, or on a highway under the jurisdiction of the Town of Caledon or of the Region of Peel, a by-law enforcement officer may remove such sign without notice and at the expense of the owner of such sign.

**AMENDMENT**

19. By-law 94-14, as amended, (the Sign By-law), is hereby amended by the following:
  - (1) by deleting the words “(1) an election,” from the definition of temporary sign and renumbering the remaining subparagraphs within that definition;
  - (2) by adding the following definition immediately following the definition of “sign area”:

“sign sleeve” means an area on a pole or other structure within which posters may be placed in accordance with the provisions of this by-law”;
  - (3) by inserting the following section immediately following section 33:

**“POSTERS**

33A. (1) No person shall affix or place or cause to be affixed or placed a poster on public property except in accordance with the following provisions.

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- (a) No person shall affix or place a poster on any place other than on a sign sleeve;
  - (b) No person shall affix or place more than one poster on a sign sleeve; and
  - (c) No person shall affix or place a poster on a sign sleeve if the poster conveys a message with respect to an unlawful activity.
- (2) A poster shall:
- (a) indicate the name of the person or business responsible for affixing the poster,
  - (b) be no greater in size than 22 cm (8 ½ in.) by 28 cm (11 in ),
  - (c) conform to the shape of the sign sleeve,
  - (d) not extend beyond the edges of the sign sleeve,
  - (e) only be attached to the sign sleeve by staples, push pins or tacks, and
  - (f) be made of biodegradable material.
- (3) No person shall affix or place or cause to be affixed or placed, any poster for a period in excess of 30 days.
- (4) The Town of Caledon may remove and dispose of lawfully and unlawfully placed posters without notice in accordance with its regular maintenance schedule regardless of the length of time the posters have been in place.
- (5) Where a poster has been removed pursuant to this by-law, the poster may forthwith be destroyed or otherwise disposed of by the Town of Caledon without any notice or compensation to the owner thereof.
- (6) The locations of sign sleeves are as identified by the Senior Property Standards Enforcement Officer and as approved by the Director of Infrastructure.”
- (4) by amending section 15 by the following:
- (a) by amending Section 15 subsection 2(b) by deleting the word “and” at the end of the sentence;

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- (b) by amending Section 15 subsection 2(c) by adding the word “and” at the end of the sentence; and
- (c) by adding the following subsection immediately following Section 15 subsection 2 subparagraph (c):
  - “(d) there shall be a minimum distance of 30.5 metres (100 feet) between each sign and a minimum distance of 15.25 metres (50 feet) between each sign and the nearest site triangle.”
- (d) by adding the following section immediately following Section 15 subsection (3):
  - “(4) No part of a ground sign shall be erected or displayed less than 1.52 metres (5 feet) from a lot line.”

**MAINTENANCE**

- 20. The owner of a sign, and the owner, lessee, or occupant of the lands upon which a sign is located, shall maintain the sign in a good state of repair so that such sign does not become unsafe or unsightly.

**OFFENCE**

- 21. Any person who contravenes any of the provisions of this by-law is guilty of an offence.

**TITLE**

- 22. This by-law shall be known as the Election Sign By-law.

**READ A FIRST, SECOND AND THIRD TIME**

**AND PASSED IN OPEN COUNCIL THIS**

**28<sup>th</sup> DAY OF APRIL 2003**

**Originals Signed by:**

*“Carol Seglins, Mayor”*

*“Cheri Cowan, Clerk”*