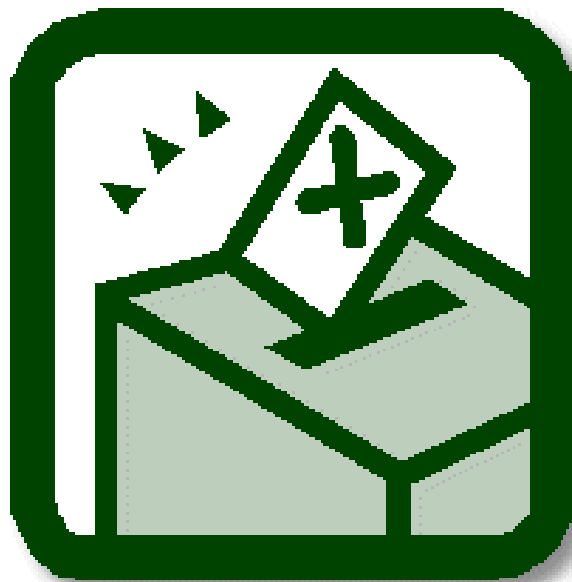


Guidebook for Municipal Candidates

2006 Manitoba Municipal Elections



Manitoba Intergovernmental Affairs and Trade

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2006 Manitoba Municipal Elections

GUIDEBOOK FOR MUNICIPAL CANDIDATES

This guidebook is designed to assist anyone interested in seeking election or re-election to municipal office. It provides an overview of the election process in Manitoba and a summary of the steps you need to take to run as a candidate in a municipal election.

The information in this guide is general and has been prepared as a reference for candidates. Nothing in this material relieves the candidate from the responsibilities of complying with the statutory provisions. It is suggested that candidates refer to *The Municipal Act* and *The Municipal Councils and School Boards Elections Act* for specific provisions.

If you have any questions about the material in this guide, or you would like more information about municipal elections in general, please contact your local municipal office, or write or call:

Manitoba Intergovernmental Affairs and Trade
Municipal Finance and Advisory Services
508-800 Portage Avenue
Winnipeg, Manitoba R3G 0N4
Phone: (204) 945-2572
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Becoming an Elected Official

Why Run for Office

Becoming a municipal councillor is a challenging and rewarding experience. As an elected official, you will have the opportunity to significantly influence the future of your community. People will look to you to represent their best interests and make informed decisions that will benefit the municipality.

There are many challenges for elected officials but the benefits are in being able to respond to the needs of our diverse communities in a way that benefits all.

Time Commitment

As an active member of council, there will be many demands on your time. In addition to regular meetings (many councils meet twice per month, some only once), you will be required to attend special meetings, committee and board meetings, and various public meetings and functions. You might consider talking to someone currently on council to find out how much time you will be expected to commit.

Term of Office

If elected to a municipal council, you will be expected to serve a four year term. Officially, the term begins at noon the day after Election Day.

Remuneration

Members of council generally receive a small amount in recognition of the time and energy they have devoted to their communities. Each council sets the type and rates of payments to members so it varies for each municipality. *The Municipal Act* requires the municipality's annual financial statement to show the amount of compensation each member of council receives.

Keep in Mind

The Senior Election Official

The senior election official (S.E.O.) is the person responsible for running the election, and will be your primary contact when you run for office. Ensure you are aware of the S.E.O.'s name, phone number, and office location when you decide to run for office. Your municipal office will also have this information available.

Election Day

Election Day is **October 25, 2006** and voting places are open between 8:00 a.m. and 8:00 p.m. General municipal elections are held every four years, on the fourth Wednesday in October.

Nomination Period

The nomination period is September 13-19, 2006. The deadline for submitting nominations is **September 19, 2006**. Your nomination form must be submitted to the S.E.O. during regular office hours. If your nomination is not submitted by the deadline, the S.E.O. cannot accept it.

Resort Municipalities

Election Day for **Resort Municipalities is July 28, 2006**. The nomination period for Resort Municipalities is June 16-22, 2006. The deadline for submitting nominations is **June 22, 2006**.

Qualifications of Candidates

Who May Run

You may run for municipal office if you:

- Are a Canadian citizen;
- Are at least 18 years of age on Election Day;
- Are a resident of Manitoba;
- Are a qualified voter of the municipality (you have either resided or owned property in the municipality for at least six months before Election Day); and
- Have not been disqualified from running under *The Municipal Act*, or any other Act (see below for examples of disqualifications).

You are strongly encouraged to speak with the S.E.O. if you have any questions about your qualifications.

Who May Not Run

You may not run for municipal office if you:

- Are a judge of the Court of Queen's Bench or the Court of Appeal;
- Are a provincial judge or justice of the peace;
- Are a member of the Legislative Assembly of Manitoba or the Senate or House of Commons of Canada;
- Are a sitting member or are nominated for office in another municipality or school division;
- Are an employee of the municipality, unless you have applied for a leave of absence*; or
- Have been disqualified, for any of the following reasons:
 - Have committed an election offence, and are barred from running in the municipal election;
 - Have been convicted under *The Municipal Act* or any other Act and have not paid the fine imposed;
 - Have been convicted of a fine punishable by imprisonment for five or more years;
 - Have been convicted under the *Criminal Code* (Canada) under any of the following sections: 122 (breach of trust by public officer), 123 (municipal corruption), 124 (selling or purchasing office), or 125 (influencing or negotiating appointments or dealings in office);
 - Cease to be qualified as a voter in the municipality; or
 - Breach the requirement of confidentiality for a matter that is discussed at a council meeting closed to the public.

*Note: Municipal employees (except the Chief Administrative Officer) *may* run for municipal office, if they are granted a leave of absence. Refer to section 92 of *The Municipal Act*, or speak directly to the Chief Administrative Officer for more information.

Nominations

Nomination Period

The nomination period **begins on September 13, 2006** and **ends on September 19, 2006**. At least one week, but no more than three weeks, before the nomination period begins, the S.E.O. must give public notice of the date, time and location where nomination forms will be received.

You may file your nomination in person, by mail, or by fax. If the S.E.O. requires in person filing, it will be specified on the notice of nomination.

Remember that it is your responsibility to ensure your nomination form is submitted on time and that your documents are accurate and complete. It is best to file early so that any errors can be corrected before the nomination period closes. If your nomination form is not complete by the close of nominations, or you submit past the deadline, you are **NOT** eligible to run for office.

Under *The Municipal Councils and School Boards Elections Act*, nomination papers are public, and may be viewed by any person from the time they are filed until six months after the election.

At the end of the nomination period, and when the period for withdrawals expires (see next page for more information on withdrawing), the S.E.O. will officially declare all nominees who have met the candidate requirements as candidates for the municipal election.

Nomination Form

Nomination forms can be obtained from the S.E.O.

The nomination form must include:

- Your name – this can be your legal name, or the name you usually go by, if you are more commonly recognized by another name (this will be the name that appears on the ballot);
- Your residential address (and mailing address, if different) and telephone number;
- The office you are seeking;
- A declaration taken under oath that you are qualified to be nominated, and the information provided is true; and
- The names, addresses and signatures of the number of voters required to support your nomination (see below).

All the above information must be provided – the S.E.O. cannot accept any incomplete nomination forms.

Who May Nominate

To run as a candidate for municipal office, your nomination must be supported by a certain number of eligible voters, whose names appear on the voters list of the municipality where you are seeking nomination:

- For election of a councillor for a ward, the nomination form must be signed by at least **25, or 1% of the voters of the ward** (whichever is less).

- For an at-large election in a municipality, the nomination form must be signed by at least **25, or 1% of the voters of the municipality** (whichever is less).
- The **signature of at least two voters is required** even if the population of the ward or municipality is less than 200.

For example:

Number of eligible voters	1% of voters	Number of signatures required
198	1.98%	At least 2
1,510	15.1%	At least 16
1,675	16.8%	At least 17
2,600	26%	At least 25

Talk to the S.E.O. to ensure you know the minimum number of signatures you need on your nomination form.

Although you are required to obtain a minimum number of signatures, it would be wise to obtain a few extra signatures in case a person who signs in support of your nomination is not eligible to do so.

Withdrawing

If you file a nomination form, and then decide that you do not wish to run for office, you may withdraw your name under certain conditions. Your withdrawal will only be accepted up until 24 hours after the nomination period ends, and **only then if enough candidates remain to fill the offices**. You must sign your withdrawal in the presence of a witness, and file it with the S.E.O. during office hours.

When an Election Is

Acclamations

If the number of nominated candidates is the same or less than the number to be elected, the S.E.O. must, under the legislation, declare the candidate or candidates elected by acclamation.

Calling an Election

If the number of candidates exceeds the number of offices to be filled, an election must be called. The S.E.O. must give public notice of the election, which will include key election information.

Name Ordering on the Ballots

When calling an election, the S.E.O. has the sole responsibility to decide how to order the candidates' names on the ballot, which may be by rotating or random order. Alphabetical ordering is not permitted. In the case of rotating order, each candidate's name will appear first on the ballot an equal number of times. In the case of random ordering, the S.E.O. chooses the method for ordering the candidates' names. For example, if names are drawn from a hat, the name that is drawn first will appear first on the ballot, the name drawn second will appear second, etc. You will be notified of the date and time when the determination will be made and should be present.

Appointing Representatives

Official Agent

Once nominated, a candidate may appoint an official agent as a representative for the election and to assist with campaigning. The S.E.O. will have a standard form that can be used to make the appointment. The appointment must:

- Be made in writing and signed by the candidate;
- Include the name, address, and telephone number of the person appointed;
- Include a statement signed by the official agent consenting to the appointment; and
- Be filed with the S.E.O.

Scrutineers

Once nominated, a candidate may also appoint scrutineers to assist the candidate with tracking the progress of the vote on Election Day, to raise legitimate objections regarding a voter's qualifications, and to observe the ballot count after the voting places close.

A candidate may act as scrutineer, or may appoint another person. The appointment must be made in writing and filed with the S.E.O. The S.E.O. will have a standard form that can be used for the appointment. The scrutineer must bring a copy of this form to present to the voting official while on duty. The scrutineer should also keep a copy of the appointment form with them so they can identify themselves at all times.

In order to be qualified as a scrutineer, the person must:

- Be at least 18 years of age;
- Be a candidate, an official agent, or another person appointed by the candidate or official agent, in a form approved by the S.E.O.; and
- Take an oath that he/she will uphold the rights of voters and preserve the secrecy of the vote.

The legislation states that a maximum of two scrutineers (per candidate) are entitled to be present at a voting station.

It is important for the candidate to appoint representatives prior to Election Day so that the required forms can be filed with the S.E.O. well in advance.

Campaigning

The Voters List

The voters list is a list of eligible voters of the municipality that is established and maintained by the S.E.O. The list may be given to the candidate electronically, on computer disk, or on paper.

The legislation states that a registered candidate is entitled to a copy of the voters list **to use for campaign purposes during the election period** (the election period begins on the first day of nominations and ends 90 days after Election Day). The candidate may use the voters list to communicate with voters, including using the list for soliciting contributions and campaigning. **It is illegal to use the list for any purpose other than for campaigning.**

Voter Qualifications

Candidates, official agents and scrutineers will want to familiarize themselves with voter qualifications before starting the campaign.

Resident Voters: In order to qualify as a resident voter, a person must be:

- A Canadian citizen;
- At least 18 years of age on Election Day; and
- A resident of the local authority for at least six months before Election Day.

Persons with no fixed address may vote in a municipal election. If the person has no ordinary or “fixed” residence in the local authority, they are deemed to reside at the shelter, hostel or other similar institution that most frequently provides lodging, food, or other social services.

Non-Resident Voters: In order to qualify as a non-resident voter, a person must be:

- A Canadian citizen;
- At least 18 years of age on Election Day; and
- A registered owner of property in the municipality for at least six months before Election Day.

If there are more than two non-resident property owners for a single property, a maximum of two can vote in a municipal election. To vote, each voter must file a written consent form with the S.E.O.

Voters in Wards: In the case of ward elections:

- **Resident voters:** a voter must vote in the ward where they reside, even if they own property in more than one ward;
- **Non-resident voters:** If a property owner does not reside in the municipality, but owns property in more than one ward, the person must apply to the S.E.O. to designate their voting ward. The voter must choose a ward before the voters list is closed to revisions (September 19, 2006), or the S.E.O. will choose a ward on the voter’s behalf.

Opportunities to Vote

You may be asked by a voter about available voting opportunities for the election. Talk to the S.E.O. to find out available voting opportunities for the municipality (regular Election Day, advance voting, sealed envelope voting, mobile voting, etc.) so that you can inform voters.

Access for Campaigning

Candidates and their official agents have the right to canvass or distribute election material in the community during the election period (from the first day of nominations until 90 days after Election Day). They can also access multi-unit residences between 9:00 a.m. and 9:00 p.m.

It may be helpful to discuss your intentions to campaign in multi-unit residences with the S.E.O. This will allow the S.E.O. to inform the landlord of your intentions, and will enable the landlord to give residents advance notice of your arrival.

A candidate or official agent must be able to produce documentation confirming he / she is a candidate when requested. It would be advisable for the candidate to carry a copy of the nomination form as well as picture identification while campaigning.

Campaign Expenses

A candidate may spend money for his / her election campaign expenses. Such expenses may include, but are not limited to:

- A salary for clerical staff;
- Costs for a hall or other room rentals for public meetings;
- Fees for printing pamphlets, notices, and advertisements;
- Costs for hiring vehicles and drivers for campaign purposes; and
- Costs for refreshments served at election meetings.

Election Offences

Candidates must familiarize themselves with what is, or is not, permitted under *The Municipal Councils and School Boards Elections Act*. Certain activities are considered offences and carry penalties – including a fine or jail time. For example, it is illegal to:

- Offer a bribe to a voter, election official, or another candidate;
- Accept a bribe or solicit a bribe;
- Use force or intimidation against any person to vote or refrain from voting;
- Interfere or disrupt the proceedings of a voting place or station;
- Use the voters list for a purpose other than for campaigning;
- Make a false or misleading statement or declaration; and / or
- Publish a false statement that a candidate has withdrawn.

A person who is guilty of an offence under *The Municipal Councils and School Boards Elections Act* can be fined up to \$10,000 or imprisoned for a term of not more than one year.

Election Day

Political Activities at the Voting Place

The Municipal Councils and School Boards Elections Act is very clear on political activities that **are not** permitted at the voting place. Except for an election official acting under legislation, no person may, **within 50 metres** of a voting place:

- Distribute pamphlets, buttons, or other items referring to the election, or a candidate, or a vote on a question;
- Wear or display any item that refers to the election, or a candidate, or a vote on a question; or
- Post or display a sign or poster referring to the election, or a candidate, or a vote on a question.

If a candidate's sign is located within 50 metres of a voting place on Election Day, an election official is empowered by legislation to remove it, or may order the candidate, or official agent to remove it or obscure it immediately. Remember, a person that contravenes a provision of *The Municipal Councils and School Boards Elections Act* is guilty of an offence.

On Election Day, scrutineers may wear a badge or ribbon indicating, by colour alone (not name), the candidate they represent. No other person may wear anything that identifies the person as a supporter of the candidate.

Scrutineers are also entitled to be present at any alternative voting opportunities, such as advance voting or to observe the sealed envelope ballot count. It would be helpful to check with the S.E.O. to get a complete sense of the responsibilities and authorities of scrutineers.

Challenging a Voter

A scrutineer (or a candidate acting as scrutineer) may challenge a person wishing to vote if it is believed that the person is not an eligible voter or has already voted in the election. **The challenge must be made before the voter is given a ballot.** The person making the challenge must state the reason for it – if no reason is given, the voter may proceed to vote as if no challenge was made.

In order to vote, the challenged voter must take an oath of eligibility, which states that the voter is eligible and has not otherwise voted. If the voter has not already provided the voting official with identification, the voter must do so. After the voter complies with these requirements, no further challenges or questions may be raised regarding the voter's eligibility.

Election Results

The methods of handling and announcing the results of the election will vary, depending on the municipality. When the voting place closes at 8:00 p.m. on Election Day, all election ballots – including advance, sealed envelope and mobile – must be counted in the presence of a voting official, another election official, the candidate and/or agents and scrutineers.

During the count, if the voting official and a scrutineer disagree on the acceptance or rejection of a ballot, the scrutineer (or candidate) should **immediately** discuss the matter with the voting official. The voting official will make a decision on the objection immediately, and will record the objection in the voting record. The decision of the voting official is final.

After the count is complete, the ballots and all election materials are delivered to the S.E.O. The S.E.O. will announce the official results as soon as possible.

Tie Votes

If a tie for office is confirmed, and no objection was raised about any ballot, **the S.E.O. must declare the office vacant and immediately call a by-election.** This means that a new nomination period will be set and any interested candidates will be required to file a nomination form, including those candidates that ran in the general election.

Post-Election Procedures

Recounts

If the S.E.O. declares a tie for office and an objection was raised to the voting official's decision to accept or reject a ballot during the count, the S.E.O. **must apply for a judicial recount within 14 days.**

A candidate may also apply for a judicial recount within 14 days if the candidate objects to the voting official's decision to accept or reject a ballot during the count.

A voter may apply for a judicial recount within 14 days if it is believed that the ballots were not correctly accepted, rejected or discarded by the voting official during the count, or if the voter believes the statement of the vote is incorrect or the official results are inaccurate.

If, after a judicial recount in the case of a tie, the tie is confirmed, the S.E.O. must immediately call a by-election. Any interested candidate may submit a nomination form when the nomination period is established.

Safe-Keeping of Election Materials

Documents and materials related to the election that are in the possession of the S.E.O. – such as nomination papers, the statement of the vote, or the official results – are available for public inspection up to six months after the election. However, this does not include ballots or personal security certificates as these are kept confidential to uphold secrecy requirements under the legislation.

After the six month period, the S.E.O. is required to destroy the ballots.

Now That You Are Elected

Council Decision-Making

Council carries out its business by resolution and by-law. The general rules governing council and its meetings are outlined in the municipality's **procedures by-law**. Every municipality must adopt a procedures by-law and review it at least once during the term of office. The procedures by-law outlines things like the day, time and place of regular council meetings, rules respecting the conduct of council meetings, etc.

Council must also establish an **organizational by-law** and review it at least once during the term of office. The organizational by-law outlines things like the establishment of council committees, appointing members to council committees, etc.

As a newly elected member of your council, you are encouraged to review these by-laws early in your term.

Conflict of Interest

The Municipal Council Conflict of Interest Act requires that council members disclose any financial interest they may have regarding a decision of council, and to remove themselves from any meeting at which these matters are discussed. The council member must not participate in the discussion or vote and must not attempt to influence the voting of other elected officials on the matter.

The law also requires an elected official to file a statement disclosing all assets and interests prior to taking office.

It is important for you to take time to review *The Municipal Council Conflict of Interest Act* to ensure you have a clear understanding of your obligations under this Act. Failing to abide by the Act may cause you to lose your seat.

For More Help

Help is available from many sources to assist candidates and elected officials. Council members who have had previous experience are an excellent source of information for newly elected members. Your Chief Administrative Officer is also experienced in the operation of the municipality and is familiar with *The Municipal Act* as well as other pieces of legislation. The Chief Administrative Officer would certainly be willing to offer advice to council members.

Manitoba Intergovernmental Affairs and Trade, Province of Manitoba, will be holding orientation seminars for newly elected members of council shortly following the general election. In addition, the department's Municipal Services Officers are available to assist. The department also has a section dedicated to municipal elections on its website, where candidates can get answers to frequently asked questions, access relevant legislation, and obtain general knowledge about municipal elections 24 hours a day, 7 days a week.

Candidate's Checklist

- ✓ Decide which office you would like to represent (Mayor, Reeve, Councillor).
- ✓ Ensure that you are qualified to hold office (citizenship, residency, etc.) and are not disqualified under *The Municipal Act* and / or *The Municipal Councils and School Boards Elections Act*.
- ✓ Note the requirements for filing your nomination form:
 - Nominations are accepted for 7 days beginning 42 days before Election Day and ending 36 days before the election. For the 2006 general municipal elections, the nomination period is September 13-19th. For Resort Municipalities, the nomination period is June 16-22nd.
 - Information required on the nomination form (name, address, mailing address, phone number, and office for which you are running).
 - The required number of names, addresses and signatures of eligible voters, whose names appear on the voters list of the municipality. It would be prudent to obtain more than the minimum number of signatures.
 - The candidate's declaration form (under oath) that you are eligible to be nominated for the office and the information provided in the nomination paper is true.
 - The filing deadline – remember to file early in case you need to correct any errors. **The S.E.O. cannot accept a nomination after the deadline has passed.**
- ✓ Note the name and office location of the S.E.O.
- ✓ Obtain a copy of the latest voters list from the S.E.O. for campaigning.
- ✓ Familiarize yourself with the qualifications of voters.
- ✓ Know advance and sealed envelope voting opportunities in your municipality in case you are asked by voters. These will be published in the notice of election.
- ✓ Appoint – in writing – persons to act as your official agent and scrutineers, and file the appointments with the S.E.O. (remind your scrutineers to bring a copy of the appointment form to present to the voting official on Election Day).
- ✓ Know the restrictions on allowable campaign expenses, statutory requirements for election signage, and political activities that are not permitted at voting places on Election Day.
- ✓ Election Day.... **do not forget to vote!**

List of Key Dates

June

16th to 22nd – Nomination period for Resort Municipalities (Dunnottar, Victoria Beach, Winnipeg Beach)

July

28th – Election Day for Resort Municipalities (Dunnottar, Victoria Beach, Winnipeg Beach)

August

23rd – First day for the S.E.O. to give the Notice of Nominations

September

6th – Last day for the S.E.O. to give the Notice of Nominations

13th – **First day** for a candidate's nomination to be accepted

19th – **Last day** for a candidate's nomination to be accepted

19th – Obtain a copy of the voters list when your nomination form is accepted

20th – Candidates may withdraw their nomination if sufficient candidates remain

21st – S.E.O. to give public notice of the election (or acclamations)

24th – Advance / Sealed envelope voting opportunities may begin as soon as the ballots are printed

October

22nd – Last day to apply to vote by sealed envelope

22nd – Advanced voting must end

25th – Election Day (8:00 a.m. to 8:00 p.m.) – don't forget to vote!

26th – Term of office of incoming council officially begins at noon

November

8th – Last day for a candidate, election official or voter to apply for a judicial recount