

## **BEFORE ELECTION DAY**

### **JOINT ELECTIONS**

- S. 6** A municipal council may conduct an election on its own behalf or jointly with another local authority, such as an education council, or vice versa, where they have agreed to do so. They may also agree that the council conducted the election on behalf of the other shall have all or any of the powers and duties of the other in respect of the election and that any election officer appointed by one council may act on behalf of the other. The agreement should also indicate how the costs for the election would be shared.

### **LANGUAGE OPTION**

- S. 16** The Act allows a council to use an aboriginal language or French, in addition to English, for any ballot or form required for an election.

### **ELECTORAL DISTRICT**

- S. 1** The electoral district for a City, Town, Village, Charter Community, Hamlet or Settlement means the geographical area within the municipality or community where the voters live.

For a Local Education Authority, the electoral district is also the municipality.

### **Ward System**

- S. 14** The council of a city or town may, by bylaw, approved by the Minister of Municipal and Community Affairs divide the municipality into wards for an election. The bylaw should specify
- the number of councillors to be elected by the voters of each ward to represent the ward;
  - the geographical area of each ward; and
  - the name or number of each ward.

In a ward system, only voters in their respective wards elect the councillors but all voters elect the Mayor.

### **ELECTION OFFICERS**

- S. 1** The Act defines Election Officers" as Returning Officers, Deputy Returning Officers, Election Clerks and Interpreters. In this guide, "Election Officer" generally means the Returning Officer, Deputy Returning Officer or Election Clerk in the Voting Station.

## **Registrar**

- S. 23, 24 The Registrar should be appointed by Resolution of Council early enough to give him or her time to compile the List of Voters for posting 30 days before Election Day.

## **Returning Officer**

- S. 27 The Returning Officer must be appointed by resolution of Council at least 8 weeks before election day. If, for any reason, Council does not appoint somebody to be Returning Officer, the Senior Administrative Officer (SAO) automatically assumes that office.

- S.28 The Returning Officer oversees the whole election and his or her duties include:

- Giving notice
- Setting up voting stations
- Providing materials and supplies
- Appointing election officers
- Handling nominations
- Supervising voting
- Declaring election results
- Conducting a recount, if required

- S. 28 If an Election Officer is unable to perform his or her duties for any reason, the Returning Officer may appoint another person in his or her place. The Returning Officer may also perform any of the duties of the Deputy Return Officer or Election Clerk. If a Deputy Returning Officer has not been appointed, the Returning Officer must perform his or her duties.

It may be economical to appoint the same person as the Registrar and Returning Officer as the duties of the Registrar are essentially completed when the List of Voters is posted.

## **LIST OF VOTERS**

- S. 23, 24 The council is required to have the voters in its community enumerated (i.e. counted) and a voters' list prepared in advance of the election.

- S. 24 The Registrar must put together the list of eligible voters. The list of voters must be posted in at least five conspicuous places in the community at least 30 days before Election Day.

- S. 24 The list of voters must contain the names of all voters in alphabetical order and, if required by the Council, the class of each voter. That is, whether the voter is a ratepayer, public school supporter or separate school supporter. This is only necessary if the Council is a municipal taxing authority.

Election Officers may combine the List of Voters with the Voters' Register. The List of Voters is the list of eligible voters obtained through the enumeration or otherwise. The Voter'

Register is Form 1 prescribed by the Act an on which is recorded information on voters at the Voting Station such as whether the person voted or not, whether the person voted by proxy or in advance, whether the voter was required to make a declaration, etc.

**S. 25** A voter may apply to have the list of voters revised at least 10 days before election day for the following reasons:

- The name of a person eligible to vote has been omitted or is incorrect;
- Or A person who is not eligible to vote is included in the list.

The Registrar must notify, in writing, any person affected by this question of eligibility and decide upon information provided by the person of their eligibility to vote whether to change the list of voters or not.

### **PUBLIC NOTICE**

**S. 9** Public notice may be given in one or more of four ways:

Inserting the notice at least once in a newspaper available in the community

Announcing the information on at least three days on a radio or television station received in the community

Posting the notice in at least five very visible places across the community

Mailing or delivering a copy of the notice to each voter.

## NOMINATIONS

### Eligibility of Candidates

**S. 18**

The Act outlines who is eligible to be nominated and to stand as a Candidate. Criteria include a person who

- Is a Canadian citizen;
- Is 18 years of age or older;
- Has lived in the community for at least 12 consecutive months immediately before nominations close;
- Is a resident of the community

[See *RESIDENCY*]

### Persons not Eligible to be Candidates

**S. 19, 20**

The following persons cannot be nominated or to stand as candidates:

- a judge, territorial judge, youth court judge;
- a member of the Legislative Assembly;
- a full-time permanent employee of the municipal corporation who receives a salary;
- an election officer;
- any person who has been convicted of a corrupt practice under this Act within the past three years;
- any person who has been convicted of an offence punishable by imprisonment for five years or more within the three years immediately preceding election day;
- a person who was imprisoned and whose imprisonment ends within the three years immediately preceding election day;
- a sheriff;
- an assessor or auditor of the municipal or settlement corporation;
- a surety (i.e. a person who takes responsibility for another's obligations such as a debt or appearing in court) for an officer or employee of the municipal or settlement corporation;
- a person who owes the municipal corporation more than \$500 for more than 90 days;
- a person who has a controlling interest in a corporation (i.e. beneficially owns, directly or indirectly or exercises control or direction over, shares of the corporation with more than 10% of the voting rights attached to the shares) that owes the municipal or settlement corporation more than \$500 for more than 90 days;
- a person who has not paid his or her municipal taxes before December 31 of the year in which the taxes were levied.

**S. 18.1**

A person, who is a justice of the peace may run as a candidate for a municipal or settlement council if he or she obtains a leave of absence without pay until the election results declared.

If elected, the office of justice of the peace is no longer valid.

### **Calling for Nominations**

- S. 11** The Returning Officer's first task is to call for Nominations, before 3:00 p.m. on the Monday 7 weeks before Election Day. Notice is to be given in Form 3.

The Returning Officer should consult with the SAO to determine whether there should be an election for Mayor and how many Councillors need to be elected. The notice calling for nominations should give this information.

### **Time for Nominations**

- S. 11** Under normal circumstances, nominations must be delivered to the Returning Officer or to his or her office between the posting of the notice calling for nominations and the close of nominations at 3:00 p.m. on the Monday five weeks before Election Day.

*[See Appendix for sample Notice Calling for Nomination of Candidates.]*

### **Nomination Papers**

- S. 38** Two or more voters are necessary to nominate a Candidate. They complete the first half of Form 4, the Nomination Paper, and have them declared before the Returning Officer.

- S. 38** The candidate, completes the second half of the Nomination Paper, and also makes a declaration before a Commissioner for Oaths. Returning Officers are Commissioners for Oaths, for the purposes of elections.

Returning Officers should ensure both nominators and candidates understand they must declare their eligibility to be a candidate and nominators before the Returning Officer prior to the close of the nominating period. If they fail to do so, the candidate will not be eligible to run for office.

*[See Appendix for sample Nomination Paper.]*

### **Notice of Candidates Nominated**

- S. 11, 40** Nominations close at 3:00 p.m. on the Monday 5 weeks before Election Day. As soon as possible after the close, the Returning Officer must post notices in five places across the community listing the Candidates nominated.

- S. 39, 41** Posting the notices may be delayed because the close of nominations is postponed for a week because of a shortage of Candidates OR to provide 48 hours for the filing of a second Declaration of Eligibility to be a candidate.

*[See Appendix for sample Notice of Candidates Nominated]*

### **Questionable Eligibility of Candidate**

**S. 41**

Case A: If before nominations close, the Returning Officer has some doubt about a candidate's eligibility, or

Case B: If, within 72 hours of the names of candidates being posted, the Returning Officer receives written notice from a voter setting out reasonable grounds for believing that a candidate is not eligible,

the Returning Officer must, without delay, notify the candidate in question of the grounds of eligibility that have been challenged and ask the candidate to make a declaration on this question.

**S. 38**

If the candidate fails to complete and return the declaration to the Returning Officer in

Case A: before nominations close (or the Returning Officer may give him a further 48 hours), or

Case B: within 48 hours of being notified by the Returning Officer,

the Returning Officer must refuse the nomination and the candidate cannot stand for election.

*[See Appendix for a sample Notice to a Candidate and Statutory Declaration.]*

### **Withdrawal of Nominations**

**S. 46**

Any candidate may withdraw his or her nomination within 48 hours after the close of nominations if the number of candidates nominated are more than the number required to fill the vacancies.

If a candidate withdraws his or her nomination and the number of candidates remaining is equal to or less than the vacancies to be filled, the returning officer must declare those remaining candidates as elected and cancel the election.

### **ACCLAMATIONS AND APPOINTMENTS**

**S. 42**

If, after the time for submitting nominations has been extended for lack of candidates, the number of candidates nominated is still less than the number that is required to be elected, the Returning Officer shall declare those candidates elected.

If a candidate has been nominated for both Mayor and Councillor and the candidate is declared "elected" as Mayor, his or her nomination for Councillor shall not be considered.

The Returning Officer sends each candidate that has been acclaimed a Certificate of Election in

Form 5.

**S. 43** If there are still vacancies after acclamations are made, the Council composed of those councillors acclaimed and any other members must appoint enough persons who are eligible to be candidates to fill the remaining vacant positions.

**S. 43, 44** An appointee holds his or her office for one year only whereas those declared elected shall be allocated their terms by the council. If the councils fail to do this, the Returning Officer will allocate terms on a random basis.

**S. 45** Where the number of candidates nominated exceeds the number of vacancies to be filled, an election must be held. The Returning Officer must give public notice in Form 6.

*[ See Appendix for sample Notice of Election ]*