



THE CORPORATION OF THE TOWN OF FORT ERIE

MUNICIPAL ELECTION 2018

GENERAL ELECTION INFORMATION

VOTING DAY

Monday, October 22, 2018

Voting Hours: 10:00 a.m. - 8:00 p.m.

ADVANCE POLLS

<u>Date</u>	<u>Place</u>
Friday, October 12, 2018	Stevensville Memorial Hall Time: 9:00 a.m. – 2:00 p.m.
Saturday, October 13, 2018	Leisureplex Banquet Hall Time: 9:00 a.m. – 5:00 p.m.
Monday, October 15, 2018	Central Fire Station Time: 1:00 p.m. – 8:00 p.m.
Tuesday, October 16, 2018	Crystal Ridge Community Centre Hall Time: 9:00 a.m. – 6:00 p.m.

Following each advance poll, any certified candidate or their scrutineer may request from the Clerk a copy of the List of Voters who voted at the Advance Poll.

The Clerk's Office at Town Hall will be open from 12:00 noon to 5:00 p.m. on Saturday, October 13, 2018 for election purposes, including issuing proxy vote certificates.

OFFICES TO BE ELECTED

1. **Mayor** (1 to be elected)
2. **Regional Councillor** (1 to be elected)
3. **Councillor Ward 1** (1 to be elected)
4. **Councillor Ward 2** (1 to be elected)
5. **Councillor Ward 3** (1 to be elected)
6. **Councillor Ward 4** (1 to be elected)
7. **Councillor Ward 5** (1 to be elected)

8. **Councillor Ward 6** (*1 to be elected*)
9. **Trustee, District School Board of Niagara (English Language Public School)**
(*1 to be elected for combined area of Fort Erie and Port Colborne*)
10. **Trustee, Niagara Catholic District School Board (English Language Separate School)**
(*1 to be elected for combined area of Fort Erie, Port Colborne and Wainfleet*)
11. **Trustee, Conseil scolaire Viamonde (French Language Public School)**
(*1 to be elected for combined area of Fort Erie, Niagara Falls, Pelham, Port Colborne, Thorold, Wainfleet and Welland*) *Note: Clerk of the City of Welland is the Returning Officer.*
12. **Trustee, Conseil scolaire de district catholique Centre-Sud (French Language Separate School)**
(*1 to be elected for combined area of Fort Erie, Pelham, Port Colborne, Wainfleet and Welland*) *Note: Clerk of the City of Welland is the Returning Officer.*
13. **Regional Chair** (*1 to be elected for the Regional Municipality of Niagara*)

TERM OF OFFICE

Term: December 3, 2018 – November 14, 2022 (*NEW*)

ROLE OF COUNCIL & HEAD OF COUNCIL

Sections 224 and 225 of the *Municipal Act, 2001* provide as follows:

“224. Role of Council – It is the role of council,

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

225. Role of head of council – It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings;
- (c) to provide leadership to the council;
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.”

What does this mean in practical terms for members of Council? Time commitments may vary from month to month; however, Council meets twice monthly as Council-in-Committee and twice monthly as Regular Council although there is a reduced meeting

schedule in the summer months of June, July and August and in December/January for the Christmas/New Year holiday. Meetings begin at 6:00 p.m. and can vary in length from as short as one-half hour to as long as six hours. Sometimes, there are closed meetings before or after the regular scheduled meeting begins. Meetings before generally start at 5:00 p.m.

In addition to their actual time spent in meetings, Members of Council will also spend significant time in advance of the meeting reading their agenda packages and consulting with staff or constituents, as necessary.

In addition to the regular meeting schedule, Members of Council also serve on Boards and Committees, attend community events at their discretion, read and answer e-mails, take phone calls and meet with their constituents.

It is estimated that the average person will spend a minimum of 15 hours per week in the exercise of his/her role as a member of Council.

The Head of Council will spend significantly more time fulfilling his/her duties due to the additional ceremonial and Chief Executive Officer roles attached to the office and also as a result of his/her obligations as a member of Council of The Regional Municipality of Niagara. A significant number of these commitments require that the Head of Council be available during normal business hours.

CLERK'S AUTHORITY

The *Municipal Elections Act, 1996* provides that a Clerk who is responsible for conducting an election may provide for any matter or procedure that:

- (a) *is not otherwise provided for in an Act or regulation; and*
- (b) *in the Clerk's opinion, is necessary or desirable for conducting the election* (MEA, s. 12 (1)).

The *Municipal Elections Act, 1996* specifies that the Clerk's role includes "power to establish forms, including forms of oaths and statutory declarations, and power to require their use", "power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter" (MEA, s. 12(2) and (3)).

Where a written procedure does not specifically provide for a matter, the matter shall be conducted in accordance with the MEA, as amended, and/or as directed by the Clerk. The Clerk's role related to the Niagara Regional Chair: The Clerk of each lower-tier municipality is responsible for conducting the election in the lower-tier municipality and shall promptly report the vote recorded to the Clerk of the upper-tier municipality who shall prepare the final summary and announce the result of the vote (MEA, s. 11.1(5)).

CANDIDATE'S GUIDE – 2018

The Ministry of Municipal Affairs has prepared a “2018 Candidate’s Guide”, which is available on their website and provides information for candidates relative to the requirements of the *Municipal Elections Act, 1996* and other legislation. A copy of the Guide is included in this binder for easy reference

ELECTION 2018 WEBSITE

The Election Website may be accessed at www.forterrie.ca. The site contains an abundance of election information pertinent to candidates and voters and is updated throughout the election period as additional information becomes available. The ward/poll boundary map, and lists of voting locations and the candidates currently registered are also available on-line. Unofficial, real-time election results will also be posted on the website on election night.

Please encourage electors to visit the website for election information.

NOMINATIONS

- Nomination Day is Friday, **July 27, 2018, between 9:00 a.m. and 2:00 p.m.**
- Candidates are entitled to a refund of the filing fee if their Financial Statement, and Auditor’s Report if required, is filed on or before 2:00 p.m. on March 29, 2019.
- The Clerk must certify nomination papers on or before **4:00 p.m., Monday, July 30, 2018** or reject same if not in compliance with the *Municipal Elections Act, 1996*. The Clerk’s decision to certify or reject a nomination is final.
- If the number of certified nominations for an office is less than required, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018.

WITHDRAWAL OF NOMINATION

A candidate may withdraw his or her nomination by delivering to the Clerk before 2:00 p.m. on Nomination Day Friday, July 27, 2018, a written withdrawal. Forms are available in the Clerk’s Office for this purpose.

Please note that if a candidate withdraws their nomination, they must still file a Financial Statement.

In addition, if a candidate decides to change the office he or she is campaigning for, a separate nomination paper is required and the earlier nomination is deemed withdrawn at the time of filing of the subsequent nomination. The filing fee paid for the first nomination is applied to a subsequent nomination that is filed, except in the case of a new nomination from municipal council to Regional Chair. Also, the 25 endorsements carry over, except in the case of a new nomination from council to Regional Chair.

CAMPAIGN ACCOUNT & FINANCES

A candidate shall ensure that:

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 of the *Municipal Elections Act, 1996*;
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 and 88.32 of the *Municipal Elections Act, 1996*;
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of the *Municipal Elections Act, 1996* or a by-law passed under the *Act* is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the Clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the Clerk; and

- (r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) a total of \$1,200 to any one candidate in an election, and
 - (ii) a total of \$5,000 to two or more candidates for offices on the same council.

There is no prohibition against a candidate being a signing officer on the campaign account, nor is a candidate required to have a chief financial officer, as is the case for provincial and federal candidates.

It is critical for candidates to comply with the election finance rules and regulations. At the outset of the campaign, especially prior to accepting any contributions or spending any money, candidates should familiarize themselves with the requirements and the definitions of both contributions and expenses.

Corporations and trade unions cannot contribute to municipal election candidates for Town Council, Regional Council or School Board Trustee candidates.

Election campaign finance information is readily available in the Ministry's 2018 Candidates' Guide for Ontario Municipal and School Board Elections.

Note: A memorandum to financial institutions from the Clerk has been included in this binder and may be presented by candidates when they go to open their campaign account at their chosen financial institution.

CAMPAIGN EXPENSE LIMITATIONS

Upon filing nomination forms the Clerk provided each candidate with a Certificate of Estimated Maximum Campaign Spending Limits based on the number of electors as of nomination day in the 2014 Election (September 12, 2014).

On or before September 25, 2018, the Clerk will provide to each candidate a Certificate of Maximum Campaign Spending Limits based on the number of electors as of nomination day in the 2014 Election.

The final limit for the 2018 campaigns shall be the higher of the two amounts calculated above.

New – Expenses for Parties & Other Expressions of Appreciation

New for the 2018 Municipal Election, candidates now have an additional spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting. It is calculated as 10% of the candidate's maximum spending limit.

On or before September 25, 2018, the Clerk will provide to each candidate a Certificate of their spending limit.

The nomination filing fee and interest on loans are expenses subject to the spending limit.

FINANCIAL STATEMENTS AND DISCLOSURES

Each candidate is responsible for filing a complete and accurate financial statement on time. The last day for Candidates to file a financial statement for the reporting period ending December 31, 2018 is **2:00 p.m. on March 29, 2019**.

Candidates must keep all records for the full term of office for which the election was held. That is, until and including November 14, 2022.

Candidates who do not file a financial statement by the deadline will forfeit the office to which they were elected, and will be disqualified from running in the next election. In addition, they will not be entitled to a refund of their Nomination filing fee.

In the event a candidate requires an extension to the filing deadline, he/she must apply to the Superior Court of Justice prior to March 29, 2019. The court may grant an extension of up to 90 days. The candidate must inform the Clerk they have applied to the court for an extension prior to 2:00 p.m. on March 29, 2019

A candidate who has a deficit may extend his/her campaign to June 30, 2019 (or such earlier date in accordance with Section 88.24 (1) of the *Municipal Elections Act, 1996*, provided he/she notifies the Clerk on or before December 31, 2018 in writing and in the prescribed form, of the proposed extension of the campaign period. The last day for filing a supplementary financial statement in respect of the extended campaign is Friday, September 27, 2019.

Financial Statements will be made available for public viewing on the Town's website under as soon as possible after the documents are filed.

Candidates were provided with the Clerk's "Notice of Penalties Related to Campaign Expenses" on the day they filed their nomination paper. A copy of the Notice has also been supplied in this binder for easy reference.

Thirty (30) days prior to the deadline for the filing requirements of March 29, 2019, the Clerk must further advise the candidate of all the filing requirements of the *Municipal Elections Act, 1996* and the penalties for missing the deadline. The Clerk is required to give candidates who have been granted a 90 day Court ordered extension notice of the filing requirements and penalties no later than 30 days prior to the filing date ordered by the Court.

NEW PROVISIONS TO ENCOURAGE COMPLIANCE WITH FINANCE RULES

Every candidate will be entitled to a refund of the nomination fee if they file their campaign financial statement and, if needed, the auditor's report by the deadline of March 29, 2019.

There is a 30-day grace period for candidates and third party advertisers who miss the deadline to file a financial statement, and auditor's report, if needed, provided that the

candidate or third party advertiser pays a \$500 late filing fee to the municipality. The grace period ends on April 29, 2019. The nomination filing fee will not be refunded.

If a candidate or third party advertiser has filed their financial statement before the deadline and then discovers an error, they may withdraw the statement, and at the same time, file a corrected financial statement, and auditor's report, if needed, up until the filing deadline of March 29, 2019.

If an eligible voter believes that a candidate or third party advertiser has contravened an election campaign finance rule, the voter may apply for a compliance audit.

There is a new process regarding contribution limits. The Clerk is responsible for reviewing the contributions to council candidates, trustee candidates and third party advertisers that are reported on the financial statements. If a contributor appears to have given more than the contribution limits allow, the Clerk will report this to the compliance audit committee. The compliance audit committee will then decide whether to commence a legal proceeding against the contributor.

It is an offence to give, lend, offer or promise someone an office or employment in order to convince a person to run for office, not to run for office or withdraw from running for office. It is an offence to give, lend, offer or promise someone money or other compensation in order to induce a person to run for office, not run for office or withdraw from running for office.

A candidate is also guilty of an offence if the candidate incurs expenses that exceed the amount determined for the office or files a Financial Statement that is incorrect or otherwise does not comply with the *Municipal Elections Act, 1996* provisions, unless the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment.

If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

THIRD PARTY ADVERTISING

The *Municipal Elections Act, 1996* now includes a framework for third party advertising. In past elections, those who wanted to advertise or distribute materials supporting or opposing a candidate, did not have to identify themselves, could spend unlimited amounts of money and did not have to report their financial activities.

What is a Third Party Advertisement

A third party advertisement is one in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing the election of a candidate or a "yes" or "no" answer to a question on a ballot.

A third party advertisement does not include an advertisement by or under the direction of a candidate, or one which does not incur an expense, such as comments made on social media. In addition, an advertisement is deemed not to be a third party when it is given or transmitted by an individual to his or her employees, by a corporation to its shareholders, directors, members or employees, or by a trade union to its members or employees.

The *Municipal Elections Act, 1996* provides the municipality with the authority to require a person who the municipality reasonably believes contravened the Act or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

Eligibility to Register as a Third Party Advertiser

- An individual who is normally resident of Ontario
- Corporations that carry on business in Ontario
- Trade Unions that hold bargaining rights for employees in Ontario

Note: Third party advertising must be done independently of candidates. Candidates cannot direct a third party advertiser.

Not Eligible to Register as a Third Party Advertiser

- A candidate whose nomination has been filed
- A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*
- The Crown in right of Canada or Ontario, a municipality or local board

Filing of Notice of Registration Requirement

All third party advertisers are required to file a Notice of Registration with the Clerk in all municipalities in which they will be advertising. The notice of registration cannot be filed earlier than May 1, 2018 and cannot be filed later than the October 19, 2018, at a time when the clerk's office is open.

If the Clerk is satisfied that the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with this Act, the Clerk will certify the notice of registration by signing it. If the Clerk is not satisfied, then the notice of registration will be rejected. The clerk's decision to certify or reject a notice of registration is final.

Third party advertising does not include advocacy or issues-based advertising. Groups that do public outreach can continue their work throughout the election period.

COMPLIANCE AUDITS & COMPLIANCE AUDIT COMMITTEE

An elector, entitled to vote in the election, who believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances may within 90 days of the deadline to file the financial statement apply for a compliance audit of the candidate's election campaign finances.

Note: A compliance audit application may be made even if the candidate has not filed a financial statement.

All municipal councils and local school boards must appoint a compliance audit committee. The committee must be appointed before October 1st of an election year and shall be composed of three to seven members.

The committee cannot include:

- (a) employees or officers of the municipality;
- (b) members of the council;
- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established.

The committee has the authority:

- To grant or reject a compliance audit application;
- To appoint an auditor to conduct the audit where the application is granted, and receive the results;
- To commence legal proceedings against the candidate for any apparent contravention of the *Municipal Elections Act, 1996* within thirty (30) days of receiving the auditor's report.

The decision of the committee, and brief written reasons for the decision, must be given to the candidate, the clerk, and the applicant.

INSTITUTIONS / RETIREMENT HOMES

The *Municipal Elections Act, 1996* requires on Voting Day that a voting place be provided on the premises of an institution for the reception, treatment or vocational training of members of the Canadian Forces, an institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm, and a retirement home in which, on September 1, 50 or more beds are occupied.

The Clerk may establish that polls in institutions and retirement homes (for the use of residents of the facility only) have reduced voting hours. In most cases, the voting is complete within a short period of time at these particular locations, therefore voting times are reduced.

PRELIMINARY LIST OF ELECTORS / VOTERLOOKUP.CA

It is the responsibility of the Municipal Property Assessment Corporation (MPAC) to compile The Preliminary List of Electors (PLE) which must be delivered to the Clerk on an agreed upon date which must be earlier than September 1 (generally July 31). The PLE is to include the name and address of each person who is entitled to be an elector and any additional information the clerk needs to determine for which offices each elector is entitled to vote.

MPAC uses multiple data sources when compiling the PLE, one of which is enumeration. Since March 31 2014, MPAC has provided an on-line enumeration service, voterlookup.ca. Using voterlookup.ca, eligible electors can confirm that their address and other electoral information is accurately reflected, change school support for electoral purposes and add names to their property address. Persons who do not find their name on the list or where the information is incorrect can contact MPAC to have that information corrected in advance of the PLE being delivered to the Clerk.

Candidates are encouraged to urge eligible electors to visit www.Voterlookup.ca before July 31 to check and confirm their electoral information. A limited supply of brochures is available from the Clerk for candidates to share with potential electors. The Clerk also anticipates having a public computer available in the Atrium of Town of hall for voters who do not have a computer otherwise available.

Once the PLE has been delivered to the Clerk, the Clerk corrects the list for obvious errors and the PLE, as corrected by the Clerk, becomes the Voters' List.

The Clerk must reproduce the Voters' List for the 2018 election by no later than September 1, 2018, and cannot provide a copy of the voters' list to a candidate until September 1, 2018.

VOTERS' LIST

Upon written request, certified candidates for an office are entitled to the part of the Voters' List that contains the names of the electors who are entitled to vote for that candidate's office.

The Voters' List may only be used for election purposes and may not be posted in a public place.

Once the Voters' List has been printed, an email will be sent to each candidate advising that it is ready for pick-up at the Clerk's Office. Each candidate is required to sign and submit a completed "Candidate's Declaration – Proper Use of Voters' List" form before the Clerk will release the Voters' List or part thereof to the candidate. Typically, candidates sign the declaration form at the time they file their nomination paper.

REVISIONS TO VOTERS' LIST

Starting Tuesday, September 4, 2018 through to October 22, 2018 revisions can be made to the Voters' List by adding, deleting or correcting elector information. By September 4th, Voters' Lists will have been placed at the Fort Erie Public Library, Centennial and Crystal Ridge Branches, and at the Town Hall. At these locations, electors will have supervised access to the List for the purpose of checking that their information appears correctly.

Revision forms will be available at these locations during regular business hours for electors whose information is incorrect. Up to and including Saturday, October 6, 2018 the revision forms may be completed and returned on-site and the location Manager will ensure the completed forms are returned to the Clerk for processing. Revision forms may also be submitted by mail to the Clerk.

After October 6, electors planning on voting at one of the advance votes should take their completed form directly to the advance voting place. After October 6 and up until October 11th, electors planning on voting on Voting Day should submit their completed revision form directly to the Clerk's Office. After October 11th all completed revision forms should be submitted at the Voting Place as revisions submitted after this date cannot be processed in time to be included on the Voters' Lists produced for use on Voting Day.

For the convenience of electors, candidates have also been supplied with the forms for additions and corrections and candidates may assume the responsibility for returning the completed form to the Clerk. This form is also to be used by persons whose names are on the list but have moved to a different address. If a candidate issues and collects the form, please include applicant's telephone number on the top right hand corner of the form.

Any deletions of another person's name must be processed through the Clerk's Office. A person may only apply to have another person's name deleted from the list in the period September 4 to the close of voting on Voting Day. The application shall be in writing and shall be filed, in person, by the applicant or his or her agent, or by mail, by the applicant.

The Clerk will remove a person's name from the voters' list upon receiving an application if the clerk is satisfied that the person has died. The Clerk may also, on her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died.

If a candidate chooses to assist with the completion/submission of revision forms, please ensure the completed form is returned to the Clerk well in advance of Voting Day. Candidates can also inform the elector of their voting location by checking the Voting Location List and writing this information on the form. Otherwise, send the elector to the Clerk's Office for completion of the form.

QUALIFICATION OF ELECTORS

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

- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- (b) is a Canadian citizen;
- (c) is at least 18 years old; and
- (d) is not otherwise prohibited from voting by law as noted below.

An “owner or tenant” is defined as a person who is the owner or tenant shown on the assessment roll of land and a non-residential tenant of land, whether or not the tenant is shown on the assessment roll, but does not include one who is entitled to use the land under a time share contract unless the person is entitled to use the land,

- (a) on voting day, or
- (b) for a period of six weeks or more during the calendar year in which voting day of the election is held

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

DISQUALIFICATION OF ELECTORS

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 of the *Municipal Elections Act, 1996*.
- (d) a person who was convicted of the corrupt practice described in Subsection 90(3) of the *Municipal Elections Act, 1996*, if Voting Day in the current election is less than five (5) years after Voting Day in respect of which he or she was convicted.

POSTING LIST OF CANDIDATES

The List of Registered Candidates is available in the Atrium at Town Hall and on the Election Website at www.forterie.ca.

The List of Registered Candidates is updated each time a candidate files his/her nomination form. In addition, the press, members of Council, and candidates will receive notification by email. The public will also be able to sign up on the Town’s website to receive email notifications as candidates file their Nomination papers.

PROXY VOTING

A person who is entitled to be an elector and is not able to attend the advance vote or voting place on Voting Day to vote, may appoint another person (but only one) as a voting proxy to vote on their behalf. The person acting as a proxy must also be an eligible elector. **A person appointed as a proxy may only act for one person who is not a relative, or, they may act as proxy for any number of relatives who are spouses or siblings of each other, parent and child, or grandparent and grandchild).** The person appointed as a voting proxy must be entitled to be an elector in the Town of Fort Erie.

Proxies on the prescribed form can only be issued during the period July 30th, 2018 at 4:00 p.m to the close of voting on Voting Day. Applicants to act as proxies must attend the Office of the Clerk in person and present a prescribed appointment form signed by the elector. **The person appointed as voting proxy must sign the form in the presence of the Clerk and produce suitable identification (birth certificate, passport or driver's license, etc.).** The Clerk will certify the appointment form and this document must be presented at the voting place.

The name and information of the elector and the name and information of the voting proxy must appear properly on the Voters' List or be so added or corrected upon application for a revision before the proxy is accepted by the Clerk.

The appointed proxy must produce the proxy with the Clerk's certificate to the Deputy Returning Officer when attending to vote and must take the prescribed oath.

A person acting as a proxy may attend any advance vote location but on Voting Day must attend the voting place designated for the elector for whom they are voting.

The Clerk's Office will be open on Saturday, October 13, 2018, from Noon until 5:00 p.m. for the purpose of certifying proxies.

IDENTIFICATION FOR VOTING

Electors who are on the Voters' List must show identification confirming their identity and place of residence in order to receive a ballot. Photo ID is not required. Acceptable forms of ID are prescribed by Ontario Regulation 304/13 and include but are not limited to an Ontario driver's licence, an Ontario Health Card (photo card only) and a Canadian passport. A copy of Ontario Regulation 304/13 has been provided in this Binder. A full list of the acceptable forms of ID is also available on page 22 of the Voters' Guide contained in this binder.

If an elector who is on the Voters' List does not have acceptable ID, they may completion an application in the prescribed form, including a statutory declaration swearing that he or she is the elector shown on the Voters' List and may then be given a ballot.

VOTE TABULATING EQUIPMENT AND BALLOTS

Fort Erie will continue to use Vote Tabulating Equipment (VTE) for the counting of ballots. The VTE is very compact and fast. With the use of VTE the Clerk can maximize voting locations, poll personnel, resources and deliver early election results. Procedures for the Use of Vote Tabulators are provided in this Binder.

The ballot is 8 ½ x 11 cardstock. The DRO will give the elector the appropriate ballot in a secrecy folder. The elector will mark the ballot with a black marker pen provided in the voting booth, by shading in or “x”ing the oval next to the candidate of choice. The ballot will then be returned to the VTE operator in the secrecy folder and the operator will feed the ballot through the VTE. If the ballot is spoiled or blank voted the VTE will reject the ballot and the elector will be given another opportunity to vote.

VOTING LOCATIONS AND POLL PERSONNEL

A “2018 Municipal Election: Voting Locations and Times” List has been provided in this Binder, setting out the names and addresses of the Voting Locations, including Advance Polls.

The use of VTE means a higher number of voters can be processed through each poll and the number of voting places is significantly reduced. With the exception of Ward 6, there will be one voting location for each ward (Super Poll) with one VTE to count the ballots for that ward. Due to the large geographic area of Ward 6, a polling place has been provided at Faith Reformed Church in the Black Creek Area of Ward 6 in addition to the main Voting Place at Stevensville Memorial Hall. The Faith Reformed Church polling place will have a vote tabulator on-site and thus the Faith Reformed Church polling place and the Stevensville Hall voting place will report results separately.

The voting place is deemed by the Clerk to include the entire building and property.

ROVING POLLS – INSTITUTIONS / RETIREMENT HOMES

The *Municipal Elections Act, 1996* has been amended commencing with the 2018 municipal elections to provide that the determination of voting at institutions and retirements homes will be made as of September 1st, 2018, as follows:

1. At an institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm;
2. A retirement home in which, on September 1, 50 or more beds are occupied.

Once the determination is made, notification of the polls will be provided.

A vote tabulator will be provided for the Roving Poll and ballots will be fed through the machine as votes are cast throughout the schedule of voting. At the close of voting for each voting place the sealed ballot box will be returned to the Clerk. At the close of voting at the final voting place, the vote tabulator, ballot box and supplies will be

returned to the Clerk at Town Hall. The results report for the Roving Poll will be produced after 8:00 p.m. and the combined result for the institutions/retirement homes will be reported separately.

ACCESSIBLE ELECTIONS

The Clerk must ensure all voting places are accessible to electors with disabilities. Also the Clerk shall have regard to the needs of electors and candidates.

In addition, the *Ontarians with Disabilities Act* influences how we meet the needs of electors and candidates.

The Accessibility Standards for Customer Service requires the provision of accessible customer service, as follows:

- allow for the use of service animals and support persons
- provide notice of temporary disruptions of service
- provide accessibility customer training for all election staff, including election officials and third parties
- establish procedures for responding to feedback
- provide documents in alternate format that take into account a person's disability
- provide notice of availability of the above documents

Policies, practices and procedures for administering accessible elections are available in this Binder. Information for candidates on how to run accessible campaigns has also been included.

All expenses count towards the candidate's spending limit except, among other things, 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.

Any person or candidate with a disability is encouraged to contact the Clerk's Office should they have additional needs.

SIGNS,CAMPAIGN MATERIAL & ADVERTISING

Election Signs

An excerpt of the Town of Fort Erie Sign By-law No 119-2017 relating to Election Signs is provided in this Binder.

Generally, election signs shall not be erected or displayed earlier than 45 days prior to Election Day, and shall be removed within 5 days following Election Day. There are specifications for size and location.

Election signs shall not be erected or displayed on public property, including trees and fences on public property, parks and cemeteries, and street medians and islands, except

that election signs may be erected or displayed on the untraveled portion of a street (excluding medians and islands) provided that no sign shall be erected or displayed in front of a lot which is not a vacant lot, unless the lot owner's permission has been obtained.

The Regional Municipality of Niagara By-law No. 122-2013 prohibits the placement of election signs on Regional roads within the Town of Fort Erie. A copy of Regional By-law 122-2013 has been provided in this Binder.

Note: The Municipal Elections Act, 1996 now provides that candidate's election signs (and other advertising) must identify the candidate responsible for the sign, so that electors are notified that the sign is from your campaign rather than a third party advertiser. A suggestion is to include on the sign: "Paid for by (Name of Candidate)". If a candidate is re-using signs from a previous election, it is suggested to affix a weather resistant sticker with this information on the sign.

Campaign Material & Advertisements

The *Municipal Elections Act, 1996* states that no person shall display a candidate's election campaign material or literature in a voting place. Voting place means the entire real property, both inside and outside.

The *Municipal Elections Act, 1996* now defines "election campaign advertisement" as an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate. **An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate.**

In addition, a candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate

Onus is also put on the broadcaster, in that no broadcaster or publisher shall cause an election campaign advertisement to appear if the information has not been provided.

USE OF CORPORATE RESOURCES

Registered candidates, including candidates who are members of council, and Third Party Advertisers, shall not use the resources of The Corporation of the Town of Fort Erie for campaign purposes. A copy of the Town's policy "Use of Corporate Resources for Election Purposes" has been provided to candidates in this Binder.

ELECTOR'S ABSENCE FROM WORK

An elector is entitled to have three consecutive hours to vote on Voting Day. If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the polls, their employer must allow them to be absent and the absence shall be timed to suit the employer's convenience as much as possible.

SCRUTINEERS

An outline of the legislative requirements and rules of conduct applicable to scrutineers is provided in this Binder. A supply of scrutineer appointment forms has also been provided.

Scrutineers are permitted to follow the vehicles of the DRO and VTO when supplies, equipment and ballot box(es) are returned to Town Hall at the close of the poll.

POSTING DECLARATION OF ELECTION RESULTS

The unofficial real-time election results will be posted on Election Night at the Town Hall and on the Town's Website at www.forterrie.ca.

The official results will be declared and posted as soon as possible after Voting Day at Town Hall and on the website.

RECOUNTS

Tied Vote Recount

- Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen (15) days after the declaration of the results of the election.

Council, Local Board or Minister Requisition for Recount

- Within thirty (30) days after the Clerk's declaration of the results, the council, or local board may pass a resolution or, the Minister may make an order requiring a recount for a question on the ballot submitted by him or her.
- There no longer is a formula for calculating automatic recounts due to a close vote. The candidate who was not elected by a close margin or an eligible elector may request the council or the local board, as the case may be, to pass a resolution directing that a recount be held. The resolution must be passed within thirty (30) days from the date of the Clerk's official declaration of the results. Once a resolution has been passed, the Clerk has fifteen (15) days in which to hold a recount.
- The recount is to be held within fifteen (15) days after the resolution is passed or the order is made.

Application to Superior Court of Justice

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the Clerk hold a recount.

- The application must be commenced within thirty (30) days after the Clerk's official declaration of the results of the election.
- The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.
- The recount is to be held within fifteen (15) days after the day the Clerk receives a copy of the order.

ELECTION CENTRAL

On Election night, Election Central will be located in the Council Chambers and Atrium at Town Hall. The unofficial election results will be posted as they are received from the voting places. Candidates, the public and press are welcome to attend.

The Chambers and Atrium will be open at 7:30 p.m.

ELECTION CONTROL

Election Control will be stationed in the Clerk's Office at Town Hall. Candidates, the public and press will not be permitted in this area. However, the switchboard will remain open from 8:30 a.m. to approximately 9:00 p.m. on Election Day.

DEFINITION OF RESIDENCE, INCLUDING THE HOMELESS & STUDENTS

In determining the eligibility of electors one must examine the meaning of residence. Provisions exist to allow for the homeless to be enumerated and vote.

Section 2 of the *Municipal Elections Act, 1996* reads as follows:

2. (1) For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return.
- (2) The following rules apply in determining a person's residence:
 1. A person may only have one residence at a time.
 2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
- (3) If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence.

Owning More Than One Property in Municipality

If an elector owns more than one property in the municipality, the elector must vote in the ward where he/she resides.

Students

A student may vote in the municipality where he or she is temporarily residing while attending school as well as at his or her permanent home in a different municipality, provided that he or she does not intend to change his or her permanent home.

Rules If No Permanent Lodging Place

If a person has no permanent lodging place as described above, the following rules apply in determining his or her residence:

1. The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is his or her residence.
2. If the person returns with equal frequency to one place to sleep and to another to eat, the place to which he or she returns to sleep is his or her residence.
3. Multiple returns to the same place during a single day, whether to eat or to sleep, shall be considered one return.
4. A person's declaration regarding the places to which he or she returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary.

RENTAL PREMISES AND CONDOMINIUMS- ACCESS AND SIGNS

(New for 2018 Election)

Access to Residential Premises

No person who is in control of an apartment building, condominium building, non-profit housing cooperative or gated community may prevent a candidate or his or her representative from campaigning between 9:00 a.m. and 9:00 p.m. at the doors to the apartments, units or houses, as the case may be.

Display of Signs at Residential Premises

No landlord or person acting on a landlord's behalf may prohibit a tenant from displaying signs in relation to an election on the premises to which the lease relates.

Condominium Corporations

No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying signs in relation to an election on the premises of his or her unit.

Note: Despite the above, a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building in which the premises are found. However, no landlord, person, condominium corporation or agent may prohibit the display of signs in relation to an election in common areas of the building if space in the building is being used as a voting place.

ANNUAL REMUNERATION

Effective January 1, 2018.

By virtue of the office, the Mayor is a member of Regional Council and is appointed to the Niagara Parks Commission.

Mayor

- Municipal Council - \$59,832.69 per year; plus full health benefits
- Regional Councillor - \$32,012.99 per year; plus 0.54¢ per km up to 5000 km and 0.48¢ per km over 5000 km
 - Additional \$2,000.00 stipend for Standing Committee Chairs
- Niagara Parks - 3 hours or less than 1 hour = 0.5 day - \$67.50; greater than 3 hours = 1 day - \$135.00 per day plus 0.40¢ per km (0- 4000) for attending a Commission meeting.

Councillor

- Councillor - \$13,985.88 per year and travel expenses - \$939.00, plus full health benefits

Regional Councillor

- \$32,012.99 per year; plus 0.54¢ per km up to 5000 km and 0.48¢ per km over 5000 km
- Additional \$2,000.00 stipend for Standing Committee Chairs

TOWN OF FORT ERIE COUNCIL MEETING SCHEDULE

- Council-in-Committee Every 1st and 3rd Monday of the month
- Regular Council Every 2nd and 4th Monday of the month

Summer Schedule (Months of June, July and August of each year)

- Council-in-Committee 2nd Monday of the month
- Regular Council 3rd Monday of the month

Council may also hold special meetings outside of the regular meeting schedule to consider urgent or extraordinary matters.

From time to time it is necessary for the Council to go into closed session. A closed session meeting does not include the public or press. Such meetings may only be held to discuss the following:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

A legal vote may not be conducted in closed session but rather the Council must rise and report to accomplish the vote. However, Council may provide direction or instructions to staff in closed session.

BOARDS AND COMMITTEES

Pursuant to the Procedural By-law and in some cases, provincial legislation, appointments are required to be made to various boards and committees. The Town of Fort Erie board and committee term of appointment is concurrent with the term of council. The Town of Fort Erie has established various Boards and Committees. Council appointees are expected to attend meetings of these Boards and Committees in addition to meetings of Council.

A listing of Boards and Committees and general information is included in this binder.

COMMUNICATIONS

For the most part and unless dictated by legislation, the Clerk will communicate with registered candidates via email. In the event any current member of Council files a nomination paper, the member shall provide the Clerk with a personal email address.

Any further additions to this Binder will be forwarded by email.

2018 SCHEDULE OF KEY DATES

May 1, 2018 to July 27, 2018 at 2:00 p.m.

Nomination Period

Candidates can file nomination papers, pay the nomination fee and submit the 25 signatures of voters endorsing their nomination with the Office of the Town Clerk during regular business hours 8:30 a.m. to 4:00 p.m. up until Nomination Day on July 27, 2018 at 2 p.m.

Third Party Registration

May 1 is the first day an individual, union or corporation can file notice of registration as a third party advertiser. Third party advertisers have until October 19, 2018 to register.

Campaign Period

The campaign period begins on Tuesday, May 1, 2018 or whenever a candidate files a nomination paper, whichever is the latter. The campaign period officially ends on December 31, 2018 unless the candidate withdraws the nomination, the Clerk rejects the nomination or the candidate is continuing his or her campaign to erase a deficit.

July 27, 2018 - 9:00 a.m. to 2:00 p.m.

Nomination Day and Withdrawal of Nomination Papers

- Last day for a candidate to file his or her nomination papers.
- Nominations or withdrawal cannot be accepted beyond 2 p.m.

July 30, 2018

Certification of Nomination Papers & Acclamations

- Certification of nomination papers to be completed by 4 p.m. Declaration of acclamation(s) provided after 4 p.m.
- After the certification of the candidates, Proxy appointment forms will be available to electors who cannot vote on any of the voting days.

July 30, 2018 to October 22, 2018

Proxy Vote Certificates

- Voters being appointed as proxies must apply for their proxy voting certificate (Appointment for Voting Proxy - Form 3) at the Office of the Town Clerk between 8:30 a.m. – 4:00 p.m. During an advance voting day, the Clerk will designate an individual at the voting location for this purpose.

August 1, 2018

Additional Nominations

- In cases where there are an insufficient number of candidates additional nominations will be received in the Office of the Town Clerk, between 9 a.m. and 2 p.m.
- Withdrawal of additional nominations will be received in the Office of the Town Clerk before 2 p.m.
- The Town Clerk will certify all nominations on August 2, 2018 before 4 p.m. - proxy forms cannot be given until the August 1st date passes.

September 4, 2018

Voters' List Available

- Voters' list available to certified candidates.
- Revision period begins – Electors may update or add their name to the voters' list.

September 4, 2018 - October 22, 2018

Revision - Application to Remove a Voter's Name

- Individuals may make an application to remove a voter's name from the voters' list through the Office of the Town Clerk.

September 25, 2018

Certificate of Maximum Campaign Spending Limits

- Clerk to provide the certificate of maximum campaign spending limits to all certified candidates and third party advertisers

October 22, 2018

Election Day - Voting Day

- Voting places will be open from 10 a.m. and close promptly at 8 p.m.

October 23, 2018

Official Results Declared

- Town Clerk to declare official election results.

December 3, 2018

Term of Office commences

- Inaugural Meeting of new term of Town Council.

December 31, 2018

Campaign Period Ends

(NOTE: Due to Town Hall being closed on December 31, 2018, the date will be January 2, 2019)

- Campaign period ends for candidates and registered third parties on December 31, 2018.
- Last day for candidate or registered third parties to file an Extension of campaign period (Form 6).

2019 Schedule of Key Dates

March 28, 2019

- Last day for candidates or registered third party advertisers to apply to Superior Court of Justice to extend the time to file their financial statement.

March 29, 2019 - 2 p.m.

Deadline for Filing of Financial Statements

By 2 p.m.

- Last day for nominated candidates to file financial statement for reporting period ending December 31, 2018 - applies to all candidates and registered third party advertisers.
- Last day for candidates and registered third party advertisers to notify Clerk of filing extension received from the Superior Court of Justice.

After 2 p.m.

- 90-day compliance audit period begins
- Start of 30-day period in which a candidate or registered third party can file a financial statement and pay a \$500 late filing fee.

April 29, 2019 - 2 p.m.

- Last day (by 2 p.m.) for candidate or registered third party to file a primary financial statement and pay \$500 late filing fee. Penalties take affect at 2:01 p.m.

June 27, 2019

- Last day for persons to request a compliance audit on a primary financial statement.

August 28, 2019

- Last day for the Clerk to provide notice of supplementary filing requirements and penalties to candidates or registered third party advertisers.