

2022 Municipal Election Information for Candidates

Township of
Asphodel-Norwood



Updated: April 10 & 20, 2022

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Introduction

This guide is prepared for candidates seeking candidacy in the 2022 Municipal and School Board election and will highlight some of the processes in the upcoming election. For a comprehensive overview, candidates are urged to review the *Municipal Election Act 1996 (MEA)*, as amended, including applicable Regulations (www.e-laws.gov.on.ca) to fully understand all the legislative requirements. It is imperative that candidates satisfy themselves, through their own research or with the assistance of legal counsel, of the various legal and financial requirements related to their candidacy.

The Ministry of Municipal Affairs reviews the Municipal Elections Act, 1996 after each Ontario Municipal Election to determine if it meets the needs of Ontario communities. Bill 218 (Supporting Ontario's Recovery and Municipal Elections Act, 2020) and Bill 254 (Protecting Ontario Elections Act, 2021) both made changes to the Municipal Elections Act. The guide has been updated to reflect these amendments.

Over the course of the next few months, candidates may receive information from the Township Clerk's office. Please ensure that you are checking the Township's website regularly for the most current information www.antownship.ca

Contact Information: Township of Asphodel-Norwood

Mailing Address:

P.O. Box 29
Norwood, ON, K0L 2V0

Municipal Office Location:

2357 County Road 45, Norwood, ON

Election Staff:

Candice White
CAO/Clerk/Treasurer
Returning Officer
705-639-5343
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Melanie Hudson
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Summary – 2022 Municipal Election Highlights

- Nominations may be filed by candidates between Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office from May 2, 2022 to August 18, 2022 and on August 19, 2022 from 9:00 a.m. until 2:00 p.m.
- Candidates wishing to withdraw their nomination must do so by 2:00 p.m. on Friday, August 19, 2022.
- **Voting day is the Monday, October 24, 2022.**
- For the 2022 election, the Township of Asphodel-Norwood will be using internet and telephone voting allowing electors to vote from anywhere within the defined voting period. **For the 2022 elections, voting will be open from October 11, 2022 at 10:00 a.m. to October 24, 2022 until 8:00 p.m.**
- A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. Additionally, a contributor is limited to a maximum of \$5,000 in total contributions to candidates running for office on the same Council or Board jurisdiction. Contributors who exceed this limit may be liable to penalties under the Municipal Elections Act, 1996, as amended.
- Penalties for contravening the Municipal Elections Act, 1996, as amended, are as follow: an individual who contravenes the contribution rules may face a fine of up to \$25,000 (\$50,000 for corporations and trade unions) and/or up to six months in prison if the offence was committed knowingly. Candidates who are convicted of contravening certain provisions of the Act also forfeit any office to which they were elected, and are ineligible to run until after the next regular election has taken place.
- A candidate is entitled to receive a refund of the nomination filing fee if they file their financial statement and auditor's report on or before 2:00 p.m. on March 31, 2023 - regular election.
- Expenses incurred by a candidate with a disability that are directly related to the candidacy are not subject to the spending limit. *MEA Sec. 88.19 (3) 9.*
- The candidate's spending limit formula is a base amount, which varies by office, plus \$0.85 cents per elector. A candidate will receive a preliminary spending limit estimate when filing their nomination, and will receive a final spending limit after the close of nominations. Whichever of these two amounts is higher becomes the candidate's official spending limit.
- The deadline for filing financial statements is 2:00 p.m. on Friday, March 31, 2023. If a candidate does not file by this deadline, and has not applied to the

courts for an extension, the candidate forfeits any office won in the election, is ineligible to be elected and may not be appointed to any office until after the next regular election.

- A candidate who has a deficit may extend their campaign to June 30, 2023. A candidate who incurs expenses related to a recount, controverted election or compliance audit after their campaign has ended on December 31, 2022 may re-open their campaign. *MEA* s. 88.24 (1)
- All surplus funds must be turned over to the Clerk to be held in trust. A candidate may access his or her surplus if he or she subsequently incurs expenses related to a compliance audit, the Clerk shall return the surplus, with interest to the candidate. *MEA* s. 88.24 (1), s. 88.28
- Surplus funds not required for such expenses become the property of the municipality or school board. Surplus funds may not be carried forward for use by the candidate in a subsequent election.
- Financial filing forms have been revised. All candidates must now use the most up-to-date version of Form 4. (Link to all forms is below).

<http://www.mah.gov.on.ca/page18735.aspx#forms>

- The Municipal Elections Act, as amended, includes a framework for third party advertising. Individuals, corporations or trade unions are eligible to register as third-party advertisers provided that they formally register with the Clerk as a third-party advertiser. Third party advertising is an advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s). There is no registration fee for Third Party Advertisers.
- Candidates can campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows. *MEA* s. 88.1
- Access to the Candidates Module of electors will be terminated at 5:00 p.m. on Election Day.

Key Dates

Nomination Period: May 1, 2022 – August 19, 2022

- ✓ Nominations may be filed by candidates between Monday to Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Office from May 2, 2022 to August 18, 2022 and on August 19, 2022 from 9:00 a.m. until 2:00 p.m.

Registration for Third Party Advertisers – May 1, 2022 – October 21, 2022

- ✓ Individuals or entities may file notice of registration as a third-party advertiser starting May 2, 2022 to October 21, 2022 during regular office hours. Notice is to be filed at the Municipal Office. *MEA s.88.6*

Nomination Day: August 19, 2022

- ✓ Last day in which nominations may be filed by candidates at the Clerk's Office (between the hours of 9:00 a.m. and 2:00 p.m.).

Withdrawal of Nomination: August 19, 2022

- ✓ Last day to withdraw nominations. The prescribed form must be submitted to the Clerk's Department in writing before 2:00 p.m. on August 19, 2022.

Certification of Nomination: August 22, 2022

- ✓ The Clerk will certify nomination papers before 4:00 p.m. and notify, as soon as practicable, any candidate deemed ineligible for office.

Acclamation of Candidates: August 22, 2022

- ✓ After 4:00 p.m., the Clerk will declare all candidates to be duly elected if they are the only qualified individuals seeking candidacy for a respective office.

Voters' List: September 1, 2022

- ✓ The interim voter's list will be made available to all registered candidates who complete a declaration form commencing after this date.

Voter's List Revision Period: September 1, 2022 - October 24, 2022

- ✓ Eligible voters whose names do not appear on the voters' list or are identified incorrectly may file a revision application with the Clerk's office using the prescribed form.

Final Certificate of Maximum Campaign Spending Limits: Nomination Filing

- ✓ The Clerk will provide preliminary notice of the maximum campaign spending limits to all certified candidates based on the voters' list as of Nomination Day in 2018 (Head of Council = \$7,500 + \$0.85 per elector and all other offices = \$5,000)

+ \$0.85 per elector). On September 25, 2022 the Clerk will determine a final limit by applying this formula to the number of voters appearing on the voters' list as of Nomination Day in 2022 (August 19, 2022). The greater of the two limits shall apply.

Voting Day: Monday, October 24, 2022 until 8:00 p.m.

Campaign Period Begins: When Nomination is Filed to January 3, 2023

- ✓ The campaign period begins whenever a candidate files a nomination paper and ends on December 31, 2022 (unless the candidate withdraws the nomination, the Clerk rejects the nomination, or the candidate files to extend his or her campaign to address a deficit). Candidates shall not receive contributions outside of their campaign period.

End of Campaign Period: January 3, 2023

- ✓ This is the last day a candidate or third-party advertiser can raise funds for his or her campaign unless an extension is granted. (the campaign period begins when nomination is filed). The end of a campaign period can also occur on the date in which a candidate withdraws his or her nomination or on the day it is rejected by the Clerk.

Deadline for Filing Financial Statements: March 31, 2023 by 2:00 p.m.

- ✓ Candidates or third-party advertisers must file their financial statements and auditor's report for the reporting period ending January 3, 2023 in person at the Clerk's Office no later than 2:00 p.m. on March 31, 2023.
- ✓ Notice of default, if applicable, shall be issued by the Clerk as soon as practicable after the filing deadline. *MEA* s. 88.23(9)
- ✓ If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. **This grace period ends at 2 p.m. on Monday, May 1, 2023.** You will not receive a refund of your nomination fee if you file during the 30-day grace period.
- ✓ If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, you will forfeit your elected office (if you won the election) and you will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election.

Deadline for Compliance Audit Requests: June 29, 2023

- ✓ Last day for a compliance audit request to be submitted with respect to a reporting period that ended on January 3, 2023.
-

Extensions and Supplementary Reporting

Notification to Extend a Campaign Period: January 3, 2023

- ✓ Last day for candidates to provide notification, using the prescribed form (Form 6), in order to extend their campaign to address a deficit.

Supplementary Reporting Period: January 4 to June 30, 2023

- ✓ If a request to extend the campaign to address a deficit is permitted, the supplementary extension is 6 months beginning on January 4, 2023 to June 30, 2023.

Deadline for Filing Financial Statements for the Supplementary Reporting Period: September 29, 2023

- ✓ Candidates who were granted an extension to their campaign (supplementary reporting period of January 4 to June 30, 2023) must file their financial statements in person at the Clerk's Office no later than 2:00 p.m. on September 29, 2023.

What voting method will be used by the Township?

The Township will offer internet and telephone voting for the 2022 election. Both of these methods allow electors to vote from anywhere within the defined voting period using a telephone or the internet. **For the 2022 elections, the voting period will be from October 11, 2022 at 10:00 a.m. to October 24, 2022 at 8:00 p.m.** Eligible voters will receive a personalized voting instruction package by mail before Election Day. The voting package will provide details on how to vote online or by phone. The information package will also include a secret PIN number that electors use to access the voting system. The PIN number, in conjunction with a personal piece of information would be required for voters to vote. By combining these two pieces of information, the integrity of the vote is maintained.

Electronic voting stations will also be available at the Municipal office during the defined voting period for public use.

What are the Offices for the Township of Asphodel-Norwood Council?

The Township of Asphodel-Norwood has a five (5) member Council consisting of:

Mayor (1)
Deputy Mayor (1)
Councillor (1)
Councillor (1)
Councillor (1)

All offices are elected by general vote.

Council will serve a term of four (4) years commencing November 15, 2022 until November 14, 2026. The Mayor and the Deputy Mayor will also serve on the upper tier County of Peterborough Council. Council members will also be appointed to various Boards and Committees.

What are the Offices for School Board Trustee?

Kawartha Pine Ridge District School Board (1 Trustee): Township of Asphodel- Norwood, Township of Douro-Dummer, Township of Cavan-Monaghan and Township of Otonabee-South Monaghan. <http://www.kprschoools.ca>

Peterborough Northumberland and Clarington Catholic District School Board (1 Trustee): Municipality of Trent Lakes and the Townships of Asphodel-Norwood, Douro-Dummer, Cavan- Monaghan, Havelock-Belmont-Methuen, Otonabee-South Monaghan, North Kawartha, and Selwyn. <http://www.pvnccdsb.on.ca/>

How do I know if I am eligible to hold an office as a member of Council?

Qualifications for members of Council are set out in Section 256 of the Municipal Act, 2001 and Section 17 of the Municipal Elections Act, 1996, as amended.

In order to run for office in a municipality, a person must be:

1. A Canadian citizen;
2. At least 18 years old;
3. A resident of the municipality or owner or tenant of land there, or the spouse of such owner or tenant; and
4. Who is not disqualified by any legislation from holding office.

Examples of those ineligible to seek candidacy include:

- individuals that did not file their financial statements from the 2018 Election
- employees of the municipality (Council position) *** Exception – leave of absence effective the date of nomination*
- employees of the school board (School Board position) *** Exception – leave of absence effective the date of nomination*
- Judge of any court
- Senator *** Exception – must resign as of Nomination Day*
- MP *** Exception – must resign as of Nomination Day*
- MPP *** Exception – must resign as of Nomination Day*
- A corporation
- A person serving a sentence of imprisonment
- A person acting as executor or trustee

Who Can Vote in a Municipal Election?

A person is entitled to vote if, on voting day, he or she (*MEA s.17 (2)*, as amended),

- 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; and
- c) is at least 18 years old
- d) is not prohibited from voting under subsection (3) or otherwise by law.

Eligibility is determined by a person's relationship to property, specifically ownership and/or occupancy. In other words, a person is entitled to one vote in every municipality and school board jurisdiction in which they own or occupy property. This is not the case in a provincial or federal election where, irrespective of the number of properties owned in different municipalities, a person is entitled to only one vote, based on the location of their primary residence.

How many electors are there in the Township of Asphodel-Norwood?

The approximate number of electors is as follows (based on the 2018 number of eligible electors as of Nomination Day – July 27, 2018): **3285**

Public School Trustee (NEW Electoral Boundary) Trustee (1), Kawartha Pine Ridge District School Board for the Township of Asphodel- Norwood, Township of Douro-Dummer, Township of Cavan-Monaghan and Township of Otonabee-South Monaghan	2839
Separate School Trustee Trustee(1), Peterborough, Northumberland and Clarington Catholic District School Board for the Municipality of Trent Lakes and the Townships of Asphodel-Norwood, Douro-Dummer, Cavan-Monaghan, Havelock-Belmont-Methuen, Otonabee-South Monaghan, North Kawartha, and Selwyn.	386

What was the voter turn-out from past elections?

51.5% in 2018
57.0% in 2014
46.0% in 2010
51.0% in 2006

Nomination Process

Candidates must complete and sign the Nomination Form 1. Nominations must be **submitted in person** by either the candidate or an agent filing on behalf of a candidate. If the Nomination Form is filed by an agent on behalf of the candidate, the **Nomination Form must be accompanied by a letter that is commissioned by a Commissioner of Oaths** stating that the candidate gives permission to the agent to file the nomination on their behalf. A form letter is available through the Township. The agent must provide a copy of the candidate's identification as well as providing their own identification.

Candidates are to make an appointment in advance with the Clerk's office.

It is the responsibility of the candidate to satisfy himself or herself that he or she is qualified to be nominated for an office.

The Township of Asphodel-Norwood has less than 4,000 electors therefore 25 endorsement signatures are not required.

A fee is required at the time the Nomination Form is filed. Filing fees are \$200 for the Head of Council (Mayor) and \$100 for all other offices, including School Board Trustee positions and must be paid by cash, certified cheque (payable to the Township of Asphodel-Norwood), or Interac.

- ✓ The deadline for submission of a nomination is Friday, August 19, 2022 at 2:00 p.m.
- ✓ The deadline for the withdrawal of a nomination is Friday, August 19, 2022 at 2:00 p.m.
- ✓ Nominations are unofficial until formal certification by the Clerk on August 22, 2022.

Identification will be required to be produced by all candidates (including incumbents) and agents filing on behalf of a candidate. Examples of acceptable identification:

An original copy of a document listed below if the document shows the person's name, qualifying address and signature:

- Ontario driver's licence (photo card).
- Ontario health card (photo card).
- Ontario motor vehicle permit (plate portion).
- A mortgage, lease or rental agreement.
- An insurance policy.
- A loan or financial agreement with a financial institution.

Note: a passport alone is not considered acceptable identification as the address is added by hand. A passport must be accompanied by one of the above noted documents to verify the qualifying address.

Withdrawal of Nominations

A person may withdraw his or her nomination by filing a written withdrawal at/with the Clerks Department before 2:00 p.m. on August 19, 2022.

Acclamations

If, at 4:00 p.m. on August 22, 2022 the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate or candidates elected by acclamation.

Examination and Certification of Nominations by Clerk

The Clerk shall examine each nomination that has been filed before 4:00 p.m. on the Monday following Nomination Day – August 22, 2022.

Exception for Additional Nominations

If the number of nominations filed for an office is less than the number of persons to be elected to an office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on the Wednesday following Nomination day – August 24, 2022.

Examination and Certification of Additional Nominations by Clerk

Any additional nominations filed under the Municipal Elections Act Section 33(5) shall be examined before 4:00 p.m. on the Thursday following Nomination Day – August 25, 2022.

Refund of Nomination Deposit

A candidate is entitled to receive a refund of the nomination filing fee if he or she files their financial statements with the Clerk by the filing date. For the 2022 municipal election, the filing date is before 2:00 p.m. on March 31, 2022.

Candidates – Helpful Checklist for Nominations

- ✓ Neatly print or type out the on-line Nomination Form 1. The name that appears on the Nomination Form is the name that will appear on the ballot. With the agreement of the Clerk some flexibility can be allowed for first names e.g. Tony for Anthony. Last names cannot be amended.
- ✓ Are you a Canadian citizen?
- ✓ Are you at least 18 years old?
- ✓ Verify your qualifying address. Do you own, or are the tenant of land, or the spouse of an owner or tenant of land, in the municipality?
- ✓ Confirm office being nominated for. e.g. Mayor.
- ✓ Have you read the Ministry of Municipal Affairs and Housing Municipal Candidates Guide or the applicable School Board Guide to ensure that you understand your obligations as a candidate?
- ✓ Can you produce the appropriate identification? If an agent is filing on your behalf you must provide a certified copy of your identification and ensure that the agent can produce appropriate identification for themselves. Copies of identification, including the agent's will be retained on file.
- ✓ Provide confirmation to the Clerk's Office of the contact information you wish to be made public (e.g. email address? business phone?).
- ✓ Can you provide the appropriate filing fee in the form of cash, certified cheque (payable to the Township of Asphodel-Norwood), or Interac.

As a candidate, how much may I spend to run a campaign?

Candidates are advised to refer to the Province of Ontario's 2022 Candidate's Guide for Ontario Municipal Council and School Board Elections. The provincial guide is available online from the Ministry of Municipal Affairs.

The candidate must have filed their nomination form before spending any money on advertising. The maximum spending limit for candidates to run their election campaign is based on a base amount plus the number of electors eligible to vote for the particular office for which the candidate is running.

Below represents the **preliminary spending limit** (as of Nomination Day July 27, 2018):

Preliminary Election Spending Limits (Base amount plus \$0.85/elector) - Base Amount Mayor - \$7,500 - Base Amount all other offices - \$5,000	Number of Electors	* Preliminary Maximum
Mayor Candidate	3,285	\$10,292.25
Deputy Mayor Candidate	3,355	\$7,792.25
Councillor	3,355	\$7,792.25
Councillor	3,355	\$7,792.25
Councillor	3,355	\$7,792.25
Trustee Kawartha Pine Ridge District School Board	2839	\$7,413.15
Trustee, Peterborough, Northumberland and Clarington Catholic District School Board	386	\$5,328.10

The Clerk shall, after determining from the Voters' List the number of electors eligible to vote for each office as of September 15 in the 2022 election calculate the maximum amount of campaign expenses that may be incurred by a candidate and prepare a certificate of this amount. A copy of this secondary **certificate confirming the final maximum spending limit will be provided by September 25, 2022 to candidates.**

Note: The higher of the two calculations (preliminary (noted above) and secondary) shall be the final spending limit for the office.

Post Election Parties/Expressions of Appreciation (s. 88.20 (9) and O.Reg. 101/97 as amended s. 5.1))

All candidates have limits on the amount they may spend towards the cost of holding parties and making other expressions of appreciation after Election Day. The maximum post-election appreciation cost is a maximum of 10% of the spending limit. A preliminary campaign appreciation limit will be provided based on the preliminary calculation (noted above) at the time a candidate files their nomination. Final campaign appreciation limits will be calculated based on the final campaign spending expense limits and provided to candidates by September 25, 2022.

Maximum Contributions to a Candidates own Campaign

The maximum contribution to a candidates own election campaign (including contributions from his/her spouse) are provided on pages 25 and 26 of this guide.

This limit does not apply to school board trustee candidates.

What are the regulations governing election signs/Corporate Resources?

Township of Asphodel-Norwood:

By-law 2018-25 – Attached as an appendix to this document

County of Peterborough:

Sign By-law No. 2022-29 – Attached as an appendix to this document

Province of Ontario (MTO):

MTO Corridor Signing Policy Section 7.10 Election Signs

An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.

Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.

Signs up to 0.7 m² (8 ft²) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.

An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the Ministry for portable read-o-graph signing.

Permits or Letters of Approval for any election signs erected under this policy are not required.

Candidate committees, or workers shall be allowed three (3) working days after election day in order to remove candidate advertising (election signs) from the Ministry right-of-way and adjacent properties.

Signs not retrieved by this time will be picked up by the Ministry patrol forces and stored in a safe place (patrol yard, etc.,) for a period of two weeks. After this time they will be disposed of.

For more information contact:

MTO – Traffic and Signal Department

Tel: 1-416-235-5595

Access to Apartment Buildings, Condominiums etc. by Candidates (or their Authorized Representative)

Campaign provisions have been clarified through previous amendments to the MEA to allow candidates to campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 a.m. until 9:00 p.m. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows.

Use of Corporate Resources

It is important that all candidates receive fair and consistent treatment to ensure the integrity of the electoral process and a fair and unbiased election. There must be equal treatment for all candidates. The Township's Corporate Resources Policy will be provided for further detail.

No Township resources are to be used for, or by, any candidate for their campaign activities, including, but not limited to, the use of:

- The Township's Corporate identity (logo, tag line),
- Township Information Technology (IT) resources, including the Township's website, social media sites, Blackberry's/android devices, lap tops, nor can there be a link to a candidate's site (including blogs, YouTube channel etc.) from the Township site. Note: exception applies to current members of Council who have a website/social media that is solely used for Council purposes.
- Current members of Council who are also Candidates must keep a separate website/social media/email accounts etc... related to their candidacy that is not supported/linked to the Township's IT resources,
- Any Township facility or property, including displaying campaign posters, signs and flyers,
- Represent themselves as a Candidate at a Township function, whether the event is on Township property or not,
- Photographs or videos owned by the Township.

- Official election information will be made available to all candidates through the Township 's website and the Clerk's Office.
- Staff may supply department specific information and services to Candidates in the same manner as would be available to the public.
- Staff may not campaign or actively work in support of a Candidate during their paid hours of work (or their official/volunteer duties with the Township). Staff wanting to work in support of a Candidate during the election must do so outside of paid working hours (and/or their official/volunteer duties with the Township). Staff must also clearly separate that support from their role as Township staff/volunteer and must not be identifiable as Township staff/volunteer (e.g. cannot wear Township issued clothing to canvass or to a campaign event).
- Staff may be prohibited from participating in campaign activities where there is a potential for a conflict of interest or the perception that the integrity of the election may be compromised.
- No Township communications, whether for internal or public distribution, are to include any reference to or identification of any Candidate.

What kind of remuneration is paid to a Township Councillor?

Regular council meetings are generally held on the second and fourth Tuesday of each month, additional special or emergency meetings may be called. Council members are also appointed to various committees and/or boards which require their attendance at meetings and special events.

	2022 (\$)	2023 (\$)
Mayor	27,272.00	28,208.61
Deputy Mayor	22,292.00	23,046.43
Councillor	16,697.88	17,198.82

Members also receive training (determined in the annual budget) and are able to attend one conference per year.

Note: As of January 1, 2019, Canada Revenue Agency (CRA) will no longer permit 1/3 of a Councillor’s remuneration to be tax free.

What are my Financial Responsibilities as a Candidate?

All candidates are urged to review the Municipal Elections Act, 1996, as amended, (www.e-laws.gov.on.ca) and the Municipal Affairs and Housing's Candidates Guide available on their website (www.mah.gov.on.ca) or at the Clerk's office to fully understand all the legislative requirements. The onus of responsibility is on candidates to satisfy themselves, through their own determination, or with professional assistance, of the various legal and financial requirements relating to their candidacy. It is important to fully reference Sections 88(1) – 88(32), *MEA*, as well as other relevant sections within the Act. Although this guide provides a summary of the provisions, it does not account for all of the financial responsibilities associated with the candidacy.

All nominated candidates, including those not elected, those who withdrew their nomination and whose nomination was rejected by the Clerk, must disclose and report on or before March 31, 2023 by 2:00 p.m. their contributions and expenses as of January 3, 2023 in accordance with the following:

- All candidates are required to file a detailed financial statement on the prescribed form – [Financial Statement, Form 4](#)
- Candidates must have their financial statement audited and submit the auditor's report to the Clerk along with their financial statements if expenses are over \$10,000.

Candidates' financial statements are filed with the Clerk and are public documents, which are to be available at no charge for viewing by the public on the Township website. The Clerk will advise at least 30 days prior to March 31, 2023 filing deadline of all the filing requirements of the Act.

It is the responsibility of the candidate to file a complete and accurate financial statement by the filing date.

Contributions *MEA s. 88.15*

Campaign contributions are any money, goods or services that are given to a candidate for his or her campaign (including money and goods that a candidate contributes themselves to their own campaign) which include:

- ✓ The amount charged for admission to a fund-raising function
- ✓ The difference between the amount paid and the market value of a good or service sold at a fund-raising function
- ✓ The difference between the amount paid and the market value of a good or service purchased for the campaign
 - Example: Your order for campaign signs would normally cost \$500, but the vendor agrees to sell them to you for \$300. You must record a contribution of \$200 in goods or services from the vendor. Note: as businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.
- ✓ Any unpaid but guaranteed balance of a campaign loan
- ✓ Election signs from previous municipal campaigns that are reused – the current market value of the sign (i.e. what it would cost you to buy those signs today) is considered a contribution that you make to your campaign

Candidates should advise contributors to their campaign that the contributor's name, address and contribution amount will be posted as public information electronically (i.e. posted on the Township website) and that every contribution made will be posted.

Goods & Services Donated and Deemed Not to be Contributions

The following are deemed not to be contributions:

- ✓ The value of services provided by voluntary unpaid labour
- ✓ The value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer
- ✓ An amount of \$25 or less that is donated at a fund-raising function
- ✓ The value of free political advertising provided it is in accordance with the Broadcasting Act (Canada) and is made available to all candidates
- ✓ A campaign loan from a bank or a recognized lending institution is not considered to be a contribution.

Timing of Contributions

Contributions can be solicited by, or accepted on behalf, of a person seeking local municipal office, if that person has been duly nominated as a candidate. Contributions may only be accepted during a candidate's campaign period (in the event of a campaign that was not extended this occurs from the time the nomination is filed up until January 3, 2023). Any contributions received outside the campaign period that cannot be returned to the contributor including any anonymous contributions must be turned over to the Clerk.

Candidates must make reasonable efforts to satisfy themselves that a contributor is entitled to make contributions.

Eligible Contributors MEA s. 88.8 (3)

Only the following may make contributions:

- ✓ An individual who is normally a resident in Ontario
- ✓ Yourself and your spouse - Candidate

Ineligible Contributors

The following shall **not** contribute to a campaign:

- ✓ A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate in a federal election
- ✓ 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
- ✓ A trade union
- ✓ A corporation

Contribution Limits

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election. This limit is never to be exceeded regardless of the number of offices a candidate may have been nominated for during an election period. In addition to this, a contributor shall not make contributions exceeding a total of \$5,000 to multiple candidates for office on the same council or local board. Candidates are required to inform each of their contributors of their contribution limits.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order, or by a method that clearly shows where the funds came from.

Candidate's Own Funds

There is a limit on how much a candidate and their spouse can contribute to their campaign. The contribution limit applies to the total amount of contributions made by the candidate and/or their spouse to their campaign. This includes any contributions of goods and the replacement value of any inventory from a previous campaign that is being used in the current campaign. This limit does not apply to school board trustee candidates.

Loans

Note: the amount of a loan is not considered to be a contribution. A candidate or his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. (s. 88.15 (4) 5. and 88.17 (1). Any unpaid but guaranteed balance in respect of a loan is considered to be a contribution 88.15 (3).

The contribution limit is calculated based on the number of electors who are eligible to vote for the office that the candidate is running for. The formula to calculate the limit is based on the lesser of:

- ✓ for head of council candidates: \$7,500 plus 20 cents per elector entitled to vote for the office to a maximum of \$25,000;
- ✓ for other council offices: \$5,000 plus 20 cents per elector entitled to vote for the office to a maximum of \$25,000.

The number of electors is determined from the voters' list from the 2018 election, as it existed on Nomination Day 2018.

Below represents the candidate's **preliminary contribution limit to his or her campaign** (as of Nomination Day – July 27, 2018):

Preliminary Contribution Limits (Base amount plus \$0.20/elector) - Base Amount Mayor - \$7,500 - Base Amount all other offices - \$5,000	Number of Electors	Preliminary Maximum
Mayor Candidate	3,285	\$8,157.00
Deputy Mayor Candidate	3,285	\$5,657.00
Councillor	3,285	\$5,657.00
Councillor	3,285	\$5,657.00
Councillor	3,285	\$5,657.00

The Clerk will, after determining from the Voters' List the number of electors eligible to vote for each office as of September 15 in the 2022 election, calculate the maximum contribution amount by a candidate and/or their spouse to their own campaign and provide the candidate with a copy of this amount. The maximum limit will be provided by September 25, 2022.

Note: The higher of the two calculations (preliminary (noted above) and secondary) shall be the final contribution limit for the office.

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial

statement. The surplus will be held in trust, and you can use it if you incur expenses related to a recount, an application for a controverted election, or a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

For school trustees:

There are no limits on how much a school trustee candidate and their spouse can contribute to their campaign. Contributions that the candidate and their spouse make to their campaign do not count toward the \$5,000 limit.

If the school trustee candidates campaign ends with a surplus, they can withdraw the value of contributions that they and their spouse made from the surplus. If there is still a surplus once they have withdrawn their contributions, the surplus remaining must be turned over to the clerk.

School trustee candidates are not permitted to refund contributions made by anyone other than themselves or their spouse.

Contribution Refunds

Where the candidate learns a contribution has been made or accepted in contravention to any provision of the Act, the candidate must immediately return the contribution. If this is not possible, any such contribution should be paid to the Clerk. The following are examples of a contribution which must be returned or paid to the Clerk:

- ✓ Issued/received outside a candidate's campaign period
- ✓ Issued/received from anonymous sources (except for cash donations less than \$25 received as part of the fundraising event e.g. "pass-the-hat")
- ✓ Issued/received from ineligible sources (e.g. individuals not residents of Ontario)
- ✓ Issued/received in excess of the \$1,200 per contributor limit or the \$5,000 total limit
- ✓ Issued/received a **cash** contribution in excess of \$25
- ✓ Issued/received from funds not belonging to the contributor

Frequently Asked Questions Regarding Campaign Contributions

How can contributions of cash be made?

Cash contributions may only be accepted up to \$25; contributions more than \$25 must be made by cheque, money order, credit card or by a method that clearly shows where the funds came from.

What is the definition of contributions of goods and services?

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

All contributions of goods or services the candidate receives are considered contributions and should be supported by an invoice from the contributor of the good or service. The contribution must be recorded just as if it were money.

If a vendor is willing to sell goods and services to the campaign at less than market value, the difference between market value and what the campaign paid must be recorded as a contribution. When you record the expense, you should record what you paid plus the value of the discount. As businesses are not permitted to make contributions, the discount would have to be a personal contribution from the vendor.

Who can accept campaign contributions?

Only the candidate and those persons authorized by the candidate can accept campaign contributions. Contributions can only be accepted during the campaign period and only from a person or entity entitled to contribute.

How are anonymous contributions handled?

An anonymous contribution cannot be accepted. The only exception to this rule is a donation received at a fund-raising function held on behalf of a candidate (eg. "pass-the-hat" donations). Each of these donations must be \$25 or less. However, the total revenue from any such donation source must be reported as part of the candidate's financial statement. Any anonymous contribution received that cannot be returned must be paid to the Clerk.

Are contributions income tax-deductible?

Contributions to municipal and school board campaigns **are not** income tax-deductible.

Fundraising

Fundraising activities are to only be held for a candidate and must occur within his or her campaign period.

As of April 1, 2018, the *MEA* defines a fund-raising function as an event or activity,

- a) held by a candidate or under a candidate's direction for the purpose of raising funds for his or her election campaign, or
- b) held by a registered third party or under its direction for the purpose of raising funds in relation to third party advertisements

Candidates must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on their campaign financial statement. The price of admission to a fundraising function and/or any amount paid for a good or service (offered for sale in excess of fair market value) is to be considered and treated as a campaign contribution.

If a candidate holds an event to promote their campaign and they happen to receive some contributions or ask people to consider contributing to their campaign, this would not qualify as a fundraising event. Similarly, if a candidate has a sentence in their campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote their campaign, not to raise money.

Expenses - Candidate

Any costs incurred for goods or services by or on behalf of a person wholly or partly for use in his or her election campaign are considered expenses.

The nomination fee is a personal expense. It is not considered to be a campaign expense, and should not be reported on the campaign financial statement.

Candidates can only incur expenses during the campaign period, except for expenses related to the preparation of an auditor's report. If a candidate is required to include an auditor's report with their financial statement, they may incur these expenses after the campaign period has ended, and report them on their financial statement.

Goods and services that are contributed to a campaign are also expenses. They should be treated as if the contributor gave the candidate money and the candidate went out and purchased the goods and services – candidates must record both the contribution and the expense. Most expenses are subject to a maximum campaign expense limit.

Campaign Inventory

Campaign expenses include the value of any goods held in inventory by a candidate from a previous campaign for use in the 2022 Municipal Election campaign period. The inventory of reusable campaign materials remaining on hand at the end of a campaign becomes the property of the candidate and must be valued and reported as closing inventory on his or her financial statement.

Deadline for Claiming Expenses

The 2022 Municipal Election campaign period ends on January 3, 2023 (a campaign is also deemed to end on August 19, 2022 if a nomination is rejected by the Clerk or on the date a candidate submits his or her withdrawal).

Financial Statements and Disclosure

It is the responsibility of the candidate to file a complete and accurate Form 4 Financial Statement in person at Township Office or via electronic means to cwhite@antownship.ca by the deadline applicable to their respective campaign. All nominated candidates for the 2022 Municipal Election (including those who have withdrawn or were not elected) must disclose their contributions and expenses, using the prescribed form, no later than 2:00 p.m. on March 31, 2023.

If campaign contributions (including contributions from the candidate) or campaign expenses are greater than \$10,000, the candidate must have their financial statement audited and include the auditor's report when submitting the financial statement to the Clerk.

If a candidate is unable to file their financial statement by the deadline, they may apply to the Superior Court of Justice for an extension before the filing deadline. If the financial statement are not filed by the deadline, the candidate may file their financial statement within 30 days after the deadline, if they pay the municipality a \$500 late filing fee.

Candidates will not receive a refund of their nomination fee if they file during the 30-day grace period.

If the financial statement is not filed by the end of the 30-day grace period, and the candidate did not apply to the court for an extension prior to the deadline, the candidate will forfeit their elected office and they will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election.

Note: Candidate's financial statements are deemed to be public documents and will be posted to the Township's website in their entirety.

Campaign Surplus and Deficits

If the candidate's campaign has a surplus after they have refunded contributions made by themselves or their spouse, the candidate must pay the surplus over to the Clerk when they file their financial statement. The surplus will be held in trust, and can be used if the candidate incurs expenses related to a recount, an application for a controverted election, or a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

Record Keeping/Accounting System

Consulting with an auditor (specifically one with experience in campaign financing) on an election campaign accounting system is advisable. This will ensure that a candidate's record keeping and accounting procedures are followed in a satisfactory manner, allowing any necessary audits to be carried out at minimal cost. The auditor is required to examine and to report as to whether the financial statement presents fairly the information contained in the accounting records on which the financial statement is based. Further information regarding campaign accounting requirements can be found in the *MEA*.

The following is an excerpt from Section 88.22, *MEA*:

- (1) 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;
 - 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;
- 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 this Act or a by-law passed under this 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 with whom the candidate's nomination was filed; and
- r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) subject to subsection (2), 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 or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Compliance Audits

As per the *MEA*, a Compliance Audit Committee will be constituted and delegated full authority to address applications requesting an audit of a candidate's financial statement. The Committee's term will be equal to that of the elected council. A Terms of Reference will be established by the Clerk. The central role of the Committee will be to review applications and grant or reject audit requests. Where granted, the Committee will appoint an auditor to review the final statement and, where indicated, the Committee will decide whether legal proceedings shall be commenced.

Notice of Penalties

Further to *MEA* s. 33.1, the Clerk shall, before Voting Day, give notice of the penalties under section 88.23(2) and section 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive as per *MEA* s. 34.

MEA s. 88.23,

- (1) A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,
 - a. if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
 - b. if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;

- c. if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d. if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

- (2) Subject to subsection (7), in the case of a default described in subsection (1),
- a. the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
 - b. until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

- (3) In the case of a default described in subsection (1), the clerk shall,
- a. notify the candidate in writing that the default has occurred;
 - b. if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
 - c. make available to the public the name of the candidate and a description of the nature of the default.

Section 92

- (1) A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23 (2),
- a. if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
 - b. if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (1).

Accessibility Provisions within the Municipal Elections Act

Pursuant to *MEA* s.12.1 in providing for matters and procedures not otherwise covered by the Act, the Clerk shall have regard to the needs of electors and candidates with disabilities. The Clerk shall also prepare an accessibility plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day.

Within 90 days after voting day, the Clerk shall submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities (by January 20, 2019)

Accessibility Resources for Candidates

Candidates must also have regard to the needs of electors with disabilities. Campaign offices, election materials and canvassing should all be reviewed in order ensure that they are accessible to all electors, including those with disabilities.

The Township of Asphodel-Norwood has developed an Accessibility Plan for the 2022 Election. The plan is available on the Township's website www.antownship.ca or at the Municipal Office.

Third Party Advertisements

The MEA includes framework for third party advertising that came into effect on April 1, 2018. For full details on the responsibilities of Third-Party Advertisers including eligibility, spending limits and enforcement refer to the Municipal Elections Act, as amended or use the link below:

<https://www.ontario.ca/document/2022-third-party-advertisers-guide>

Third Party Advertising Definition:

An advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- (a) a candidate, or
- (b) a "yes" or "no" to a question on a ballot.

The meaning of "third party" in this context means a person or entity who is not a candidate. Eligible individuals, corporations and trade unions can register to be third party advertisers. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who want to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

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**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2018-25

ELECTION SIGN BY-LAW

Being a by-law to regulate the placement of election signs in the Township of Asphodel-Norwood and to repeal By-Law 2005-70

WHEREAS Section 11 of the Municipal Act, 2001, as amended, authorizes a municipality to pass by-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs;

AND WHEREAS Section 63 of the Municipal Act, 2001, as amended, authorizes a municipality if it passes a by-law to prohibit or regulate the placing of an object on a highway, to provide for the removal of any object placed on a highway in contravention of that by-law;

AND WHEREAS Section 425 of the Municipal Act, 2001, as amended, establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the Municipal Act, 2001, as amended, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-law passed under this Act;

AND WHEREAS Section 88.3 (2) of the Municipal Elections Act, 1996, S.O. 1996 c.32, states that any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate;

AND WHEREAS Section 88.7 of the Municipal Elections Act, 1996, S.O. 1996 c.32, states that where a municipality is satisfied that there has been a contravention of the Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1. Definitions

1.1 In this By-law:

- a) "Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, S.O. 1996, c.32, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.
- b) "Clerk" means the Clerk (or their designate) of the Township of Asphodel-Norwood
- c) "Election Sign" means any sign:
 - i. advertising or promoting a candidate in a federal, provincial or municipal election or by-election and shall include school board trustees; or
 - ii. that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32.

**THE CORPORATION OF THE
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- d) "Public Property" means property owned, leased, or maintained by The Corporation of the Township of Asphodel-Norwood.
- e) "Township" means The Corporation of the Township of Asphodel-Norwood
- f) "Registered Third Party" means an individual, corporation or trade union that is registered with the municipality in accordance with prescribed legislation
- g) "Third Party Sign" means an election sign not installed or erected directly or indirectly by a candidate

2. General Provisions

- 2.1 No candidate, registered third party or their agent or any other person shall affix, install or otherwise display an election sign except as specifically permitted in this By-law or under prescribed legislation;
- 2.2 No permit is required for the erection of Election Signs under this by-law.
- 2.3 With the exception of a billboard sign and an election sign on vehicles, no person shall place or permit to be placed on private property an election sign that:
 - a) is illuminated;
 - b) has a sign area greater than 3 sq. m (32 sq. ft.)
- 2.4 No candidate, registered third party or their agent or any other person shall place or display, or cause or permit to be placed or displayed, an election sign:
 - a) that contravenes the Canada Elections Act (S.C. 2000, c. 9), the Election Act, R.S.O. 1990, c. E.6, the Municipal Elections Act, nor any other relevant legislation;
 - b) prior to a deposit in accordance with Section 3.0 being given to the Clerk;
 - c) that obstructs the visibility of pedestrians, vehicles or traffic control devices, as determined by the Township,
 - d) that is nailed or otherwise attached to or upon any utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box;
 - e) that is on any premises used as a Help Centre/Voting location for elections;
 - f) that is in or on a vehicle that is parked on any premises used as a Help Centre/Voting Location for elections if the Election Sign is visible from the outside of the vehicle;
 - g) that is located on or over a sidewalk;
 - h) that is affixed to a permanent or official highway sign, signal or support, guardrail or other roadway structure;
 - i) that is closer than 3 metres (9.84 feet) to the edge of the roadway
- 2.5 Election Signs may be erected or displayed on private property with the consent of the owner or occupant of the property.
- 2.6 No candidate, registered third party or their agent or any other person shall at any time place an election sign, or cause an election sign to be placed on any property that is owned, leased or maintained by the Township of Asphodel-Norwood

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2018-25

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- 2.7 Election signs shall not be placed / affixed to any building owned, leased or operated by the Township of Asphodel-Norwood.
- 2.8 Not more than one election sign per candidate shall be placed on a lot at any one time;
- 2.11 No candidate, registered third party or their agent or any other person shall at any time display the Township of Asphodel-Norwood logo, in whole or in part, on any election sign.
- 2.12 Election Signs shall not:
- a) have flashing lights or rotating parts;
 - b) be illuminated; or
 - c) obstruct the view of any official traffic sign or signal or simulate any traffic control device.
- 2.13 No candidate, registered third party or their agent or any other person shall place or permit to be placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- 2.14 No candidate, registered third party or their agent or any other person shall place or permit to be placed an Election Sign for a municipal election or by-election earlier than the day following the close of Nomination Day in the year of that election.
- 3. Requirements for election signs:**
- 3.1 The following security deposit shall be paid to the Township prior to the placement or display of any election sign for a Municipal Election or By-election:
- (i) Mayor/Deputy Mayor - \$100.00;
 - (ii) Councillor or Trustee - \$100.00;
 - (iii) Registered Third Party - \$200.00;
- 3.2 The following security deposit shall be paid to the Township prior to the placement or display of an election sign for a Federal and/or Provincial Election or By-election:
- (i) All candidates - \$200.00;
- 3.3 Election signs shall be removed at the candidates' and/or registered third party's expense within seventy two (72) hours after the completion of voting on voting day;
- 3.4 Any election sign found to be in violation of this by-law is subject to seizure by the Township and any such seized signs shall be stored up to seven (7) days after the Election day; a candidate, or any person acting on the behalf of a candidate, or a registered third party may retrieve a sign stored by the Township but the Township may, without notice or compensation to any person, destroy or otherwise dispose of any election sign that has not been retrieved within the aforementioned period and:
- (i) The sign removal fee shall be \$20.00 per election sign;
- 3.5 Subject to any deductions made pursuant to clause 3.4 (i), a candidate or registered third party is entitled to have their election sign deposit refunded no later than 60 days after Election Day;

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

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- 3.6 If an election sign is removed in accordance with this by-law, the candidate or registered third party to whom the election sign relates will be charged in accordance with the amounts outlined in clause 3.4 (i), and such charges will be deducted from the refundable portion of the candidate or registered third party election sign deposit to compensate for the cost of removal of the election sign;
- 3.7 The sign removal fee, as outlined in clause 3.4 (i), will be waived if the candidate or registered third party provides an affidavit indicating that neither the candidate or registered third party nor, to the best of the candidate's or registered third parties' knowledge, was responsible for the unlawful placement or display of the election sign;
- 3.8 If the costs incurred by the Township in removing a candidate's or registered third parties' signs exceed the election sign deposit paid by the candidate or registered third party, the Clerk shall notify the candidate or registered third party, who shall have five (5) days after the date notice is received to pay the outstanding costs of removal per sign in accordance with clause 3.4 (i).
- 3.9 No person shall deface, relocate, remove, wilfully cause damage or permit to be cause damage to a lawfully erected Election Sign, except for the candidate to whom the sign belongs.
- 3.10 The Township shall not be liable for any damage or loss to an Election Sign that was displayed in accordance with this by-law or that was removed by the Township pursuant to the provisions of this by-law.
- 3.11 The Township reserves the right to remove any offending Election Sign, any Election Sign which is deemed to be a hazard or otherwise that is in non-compliance with this by-law without notice to any person, including the candidate and without compensation to the owner of the sign.
- 3.12 Where Election Signs placed on private property are causing an immediate safety issue, the Township shall remove the sign upon it being brought to his/her attention and the cost of such removal shall be charged back to the owner of the sign as per clause 3.6.

4. Enforcement

- 4.1 Municipal By-Law Enforcement Officers, Police, or the Clerk or his/her designate may enforce this by-law.

5. Offence

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act;

6. Other Jurisdictions

- 6.1 Election signs placed on any public highway under the jurisdiction of the County of Peterborough and/or the Province of Ontario are subject to by-laws, regulations, laws of those authorities;

7. Precedence

THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD

BY-LAW No. 2018-25

7.1 The provisions of this by-law supersede the election sign provisions of any other by-law.

8. Short Title

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

Repeal of Existing By-law

By-law No. 2005-70 of the Township of Asphodel-Norwood and any other By-law or part thereof which conflicts with this By-law be hereby repealed.

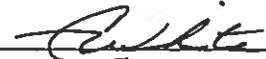
Effective Date

This By-law shall become effective on April 24, 2018.

Read a first, second and third time and finally passed this 24 day of April, 2018.



Mayor, Terrence J. Low



Clerk, Candice White

The Corporation of the County of Peterborough

By-law No. 2022-29

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A by-law prohibiting and regulating the placing and erecting of election signs, notices and advertising devices upon any County of Peterborough road, road allowance or property owned and operated by the Corporation of the County of Peterborough

Whereas Section 11(3) of the Municipal Act, 2001, as amended (the “Act”) permits an upper-tier municipality to pass by-laws, subject to the rules set out in subsection (4), respecting structures, including fences and signs;

And Whereas Sections 9, 10 and 23.1 to 23.5, and 284.1 of the Act authorize a municipality to delegate its powers and duties, subject to certain restrictions, and authorize a municipality to provide for a review or appeal of a decision made by a person or body in the exercise of power or duty delegated to him, her or it;

And Whereas Section 59 of the Act provides that, without limiting Sections 9, 10 and 11, an upper-tier municipality may prohibit or regulate the placing and erecting of any sign, notice or advertising device within 400 metres of any limit of an upper-tier highway;

And Whereas Section 63 of the Act provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

And Whereas Section 391(1) of the Act, as amended, provides that without limiting Sections 9, 10 and 11, those Sections authorize a municipality to impose fees or charges on persons:

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control;

And Whereas Section 445 of the Act provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

And Whereas the Council of the Corporation of the County of Peterborough desires to regulate the placing and erecting of election signs, notices and advertising devices upon to County roads;

Now Therefore the Council of The Corporation of the County of Peterborough hereby enacts as follows:

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1. Short Title

1.1 This by-law may be cited as the “Election Sign By-law”.

2. Definitions

2.1 In this by-law:

2.1.1 “Council” means the Council of The Corporation of the County of Peterborough.

2.1.2 “County” means The Corporation of the County of Peterborough.

2.1.3 “Director” means the Director, Planning and Public Works Department for the Corporation of the County of Peterborough.

2.1.4 “Lower Tier Municipality” means any of the Corporations of the Township of Asphodel-Norwood, Township of Cavan Monaghan, Township of Douro-Dummer, Township of Havelock-Belmont-Methuen, Township of North Kawartha, Township of Otonabee-South Monaghan, Township of Selwyn and the Municipality of Trent Lakes.

2.1.5 “Municipal Freedom of Information and Protection of Privacy Act” means that regulation that provides the right of the public to access municipal records, subject to certain limitations and exemptions and also provides the right to access one’s own personal information and to correct it.

2.1.6 “Occupational Health and Safety Act” means the Ontario law that protects workers from health and safety hazards at work.

2.1.7 “Owner” means any person described on the Election Sign, or whose name or address or telephone number appears on the Sign, or who installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign, and for the purposes of this By-law there may be more than one Owner of a Sign.

2.1.8 “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and their heirs, executors or legal representatives.

2.1.9 “Private Property” means those lands under private ownership located adjacent to a County Road Allowance for a distance of 400 metres and not forming part of a Road Allowance.

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- 2.1.10 "Road Allowance" means a County road allowance and includes all lands and structures contained within the limits of the allowance including grassed areas, ditches, curbs, gutters, sidewalks and other structures and includes a "Highway" as defined under the Ontario Highway Traffic Act which is under the jurisdiction of the County.
- 2.1.11 "Sign" means any device or display upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, advertisement or business promotion of products or availability of services whether intended to be permanent or temporary, capable of being readily moved or relocated and includes inflatable devices, banners and immobile vehicles or trailers used strictly as advertising devices, including Sign Structure, Sign Face or other component parts, which is used or is capable of being used to attract attention to a specific subject matter for identification, information or advertising purposes but does not include window displays; flags or emblems of patriotic, civic, educational, religious organizations or private clubs; and shall not include Signs installed on Buildings.
- 2.1.12 "Sign Area" means the area of the copy surface for a singular Sign Face.
- 2.1.13 "Sign Face" means that portion of a Sign on which a message is intended to be displayed.
- 2.1.14 "Sign Structure" means those parts of a Sign consisting of the supports or framework for the support of an Election Sign whether embedded into or mounted directly on the ground but not including a Building.
- 2.1.15 "Sign Type" means the category of types of Signs that are to be considered under this By-law, including:
- i. "Election Sign" means a Sign erected in connection with a Federal, Provincial or Municipal Election or referendum intended as advertising or promoting a candidate in a federal, provincial or municipal election or by-election or that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.
- 2.1.16 "Sign Variance" means a minor change to this by-law for a specific Election Sign.

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3. General Provisions

3.1 Scope

3.1.1 Unless otherwise specifically exempted, all Road Allowances and properties owned and operated by the Corporation of the County of Peterborough within the geographic limits of the County of Peterborough shall be subject to the provisions of this by-law.

3.1.2 This by-law shall not apply to Election Signs placed on Private Property.

3.1.4 Election Signs placed within a County Road Allowance shall be regulated in accordance with Schedule "A" of this by-law.

3.2 Administration

This by-law shall be administered by the Director or their designate.

3.3 Interpretation

3.3.1 Words importing the singular number only include more persons, parties or things of the same kind than one.

3.3.2 The requirements of this by-law are provided in metric units.

3.3.3 Where a distance is used in this by-law, as part of an Election Sign location regulation, such distance shall be measured in a straight horizontal line parallel to the ground; and

- i. where the specified distance is referenced from an intersection, shall be measured from the projection of the closest curb line of the intersecting highway, to the nearest part of the said sign; and
- ii. where the specified distance is referenced from a street line, property line, or other sign, object, structure, or property, shall be measured from the nearest part of the said reference to the nearest part of any Election Sign, in all directions.

3.4 Enforcement

This by-law shall be enforced by that Person, persons, agency or authority appointed by the Council of the Corporation of the County of Peterborough, including:

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- i. the Director or their designate;
- ii. each person from time to time appointed as a municipal law enforcement officer to enforce any or all of the County's by-laws;
- iii. a police officer employed by the Peterborough Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police.

3.5 Sign Permit

The placement of an Election Sign upon a County Road Allowance shall not require the issuance of a Sign Permit by the County.

3.6 Inspection

3.6.1 From time-to-time, the Director or his/her designate may inspect the Road Allowance upon which an Election Sign has been erected, displayed, altered or repaired and make their determination as to the conformity of the Election Sign with the provisions of this by-law.

3.6.2 If, upon inspection, it is apparent that a Person:

- i. has erected, displayed, altered or displayed an Election Sign that does not conform with Schedule "A" of this by-law.; or
- ii. has erected, displayed, altered or displayed an Election Sign that constitutes a danger to the public or that interferes with vehicular traffic; or
- iii. has erected, displayed, altered or displayed an Election Sign that fails to conform to the provisions of this By-law and all other applicable By-laws and legislation, the County may:
 - a. require such person to make such alterations to the Election Sign or to its Sign Structure to bring the Election Sign into conformity with the application, applicable By-laws and applicable legislation; or
 - b. give written notice to such Persons requiring such person to remove such Election Sign within a period of seven (7) days; or
 - c. authorize the Election Sign to be dismantled and removed at such Person's expense.

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iv. Removal shall be conducted in accordance with Schedule "A" of this By-law.

3.6.4 Where an Election Sign is to be moved from one location to another or altered, the Election Sign shall comply with the provisions of Schedule "A" of this By-law.

3.7 Fee

Election Signs to be installed upon a County Road Allowance shall not require the payment of a fee as prescribed in the County's Tariff of Fees By-law, as amended.

4. Prohibitions

4.1 Notwithstanding any other provisions of this by-law, no Person shall erect, install, post, display, maintain, alter or keep an Election Sign:

4.1.1 Within the Road Allowance of any County Road except as specifically set out in this By-law by:

- i. Creating a safety hazard;
- ii. Impeding or obstructing maintenance or construction operations;
- iii. Impeding access to or obstructing a fire hydrant;
- iv. Impeding or obstructing vehicular traffic or the passage of pedestrians where they are reasonably expected to walk;
- v. Impairing or obstructing the visibility of vehicular or pedestrian traffic or within 30 metres (100 feet) of a public trail, driveway, entranceway, railway level crossing;
- vi. Interfering with or obstructing the view of or obscuring or detracting from the visibility or effectiveness an authorized Traffic Control Sign, Traffic Control Signal or an Official Sign or any Sign capable of being confused with such authorized Traffic Control Sign, Traffic Control Signal or an Official Sign;
- vii. Obstructing the view of any pedestrian or motor vehicle operator so as to cause an unsafe condition;

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- viii. Obstructing the flow of water in a drain, ditch or watercourse.
- 4.1.2 That obstructs, interferes with any maintenance or construction operations provided by or which does not comply with this by-law or with any applicable by-law of the County, Lower Tier Municipality or First Nation;
- 4.1.3 That interferes with or may damage any above or below ground municipal or utility services which have been lawfully placed at the location;
- 4.1.4 No person shall attach or display any Election Sign within a County road allowance, on a utility pole, light standard, fence post, tree, bridge, structure, Official Sign or painted or pasted onto a rock surface, except for a Sign erected by a government or municipal agency or body pertaining to public safety;
- 4.1.5 That contains or is accompanied with a device that creates noise;
- 4.1.6 That is obsolete and advertises an election event that is concluded;
- 4.1.7 Any Election Sign or Sign structure in a state of disrepair or in an unsafe, damaged or hazardous condition;
- 4.1.8 Sign Structure anchored with any hazardous objects;
- 4.1.9 Any Election Sign that obstructs or interferes with a fire escape plan, fire exit, fire hydrant or standpipe;
- 4.1.10 That in the Director's sole opinion, interferes with the safe movement of traffic, including but not limited to the obstruction of sight lines at intersections where road alignment or grade changes, or the impediment of snow removal operations.
- 4.2 The prohibitions hereinbefore contained shall not extend to or affect the right of the County to erect or remove Election Signs as placed within the Road Allowance.

5. Maintenance and Condition of Election Signs

Election Signs shall, at all times, be maintained by the Election Sign Owner in a state of good repair.

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6. Sign Variance

- 6.1 Any Person wishing to Erect an Election Sign not permitted by this By-law may apply for a Sign Variance.
- 6.2 An application for a Sign Variance shall be made in writing to the Director who may prescribe any information to be given therein and other necessary documentation to be completed or submitted by the Owner in conjunction with the application.
- 6.3 Every Sign Variance application shall be submitted to the Director and be accompanied by:
 - (a) the appropriate non-refundable fee as set out in Tariff of Fees By-law, as amended; and
 - (b) plans detailing the Election Sign proposed to be erected.
- 6.4 Where, in the Director's opinion, the requested Sign Variance is minor, satisfies the intention of this By-law and is appropriate, the Director shall authorize the Election Sign.

7. Offences

- 7.1 Each Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of:
 - i. not less than \$250 for a first conviction of a offence;
 - ii. not less than \$500 for a second conviction of the same offence; and
 - iii. not less than \$1,000 for a third or subsequent conviction of the same offence.
- 7.2 Prosecution under this by-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property as the case may be.

8 Sign Permit Revocation and Sign Removal

Refer to Schedule "A" of this by-law.

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9. Conflict

- 9.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the County or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 9.2 If there is a conflict between a provision of this by-law and a provision of any other County by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain a clean and tidy condition on land shall apply.

10. Severability

If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

11. Applicability

Upon passage of this By-law, all Election Signs shall be brought into compliance with the provisions of this by-law.

12. Freedom of Information

Personal information collected pursuant to the Municipal Freedom of Information and Privacy Act will only be used for the purpose of this by-law. Personal information will not be released except in accordance with the Municipal Freedom of Information and Privacy Act.

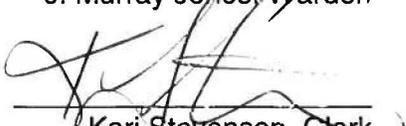
13. Effective Date

- 13.1 This by-law shall come into full force and effect on the day of passage.
- 13.2 That By-law No. 2021-50 is hereby repealed.

Read and passed this 20th day of April, 2022.



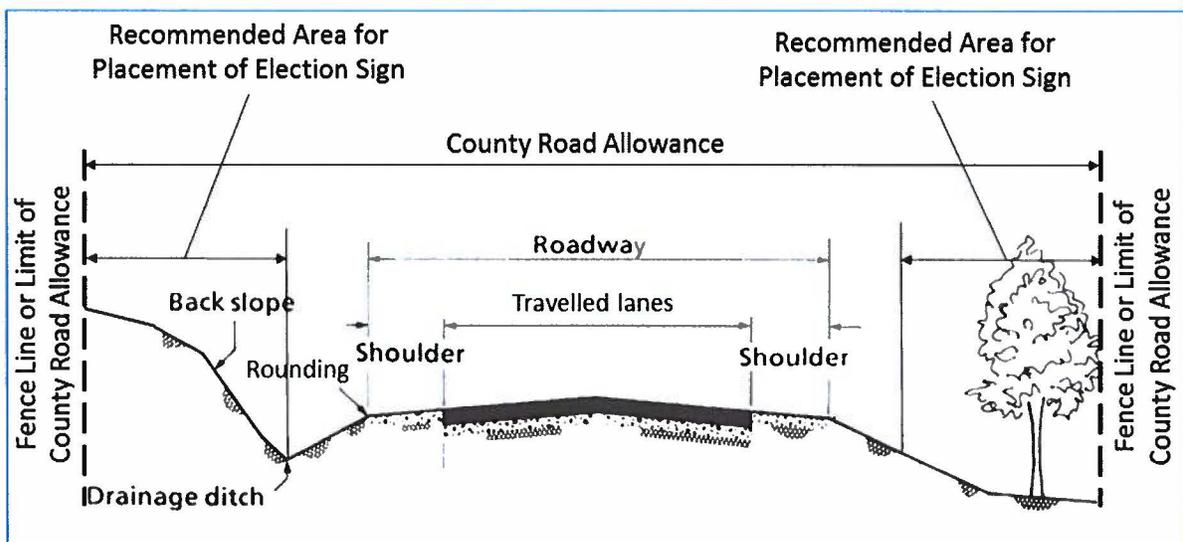
J. Murray Jones, Warden



Kari Stevenson, Clerk

**Schedule “A” to By-law No. 2022-29
Regulation of Election Signs Placed Within a County Road Allowance**

1. No Person shall Erect an Election Sign in relation to an Election within a County Road Allowance unless the Sign is Erected for the purpose of promoting a candidate in a municipal, provincial or federal Election, including an Election of a local board or commission, or is intended to influence electors to vote for or against any candidate or any question or by-law submitted to electors under the Canada Elections Act, Municipal Elections Act, municipal by-law or any other applicable legislation, as amended.
2. No candidate, registered third party or their agent or any other person shall install, affix or otherwise display an Election Sign, except as specifically permitted in this By-law or under prescribed legislation.
3. Election Signs are exempted from the fees and permits as may be provided under this By-law.
4. Election Signs Erected pursuant to this section not exceeding 0.5574 square metres (6 square feet) in total area shall be permitted to be installed within the road allowance of County Roads and shall be Erected:
 - (a) as close to the fence line as possible but shall not be Erected between the edge of the pavement and the centre line of the ditch in accordance with the attached diagram;



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- (b) shall be not be Erected within 30 metres (100 feet) of an intersection (inclusive of four-way and three-way ["T"] intersections of public highways with public highways; not inclusive of intersections of public highways with fire routes/private roads/private entrances), public trail, railway crossing so as to impair or obstruct the visibility of vehicular or pedestrian traffic;
 - (c) shall not be illuminated, have flashing or moving parts or obstruct any official Sign or signal or simulate any traffic control device;
 - (d) shall not be affixed to any permanent or official highway Sign, signal or support, guardrail or other roadway structure, utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box;
- 5. Election Signs for Provincial or Federal Elections or by-Elections shall not be Erected until the day the writ of Election or by-Election is issued.
- 6. Election Signs for municipal Elections shall not be erected until the later of:
 - (a) 42 days in advance of the last polling date for the Election; or
 - (b) the first date on which a local area municipal by-law permits Election Signs to be erected within that local area municipality.
- 7. All Election Signs Erected, placed or displayed on private property shall be at the consent of the owner or occupant of the property and shall be in accordance with any applicable local municipal by-law any other applicable legislation, as amended.
- 8. All Election Signs Erected pursuant to this section shall be removed from the County road allowance within 48 hours of the last polling/voting day.
- 9. Any Election Sign placed in the County road allowance and found to be in violation of this By-law shall be subject to seizure by the County and such seized sign shall be stored for up to seven (7) days after the Election day; a candidate or any person acting on behalf of a candidate may retrieve a sign stored by the County but the County may, without notice or compensation to any person, destroy or otherwise dispose of any Election sign that has not been retrieved within the aforementioned period.
- 10. If an Election Sign is not removed from the County road allowance in accordance with this By-law, the candidate or registered third party may be fined in accordance with the provisions of this By-law.

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11. No person shall deface, relocate, remove, willfully cause damage or permit the cause of damage to a lawfully erected Election Sign placed within the County road allowance, except for the candidate to whom the Sign belongs.
12. The County shall not be liable for any damages or loss to an Election Sign that was displayed in accordance with this By-law or that was removed by the County pursuant to the provisions of this By-law.
13. The County reserves the right to remove any offending Election Sign, any Election Sign placed within a County road allowance that is deemed to be a hazard or otherwise that is in non-compliance with this By-law without notice to any person, including the candidate, and without compensation to the owner of the Sign.
14. Election Signs placed on any public highway or road allowance under the jurisdiction of another municipality and/or the Province of Ontario may be subject to By-laws and regulations of those authorities.

Instructions

It is the responsibility of the person being nominated to file a complete and accurate nomination paper. Please print or type information (except signatures).

Nomination paper of a person to be a candidate at an election to be held in the following municipality

Nominated for the Office of			Ward Name or Number (if any)		
Nominee's name as it is to appear on the ballot paper (subject to agreement of the municipal clerk)					
Last Name or Single Name			Given Name(s)		
Nominee's full qualifying address within municipality					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
Mailing Address <input type="checkbox"/> Same as qualifying address					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
If nominated for school board, full address of residence within its jurisdiction					
Suite/Unit Number	Street Number	Street Name			
Municipality			Province		Postal Code
Email Address			Telephone Number	Telephone Number 2	

Declaration of Qualification

I, _____, declare that I am presently legally qualified (or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada) to be elected and to hold the office for which I am nominated.

Signature of Nominee

Date (yyyy/mm/dd)

Date Received (yyyy/mm/dd)	Time Received	Initial of Nominee or Agent (if filed in person)	Signature of Clerk or Designate
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Certification by Clerk or Designate

I, the undersigned clerk of this municipality, do hereby certify that I have examined the nomination paper of the aforesaid nominee filed with me and am satisfied that the nominee is qualified to be nominated and that the nomination complies with the Act.

Signature

Date Certified (yyyy/mm/dd)