



Clarington Votes

Candidates' Manual

Clarington Municipal Elections 2022

As of April 14, 2022

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

If you have any questions regarding Clarington's 2022 Municipal Elections, contact the Municipal Clerk's Division at:

Election Hotline: 905-697-4747
Election Email: votes@clarington.net
Website: www.Clarington.net/Votes

Clarington

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Part A

Introduction

This manual provides assistance to those intending to stand for elected office in the Municipality of Clarington.

This document is intended only as a guide to certain provisions of relevant legislation and does not purport to recite all applicable statutory references. Prospective candidates must satisfy themselves, through their own determination, that they have complied with all regulations and that they are qualified to be elected and not disqualified by law.

As the campaign progresses, candidates will receive additional information from the Clerk's Office. Therefore, it is imperative that candidates notify the Clerk of any contact information changes at votes@clarington.net. The primary mode of communication from the Municipal Clerk to Candidates will be via email unless notice is required, by law, to be sent via registered mail. It is important that you claim your mail.

We encourage you to visit the election website at www.clarington.net/votes on an ongoing basis for municipal election information.

1. Clerk's Division Election Staff

June Gallagher, Municipal Clerk and Returning Officer

John Paul Newman, Deputy Clerk

Shelagh Staunton, Records and Elections Coordinator

All municipal elections-related emails should be sent to votes@clarington.net.

Election Hotline: 905-697-4747

Website: www.clarington.net/votes

Regular Office Business Hours, excluding statutory holidays, are:

8:30 a.m. to 4:30 p.m.

8 a.m. to 4 p.m. in July and August

2. Definitions

See “The Clerk’s Election Procedures” for complete list of definitions.

Residence = Under the MEA, “a person’s residence is the permanent lodging place to which, whenever absent, they intend to return.” This will usually be the place where a person’s family resides unless they move elsewhere with the intention of changing their permanent lodging place. It may also be the place where they occupy a room or part of a room and/or a residence in which they habitually return. If a person does not have a permanent lodging place, their residence is generally considered to be the place in which they most frequently return to sleep or eat. The MEA permits a person to have residences in two local municipalities at the same time if they live in one residence for the purpose of attending an educational institution but not with the intention of changing their permanent lodging place and if the person’s permanent lodging place is in the other local municipality.

3. Important Dates

Dates	Description
April 13, 2022	Election Information Session for Candidates and Third Party Advertisers offered by the Ministry. Session to be recorded.
May 2, 2022 to August 19, 2022	Nominations may be filed when the Clerk’s Office is open. <ul style="list-style-type: none"> • May 2 to June 30 between 8:30 a.m. and 4:30 p.m.; • July 4 to August 18 between 8 a.m. and 4 p.m.; • August 19 (Nomination Day) between 9 a.m. and 2 p.m.
May 2, 2022 to October 21, 2022	Third Party Registrations may be filed, when the Clerk’s Office is open, during regular business hours.
August 19, 2022	Last day for Withdrawal of Nomination before 2 p.m.
August 19, 2022	Nomination Day Nominations may be filed between 9 a.m. and 2 p.m.
September 3, 2022	Election signs may be displayed starting on this date.
September 1, 2022 to October 24, 2022	Revision Period for the Voters’ List.
September 25, 2022	Certificate of Maximum Campaign Expenses provided to Candidates and Registered Third Party Advertisers

Dates	Description
Late September or Early October 2022	Voter Information Letters are mailed to eligible voters on the voters' list.
October 18 to October 24, 2022	Voting Period – beginning at 10 a.m. on October 18 th and ending at 8 p.m. on Voting Day (October 24, 2022)
October 21, 2022	Last Day for registration of Third Party Advertisers
October 24, 2022	Voting Day
October 26, 2022	Election signs shall be removed by this date.
November 15, 2022	Beginning of New Council Term
November 21, 2022	Clarington's Inaugural Meeting of Council
November 28, 2022	Region of Durham's Inaugural Meeting of Council
December 31, 2022	Last day of Regular Campaign Period Notification of Extension of Campaign, if applicable, shall be provided to the Municipal Clerk.
March 31, 2023	Filing Date (before 2 p.m.) - for period from date Nomination was filed through to December 31, 2022.
June 30, 2023	End of Extension for Campaign to eliminate deficit.
September 29, 2023	1st Supplementary Filing Date before 2 p.m. – for 1st Supplementary Reporting Period from January 1, 2023 through to June 30, 2023.

4. Elected Offices

Candidates for school board offices are encouraged to contact the office of the Director of Education of the appropriate school board to obtain information on the duties and responsibilities of a Trustee.

Name of School Board	Contact Information
Kawartha Pine Ridge District School Board	Education Centre 1994 Fisher Drive Peterborough, Ontario K9J 6X6 Main: (705) 742-9773 Toll-Free: 1-877-741-4577
Peterborough Victoria Northumberland and Clarington Catholic District School Board	The Peter L. Roach Catholic Education Centre 1355 Lansdowne Street West Peterborough, Ontario K9J 7M3 Main: (705) 748-4861 Toll-Free: 1-800-461-8009
Conseil scolaire catholique MonAvenir	110, avenue Drewry North York, ON M2M 1C8 Main: (416) 397-6564 Toll Free: 1-800-274-3764
Conseil Scolaire Viamonde	116 Cornelius Parkway Toronto, ON M6L 2K5 Main: (416) 614-0844 Toll-Free: 1-888-538-1702

At this election, members will be elected for the period commencing November 15, 2022, and ending November 14, 2026, for the following offices:

Office	Number of Positions
Mayor	One to be elected by general vote of the electors of the Municipality of Clarington
Regional Councillor, Wards 1 and 2	One to be elected by ward vote by the electors of Wards 1 and 2
Regional Councillor, Wards 3 and 4	One to be elected by ward vote by the electors of Wards 3 and 4
Local Councillor, Ward 1	One to be elected by ward vote by the electors of Ward 1
Local Councillor, Ward 2	One to be elected by ward vote by the electors of Ward 2
Local Councillor, Ward 3	One to be elected by ward vote by the electors of Ward 3
Local Councillor, Ward 4	One to be elected by ward vote by the electors of Ward 4
Kawartha Pine Ridge District School Board Trustee	Three trustees to be elected by English Public electors
Peterborough Victoria Northumberland and Clarington Catholic District School Board Trustee	Two trustees to be elected by English Separate electors
Conseil scolaire catholique MonAvenir (French-Language Separate School Board Trustee)	One trustee to be elected by French Separate electors
Conseil Scolaire Viamonde (French-Language Public School Board Trustee)	One trustee to be elected by French Public electors
Regional Chair, Regional Municipality of Durham	One to be elected by general vote of the electors of the Regional Municipality of Durham

Part B

Qualifications

1. Member of Council

Who is Qualified?

At the time of filing their Nomination, the candidate must:

- At the time of filing their Nomination, the candidate must be:
 - A Canadian citizen.
 - At least 18 years of age
 - A resident of the Municipality of Clarington, or the owner or tenant of land in the Municipality of Clarington or the spouse of the owner or tenant of land in the Municipality of Clarington.
- Not disqualified for violations of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- **Note:** Employees of a municipality are subject to Section 30 of the Municipal Elections Act, 1996, (MEA) which requires the board to give individuals that are employees a leave of absence, upon request. Such leave must begin on the day the employee is nominated and end on Voting Day. The person is deemed to have resigned immediately before making the Declaration of Office. An employee is not required to take a leave of absence to run for the office of Regional Chair.

Who is Disqualified?

Who is disqualified?

The following persons are **disqualified** from seeking election to Council:

- Except during a leave of absence, beginning no later than the day the person is nominated, an employee of the Municipality of Clarington or a local board.

- A person who is not an employee of the Municipality of Clarington, but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in s. 223.11 of the Municipal Act or a Closed Meeting investigator referred to in s. 239.2(1) of the Municipality of Clarington.
- A judge of any court.
- Except if they cease being a member as of 2 p.m. on Nomination Day:
 - A member of the Ontario Legislature.
 - A member of the House of Commons.
 - A member of the Senate.
- A person who is serving a sentence of imprisonment in a penal or correctional institution, including a sentence being served in the evening or on weekends.
- A corporation.
- A person acting as executor or trustee or in any other representative capacity.
- 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 years after Voting Day in the election in respect of which they were convicted.
- A candidate convicted of a corrupt practice as described in Subsection 91(1) of the Municipal Elections Act, 1996, if Voting Day in the current election is less than eight years after Voting Day in the election in respect of which they were convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information in accordance with the Municipal Elections Act, 1996.
- A member of a municipal council who knowingly votes to authorize the borrowing of any amount larger than permitted under s. 407 of the Municipal Act is disqualified from holding any municipal office for two years.
- A member of a council who voted to apply any money raised for a special purpose or collected for a sinking or retirement fund to pay current or other expenditures other than those permitted by the Municipal Act, is disqualified from any municipal office for two years.
- A member of a council where the council neglects in any year to levy the amount required to be raised for a sinking or retirement fund, is disqualified from holding any municipal office for two years, unless the member shows efforts to produce the levying of the amount.

- A member who has been found to have contravened the Municipal Conflict of Interest Act can be disqualified from holding municipal office for a period of up to seven years.

Note: It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated.

2. Member of School Board

Who is qualified?

At the time of filing their Nomination, the candidate must:

- A Canadian citizen.
- At least 18 years of age
-
- A resident within the area of jurisdiction of the school board.
- Not disqualified for violations of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- Not disqualified under the provisions of Section 219(4) of the *Education Act*.

Note: Employees of a board of education are subject to Section 30 of the MEA which requires the board to give individuals that are employees a leave of absence, upon request. Such leave must begin on the day the employee is nominated and end on Voting Day. The person is deemed to have resigned immediately before making the Declaration of Office.

Who is disqualified?

The following persons are **disqualified** from seeking election to school boards:

- Except during a leave of absence beginning no later than the day the person is nominated, an employee of a district school board or school authority.
- A member of any municipal council, including a regional council.
- A Clerk, Treasurer, Deputy Clerk or Deputy Treasurer of any municipality, all or part of which is included in the jurisdiction of the board or authority unless they take an unpaid leave of absence, beginning no later than the day the person is nominated and ending on Voting Day.
- A judge of any court.

- Except if they cease being a member as of 2 p.m. on Nomination Day:
 - A member of the Ontario Legislature
 - A member of the House of Commons
 - A member of the Senate
- A person who is serving a sentence of imprisonment in a penal or correctional institution, including a sentence being served in the evening or on weekends (this does not include persons serving house arrest).
- A corporation.
- 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 years after Voting Day in the election in respect of which they were convicted.
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information in accordance with the *Municipal Elections Act, 1996*.
- Otherwise, ineligible or disqualified under the Education Act or any other Act.

Note: It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated.

3. Regional Chair

If you are contemplating running for the Office of Regional Chair, contact the Regional Clerk's office to determine eligibility and how to file your Nomination. Learn more about the Region's nomination process on the Region of Durham website, <https://www.durham.ca/en/regional-government/municipal-elections.aspx>

Regional Clerk / Director of Legislative Services
Regional Municipality of Durham
605 Rossland Road East
PO Box 623
Whitby, ON L1N 6A3
Email: clerks@durham.ca
Phone: 905-668-7711 ext. 2100

Part C

Nominations

Note: This section pertains to nominations for the following three Offices:

- Clarington Council
- Kawartha Pine Ridge District School Board
- Peterborough Victoria Northumberland and Clarington Catholic District School Board.

If you are contemplating running for the Conseil scolaire catholique MonAvenir or the Conseil Scolaire Viamonde, the Municipal Clerk responsible for accepting French School Board Trustee nominations is:

City Clerk Services
City of Oshawa
5th Floor, Rundle Tower, City Hall
50 Centre Street South
Oshawa, ON L1H 3Z7

Phone: 905-436-3311

Toll-free: 1-800-667-4292

Fax: 905-436-5697

Email: clerks@oshawa.ca

Website: voteoshawa.ca

If you are contemplating running for the Office of Regional Chair, contact the Regional Clerk's office to determine [how to file your nomination](#).

Regional Clerk / Director of Legislative Services

clerks@durham.ca

Regional Municipality of Durham
605 Rossland Road East
PO Box 623
Whitby, ON L1N 6A3
905-668-7711 ext. 2100

1. Who may be nominated?

Part B of this guide details the qualifications and disqualifications of a candidate.

2. How to be Nominated

If you are contemplating running for Council of the Municipality of Clarington or the Kawartha Pine Ridge District School Board or the Peterborough Victoria Northumberland and Clarington Catholic District School Board, you may file your nomination with the Municipal Clerk during regular business hours from May 2 to August 18, 2022. On Nomination Day, August 19, 2022, nominations may be filed between 9 a.m. and 2 p.m.

Exception: If the number of nominations filed for an office and certified under Section 35 of the Act, is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 2 p.m. on the Wednesday following Nomination Day (August 24, 2022).

All nominations must be in the prescribed form, including the endorsement signatures, which is available at the Municipal Clerk's Office and be accompanied by the nomination filing fee of \$200 for the Office of Mayor and \$100 for all other offices.

Individuals may endorse more than one nomination. If a candidate files a nomination, and then changes their mind and decides to run for a different office on the same council, they are not required to submit new endorsement signatures.

A person filing a nomination in accordance with Section 33 of the MEA shall not canvass Municipal Staff during regular business hours, or during a Municipal Staff member's working shift, to endorse their nomination.

In accordance with the Use of Corporate Resources for Election Purposes Policy F110, a person soliciting electors to endorse their nomination in accordance with Section 33 of the MEA shall be considered "Campaigning", which shall not be permitted at a "Municipal Facility" in accordance with the aforementioned policies.

Endorsement signatures must be:

- original (i.e. they cannot be electronic);
- 25 unique endorsements by "persons";

- be signed by those who are eligible to vote in an election for an office within the municipality if a regular election was held on the day that the person endorsed the nomination. Those signing an endorsement must also complete a prescribed declaration form to confirm that they were eligible to vote when they provided the endorsement. NOTE: Originals will be kept by the Municipal Clerk, with a copy for candidates.
- complete a prescribed declaration form to confirm that they were eligible to vote when they provided the endorsement.

NOTE: Eligible electors may endorse more than one candidate.

The Municipal Clerk retains the original endorsement forms. If the nomination is filed electronically, the candidate shall retain the copy with the original endorsement signatures.

The nomination filing fee must be paid in cash, debit, certified cheque or money order made payable to the Municipality of Clarington.

Until you file your nomination package with the Municipal Clerk or designate, your campaign cannot raise money or incur expenses. Also, you cannot spend any of your own money, or that of your spouse, on your campaign before you file your nomination package.

Each person to be nominated for election to an office shall be nominated by a separate Nomination.

A nomination may only be filed in person (facsimile transmissions (faxes) and mailed nominations will not be accepted) or by an agent at the Municipal Clerk's Office unless the conditions for electronic filing have been met (see below).

3. Electronic Filing of Nominations

Electronic filing¹ (e-filing) will only be permitted if all the following conditions have been met:

1. A state of emergency has been declared by the federal or provincial government or the Municipality of Clarington; and
2. The Clerk's Office is closed due to the emergency, and in-person attendance is not permitted for three contiguous business days, which will include Nomination Day.

If the conditions above have been met, e-filing is permitted and the following process is followed:

1. Nomination packages shall be emailed to votes@clarington.net.
2. The Candidate must use the fillable forms provided.
3. All forms shall be signed, but original signatures are not required.
4. Regarding the endorsement signatures, as per subsection 33(1.2.1) of the MEA, "for greater certainty, endorsements of a nomination under subsection (1.1) shall be collected as original signatures even if the clerk has provided for electronic filing." And 33(1.2.2) "A person who electronically files a nomination for an office on a council that must be endorsed by at least 25 persons shall retain the copy of the document bearing the original endorsement signatures."
5. The date and time that the nomination package is received shall be determined by the time received identified within the email. Please note that there may be a time delay between sending the email and receiving the email.
6. Payment shall be made via the Clarington website at E-Payments = <https://forms.clarington.net/eServices/eServices-Online-Payment-Form>
7. A copy of the candidate's identification shall be emailed to votes@clarington.net. The copy shall be clear. Any blurred copies shall be rejected.

¹ NOTE: A candidate may also submit their nomination papers, including fee, and copies of identification, using the drop-box at the main door of the Municipal Administrative Centre (MAC) only when all the conditions for e-filing have been met. In the event that e-filing is in effect, the drop-box will be checked at the beginning and end of the business day, except on Nomination Day when it will be checked at 2 p.m. or on the day of extension of Nominations.

4. Nomination Videos

If the Candidate, or their agent, wishes to take promotional photos or videos of themselves submitting nomination papers, Clarington employees are not permitted to participate as this may be construed as a conflict with the Municipality's responsibility to remain impartial to all Candidates in an election.

5. Withdrawal of Candidacy

If you decide that you want to withdraw from the election, you must notify the Municipal Clerk in writing by 2 p.m. on August 19, 2022.

Exception: If you were nominated under subsection 33 (5) (i.e. Additional Nominations), you must notify the Municipal Clerk in writing by 2 p.m. on August 24, 2022.

This must be done in person (by candidate or agent), regardless of the method of nomination. Any withdrawals sent by mail, email, or fax will not be accepted unless electronic filing is permitted.

An agent may file the Withdrawal of Nomination Form with the Municipal Clerk's Division. If an agent is filing the Withdrawal of Nomination Form, the candidate must provide the agent with a letter stating the agent has the authority to file the Withdrawal of Nomination Form on their behalf.

The candidate, or agent, who is submitting the withdrawal must produce identification.

If withdrawing, you are entitled to a refund of the Nomination filing fee if you submit, in the prescribed form (Financial Statement – Auditor's Report Form 4), a financial disclosure covering the financial transactions made up to the point at which you withdrew.

6. Death/Ineligibility of a Certified Candidate

Section 39 of the MEA states;

If a certified candidate for an office, before the close of voting on voting day, dies or becomes ineligible to hold the office,

(a) if no candidate would be elected by acclamation as a result of the death or ineligibility,

(i) the election shall proceed as if the candidate had not been nominated, and

(ii) the clerk shall omit the candidate's name from the ballots or, if they have already been printed, shall cause notice of the candidate's death or ineligibility to be made available to the public in every voting place;

(b) if another candidate would be elected by acclamation as a result of the death or ineligibility, the election is void and a by-election shall be held to fill the office.

Therefore, for clarity, since Clarington is holding an internet/telephone election, if there continues to be a contest between two (or more) candidates, the election will proceed as if the candidate who dies or becomes ineligible had not been nominated. In the event voting has begun, the Clerk will post the removal of the candidate on Clarington's election website and post a notice in every EAC.

7. Changes in Office

If, after filing a Nomination for an office, a candidate decides to seek election for another office on the same Municipal Council or local board, the candidate shall file a second Nomination for the new office. The first Nomination is deemed to have been withdrawn at the time the second Nomination is filed. Under such circumstances, the Nomination filing fee is transferred to the new office as are the prescribed endorsements. However, in accordance with Sections 88.24(3) and 88.25(1) of the MEA, the two campaigns are separate; contributions and expenses cannot be transferred to the new office and two separate financial disclosures must be filed in the prescribed form (Financial Statement – Auditor's Report Form 4), one for each office.

Similarly, in accordance with subsection 33 (2.1), where a candidate submitted nomination papers for one office (i.e. Local Ward Councillor) and decides to seek election for another office not on the Municipality of Clarington Council (i.e. Regional Chair), in addition to filing a new Nomination form, the candidate must also submit the prescribed endorsements.

8. Refund of Nomination Filing Fee

In accordance with Section 34 of the Act, a candidate is entitled to receive a refund of the Nomination filing fee if they,

- Withdraw their Nomination and do not replace it with another Nomination paper or replaces it with a Nomination for a different race; and
- File the documents required under subsection 88.25 (1) of the Act on, or before, 2 p.m. on the filing date in accordance with that subsection (Notice of Filing Requirements (See Appendix 1)).

Candidates will not receive a refund of the nomination fee if the financial statements are not filed or are filed late, including being filed during the 30-day grace period following the filing date.

If the financial statement or supplementary financial statement filed with the Clerk shows a surplus and the campaign period has ended at the time the statement is filed, the candidate or registered third party shall, when the statement is filed, pay the surplus to the Clerk, reduced by the amount of any refund.

Any refunds due to certified candidates will be refunded to them within four weeks following the submission of their financial statements.

9. Certification by Municipal Clerk

By 4 p.m. on August 22, 2022, the Municipal Clerk shall examine each Nomination that has been filed in accordance with the Act. If satisfied that the candidate is qualified to be nominated, the Municipal Clerk shall certify the Nomination by signing the Nomination. If not satisfied, the Municipal Clerk shall reject the Nomination and, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. The Municipal Clerk's decision to certify or reject a Nomination is final.

NOTE: For any additional nominations filed as per subsection 33(5) of the Act, the Municipal Clerk shall examine the nominations before 4 p.m. on Thursday, August 25, 2022.

NOTE: A candidate may be eligible on the day that they submitted their nomination, but then become ineligible prior to Nomination Day (and certification), i.e. they move out of the municipality.

Part D

Campaign Information

1. Duties of the Candidate

The candidate shall ensure that:

- (a) no contributions of any kind 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 (term of office for 2022-2026 ends November 14, 2026);

(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 (ii), 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.

All certified candidates are to provide to the Clerk the proper pronunciation of their names for programming into the telephone Voting System no later than August 26, 2022.

2. Expenses

What are Expenses?

Campaign expenses are the costs that a candidate incurs (or that a person such as the campaign manager incurs on their behalf) during the campaign. The nomination fee is a personal expense. It is not considered to be a campaign expense and should not be reported on your campaign financial statement.

Expenses must be paid from the campaign bank account. If the candidate uses a credit card to pay for purchases they should make sure that they keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

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

Goods and services that are contributed to their 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 – the candidate must record both the contribution and the expense.

If the candidate is given a special discount on a good or service that they are purchasing for their campaign, they should record the expense as if they were not given the discount (since the value of the discount is considered to be a contribution of the good or service to their campaign).

Corporations and other businesses are not permitted to make contributions to candidates. If the candidate is offered a discount, they should make sure that whoever is offering the discount is entitled to make a personal contribution to their campaign.

Types of Expenses

The following are deemed to be expenses under the Act:

- Replacement value of goods retained from any previous election and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans.
- The cost of holding fundraising functions.
- The cost of holding parties and other expressions of appreciation after the close of voting.
- Expenses related to a recount or a controverted election.
- Expenses related to a compliance audit.

- Expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election.
- Cost of election campaign advertisements.

The cost of holding fundraising functions does not include costs related to events or activities that are organized to promote public awareness of a candidate and at which soliciting of contributions is incidental nor is promotional materials in which the soliciting of contributions is incidental. The following expenses are not subject to the spending limit:

- Audit and accounting fees.
- Expenses related to holding a fundraising function.
- Expenses related to parties and other expressions of appreciation after the close of voting (subject to limits explained above).
- Expenses relating to a recount or controverted election.
- Expenses relating to a compliance audit.
- Expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election.

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

Campaign inventory

If a candidate ran in a previous election and they want to reuse leftover goods, such as signs or office supplies, they must establish the current market value of the goods – what it would cost them to purchase them today. They must record the current market value as an expense.

If a candidate has inventory left at the end of their campaign, it becomes the candidate's personal property. If they wish to store materials, such as signs, for use in another election, any costs related to storage are personal costs, not campaign expenses.

A note to accountants: the value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus, on paper, that the candidate does not actually have.

Expense Period

The expense period is different from the campaign period. As per subsection 88.20(6) of the MEA, the expense period begins on the day a candidate is nominated and ends on Voting Day. This applies to all candidate expenses except for the following:

- Audit and accounting fees.
- The cost of holding fundraising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a recount or a proceeding under Section 83 (controverted elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expense relates.

3. Campaign Spending Limits

The spending limit covers expenses that are incurred between the beginning of the campaign and Voting Day. Expenses that are incurred between the day after Voting Day and the end of the campaign are not subject to the spending limit except for parties or other expressions of appreciation, which has its own spending limit.

Note: If an expense is incurred before Voting Day, but not paid until after Voting Day, it would still be subject to the spending limit.

At the time of filing a Nomination paper, the Municipal Clerk, or designate, shall provide the candidate with a preliminary statement of maximum campaign expenses. See the "Preliminary Certificate of Maximum Campaign Expenses" in Appendix 2.

4. What is the Campaign period?

Starts: The campaign period starts from the time a candidate submits their Nomination.

Ends: a) December 31, 2022.

Or

b) If a candidate withdraws their Nomination, the campaign period ends on the day of the withdrawal or is deemed withdrawn because they had filed a new nomination, as the case may be.

Or

c) On Nomination Day if the nomination is rejected by the Clerk under s.35 of the Act.

Or

d) On the day the candidate files the documents under section 88.25, as long as the documents are filed after voting day and before December 31 in the year of a regular election.

Extension: If the candidate has a deficit at the time the campaign period would otherwise end the period may continue to June 30, 2023, provided the candidate notifies the Municipal Clerk in writing on, or before, December 31, 2022, of their intention to extend the period.

End of Extension: The extension period ends the earliest of:

- i) June 30, 2023,
- ii) the day they are nominated in a subsequent election for an office on the same council or local board for which the deficit was incurred,
- iii) the day the candidate notifies the Municipal Clerk in writing that they will no longer accept further contributions, and
- iv) the day that further contributions = [expenses incurred during the extension campaign period] + [the amount of deficit at the start of extension campaign period]. For clarity, this is when the candidate no longer has a deficit.

5. Election Contributions

Pursuant to Section 88.15 (3) of the MEA, money, goods and services given to a person for use in their campaign, or given and accepted by another person who is acting under the person's direction, are contributions, including money, goods and services that the candidate gives themselves. Contributions include:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17.

The MEA requires the candidate to report the contributions received and expenses incurred during the campaign period.

- A cash contribution cannot exceed \$25.
- A candidate and his or her spouse shall not make contributions to the candidate's own election campaign that exceeds the applicable maximum amounts certified by the Municipal Clerk (See Appendix 2).
- A candidate who does not accept any contributions of money, or incur any expenses, is not required to open a bank account.
- Corporations and trade unions are no longer eligible to contribute to municipal election campaigns. This includes all council and school board elections.

Corporations and trade unions may register as third party advertisers or make contributions to Registered Third Party Advertisers.

Goods and Services Donated and Deemed not to be Contributions

In accordance with subsection 88.15(4) of the MEA, the following are deemed **not** to be contributions:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17.
- For a person referred to in subsection (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the Broadcasting Act (Canada), if,
 - it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - it is provided equally to all candidates for office on the particular council or local board.

Who can make a Contribution

You can accept contributions from:

- individuals who normally reside in Ontario
- yourself and your spouse

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (for example, contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (for example, running for the same council or for the same school board) is \$5,000.

If your spouse is not normally a resident in Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Who cannot make a Contribution

The following individuals and organizations are not allowed to make contributions to municipal and school board campaigns:

- a federal political party, constituency association, or a registered candidate in a federal election
- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board
- a corporation
- a trade union
- an individual who is not normally a resident in Ontario.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Returning Ineligible Contributions

Candidates are required to return any contribution that was made, or accepted, in contravention of the Act as soon as they learn that it was an ineligible contribution. If the contribution cannot return, the candidate must return it to the Clerk.

Contributions should be returned or paid to the Clerk if the contribution is:

- made outside the campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (e.g. someone who doesn't live in Ontario, a corporation, trade union, etc.)
- greater than the \$1,200 limit or the \$5,000 total limit per jurisdiction;
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to the candidate.

6. Contribution receipts

Candidates must issue a receipt for every contribution they receive. The receipt should show who made the contribution, the date, and the value. If the contribution was in goods or services, the candidate must determine the value of the goods or services and issue a receipt for the full value.

If a candidate receives a cheque from a joint personal account, the receipt must be issued only to the person who signed the cheque. The contribution can only come from one person.

The candidate is required to list the names and addresses of every contributor who gives more than \$100 total to the campaign in the financial statement. Candidates should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totaling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal and school board campaigns cannot be claimed against provincial or federal income taxes.

The following are recommended best practices for receipts:

- ensure that receipts are stored in a secure place
- have a multi-part receipt (one for contributor, one for candidate to keep)
- make sure that receipts are sequentially numbered
- consider including contribution limits on the receipt
- have the bank provide monthly statements and cancelled cheques for the account
- produce duplicate deposit slips for every deposit
- maintain a petty cash fund

7. Fundraising

Fundraising functions are events or activities held by a candidate, or on behalf of a candidate, for the primary purpose of raising money for the candidate's campaign. If a candidate holds an event to promote their campaign and the candidate happen to receive some contributions or ask people to consider contributing to the 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 the candidate's campaign, not to raise money.

Fundraising events and activities can only be held during the campaign period. The candidate must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on the campaign financial statement.

If the candidate sells tickets to an event, the ticket price is considered to be a contribution to the campaign and the candidate must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

If the ticket price is more than \$100, the candidate must include these contributions in Table 1 on the campaign financial statement (Form 4). If the ticket price is less than \$100 and a person who buys a ticket makes other contributions totalling more than \$100 (including the cost of the ticket), the candidate must record these contributions – including the cost of the ticket – in Table 1.

8. Financial Reporting Requirements

All nominated candidates, including those not elected, those who withdrew their nomination, and those whose Nomination was rejected by the Municipal Clerk, must disclose and report their contributions and expenses incurred as of December 31, 2022, in the prescribed form (Financial Statement – Auditor's Report Form 4).

E-filing of Financial Statements

Although the MEA allows that “the clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing”, Clarington will only be accepting hard-copy financial statements.

Deadline for Financial Statements

A candidate shall file, with the Clerk with whom the nomination was filed, a financial statement in the prescribed form, for a regular election on, or before, 2 p.m. on the last Friday in March in the year following the regular election (March 31, 2023).

Grace Period

A candidate may file within 30 days (May 1, 2023, at 2 p.m.) after the deadline, provided a \$500 late filing fee is paid to the Municipality of Clarington. The nomination filing fee will not be refunded if the financial statements are received during this 30 day grace period.

If the financial statements are not filed within the 30 day grace period, the Clerk shall accept financial statements only for the purpose of making the documents available for

viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

Auditor's Report

Candidates whose campaign contributions and total expenses are each equal to or less than \$10,000 are not required to file an auditor's report with the financial statement.

Candidates whose campaign contributions exceed \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004. Before a candidate hires someone to prepare the report, they should ensure that they are properly qualified.

A candidate can incur expenses relating to the auditor's report after December 31, 2018. These expenses do not count toward their spending limit. Include these expenses on the financial statement that the candidate is filing.

Errors on Form

If a candidate filed their financial statement prior to the filing date of March 31, 2023 for the campaign period ending December 31, 2022, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report (if applicable) by March 31, 2023.

Extending the Campaign

If the candidate notifies the Municipal Clerk on, or before, December 31, 2022, of the fact that their campaign has a deficit and they wish to extend their campaign period, the candidate will be required to submit a supplementary report for the supplementary period. The supplementary reporting period runs from January 1, 2023 – June 30, 2023. The candidate must submit a supplementary report to the Municipal Clerk on, or before, 2 p.m. on the last Friday of September in the year following an election (September 29, 2023).

Reporting dates:

Date	Details
December 31, 2022	Notice of Extension of Campaign Period to Municipal Clerk, if extension needed.
March 31, 2023	Filing Date before 2 p.m. for period from date Nomination was filed through to December 31, 2022. (Note: Even if the candidate is extending their campaign, they must submit a report for the campaign period which ran from the date of Nomination through to December 31, 2022.)
September 29, 2023	Supplementary Filing Date before 2 p.m. Supplementary reporting period from January 1, 2023, through to June 30, 2023. (Note: Auditor's Report and Financial Statements are to include all of the information submitted in the first report which was submitted on, or before, March 31, 2023, and any additional information which occurred during the supplemental reporting period.)

The Clerk will make public a report of which candidates filed financial statements and which candidates did not file financial statements by posting it on the municipal website, www.clarington.net/votes.

Record Keeping

Candidates are responsible for keeping records of the financial activities related to their campaign. The MEA does not require candidates to use any specific accounting system. Candidates may want to consult with an auditor, or an accountant, early in the campaign to make sure that they are using a bookkeeping and accounting system that will suit their needs.

Candidates should also review the Campaign Financial Statement – Form 4 that candidates will be required to file to make sure that candidates are keeping records of all the information that must be included on the statement.

Candidates are required to keep all campaign financial records until November 15, 2026, when the next council takes office.

Candidates must keep the following campaign records:

- Receipts issued for every contribution including when the contribution was accepted and the date the receipt was issued (including issuing receipts to themselves for any contributions that they make).
- The value of every contribution, whether it is in the form of money or goods or services and the contributor's name and address.
- All expenses, including the receipts obtained for each expense.

- Any claim for payment of an expense that the campaign disputes or refuses to pay.
- The funds raised and expenses incurred from each separate fundraising event or activity.
- The terms of any loan received from a bank or other recognized lending institution.

Candidate's financial statements are deemed to be public documents and will be posted on the Municipality's website in their entirety. The documents will be available to the public until the new Council takes office following the next regular election.

9. Compliance and Enforcement

Compliance Audits

Each municipality and school board must appoint a Compliance Audit Committee.

If an eligible elector believes that a candidate has contravened the election finance rules, they may apply for a compliance audit of the candidate's campaign finances even if the candidate fails to submit a financial statement by the deadline. The application must be in writing and must set out the reasons why they believe the candidate contravened the rules.

An application for a compliance audit must be submitted to the Clerk, who conducted the election within 90 days of the deadline, to file the campaign financial statement.

The Compliance Audit Committee will consider the application and decide whether to grant or reject the application. The Committee's decision may be appealed to the Superior Court of Justice within 15 days after the decision is made.

If the Committee grants the application, they will appoint an auditor to conduct a compliance audit of the candidate's campaign finances. The auditor is entitled to have access to all of the financial records related to the campaign. The auditor will produce a report, which the candidate is entitled to receive.

The Committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the Act, the Committee will decide whether to commence legal action.

The Committee does not have any authority to set penalties. Only the court can decide if the candidate actually contravened the Act and, if so, which penalties should apply.

A person who does not want to, or who is not able to, apply for a compliance audit may decide to commence legal action on their own.

Clerk's Report to Compliance Audit Committee

The Clerk will prepare a report addressing whether each candidate has complied with the requirement to submit a financial statement and shall make the report available to the public as soon as possible after April 30, 2019.

In addition, the Clerk also has the responsibility to review the source of all contributions to ensure that no contributor has exceeded the \$1,200 spending limit, as well as the aggregate spending limit (\$5,000) by each contributor. In the event that either of these amounts is exceeded, the Clerk will report the same and automatically refer the matter to the Compliance Audit Committee. The Compliance Audit Committee shall consider the report and decide whether to initiate legal proceedings against the contributor for an apparent contravention.

Automatic Penalties

There are three contraventions of the Act where penalties apply automatically:

1. if the candidate fails to file a financial statement or apply to the court for an extension by the filing deadline
2. if the candidate fails to turn over their surplus to the Clerk when they file their financial statement
3. if the candidate's financial statement shows that they exceeded their spending limit.

The penalty is that the candidate forfeits their office (if they won the election) and they become ineligible to run or be appointed to fill a vacancy until **after** the 2026 election.

Convicted Penalties

If they are convicted of an offence, they may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run until after the next general election (2026)
- up to six months in prison
- forfeiture of their elected office if the judge finds that they committed the offence knowingly

If a candidate is convicted of exceeding the spending limit, they may also be fined the amount by which they exceeded the limit.

10. Campaign Surpluses

At the time of filing the Financial Statement, if the Candidate's Financial Statement or Supplementary Financial Statement shows a surplus and the election campaign period has ended at the time the statement is filed, they shall, when the statement is filed, pay the surplus to the Municipal Clerk with whom the candidate's Nomination was filed. Prior to paying over any surplus monies to the Municipal Clerk, the candidate is entitled to refund any contributions made to the election campaign by the candidate or the spouse of the candidate. The amount that may be refunded is the lesser of the amount of the relevant contributions or the amount of the surplus.

If a candidate's election campaign period recommences as a result of a recount, or to a proceeding under Section 88.33 (Compliance Audit) or Section 83 (Controverted Elections) of the Act, and the candidate notifies the Municipal Clerk in writing, the Municipal Clerk shall pay the amount, held in trust to the candidate, with interest.

The amount becomes the property of the Municipality or local board, as the case may be when all of the following conditions are satisfied:

1. The campaign period has ended under paragraphs 2, 3 or 4 of subsection 88.24 (1).
2. It is no longer possible to recommence the campaign period under paragraph 5 of subsection 88.24 (1).
3. No Recount or proceeding under section 83 (Controverted Elections) has been commenced.
4. The period for commencing a recount or a proceeding under section 88.33 or 83 or a compliance audit has expired.

11. Campaign Advertising

Mandatory Campaign Advertising Information

All election campaign advertisements (broadcast, print, electronic or another medium) that has the purpose of promoting or supporting the election of a candidate, shall identify the candidate.

Mandatory Information for Broadcasters and Publishers

When advertising with a broadcaster or publisher, the following information must be provided in writing with the advertisement:

- the name of the Candidate, and
- the name, business address and telephone number of the person dealing with the broadcaster or published under the direction of the candidate.

Obligations of Publishers/Broadcasters

The publisher and/or broadcaster must maintain the following information for four years after the date the advertisement appears and shall allow the public to inspect such records during normal business hours:

- The name of the Candidate;
- The name, address and telephone number of the individual who deals with the publisher/broadcaster under the direction of the Candidate;
- A copy of the advertisement or the means of reproducing it for inspection; and
- A statement of the charge made for its appearance.

Use of Corporate Resources

The MEA prohibits a municipality from making a contribution to a candidate. The Act also prohibits the candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. Since contributions may take the form of money, goods or services, any use by a candidate of the municipality's resources for their election campaign would be viewed as a contribution and therefore, a violation of the Act. Information made available to the public on the Municipality's election website does not constitute a contribution to a candidate. This information may include the phone number, address, social media, and email address provided by the candidate on their Nomination Form.

All municipal facilities are to be free from any form of campaigning or campaign material. This includes anything that is considered to be election signage and/or communications for the purpose of soliciting electors. This prohibition is extended to both the internal and external areas associated with municipal property. The MEA mandates that, while a voter is in a voting place, no one shall attempt to, directly or indirectly, influence how a voter votes, and that no campaign material or literature may be displayed. Election Officials and Municipal Law Enforcement Officers have been instructed to remove or ask to be removed all campaign materials (including buttons, pamphlets, posters, signs, vehicles etc.) from all municipal facilities.

For more information please refer to Clarington's Use of Corporate Resources for Election Purposes Policy, F110.

Campaigning at Apartments and Condominiums

Apartments, condominiums, non-profit housing cooperatives and gated communities must allow Candidates and their representatives access to the doors of units or houses from 9 a.m. to 9 p.m. during the campaign period.

Despite these legislative provisions candidates may, at times, experience difficulty in gaining access to certain private residential complexes. If this occurs, candidates should contact the rental agency, owner of the building, or other relevant approval body and request that they instruct their staff of the legislative right of candidates to have access to these buildings for canvassing purposes.

The Municipal Clerk does not have the authority to intervene on behalf of any candidate to grant them access to a privately owned building for the purpose of canvassing and/or distributing election material.

Notwithstanding, during the conduct of the advanced vote or on Voting Day, candidates or Third Party Advertisers are prohibited from campaigning within retirement facilities or long term care facilities which have been designated as a Special Voting Location.

Campaign Material around an Election Assistance Centre

When an EAC is located within public premises, the entire property and all the boundaries associated with it are considered part of that EAC.

When an EAC is located on private premises, such as apartment or condominium buildings, all of the common elements of those buildings are considered part of the EAC. Individual units, however, are not considered common elements and their doors, windows, balconies, etc., do not fall under the jurisdiction of the Municipality of Clarington.

On both public and private premises, "premises" includes the parking lot, adjoining fences, and adjacent road allowances. The Municipality of Clarington utilizes only a specific area for an EAC and has no jurisdiction over adjacent properties.

9. Election Signs

The first day election signs may be erected is September 3, 2022, and signs must be removed by October 26, 2022. Candidates must follow the election sign requirements set out in Clarington's Municipal Election Sign By-law.

An election sign deposit is required if any candidate is planning to erect signs.

Additional election sign information is available within the Candidates' Information Package and Clarington's Municipal Election Website, www.clarington.net/votes.

Part E

General Information

1. Duties and Responsibilities

Council

Municipal Council is comprised of a Mayor, two Regional Councillors and four Local Councillors. The Mayor is elected at large, the Regional Councillors are elected by voters in Wards 1 and 2 and Wards 3 and 4, and Local Councillors are elected by voters in their respective wards.

The Mayor and Regional Councillors sit on both the Municipal Council and the Council of the Regional Municipality of Durham. The Local Councillors sit on Municipal Council only. The Mayor and all Councillors serve a four-year term.

All seven members of Council are responsible for the management and administration of the Municipality's resources. As well as attending Council and Committee meetings, members also share in attendance at many board meetings.

The Mayor and Regional Councillors also attend Council and Committee meetings at the Regional level.

School Board Members

Candidates for school board offices are encouraged to contact the office of the Director of Education of the appropriate school board to obtain information about the duties and responsibilities of a Trustee.

Chair, Regional Council

Candidates for the office of Regional Chair are encouraged to contact the Regional Clerk's Office to obtain information on the duties and responsibilities of the Regional Chair.

2. Council Remuneration

According to Municipal By-laws [2008-020](#) and [2011-005](#) (as amended by [By-law 2014-123](#) and [By-law 2018-103](#)), the 2022 Council remuneration is as follows:

Mayor = \$94,753

Councillor = \$37,902

NOTE: Regional Members of Council are paid an additional amount by the Region of Durham.

3. Scrutineers (Candidates' Agents)

“Election Activity Area” means Election Assistance Centres, Special Voting Locations, Advance Voting reduced hours EACs, Clarington Libraries, Municipal Administration Centre, Election Headquarters, Election Return Headquarters and includes the entire property of each location.

Candidates are responsible for appointing scrutineers, in writing, and for ensuring that they understand and comply with the rules specified in the procedure and the Act. There is no age restriction on scrutineers. Third Party Advertisers are not permitted to appoint scrutineers.

The Clerk and Deputy Clerk are responsible for ensuring that scrutineers have opportunities to observe and scrutinize the voting process..

The role of scrutineers in the Election Activity Area is to scrutinize the integrity of the voting process. It is not a communicative role. Scrutineers are prohibited from speaking directly to voters in the Election Activity Area.

Each candidate may appoint any number of persons as are necessary to act as scrutineers and to represent them at the Election Assistance Centre. Scrutineers must be appointed in writing on the form provided by the Municipal Clerk and, upon request, shall show proof of their appointment to an Election Official.

Only one scrutineer for each certified candidate OR the Candidate may be present within any of the election activity areas at any one time. The candidate and their scrutineer are NOT permitted to be present in the same election activity area at the same time.

Candidates and Scrutineers have the following rights:

- to be present when equipment and materials related to voting are being delivered to the Municipal Clerk from the EACs.
- to enter the Election Assistance Centre 15 minutes before it opens and to inspect the equipment and materials but not so as to delay the opening of the Election Assistance Centre.
- Object to a person being added to the Voters' List (Note: a record will be made of all objections, however Election Officials shall make the final decision regarding whether to add an elector to the voters' list, make a revision to the Voters' List, or issue a voting PIN).
- Be present to verify and ensure that total votes cast are at "0" when the polls open; Candidates and Scrutineers in attendance shall be requested to sign a document attesting to this fact.
- Examine the Voters' List periodically, electronically via the Candidate's Portal on their own device, to determine who has voted or to count how many electors have voted.
- After the close of votes on Voting Day, scrutineers may observe the tabulation of results in the Election Headquarters.

Scrutineers, Campaign Workers/Volunteers, and Candidates are prohibited from the following:

- Going door to door (or otherwise interacting with voters) with a device to offer to help voters vote, or by helping voters use their own device to vote. Any questions that candidates may be asked by voters about the voting process should be directed to the Municipal Clerk's office, an Election Official at an EAC, the Election helpline 905-697-4747, or the website www.clarington.net/votes. These questions may include, but may not be limited to: identification, additions, changes, voter fraud, voting opportunities. This is ever more important in the changing times as they relate to COVID-19.
- Wearing campaign material (buttons, hats, T-shirts, etc.), handing out campaign material, or parking a vehicle displaying campaign material in the parking lot of an Election Activity Area;
- Attempting to directly, or indirectly, influence how an elector votes;
- Entering a voting compartment while occupied by an elector, or to be in a position to see how the elector votes;
- Observing how an elector votes, or interfering with the voting process;

- Being present when an Election Official assists in marking a ballot of a voter who requests assistance;
- Acting as an interpreter, or providing assistance to any elector;
- Obtaining, or attempting to obtain, in any place where someone is voting, information about how a voter intends to vote or has voted or communicate any such information or do anything that might compromise the secrecy of the vote;
- Speaking to voters anywhere on the Election Activity Area property;
- Touching voting technology (such as laptops or tablets) except during demonstrations prior to the Voting Period;
- Displaying campaign material, or literature of any nature whatsoever, within the EAC. The boundaries of the EAC are the boundaries of the property where the EAC is located and includes the parking lot. Campaign signs are not permitted on the property where the EAC is located;
- Sitting at the tables provided for Election Officials. Scrutineers may wish to bring a clipboard for their use; and
- Using cell phones and other personal mobile devices within the EAC and they shall be placed on silent mode.

To avoid disruption of the Election Activity Area, Candidates wishing to speak to their Scrutineers must do so outside of the Election Activity Area. Anyone creating a disturbance at an Election Activity Area will be immediately removed from the Election Activity Area by the Supervisor of that location.

At all times, candidates and scrutineers must adhere to the rules set forth in the "Conduct of Scrutineers", as found in the Appointment of Scrutineers Form.

4. Enumeration

The 2022 Preliminary List of Electors for the Municipality of Clarington is prepared by the Municipal Property Assessment Corporation (MPAC) and contains the name, address, ward, and school support of each person who meets the qualifications of an elector. In 2022, the Enumeration process conducted by MPAC has been ongoing since the 2018 municipal elections using MPAC's voterlookup.ca product.

5. Revisions to the Voters' List

May be filed, when the Clerk's Office is open, during regular business hours or online through the Voter's portal.

Applications for amendments to the Voters' List will be accepted from September 1, 2022, until October 24, 2022, during regular business hours.

On Voting Day, October 24, applications will be received between 8:30 a.m. and 8 p.m. in the Municipal Clerk's Division and between 10 a.m. and 8 p.m. at each of the Election Assistance Centres.

Electors can visit the Clarington Election Website, www.clarington.net/votes, to determine if they are on the voters' list at any time. Additionally, the Voters' List may be viewed electronically at the Municipal Clerk's Division, during regular business hours, beginning September 1, 2022. Additionally, an elector can access the Voters' List, anywhere that has a computer and internet connection, using the Clarington's online Voter Portal, available after September 1, 2022.

6. Voters' List

In accordance with Section 23(4) of the MEA, upon written request of a certified candidate, the Clerk's Division will provide one free electronic copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for the office for which the candidate is nominated.

A candidate shall submit a completed Voters' List Request Form (included in the Candidate Information Package) and the Municipal Clerk's Division shall provide the requested List via an online Candidate Portal.

7. Accessibility

Campaign Expenses

In accordance with Section 88.20(8) of the MEA, expenses that are incurred by a candidate with a disability, that are directly related to the disability, and would not have been incurred but for the election to which the expenses relate, are excluded from the permitted spending limit for the candidate. These expenses shall still be recorded and added to the Candidate's Financial Statement. Examples of these expenses are: sign language interpreters for door-to-door campaigning, accessible transportation to attend campaign events/Candidates meetings, and cost of specialized software.

Candidate Information Sessions

All Candidate Information Sessions will be held in accessible locations (and may be held virtually). The Municipality will provide any accommodations or communication supports (ASL interpreter, large print, etc.) for candidates with disabilities upon request.

Accessible Campaigns

The following election information is provided to candidates to make their campaigns accessible:

- Clarington's Municipal Elections Accessibility Plan = <https://weblink.clarington.net/weblink/ElectronicFile.aspx?docid=376043&dbid=0>
- A "Candidates Guide to Accessible Elections", produced jointly by the Association of Municipal Managers, Clerks and Treasurers of Ontario and the Province of Ontario (NOTE: The 2018 version is the most recent version.)

Each EAC will be equipped with tools to assist voters with disabilities, including note pads and pens to allow Election Officials to more easily communicate with those who are deaf, deafened, or hard of hearing.

Persons with disabilities may be accompanied by a support person within the EAC. In addition, the Election Officials in each EAC may assist the voter in casting their ballot. Prior to entering the voting booth, the Election Official shall, in conjunction with the person with the disability, determine the extent to which they need assistance and the best way in which this assistance can be provided. This may include making selections on the voting device as directed by the elector.

8. Maps

Every candidate will be provided with a free 8 ½ x 11 hardcopy of Clarington's ward map in the Candidate Information Package. "Shapefiles" and large format ward maps will not be provided. An interactive online ward map is also available on the Clarington website =

<https://clarington.maps.arcgis.com/apps/webappviewer/index.html?id=89339db6e57140b3b415163876aae328>

9. Election Assistance Centres (EACs)

Eligible voters are strongly encouraged to vote from the convenience of their homes. However, there will be several EACs where voters can receive assistance, to be added to the Voters' List, have school support changed, new PINs created, and vote. Ward population counts have been used to determine the number and location of EACs to

limit travel distances, however, voters can attend any EAC when they are open. Voters may also call the election hotline or contact Election Officials via email for assistance.

For the purposes of the MEA, “Election Assistance Centres” will have the same meaning as “voting locations”.

All Election Assistance Centres will be fully accessible.

A list of Election Assistance Centres will be available online by September 4, 2022. In the event that any Election Assistance Centre is subsequently changed due to circumstances beyond the Municipal Clerk’s control, a notice of the change will be provided.

10. Results from Previous Elections

Results from previous elections can be found on the website, www.clarington.net/votes.

11. Voting Opportunities

Eligible voters will have the opportunity to vote anywhere they have an internet-enabled electronic device or telephone or at a designated Election Assistance Centre or Clarington Library branch during the Voting Period. Special Voting Locations (i.e. long-term care facilities, etc.) will have reduced hours on Voting Day. This information may be subject to change at any time – the website will be kept up to date.

Appendix 1

Notice of Filing Requirements, Penalties and Nomination Refund

Note: this is provided for convenience only and should not be relied upon. Candidates should review the Act directly.

In accordance with Section 88.25 of the Municipal Elections Act, 1996, as amended, every candidate shall file by March 31, 2023, with the Clerk with whom their nomination was filed, a financial statement and auditor's report.

- 88.25 (1) On, or before, 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,
- (a) in the case of a regular election, as of December 31 in the year of the election; and
 - (b) in the case of a by-election, as of the 45th day after voting day.
- (2) If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1), the financial statement and auditor's report must reflect the candidate's election campaign finances as of the day the election campaign period ended.
- (3) If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on, or before, the applicable filing date under section 88.30.
- (4) If the candidate's election campaign period continues during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.
- (5) If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1) and the election campaign period continued during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the period commencing on the day the candidate's election campaign period ends and including the six-month period following the year of the election.

- (6) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the candidate's campaign finances during the supplementary reporting period.
- (7) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*.
- (8) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000.

In accordance with Section 33.1 of the Municipal Elections Act, 1996, as amended, you are hereby notified of the following election campaign financial penalties that may be imposed:

- 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 they were 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.

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.

Please take notice that, as a candidate, you will be entitled to receive a refund of your nomination filing fee if the documents required under subsection 88.25 (details above) are filed on, or before, 2 p.m. on the filing date.



June Gallagher, B.A., Dipl. M.A.
Municipal Clerk

Appendix 2

Preliminary Certificate of Maximum Campaign Expenses (As of April 14, 2022)

In accordance with Sections 33.0.1 and 33.0.2 of the Municipal Elections Act, 1996, as amended, (the Act), the following table is a calculation of the applicable maximum amount of expenses for each office, based on the number of electors on the Voters' List on September 15, 2018. The calculation is based upon the prescribed formula as detailed in Section 5 of Regulation 101/97. There is a self-funding limit maximum of \$25,000 (excluding school board trustees).

Please note that, in accordance with subsections 88.9.1(4) and 88.20(13) of the Act, a further calculation regarding the Maximum Campaign Expenses will be provided to each candidate on, or before, September 15, 2022 (based on the 2022 Voters' List elector Counts). The higher of these figures will be the Maximum Campaign Expense Limit.

Office	Maximum Campaign Expense* Total Campaign Section 33.0.1	Maximum that a candidate or spouse can contribute to their own campaign** Section 33.0.2
Mayor	\$62,657.35	\$20,478.20
Regional Councillor – Wards 1 & 2	\$40,080.35	\$13,254.20
Regional Councillor – Wards 3 & 4	\$25,077.00	\$9,724.00
Local Councillor – Ward 1	\$23,131.35	\$9,266.20
Local Councillor – Ward 2	\$21,949.00	\$8,988.00
Local Councillor – Ward 3	\$14,984.95	\$7,349.40
Local Councillor – Ward 4	\$15,092.05	\$7,374.60
Trustee – Kawartha Pine Ridge District School Board	\$51,046.20	N/A
Trustee – Peterborough Victoria Northumberland and Clarington Catholic District School Board	\$13,403.10	N/A

Note *Mayor - \$7500+85 cents per elector / Others - \$5000+85 cents per elector
 Note **Mayor - \$7500+20 cents per elector / Others - \$5000+20 cents per elector



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