

# Mayor and Councillor nomination package index

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May 2, 2022

Dear candidate,

Welcome to the City of Guelph 2022 Municipal Election. Voting Day is Monday, October 24, 2022. The advance voting will take place October 8 to 10 and 14 to 16, 2022. The successful candidates in this election will serve from November 15, 2022 to November 14, 2026.

This package will provide you with information regarding the municipal electoral process and requirements. For any questions you can contact the City Clerk's Office by phone at 519-837-5625 or by email at [guelpvotes@guelp.ca](mailto:guelpvotes@guelp.ca).

Before beginning your campaign, please remember that your nomination must be filed and your fee paid prior to raising funds or incurring expenses. I recommend that you familiarize yourself with the following resources in order to understand the procedures and legislative requirements associated with your candidacy:

- [2022 Candidates' Guide - Ontario municipal council and school board elections](#),
- City of Guelph [procedures and forms](#) as they are posted in coming months, and
- the [Municipal Elections Act, 1996](#).

Election staff are available to provide assistance and guidance where possible, however, for many financial and legal responsibilities you may be directed to consult with the Ministry of Municipal Affairs and Housing, as well as, your own legal or financial counsel. As a candidate, you are solely responsible for ensuring that all legislative requirements associated with your candidacy are met.

Please ensure that we have your current email address and contact information on file as there will be several supplementary additions to this package. Many important election related reminders will be forwarded to all registered candidates via email or the online candidates' portal as they are finalized.

On behalf of the City of Guelph, I would like to wish you good luck in your campaign and thank you for your interest in serving the residents of Guelph.

Yours truly,

A handwritten signature in blue ink, appearing to read "Stephen O'Brien", with a horizontal line underneath.

Stephen O'Brien

City Clerk/Returning Officer

# Nomination Checklist



## Mayor and Council

Nominee: \_\_\_\_\_

Office of: \_\_\_\_\_

Received on: \_\_\_\_\_

Please ensure the following steps are completed:

1. The following original documents were reviewed to confirm identity:

(See attached Acceptable Documents for Voter Identification, COG-01)

**Note:** A person may be nominated for an office only if they are qualified as of the day they are nominated.

2. The filing fee (\$200.00 for Mayor, \$100.00 for Councillor and Trustee) has been paid by:

Cash              Certified Cheque              Money Order              Debit/Credit

**Note:** One copy of receipt to candidate, one copy in City Clerk's file

3. Complete the following forms but do not sign until filed with City Clerk:

Nomination Paper (Form 1)

Declaration of Qualifications Mayor/Councillor Candidates (COG-18)

Notice and Declaration of Collection of Personal Information (COG-14)

Candidate's Declaration Proper use of Voters' List (Form EL14)

Candidate's Declaration Proper Use of Online Candidates Portal (COG-20)

Municipal Election Sign Form (COG-06)

**Note:** Original copies of documents and forms noted in section 3 are to be filed with the City Clerk.

4. Please provide the candidate with a copy of the:

Filing Fee Receipt

Signed Nomination Paper (Form 1)

Notice and Declaration of Collection of Personal Information (COG-14)

Signed Candidate's Declaration Proper Use of Voters' List (Form EL14)

Signed Candidate's Declaration Proper Use of Online Candidates Portal (COG-20)

Signed Preliminary Certificate of Maximum Campaign Expenses (Form EL37A)

Signed Certificate of Maximum Amount of Contributions Own Campaign (Form EL37B)

Signed Municipal Election Sign Form (COG-06)

The Voters' List will be made available on the Online Candidates Portal in September 2022.

5. I am in receipt of the above noted documents:

Candidate	Date

6. If they are paying their deposit for election signs please note here and accept payment in the amount of \$150.00 and provide a receipt.

Candidate is not paying for sign deposit at this time

Candidate is paying for sign deposit at this time

Cash	Certified Cheque	Money Order	Debit/Credit
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**Note:** One copy of receipt to candidate, one copy in City Clerk's file

7. I have received the Endorsement of Nomination (Form 2) with at least 25 signatures.

8. I have advised the candidate that their Nomination Paper will be certified by the City Clerk, but a candidate may start campaigning and raising funds for their campaign once the Nomination Paper has been filed.

9. Please specify which of the following you wish to have posted online:

Phone number: \_\_\_\_\_

Email: \_\_\_\_\_

Website or link: \_\_\_\_\_

Election Official	Date

# Acceptable Documents for Voter Identification



**You must present one of the following documents showing your name and address:**

Acceptable documents originally in digital format can be shown on a mobile phone or device and will be accepted for voter identification.

1. An Ontario driver's license
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the Indian Act (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement of Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Plan Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the Long-Term Care Homes Act, 2007, issued by the Administrator for the home
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school

# Declaration of Qualifications



## Mayor and Councillors

I, \_\_\_\_\_, a nominated candidate for the office of:

Mayor

Councillor, Ward \_\_\_\_\_

Do Solemnly Declare That:

1. I am qualified pursuant to the Municipal Elections Act, 1996 and the Municipal Act, 2001 to be elected to and to hold the office of:

Mayor

Councillor, Ward \_\_\_\_\_

2. On the date my nomination is filed, I will be at least eighteen years of age, I am a Canadian citizen, a resident of the City of Guelph or the owner or tenant of land in the City of Guelph or the spouse or partner of such owner or tenant.
3. I am not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Act, 2001, the Municipal Conflict of Interest Act or any other Act to be elected to or hold the above-mentioned office.
4. I am not an employee of the City of Guelph, or if I am an employee of the City of Guelph, I am on an unpaid leave of absence as provided for by section 30 of the Municipal Elections Act, 1996.
5. I am not a judge of any court.
6. I am not a member of the Assembly as provided by the Legislative Assembly Act or the Senate or House of Commons of Canada. Or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the City Clerk of the City of Guelph prior to 2:00 p.m. on nomination day, August 18, 2022. I understand that the City Clerk will reject my nomination for office if I fail to provide proof of resignation by this deadline.
7. I am not prohibited from voting at the municipal election under subsection 17(3) of the Municipal Elections Act, 1996 for the following reasons:
  - a) I am serving a sentence of imprisonment in a penal or correctional institution.
  - b) I am a corporation.
  - c) I am a person acting as executor or trustee or in any other representative capacity (except as a voting proxy)
  - d) I am a person who was convicted of the corrupt practice described in subsection 90 (3), of the Municipal Elections Act, 1996, during an election that occurred less than five years prior to Monday, October 24, 2022. (Section 90(3) of the Municipal Elections Act, 1996 is attached hereto.)
8. I am not a candidate who was convicted of a corrupt practice under the Municipal Elections Act, 1996 or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than

eight years prior to Monday, October 24, 2022. (Sections 89 and 90 of the Municipal Elections Act, 1996 and examples of Criminal Code offences are attached hereto.)

- 9. I am not disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the Municipal Elections Act, 1996.

**AND** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

**Declared before me at the City of Guelph**

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Signature of Clerk/Designate

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of Guelph until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of Guelph.

## Section 88.23 of the Municipal Elections Act, 1996

### 88.23(1) Default

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. 2016, c. 15, s. 60.

### 88.23(2) Penalties

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. 2016, c. 15, s. 60.

### 88.23(3) Notice of default

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. 2016, c. 15, s. 60.

## Sections 89 and 90 of the Municipal Elections Act, 1996

### Offences, Penalties and Enforcement

89. A person is guilty of an offence if he or she,

- a) votes without being entitled to do so;
- b) votes more times than this Act allows;
- c) votes in a voting place in which he or she is not entitled to vote;
- d) induces or procures a person to vote when that person is not entitled to do so;
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g) before or during an election, publishes a false statement of a candidate's withdrawal;
- h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i) without authority, supplies a ballot to anyone;
- j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k) takes a ballot away from the voting place;



- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m) attempts to do something described in clauses (a) to (l).

### **Corrupt practices: certain offences committed knowingly**

90. (1) If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

### **Corrupt practices: bribery**

90. (2) An offence described in subsection (3) constitutes a corrupt practice and a person who commits it is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in this Act.

### **Bribery - prohibited**

90. (3) No person shall, directly or indirectly,
- a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;
  - b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;
  - c) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
  - d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
  - e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
  - f) offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

### **Corrupt practices by election officials: miscounting votes**

90. (4) A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice.

### **False Ballot**

90. (5) A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice.

### **Neglect of Duty**

90. (6) A clerk or other election official who wilfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice.

## Sections 123, 124 and 125 of the Criminal Code of Canada

### Municipal corruption

123. (1) Everyone is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years who directly or indirectly gives, offers or agrees to give or offer to a municipal official or to anyone for the benefit of a municipal official — or, being a municipal official, directly or indirectly demands, accepts or offers or agrees to accept from any person for themselves or another person — a loan, reward, advantage or benefit of any kind as consideration for the official

- a) to abstain from voting at a meeting of the municipal council or a committee of the council;
- b) to vote in favour of or against a measure, motion or resolution;
- c) to aid in procuring or preventing the adoption of a measure, motion or resolution; or
- d) to perform or fail to perform an official act.

### Influencing municipal official

123. (2) Everyone is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years who influences or attempts to influence a municipal official to do anything mentioned in paragraphs (1)(a) to (d) by

- a) suppression of the truth, in the case of a person who is under a duty to disclose the truth;
- b) threats or deceit; or
- c) any unlawful means.

### Definition of municipal official

123. (3) In this section, “municipal official” means a member of a municipal council or a person who holds an office under a municipal government.

### Selling or purchasing office

124. Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who

- a) purports to sell or agrees to sell an appointment to or a resignation from an office, or a consent to any such appointment or resignation, or receives or agrees to receive a reward or profit from the purported sale thereof, or
- b) purports to purchase or gives a reward or profit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so.

### Influencing or negotiating appointments or dealing in offices

125. Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who

- a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for cooperation, assistance or exercise of influence to secure the appointment of any person to an office,
- b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit, or
- c) keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to:

- i. the filling of vacancies in offices,
- ii. the sale or purchase of offices, or
- iii. appointments to or resignations from offices.



# Notice and Declaration of Collection of Personal Information

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Personal information on the nomination paper is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Municipal Elections Act, 1996 (MEA).

Your personal information will be used for the purpose of administering the 2022 Municipal Election. Documents filed with the City Clerk, including the nomination paper, are public records. These documents will be open to the public and may be posted on the City's election website in accordance with sections 88(5) and 88(9.1) of the MEA and section 14(1)(c) of MFIPPA.

Questions regarding this collection should be forwarded to the City Clerk/Returning Officer by email at [guelpvotes@guelp.ca](mailto:guelpvotes@guelp.ca) or by phone at (519) 837-5625.

I acknowledge that all documents filed by me may contain personal information and I am aware that the City Clerk can disclose the information to the general public.

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Candidate

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City Clerk and Returning Officer/designate

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Date

# Candidate's Declaration - Proper Use of Voters' List



Municipal Elections Act, 1996 (s.23(4) (5); 88(10))

I, \_\_\_\_\_, being a candidate for the office of \_\_\_\_\_, in the 2022 Municipal Election hereby request the Clerk to provide me with access to an electronic copy of the 2022 voters' list through the Online Candidates Portal when it becomes available.

I, the undersigned, do hereby agree to use the voters' list for election purposes only and I understand that I am prohibited by the Municipal Elections Act, 1996 from using the voters' list for commercial purposes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name: \_\_\_\_\_  
(please print)

# Candidate's Declaration



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## Proper Use of the Online Candidates Portal

I, \_\_\_\_\_, being a candidate for the Office of \_\_\_\_\_, in the 2022 Municipal Election hereby request the Clerk to provide me with the login information for the Online Candidates Portal when it comes available.

I, the undersigned, do hereby agree to use the Online Candidates Portal for election purposes only and I understand that the Portal may contain personal and confidential information and may only be shared with selected campaign agents, as required.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# Preliminary Certificate of Maximum Campaign Expenses (Candidate)

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Municipal Elections Act, 1996 (s.88.20(13))

This certificate provides you with the preliminary maximum campaign expenses for the office in which you are a candidate in the 2022 Municipal Election.

The Final Certificate of Maximum Campaign Expenses will be issued in September 2022 and will be based on the list of electors as of September 15, 2022. Please note the greater of the two (2) calculations will be your final campaign expense limit for the office.

## Preliminary Estimate of Maximum Campaign Expenses

**Based on the number of electors as of September 15, 2018**

**MEA s.88.20(6), s.8820 (9) and O.Reg.101/97**

The maximum amount for parties, etc. after voting day equals 10 percent of the maximum estimate for campaign expenses.

### Mayor

\$7,500.00 + \$0.85 per number of entitled electors: \$83,631.10 (at large)

The maximum amount for parties, etc. after voting day: \$8,363.11

### Councillor Ward 1

\$5,000.00 + \$0.85 per number of entitled electors: \$19,294.45

The maximum amount for parties, etc. after voting day: \$1,929.45

### Councillor Ward 2

\$5,000.00 + \$0.85 per number of entitled electors: \$16,866.00

The maximum amount for parties, etc. after voting day: \$1,686.60

### Councillor Ward 3

\$5,000.00 + \$0.85 per number of entitled electors: \$15,650.50

The maximum amount for parties, etc. after voting day: \$1,565.05

### Councillor Ward 4

\$5,000.00 + \$0.85 per number of entitled electors: \$16,804.80

The maximum amount for parties, etc. after voting day: \$1,680.48

**Councillor Ward 5**

\$5,000.00 + \$0.85 per number of entitled electors: \$17,474.60

The maximum amount for parties, etc. after voting day: \$1,747.46

**Councillor Ward 6**

\$5,000.00 + \$0.85 per number of entitled electors: \$20,040.75

The maximum amount for parties, etc. after voting day: \$2,004.08

**School Board Trustee****Upper Grand District School Board Trustee - Wards 1 and 5**

\$5,000.00 + \$0.85 per number of entitled electors: \$26,954.65

The maximum amount for parties, etc. after voting day: \$2,695.47

**Upper Grand District School Board Trustee - Wards 2, 3 and 4**

\$5,000.00 + \$0.85 per number of entitled electors: \$32,988.80

The maximum amount for parties, etc. after voting day: \$3,298.88

**Upper Grand District School Board Trustee - Ward 6 and Puslinch Township**

\$5,000.00 + \$0.85 per number of entitled electors: \$21,139.80

The maximum amount for parties, etc. after voting day: \$2,113.98

**Wellington Catholic District School Board Trustee**

\$5,000.00 + \$0.85 per number of entitled electors: \$18,039.00

The maximum amount for parties, etc. after voting day: \$1,803.90

I certify that the maximum amount of campaign expenses for the above mentioned offices is as listed. This amount has been determined from the voters' list from the 2018 election, as it existed on September 15 of the 2018 election, adjusted for applications under section 24 and 25 of the Municipal Elections Act that were approved as of that day.



City Clerk/Designate

May 2, 2022



In accordance with MEA, s.88.20(12)(13), the Clerk shall give candidates a preliminary calculation of the maximum campaign expenses at the time of filing the nomination paper, based upon the number of electors on the voters' list as of September 15 in the year of the 2018 municipal election, including changes made that day.

On or before September 25, 2022, the Clerk shall give a "final" certificate of the applicable maximum campaign expenses to each candidate. The number of electors to be used in this final calculation is to be the greater of the number of electors from the September 15, 2018 voters' list, including changes made on that day, or the 2022 voters' list as of September 15, 2022, including changes made on that day.

Certificate to be given to the candidate in accordance with section 13.



# Preliminary Certificate of Maximum Amount of Contributions - Own Campaign (Candidate)

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Municipal Elections Act, 1996 (s.33.0.2, 88.9.1)

This certificate provides you with the preliminary maximum amount of contributions to a candidate's own campaign for the office in which you are a candidate in the 2022 Municipal Election.

The Final Certificate of Maximum Amount of Contributions will be issued in September 2022 and will be based on the number of electors as of September 15, 2022. Please note the greater of the two (2) calculations will be your final maximum amount.

## Preliminary Estimate of Maximum Amount of Contributions to Own Campaign

Based on the number of electors as of September 15, 2018

MEA s.88.9.1 (1)

### Mayor

\$7,500.00 + \$0.20 per number of entitled electors: \$25,000.00 (at large)

### Councillor Ward 1

\$5,000.00 + \$0.20 per number of entitled electors: \$8,363.40

### Councillor Ward 2

\$5,000.00 + \$0.20 per number of entitled electors: \$7,792.00

### Councillor Ward 3

\$5,000.00 + \$0.20 per number of entitled electors: \$7,506.00

### Councillor Ward 4

\$5,000.00 + \$0.20 per number of entitled electors: \$7,777.60

### Councillor Ward 5

\$5,000.00 + \$0.20 per number of entitled electors: \$7,935.20

**Councillor Ward 6**

\$5,000.00 + \$0.20 per number of entitled electors: \$8,539.00

I certify that the maximum amount of contributions to a candidate's own campaign for the above mentioned offices is as listed. This amount has been determined from the voters' list from the 2018 election, as it existed on September 15 of the 2018 election, adjusted for applications under section 24 and 25 of the Municipal Elections Act that were approved as of that day.



\_\_\_\_\_  
City Clerk/Designate

May 2, 2022

In accordance with MEA, s.33.0.2(1), the Clerk shall give the candidate a preliminary calculation of the permitted amount of contributions to a candidate's own campaign as of the filing date, using the number of electors from the voters' list as of September 15 in the year of the 2018 municipal election, adjusted for applications under s.24 and s.25 that were approved as of that day. (s.88.9.1(7))

On or before September 25, 2022, the Clerk shall give the candidate a final calculation of the permitted amount of contributions to a candidate's own campaign. The number of electors to be used in this final calculation is to be the greater of the number of electors from the September 15, 2018 voters' list, adjusted for changes on that day, or the 2022 voters' list as of September 15, 2022, adjusted for changes made on that day.

In accordance with s.88.9.1(5), the Clerk is not required to give a certificate if the maximum amount is \$25,000.

Certificate to be given to candidate in accordance with Section 13.

# Notice of Penalties



## Related to Election Campaign Finances for Candidates

Municipal Elections Act, 1996 (s. 33.1, 88.23(1), 88.23(2), 92(1), 92(3))

## Notice of Penalties

### Section 33.1

- a) The Clerk shall, before voting day, give to each person nominated for an office notice of, the penalties under subsections 88.23 (2) and 92(1) related to election campaign finances; and
- b) the refund of nomination filing fee that the candidate is entitled to receive in the circumstance described in section 34.

## Effect of Default by Candidate

### Section 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 (financial statement and auditor's report) or 88.32 (return of surplus) 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 (based on prescribed formula); 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 (to the Clerk) 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.

## Offences Regarding Campaign Finances

### Offences by Candidate

#### 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) (forfeiture of office and ineligibility to run for or be appointed to office until the next regular election has taken place),

- 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.

## **Additional Penalty, Candidates**

### **Section 92(3)**

If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.



# Municipal Election Signs Information for Candidates and Third Parties

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## Fee

\$150.00

## Signs

- No illuminated election signs
- Maximum sign area 0.47 square metres (5 square feet)
- Maximum sign height 2.13 metres (7 feet)
- No City logo or branding allowed on sign
- Cannot be posted more than 45 days prior to an election

## Residential

- Signs are not allowed in wards other than the one you are running in
- Only one sign per candidate per private property
- For multi-residential properties, one sign per candidate per unit but they must be 1 metre apart
- Signs cannot be within 10 metres from another sign for the same candidate or the same third party on a boulevard

## Commercial/Industrial

- Only one sign per candidate for every 500 metres of frontage
- A sign cannot be placed less than 50 metres from another sign for the same candidate or third party on a boulevard

## Locations

- Signs are not allowed on public property including a park
- Signs cannot be on medians
- Signs on the boulevard need to be 3 metres from a school crossing, 10 metres from an intersection pedestrian signal, and more than 1 metre from a curb or pavement edge
- Signs are not allowed within 100 metres of a voting place during advanced voting days and election day (unless on private residential property)
- Signs cannot interfere with safety equipment, vehicular traffic or pedestrian traffic
- Signs cannot be on any tree, pole, light standard or other utility infrastructure including a road

## Third party Signs

- Third party signs need to identify on the sign who is placing it, along with the name, telephone number, mailing/email address of registered third party
- All third party signs are subject to the same regulation as the candidates signs

## Removal

- Any sign not in compliance will be removed by By-law Officers
- All signs must be removed within 72 hours (3 days) following the day of election

For more information about signs, please view the Election Sign By-law at [guelph.ca/vote](http://guelph.ca/vote).

# Election Sign Form



## Part A: Candidate Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Province: \_\_\_\_\_

Phone: \_\_\_\_\_

## Part B: Election Type

Municipal

Provincial

Federal

## Part C: Deposit Fee Information

A Deposit Fee of \$150.00 is required.

Deposit Fee Received:    Yes                  No

## Part D: Signatures

Every Applicant is responsible for their election signs as per the applicable City of Guelph Election Sign By-law.

Personal information contained in this application, as defined by section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), is collected under the authority of the Municipal Act, 2001 and the City of Guelph Sign By-law, and is in accordance with the provisions of the MFIPPA. Questions about this collection can be directed to the Information, Privacy and Records Coordinator at [privacy@guelph.ca](mailto:privacy@guelph.ca) or 519-822-1260 extension 2349.

Name of Candidate/Agent: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Appointment of Scrutineer by Candidate



Municipal Elections Act, 1996

## Candidate

Name of Candidate (please print): \_\_\_\_\_

### Candidate for the Office of (check one)

Mayor

Councillor, Ward \_\_\_\_\_

\_\_\_\_\_ Public District School Board

\_\_\_\_\_ Catholic District School Board

\_\_\_\_\_ French Public District School Board

\_\_\_\_\_ French Catholic District School Board

## Scrutineer Appointment

Name of Scrutineer Appointed: \_\_\_\_\_

I appoint the individual noted above to attend at the following voting locations:

\_\_\_\_\_ (Ward/Poll) in the City of Guelph to represent me on the following dates (check dates which apply):

October 8, 2022

October 14, 2022

October 24, 2022

October 9, 2022

October 15, 2022

October 10, 2022

October 16, 2022

and at the counting of votes under the Municipal Elections Act, 1996.

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Signature of Candidate: \_\_\_\_\_

## Instructions to Scrutineer

- Scrutineers arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy.
- Candidates arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy. A candidate who enters a voting place is considered to be a scrutineer.
- Only one scrutineer per candidate may be at each ballot issuing station in the voting place and at the vote tabulator.



## Rights and Prohibitions

### Scrutineers and candidates can:

- Enter the voting place 15 minutes before it opens and inspect the ballot boxes and the ballots and all other papers, forms and documents relating to the vote (but not so as to delay the timely opening of the voting place).
- Place his or her own seal on the ballot box, immediately before the opening of the voting place, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal.
- Examine each ballot as they are fed into the vote tabulator (but not touch the ballot).
- Object to a ballot or to the counting of votes in a ballot.
- Sign the statement of the results of the election prepared by the deputy returning officer.
- Place his or her own seal on the ballot box immediately after the close of voting on each day of an advance vote, so that ballots cannot be deposited or withdrawn without breaking the seal.
- Examine the Voters' List periodically to determine who has voted or to count how many Electors have voted but may not interfere with the conduct of the voting process.

### Scrutineers and candidates cannot:

- Be near enough to the vote tabulator to see how a voter has marked their ballot.
- Campaign at the voting place.
- Attempt, directly or indirectly, to interfere with how an elector votes.
- Display a candidate's election material (including buttons, pins, etc.) in a voting place.
- Compromise the secrecy of voting.
- Obtain or attempt to obtain, in a voting place, any information about how an elector intends to vote or has voted.
- Communicate any information obtained at a voting place about how an elector intends to vote or has voted.
- Park a vehicle displaying campaign material in the parking lot of the Voting Place.

### Note:

- It is no longer mandatory that scrutineers be 16 years of age or older to work at an election.
- The DRO is responsible for the conduct of the Voting Place and no candidate or scrutineer has the right to interfere with the DRO in the discharge of his or her duties.
- Anyone who is creating a disturbance at a Voting Place will be removed by the DRO.
- The seal(s) **must not** contain any writing that could be considered "election campaigning", therefore, the name of the candidate **is not** permitted on the seal.
- Scrutineers/candidates who wish to have a discussion with another candidate or scrutineer must leave the Voting Place to carry on their discussion outside of the Voting Place.
- No campaign material or literature of any nature whatsoever shall be displayed within the Voting Place. The boundaries of the Voting Place are the boundaries of the property where the Voting Place is located and includes the parking lot.
- Scrutineers/candidates wishing to observe the transmission of results **must** be at the Voting Place prior to the closing of the voting location at 8:00 p.m. No one will be admitted to the Voting Place after 8:00 p.m.
- Scrutineers/candidates wishing to observe the counting of advance votes **must** be at City Hall prior to 8:00 p.m. on Election Day.
- The total of votes cast for each candidate as counted by the vote tabulating equipment is final. The DRO is not required to do a second recount.

# Oral Oath of Secrecy



I, \_\_\_\_\_, do solemnly swear (or affirm):

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not, nor attempt to:

- interfere with an elector when he/she is marking his/her ballot;
- obtain or communicate any information as to how an elector is about to vote or has voted; or
- directly or indirectly induce an elector to show his/her marked ballot to any person.

\_\_\_\_\_  
Signature of Scrutineer

**To be declared by any scrutineer or candidate wishing to remain at the voting place**

# Withdrawal of Nomination



Municipal Elections Act, 1996 (s.36)

I, \_\_\_\_\_ (name of candidate), hereby withdraw my name as a candidate for the office of \_\_\_\_\_ (name of elected office) for the 2022 Municipal Election.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

This withdrawal delivered to me at \_\_\_\_\_ (time) this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
City Clerk/Designate

# Third Party Advertising Information

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## Candidates

### What is third party advertising?

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate, or support, promote or oppose a “yes” or “no” answer to a question on the ballot. Third party in this context is a person or entity who is not a candidate.

Third party advertising is separate from any candidate’s campaign, and must be done independently from a candidate. Any advertisements or materials that are made and distributed by a candidate, or under a candidate’s direction, are part of the candidate’s campaign.

Third party advertising is a way for those outside of the candidate’s campaign to express support of or opposition to candidates (or a “yes” or “no” answer to a question on the ballot) and to try to persuade voters to vote a certain way.

A third party advertisement is an advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate, or a “yes” or “no” answer to a question on the ballot. Advertisement includes traditional ads as well as materials such as brochures or signs.

### What is not a third-party advertisement?

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours;
- posting on social media, such as Twitter, Facebook or Instagram; and/or
- sending an email to a group or mailing list.

Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

Advertising about an issue, rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered third party advertising. For example, signs saying “Support local businesses” or “Keep the waterfront green” would not be third party advertising, even if a candidate has made those issues part of their campaign.

# Job Description - Mayor



## Job Description Mayor

(As passed by Resolution June 6, 1994)

### Qualifications:

The Municipal Act, 2001 and the Municipal Elections Act, 1996 define a person is qualified to be elected or to hold the office of Mayor who is:

- at least eighteen years of age, a Canadian citizen, a resident of the City of Guelph or the owner or tenant of land in the City of Guelph or the spouse or partner of such owner or tenant.
- not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Act, 2001, the Municipal Conflict of Interest Act or any other Act to be elected to or hold the above-mentioned office.

These qualifications must be maintained during the whole of the term of office.

Previous public or volunteer work may be considered an asset.

### Hours of work:

The position of Mayor requires a full-time commitment. The Mayor will be required to attend Committee of the Whole and Council meetings on a regular basis. These meetings are held during normal business hours and evenings.

In addition, appointments to various statutory and non-statutory boards and commissions will require regular attendance at those meetings. These meetings are held during normal business hours and evenings.

Regular attendance at official/social functions during the day and evenings are also a part of the Mayor's duties.

### Responsibilities:

Municipal corporations have extensive legislative as well as administrative functions. The Council of a municipal corporation is its law-making body or legislative in the sense that it evolves policy within the ambit of the powers delegated to the corporation, and adopts by-laws and resolutions based on this policy. In some instances, when exercising a discretion vested in it by statute, the Council acts in a judicial or quasi-judicial capacity.

The Council exercises all powers not expressly committed by law to other boards and officers.

1. The Municipal Act as amended, states that it is the role of the head of Council:
  - a) to act as chief executive officer of the municipality;
  - b) to preside over council meetings so that its business can be carried out efficiently and effectively;
  - c) to provide leadership to the council;
    - i. without limiting clause (c), to provide information and recommendations to the council with respect to the role of council;
  - d) to represent the municipality at official functions; and
  - e) to carry out the duties of the head of council under legislation.

As chief executive officer of a municipality, the head of council shall:

- a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the municipality's activities;
  - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.
2. Maintains links with Federal and Provincial Governments through appropriate Ministries and with support of staff.
  3. Maintain strong liaison with the municipality's Federal and Provincial Members of Parliament.
  4. Represent the Council declaring its will and implicitly obeying its decisions in all things.
  5. As a member of Council, to participate in making decisions on issues that will have long-term consequences on the municipality, in context with the by-laws, policies and strategic plans established by Council.
  6. To represent the views of constituents as closely as possible when dealing with issues that come before Council.
  7. To participate in establishing policies and ensure that such policies are implemented and observed in an objective and consistent manner.
  8. As a member of Council, delegate the carrying out of policy and daily operations to administrative staff through the City Administrator.
  9. As a member of Council, ensure that funds are being spent as authorized, with the most efficient possible use being made of the municipality's human, natural and financial resources.
  10. As a member of Council, conduct regular reviews of programs, services and delivery methods.
  11. As a member of Council, manage Guelph's land and resources through careful land use planning while satisfying important social, economic and environmental concerns.
  12. To liaise with the various statutory boards, commissions, committees and other levels of government on all matters of mutual concern or as directed by Council.
  13. To chair the meetings of Guelph City Council and ensure the meetings run in a smooth and orderly manner, in accordance with the Procedural By-law.
  14. Be aware of the impact or consequences of Council decisions, on citizens city-wide and within the Councillor's ward, preferably before Council decisions are made.

In 1994, Council articulated a job description for the Mayor and Councillors. There have been legislative and operational changes since that time, however, many of the descriptions are still relevant. These job descriptions are not exhaustive and are meant for informational purposes only.

Revised April 2022

# Job Description - Councillor



## Job Description Councillor

(As passed by Resolution June 6, 1994)

### Qualifications:

The Municipal Act, 2001 and the Municipal Elections Act, 1996 define a person is qualified to be elected or to hold the office as a Member of Council of a local municipality who is:

- at least eighteen years of age, a Canadian citizen, a resident of the City of Guelph or the owner or tenant of land in the City of Guelph or the spouse or partner of such owner or tenant.
- not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Act, 2001, the Municipal Conflict of Interest Act or any other Act to be elected to or hold the above-mentioned office.

These qualifications must be maintained during the whole of the term of office.

Previous public or volunteer work may be considered an asset.

### Hours of work:

A Councillor will be required to attend Committee of the Whole and Council meetings on a regular basis. These meetings are held during normal business hours and evenings.

In addition, appointments to various statutory and non-statutory boards and commissions will require regular attendance at those meetings. These meetings are held during normal business hours and evenings.

Regular attendance at official/social functions during the day and evenings are also a part of a Councillor's duties.

### Responsibilities:

Municipal corporations have extensive legislative as well as administrative functions. The Council of a municipal corporation is its law-making body or legislative in the sense that it evolves policy within the ambit of the powers delegated to the corporation, and adopts by-laws and resolutions based on this policy. In some instances, when exercising a discretion vested in it by statute, the Council act in a judicial or quasi-judicial capacity.

The Council exercises all powers not expressly committed by law to other boards and officers.

The Municipal Act as amended, states that it is the role of Council:

1. to represent the public and to consider the well-being and interests of the municipality;
2. to develop and evaluate the policies and programs of the municipality;
3. to determine which services the municipality provides;
4. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
5. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
6. to maintain the financial integrity of the municipality; and

7. to carry out the duties of Council under legislation.

As a Councillor, you will be required to:

1. Study and thoroughly understand all available materials prior to attending Council, Standing Committee, Boards, Commissions or Committee meetings and be prepared to participate fully.
2. As a member of Council, participate in making decisions on issues that will have long-term consequences on the municipality, in context with the by-laws, policies and strategic plans established by Council.
3. To represent the views of constituents as closely as possible when dealing with issues that come before Council.
4. To participate in establishing policies and ensure that such policies are implemented and observed in an objective and consistent manner.
5. As a member of Council, delegate the carrying out of policy and daily operations to administrative staff through the City Administrator.
6. As a member of Council, ensure that funds are being spent as authorized, with the most efficient possible use being made of the municipality's human, natural and financial resources.
7. As a member of Council, conduct regular reviews of programs, services and delivery methods.
8. As a member of Council, manage Guelph's land and resources through careful land-use planning while satisfying important social, economic and environmental concerns.
9. To liaise with the various statutory boards, commissions, committees and other levels of government on all matters of mutual concern.
10. Respond to individual problems that are identified by ward residents.
11. Be aware of the impact or consequences of Council decisions, on citizens city-wide and within the Councillor's ward, preferably before Council decisions are made.

In 1994, Council articulated a job description for the Mayor and Councillors. There have been legislative and operational changes since that time, however, many of the descriptions are still relevant. These job descriptions are not exhaustive and are meant for informational purposes only.

Revised April 2022