



NOMINATION PROCESS

Qualified At Time Of Nomination

A person must be qualified at the time of filing the nomination as provided in Section 29(1) of the *Municipal Elections Act, 1996*. A person may be nominated for an office only if, as of the day the person is nominated,

- (a) he or she is qualified to hold that office under the Act that creates it; and
- (b) he or she is not ineligible under the *Municipal Elections Act, 1996* or otherwise prohibited by law to be nominated for or to hold the office.

Notwithstanding the above provision, some persons otherwise disqualified at the time of filing the nomination are entitled to file in accordance with Sections 29(1.1) and (1.2) and 30(1) of the *Municipal Elections Act, 1996*:

29(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, section 9 of the Legislative Assembly Act and section 219 of the Education Act, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations on Nomination Day of the election, the nomination shall be rejected by the Clerk under section 35.

29(1.2) Subsection (1.1) does not apply to a member of the Executive Council of Ontario or a federal Minister of the Crown.

30(1) An employee of a municipality or local Board is eligible to be a candidate for and to be elected as a member of the Council or local Board that is the employer if he or she takes an unpaid leave of absence beginning as of the day the employee is nominated and ending on Voting Day.

In addition to these provisions in the *Municipal Elections Act, 1996*, the *Education Act* has been amended to provide for parallel changes for a candidate for a district school Board or a school Authority. (See Section 219(5) of the *Education Act*.)

Nomination Procedure

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as early as January 4, 2010 (or the first day after that the Clerks' office is open) with respect to the 2010 election.

Section 33 of the *Municipal Elections Act, 1996*

- (1) *A person may be nominated for an office by filing a nomination in the Clerk's office, in person or by an agent.¹*
- (2) *The nomination shall,*
 - (a) *be in the prescribed form;*
 - (b) *be accompanied by a declaration of qualification² in the prescribed form, signed by the person being nominated;*
 - (c) *be accompanied by the prescribed nomination filing fee (\$200.00 for Head of Council position; \$100.00 for all other offices).*
- (3) *If the person was previously nominated for an office on the same Council or local Board in the same election and paid the nomination filing fee at that time,*
 - (a) *clause (2) (c) does not apply; and*
 - (b) *for the purposes of section 34 (refund) and paragraph 9 of subsection 67 (2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one.*

Time for Filing

- (4) *The nomination may be filed,*
 - (a) *between January 1 and any day in the year of the regular election that is before Nomination Day, at a time when the Clerks office is open; or*
 - (b) *on Nomination Day between 9 a.m. and 2 p.m..*

¹ Facsimile transmissions or mailed-in nomination forms will not be accepted.

² The declaration of qualifications must be taken before a Commissioner of Oaths. The municipal Clerk's office can administer this declaration for you.

Exception for Additional Nominations

(5) *If the number of nominations filed for an office and certified under section 35 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. (September 15th, 2010)*

Refund of Deposit

A candidate is entitled to receive a refund of the nomination filing fee if he or she:

- (a) withdraws the nomination under Section 36;
- (b) is elected to the office; or
- (c) receives more than the prescribed percentage of the votes cast in the election for the office³.

Certification of Nomination by Clerk

35 (1) *The Clerk shall examine each nomination that has been filed, in accordance with the following timetable:*

- (i) *All nominations filed on or before Nomination Day shall be examined before 4 p.m. on the Monday following Nomination Day. (September 13, 2010)*
 - (ii) *All additional nominations filed under subsection 33(5) shall be examined before 4 p.m. on the Thursday following Nomination Day. (September 16, 2010)*
- (2) *If satisfied that a person is qualified to be nominated and that the nomination complies with this Act (Municipal Elections Act, 1996), the Clerk shall certify the nomination by signing the nomination paper.*
- (3) *If not satisfied that a person is qualified to be nominated or that the nomination complies with this*

Since it is the responsibility of the candidate to ensure they meet all the qualifications and file proper nomination papers, each candidate should contact the Municipal Clerk to ensure that their nomination forms are in order. Since the Clerk may examine the nomination papers after the nomination period ends and may reject them, a candidate may find that their papers have been rejected and they are too late to file additional information or provide proof to the Clerk of their qualifications. Candidates may wish to contact the Clerk of the municipality and determine the method to be used to certify nomination papers in order to prevent any misunderstanding. If nomination papers are filed early it will assist the Clerk in certifying the papers before nominations close.

³ The prescribed percentage of the vote for the return of deposit is at least 2% of the total votes cast for the same office.

Act, the Clerk shall reject the nomination.

(4) When the Clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.

(5) The Clerk's decision to certify or reject a nomination is final.

2010 Municipal Election Nominations

Nomination papers for candidacy in the 2010 municipal election may be filed with the Clerk's Department at the Township of Lake of Bays Municipal Office, 1012 Dwight Beach Road, Dwight, ON, P0A 1H0, from January 4th, 2010 to September 9th, 2010 from 8:30 a.m. to 4:00 p.m. Monday to Friday and on Nomination Day, September 10th, 2010 to 2:00 p.m.

The prescribed nomination fee of \$100.00 for Councillor (or \$200.00 if seeking the office of Head of Council) must accompany the nomination form (cash, certified cheque or money order) payable to the Township of Lake of Bays.

This deposit will be returned to the candidate if he/she is:

- Elected;
- Obtains more than 2% of the votes cast; or
- Withdraws the nomination paper on or before September 10th, 2010 before 2:00 p.m.

Nomination Forms can be obtained online (www.lakeofbays.on.ca/elections) or at the Clerk's Department, Township of Lake of Bays, 1012 Dwight Beach Road, Dwight, ON, P0A 1H0.

The nomination form should be completed as follows:

- Be on the prescribed form;
- Be accompanied by a declaration of qualifications, in the prescribed form, signed by the person being nominated;
- Be accompanied by the prescribed nomination filing fee;
- The candidates name should be typed or printed as it is to appear on the ballot, given names preceding surname;
- No identification such as a title, honour, decoration, or degree should be included; however, a frequently used nickname or any name by which the candidate is commonly known can be used;
- Two (2) pieces of identification to be provided (i.e. birth certificate, drivers licence)

- The candidate's address must also be shown; and
- Original signature in order to be valid.

Photocopies, faxes, or e-mailed versions of the nomination form are not permitted. Original signatures are required.

A nomination paper may only be filed in person, or by an agent.

The Municipal Clerk will certify or reject the nomination papers by 4:00 p.m. on September 13th, 2010. Candidates may be required to show proof of your identity and qualifications prior to certifications.

Please note: Contents of this page are for guideline purposes only, for more specific information please refer to the Municipal Elections Act, 1996