

# VOTE



Online or by telephone from  
October 13 to October 22, 2018



## 2018 Municipal Election Guide and Information for Candidates

Approved by the Returning Officer/Clerk of the Town of  
Newmarket on April 25, 2018

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## Part A: Introduction

This guide has been prepared for the purpose of supplying information to assist individuals intending to stand for elected office.

This guide is available online and updates to this guide will be posted on the Town's website and on the Candidates Portal.

Candidates are responsible for ensuring they are familiar with the requirements of the [Municipal Elections Act](#). Prospective candidates must satisfy themselves, through their own determination and own legal advice, that they comply with the legislation and any regulations, and that they are in fact qualified and not disqualified by law to seek elected office. A copy of the Municipal Elections Act is available for candidates from the Legislative Services Department, upon request. It is also available online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Candidates must comply with all requirements related to election campaign financing. In addition, candidates are advised to refer to the guide published by the Province - the [2018 Candidates' Guide for Ontario Municipal Council and School Board Elections](#). The Provincial guide provides both general information and financial reporting requirements under the Municipal Elections Act.

### What is New in Newmarket?

Newmarket voters will be casting their ballots online or by telephone between 10 a.m. on October 13 and 8 p.m. on October 22, 2018. Voters will be able to cast their ballot during the 10 day voting period from anywhere they have an internet connection or access to a touch-tone telephone. This means that voters will have 10 continuous days and over 200 hours to cast their ballots.

### Voter Notification

The Town will mail each eligible voter on the Voters' List, a letter that contains a Personal Identification Number (PIN) and other information such as a telephone number and a URL for voting.

The voter will use this PIN along with their birthdate to access the secure online or telephone voting platform.

## Important Dates

### **May 1 to July 26, 2018:**

Nomination period (during regular office hours). Nominations must be submitted using the prescribed form(s).

Individuals who want to register as a candidate are encouraged to first schedule an appointment by contacting [elections@newmarket.ca](mailto:elections@newmarket.ca) by phone at 905-953-5300 extension 2210.

**Candidates must not spend or raise funds for their election campaign until their Nomination form has been filed with the Returning Officer/Clerk.**

### **July 27, 2018 - Nomination Day:**

Last day for nominations to be accepted, or for a nomination to be withdrawn.

Nominations will only be accepted between 9 a.m. and 2 p.m.

Withdrawals must be in writing, using the prescribed form, and submitted by 2 p.m.

**Note:** If there are insufficient candidates for any office, the nomination period for that office will be extended to August 2 (9 a.m. to 2 p.m.).

### **May 1 to October 19, 2018:**

Third party advertisers are required to register with the Returning Officer/Clerk, using the prescribed form.

Individuals, corporations, or trade unions who want to register as a third party advertiser are encouraged to first schedule an appointment by contacting [elections@newmarket.ca](mailto:elections@newmarket.ca) or by phone at 905-953-5300 extension 2210.

**Until the Returning Officer/Clerk certifies a third party advertiser's registration, they may not spend money on their campaign, accept contributions or begin advertising.**

### **May 1 to December 31, 2018:**

Campaign period begins on the day a candidate files a nomination form and the period ends on December 31, 2018 unless:

- 1) The candidate withdraws the nomination;
- 2) The Returning Officer/Clerk rejects the nomination; or,
- 3) The candidate is extending his or her campaign to erase a deficit.

### **July 30, 2018:**

Returning Officer/Clerk examines nomination forms for qualification requirements, and if satisfied, certifies papers by 4 p.m.

After 4 p.m., Returning Officer/Clerk declares list of officially certified and acclaimed candidates.

**September 4, 2018:**

Returning Officer/Clerk to provide access of the Voters' List to certified candidates, upon written signing the Candidate's Declaration - Proper Use of Voters' List & Access to Candidates' Portal Form.

**September 4 to October 22, 2018:**

Period where revisions to the Voters' List occurs with the Town.

**September 24, 2018:**

Election signs may be placed in accordance with the Election Sign By-law and York Region's Sign By-law beginning at 10 a.m.

**September 25, 2018:**

Returning Officer/Clerk to provide certified candidates with a Certificate of Maximum Campaign Spending Limit (Final Amount).

**October 13, 2018:**

Internet and Telephone voting begins at 10 a.m.

Eligible voters can vote from anywhere they have an internet connection, or by using a touch-tone telephone.

Voters require a Voter Information Letter to vote. Voters must follow the instructions on the Voter Information Letter to cast their ballot online or by telephone.

**October 22, 2018:**

Internet and Telephone voting ends at 8 p.m.

Unofficial results of the election will be announced as soon as possible after the close of voting.

**October 23, 2018:**

Returning Officer/Clerk to declare official results of the election as soon as possible after October 22, 2018.

**October 25, 2018:**

Election signs must be removed from public and private property no later than 8 p.m.

**December 1, 2018:**

2018-2022 Term of Office commences.

**December 3, 2018:**

Inaugural Council meeting to be held at 7 p.m. in the Council Chambers at the Municipal Offices.

**December 31, 2018:**

Campaign period ends unless:

- 1) The candidate withdrew the nomination;
- 2) The Returning Officer/Clerk rejected the nomination; or,
- 3) The candidate wants to extend his or her campaign to erase a deficit.

Candidates may not raise funds or incur expenditures beyond this date unless they have a deficit and have notified the Returning Officer/Clerk, in writing, of the extension to the campaign period. If a candidate has a deficit on this date and wishes to continue fundraising to eliminate the deficit, the candidate must notify the Returning Officer/Clerk on the prescribed form; failure to do so will mean the campaign period automatically ends on December 31, 2018.

**Note:** The Returning Officer/Clerk will send a notice to all candidates at least 30 days before October 22, 2018 to remind candidates of their financial filing responsibilities.

**January 1, 2019:**

Supplementary campaign period begins for candidates that have extended their campaign period to erase a deficit.

**March 28, 2019:**

If a candidate cannot submit his/her financial statements by March 29, 2019, this is the last day he/she may apply to the Superior Court of Justice for an extension to file his/her financial statements. Extensions shall not be more than 90 days.

**March 29, 2019:**

Deadline for candidates to file financial statements; the statement covers the period from the day the candidate filed their nomination form until December 31, 2018.

Candidates must notify the Returning Officer/Clerk, in writing, of a Court extension by 2 p.m. on this date.

**April 29, 2019:**

Candidates that have not filed their financial statement by the deadline may file their financial statement by this date, if the statement is accompanied with a \$500 late filing fee.

This grace period ends at 2 p.m.

**May 1, 2019:**

Returning Officer/Clerk to publish a report indicating which Candidates filed their financial statements and who is in default.

Candidates who did not file the required financial statement will be sent a Notice of Default outlining penalties.

**June 30, 2019:**

Supplementary campaign period ends for candidates who extended their campaign to erase a deficit.

**September 26, 2019:**

If a candidate cannot submit his/her supplementary financial statements by September 27, 2019, this is the last day he/she may apply to the Superior Court of Justice for an extension to file his/her financial statements. Extensions shall not be more than 90 days.

**September 27, 2019:**

Deadline for candidates to file supplementary financial statements; the statement covers the period from the day the candidate filed their nomination form until June 30, 2019. A supplementary financial statement includes the information from the initial statement and adds financial information from an extended campaign.

Candidates must notify the Returning Officer/Clerk, in writing, of a Court extension by 2 p.m. on this date.



**October 28, 2019:**

Candidates that have not filed their supplemental financial statement by the deadline may file their financial statement by this date, if the statement is accompanied with a \$500 late filing fee.

This grace period ends at 2 p.m.

**Term of Office and Offices to be Elected**

For the 2018 Municipal Election, members will be elected for the period beginning December 1, 2018 and ending, November 14, 2022 for the following offices:

- Mayor
- Deputy Mayor and Regional Councillor
- Councillor, Ward 1
- Councillor, Ward 2
- Councillor, Ward 3
- Councillor, Ward 4
- Councillor, Ward 5
- Councillor, Ward 6
- Councillor, Ward 7
- Regional Chair for York Region Council<sup>1</sup>
- York Region District School Board Trustee
- York Catholic District School Board Trustee
- Conseil scolaire du Viamonde<sup>2</sup>
- Conseil scolaire de Catholique MonAvenir<sup>3</sup>

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**Note:**

<sup>1</sup> Nomination forms for this office must be submitted to the Clerk of York Region.

<sup>2</sup> Nomination forms for this office must be submitted to the Clerk of the City of Markham.

<sup>3</sup> Nomination forms for this office must be submitted to the Clerk of the City of Markham.

## Part B: Qualification of Candidates

### Member of Council

Qualifications for Members of Council are set out in Section 256 of the Municipal Act, 2001 and Section 17 of the Municipal Elections Act.

In order to run for office on Newmarket Town Council a person must be, at the time of nomination:

1. A Canadian citizen;
2. At least 18 years old;
3. A resident of Newmarket or the owner or tenant of property, or the spouse of such owner or tenant; and,
4. Not disqualified by any legislation from holding office.

### Ineligibility

The following are ineligible to be elected as Members of Council:

- (a) An employee of the Town except during an authorized unpaid leave of absence (the leave of absence must begin prior to filing the nomination form);
- (b) A person who is not an employee of the municipality but who is the Returning Officer/Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar, a closed meeting investigator, or who holds any administrative position of the municipality.
- (c) A judge of any court.
- (d) A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada.

## Part C: Nomination Procedures

### What to File

To file a nomination individuals must provide the following:

- A completed nomination form (Form 1)
- Completed endorsement signature forms (Form 2) <sup>4</sup>
- The nomination filing fee

Candidates should complete the nomination form with the way they want their name to appear on the electronic ballot. Candidates that normally go by a different name than their legal first name may be permitted to use that name provided that the Returning Officer/Clerk agrees.

Candidates are required to complete a separate Declaration of Qualifications form, taken before a Commissioner of Oaths. Commissioners of Oaths in the Legislative Services Department at the Municipal Offices can administer this declaration.

### Filing Fee

The nomination filing fee is \$200 to run for the office of Mayor and \$100 for all other offices. This fee must be paid to the Returning Officer/Clerk at the time you submit your nomination form.

The fee can be paid by cash, debit, credit card, certified cheque or money order payable to the Treasurer, Town of Newmarket.

### Refund of Nomination Deposit

A candidate is entitled to receive a refund of the nomination filing fee if he or she files their financial statements with the Returning Officer/Clerk by the filing date. The deadline to file financial statements is by 2 p.m. on March 29, 2019.

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#### Note:

<sup>4</sup> If you are running for an office on Newmarket Town Council, you must submit endorsement signatures from at least 25 people who are eligible to vote in Newmarket.

Candidates for school board trustee do not have to submit endorsement signatures.

## **Endorsement Signatures**

Candidates must submit 25 signatures endorsing their nomination to run for Town Council in Newmarket. School board trustee candidates are not required to submit endorsement signatures.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they sign the endorsement form.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they choose and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

If a candidate submits 25 endorsement signatures and finds out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, the candidates will not lose their nomination. The person who supplied false information (by declaring that they were eligible to endorse the candidate's nomination when they were not eligible) could be subject to prosecution.

It is the responsibility of the candidates to ensure that they meet all the qualifications and have followed the procedures with respect to the filing of a nomination form.

## **Identification Requirements**

Photo identification containing the candidate's signature, name, and qualifying address is required at the time of filing, for example a driver's licence.

Identification should be originals and not photocopies, unless an agent is filing on behalf of the candidate.

## **When to File**

Every person who wants to be a candidate must file a nomination form prior to receiving any campaign contributions and prior to spending any funds on a campaign.

A person may file their nomination form beginning May 1, 2018, and the final day for filing is July 27, 2018 between 9 a.m. and 2 p.m. The time displayed by the Legislative Services Department electronic clock shall be the record of time that a candidate files his/her nomination form.

Individuals who want to register as a candidate are encouraged to first schedule an appointment by contacting [elections@newmarket.ca](mailto:elections@newmarket.ca) by phone at 905-953-5300 extension 2210.

## **Where to File**

Candidates must file an original nomination form that they have signed in person (signature must be witnessed and completed in front of election staff). The form may not be a copy and may not be scanned and submitted electronically.

Candidates must file the nomination form in-person or have an agent file it on their behalf at:

Legislative Services Department  
Municipal Offices  
395 Mulock Drive  
Newmarket ON L3Y 4X7

## **Who can File**

A candidate can file his/her original signed nomination form in-person, or an agent can file on behalf of the candidate. If an agent is filing the nomination on behalf of a candidate, the candidate's Declaration of Qualification must be commissioned before the agent files the nomination form with the Town. The agent must also provide a copy of the candidate's identification as well as providing their own identification.

## **Exception for Additional Nominations - Only if Required**

If the number of nominations filed for an office 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 August 1, 2018.

## **Examination and Certification of Nominations by Returning Officer/Clerk**

The Returning Officer/Clerk shall examine each nomination that has been filed, by 4 p.m. on July 30, 2018. If the Returning Officer/Clerk is satisfied that the person is qualified to be a candidate, he/she will certify the nomination form.

If required, any additional nominations filed, in accordance with the above section, "Exception for Additional Nominations - Only if Required", shall be examined before 4 p.m. on August 2, 2018.

If the Returning Officer/Clerk rejects a nomination he/ she will give notice as soon as possible to the individual seeking nomination and to all candidates. The Returning Officer/Clerk's decision to certify or reject a nomination is final.

## **Withdrawal of Nominations**

A person may withdraw his or her nomination by filing a written withdrawal in the Legislative Services Department, before 2 p.m. on July 27, 2018.

**Acclamations**

If, at 4 p.m. on July 30, 2018 the number of certified candidates for an office is the same as or less than the number to be elected, the Returning Officer/Clerk shall immediately declare the candidate or candidates elected by acclamation.

## Part D: Campaign Information

Candidates are strongly encouraged to refer to the guide published by the Province - [the 2018 Candidates' Guide for Ontario Municipal Council and School Board Elections](#) for information on candidates' financial responsibilities.

A candidate must file their nomination form before spending any money or receiving campaign contributions, and the amount a candidate spends on their campaign is regulated.

### Campaign Expense Limits

There are limits on the amount a registered candidate may spend during the period starting the day the candidate files a nomination paper and ending on December 31, 2018. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office.

Once a person files their nomination form, they will be given a Preliminary Certificate of Maximum Campaign Expense Limit based on the Voters' List from the 2014 Municipal Election. Each candidate will be provided a final expense limit on or before September 25, 2018 which is calculated using the greatest number of eligible electors as of Nomination Day from either the 2014 or the 2018 information (whichever provides the highest maximum limit).

The following is the formula used to calculate the limits:

Mayor and Regional Councillor: \$7,500 plus 85 cents per eligible elector

Ward Councillor or School Board Trustee: \$5,000 plus 85 cents per eligible elector

### Filing Financial Statements

All candidates, including those not elected, those who withdrew their nomination and whose nomination was rejected by the Returning Officer/Clerk, must disclose and report on their campaign expenses and contributions at December 31, 2018 or before March 29, 2019 by 2 p.m. in accordance with the following:

- All candidates are required to file a detailed financial statement on the prescribed form – Form 4.
- Candidates must have their financial statement audited and submit the auditor's report to the Returning Officer/Clerk along with their financial statement, if expenses and/or contributions total over \$10,000.

A candidate must file a separate financial statement for each office he or she was nominated during the election period, unless the offices are all on the same council and are elected by a general vote of all electors of a municipality. Each campaign for an office for which the election is conducted by ward is a separate campaign.

The financial statement must be filed by March 29, 2019. Candidates' financial statements are filed with the Returning Officer/Clerk and are public documents which are to be available for viewing by the public on the Town's website. The Returning Officer/Clerk will advise at least 30 days prior to March 29, 2019 filing deadline off all the filing requirements of the Act. The Returning Officer/Clerk is not required to give additional notice for each supplementary filing date.

### **Access to Apartment Buildings, Condominiums, etc. by Candidates (or their Authorized Representatives)**

Campaign provisions have been clarified through recent amendments to the Municipal Elections Act to allow candidates to campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9 a.m. until 9 p.m. until October 22, 2018. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows.



## Part E: Voter Information

### Voter Qualifications

A person is qualified to be a voter in Newmarket if on the last Voting Day - October 22, 2018, he or she,

- (a) resides in Newmarket or is the owner or tenant of land in the Town, or the spouse of such owner or tenant;
- (b) is a Canadian citizen;
- (c) is at least 18 years old; and,
- (d) is not prohibited from voting as outlined in the Municipal Elections Act or any other law.

### Persons Prohibited from Voting

The following persons are prohibited from voting:

- (a) A person who is serving a sentence of imprisonment in a penal or correctional institution;
- (b) A corporation;
- (c) A person acting as executor or trustee or in any other representative capacity;
- (d) A person who was convicted of the corrupt practice described in subsection 90 (3) of the Municipal Elections Act, if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

### Definition of Residence

For the purposes of the Municipal Elections Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return. These provisions exist to allow for individuals who are homeless to vote. The following rules apply in determining a person's residence:

1. A person may only have one residence at a time.
2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence.

- (2.1) Despite number 1 above, a person may have residences in two local municipalities at the same time if,
- (a) the person lives in one of the local municipalities in order to attend an educational institution but not with the intention of changing his or her permanent lodging place; and,
  - (b) the person's permanent lodging place is in the other local municipality.

## **Voters' List**

The Voters' List is a list of eligible electors in the Town of Newmarket. During non-election years the Town of Newmarket does not maintain a Voters' List.

During an election cycle, the Municipal Property Assessment Corporation (MPAC) is responsible for preparing the preliminary list of electors for each municipality and school board in Ontario. It is MPAC's Municipal Property Assessment database of both property owners and tenants that is used to prepare this preliminary list, which aids in the preparation of the final Voters' List for the election.

From now until the middle of August voters may log into MPAC's online web tool [VoterLookup.ca](http://VoterLookup.ca) to check their information.

Voterlookup.ca lets you:

- confirm the accuracy of your information;
- update your information where incorrectly recorded; and/or,
- add a name to the database so that it is correctly recorded for municipal and school board voting purposes.

In the middle of August, MPAC will provide this preliminary list of electors to the Town. Until October 22, 2018, the Town will conduct its own enumeration of eligible voters in Newmarket.

**It is very important that eligible voters are on the Voters' List by mid-September.**

**This will ensure that they receive their Personal Identification Number (PIN) in the mail, which will allow them to access their online or telephone ballot.**

## **How to Get a Copy of the Voters' List**

Candidates are entitled to receive a copy of the List for campaign purposes. The List will be provided electronically to Candidates, using the Candidate's Portal. **The information contained on the Voters' List is to be used for election purposes only. The use and sale of the Voters' List for Commercial purposes is strictly prohibited.**

Candidates must complete the prescribed form: Candidate's Declaration - Proper Use of Voters' List & Access to Candidates' Portal.

## **Proxy Voting**

Proxy voting is used when a people cannot attend a voting location to cast their ballot. However, since Newmarket voters will be able to cast their ballot from anywhere they have an internet connection or access to a touch-tone telephone, proxy voting will not be available for the 2018 Municipal Election.

## Part F: Contact Information, Forms & Checklist

### Contact Information

To schedule an appointment to file a nomination form, or for general inquiries please contact the Town's Election Office at [elections@newmarket.ca](mailto:elections@newmarket.ca) or by phone at 905-953-5300 extension 2210.

### Forms

Candidates can get copies of forms from the Legislative Services Department, or download them from the Government of Ontario's Central Form Repository at [www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca).

#### **Direct link to all forms:**

[Nomination Paper \(Form 1\)](#)

[Endorsement of Nomination \(Form 2\)](#)

[Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)

[Financial Statement – Subsequent Expenses \(Form 5\)](#)

[Notice of Extension of Campaign Period \(Form 6\)](#)

[Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

Candidate's Declaration - Proper Use of Voters' List & Access to Candidates' Portal

Consent to Provide Candidate Contact Information

Municipal Election Sign Permit Application - Candidates

Declaration of Qualifications - Council

Declaration of Qualifications - School Board Trustee

## Candidate Checklist

**Before** you can file your nomination as a candidate in Newmarket's 2018 Municipal Election, you must ensure the following:

**Important: All Forms requiring candidate signatures must be signed in front of election staff at the time of filing.**

- Confirm that you are qualified to run for Municipal Office in the Town of Newmarket, or for the School Board for which you are running in.  
**Applicable Forms:** Declaration of Qualifications - Council  
Declaration of Qualifications - School Board Trustee
- Your nomination form is completed prior to booking an appointment with the Elections Team to file your forms.  
**Applicable Form:** [Nomination Paper \(Form 1\)](#)
- Your endorsement form is completed with at least 25 endorsements (Applicable only for candidates running for office on Newmarket Town Council).  
**Applicable Form:** [Endorsement of Nomination \(Form 2\)](#)
- You have original photo identification, which includes your signature, name and qualifying address to file your nomination. For example, your Driver's Licence.
- If you intend to put up election signs, you have completed the election sign permit application.  
**Applicable Form:** Municipal Election Sign Permit Application - Candidates
- You have the appropriate nomination filing fee, and election sign permit application fee ready to submit.  
**Applicable Fees:** Mayor's office - \$200  
All other offices - \$100  
Election Sign Permit Application - \$500
- You booked your appointment with the Elections Office to file your nominations. This can be done by emailing [elections@newmarket.ca](mailto:elections@newmarket.ca) or by calling 905-953-5300 extension 2210.

**After** you have filed your nomination as a candidate in Newmarket's 2018 Municipal Election:

- Open up a separate bank account under your campaign. **Remember!** You must not spend or raise funds for your campaign until your nomination form and all other documents have been filed with the Elections Office.
- Only allow your election signs to go up any time after 10 a.m. on September 24, 2018. Failure to comply with the Town's Election Sign By-law may result in additional fees being incurred.
- Log into the Candidate's Portal and ensure you are familiar with the set-up. This is the place the Town will send its communications to you.
- Sign up for email updates & notifications from the Town at [newmarket.ca/vote](http://newmarket.ca/vote)
- Attend the Candidate Information & Training Sessions (dates will be provided by the Town). Topics will cover election signage & how the internet voting process works.
- Schedule an appointment in September with enforcement staff to review Election Sign regulations to ensure compliance and avoid fees being charged to you.

For further information, please direct all inquiries to the Elections Office by emailing [elections@newmarket.ca](mailto:elections@newmarket.ca)