Welcome Candidates!

Norfolk COUNTY VOTES 2022

May 16, 2022

Norfolk COUNTY

Key Contacts

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Important Dates

May 2, 2022	Nomination and Campaign Period begins Nominations accepted during regular working hours. Contact elections@norfolkcounty.ca to book an appointment to file your nomination
Aug. 19, 2022	Nominations accepted from 9:00 a.m. to 2:00 p.m. Withdrawal of Nominations before 2:00 p.m.
Aug. 22, 2022	Certification of Nomination Papers before 4:00 p.m.
Oct. 8, 12, 14, 2022	Advanced Polling
Oct. 24, 2022	Election Day
March 31, 2023	Campaign financial statement filing deadline before 2:00pm

Running for Council

This term of Council will be for the period commencing **November 15, 2022 and ending November 14, 2026** for the following offices:

Mayor

- One (1) to be elected by all electors of the County

Ward Councillors

- One (1) Councillor to be elected for each of Wards 1, 2, 3, 4, 6, and 7
- Two (2) Councillors to be elected for Ward 5

Grand Erie District School Board (English Public)

- Two (2) to be elected by public school electors for Brant County and Wards 3 and 7 of Norfolk County
- Two (2) to be elected by public school electors for Norfolk County Wards 1,2,4,5 & 6

Brant-Haldimand-Norfolk Catholic District School Board (English Separate)

- Two (2) to be elected by separate school electors of the municipality

Conseil Scolaire Viamonde (French Public)

- One (1) to be elected by French language public school electors

Conseil Scolaire de District Catholique Centre-Sud (French Separate)

- One (1) to be elected by French language separate school electors

Qualifications for Mayor or Councillor

To run for Mayor or Councillor, a person must be:

- a Canadian citizen
- at least 18 years of age
- a resident of the municipality of Norfolk County, or
- an owner or tenant of land in the municipality of Norfolk County, or the spouse of the owner or tenant
- not legally prohibited from voting
- not disqualified by any legislation from holding municipal office

Qualification of a School Board Trustee Candidate

To run for any of the four school boards, a person must be:

- a Canadian citizen
- at least 18 years of age
- a resident in the area of jurisdiction* of the board
- not legally prohibited from voting
- not disqualified by any legislation from holding municipal office

Nomination Period

- Nominations are open beginning Monday, May 2, 2022 at 8:30 a.m.
  - Nominations will be accepted through the Clerk's Office
  - Contact elections@norfolkcounty.ca
  - Contact the Clerk's Office to book an appointment to drop off your nomination package
- Nominations Close on Friday, August 19, 2022 at 2:00 p.m.
  - Nominations will **ONLY** be accepted at 185 Robinson Administration Building

Filing a Nomination

Nominations must be filed in person as original signatures are required. To file a nomination, you must provide:

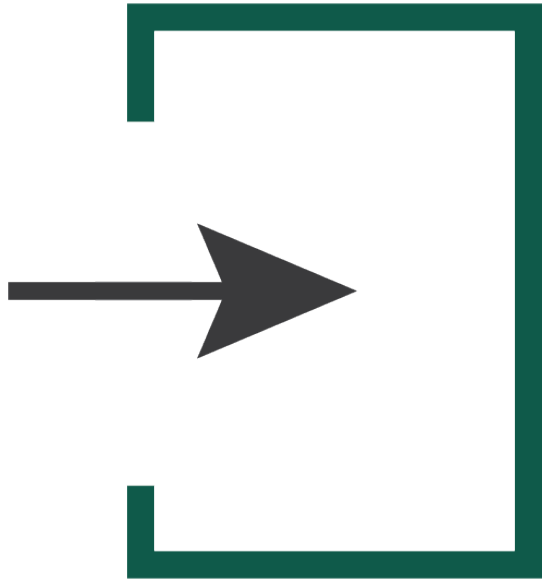
- Signed Nomination Paper
- at least 25 declaration of endorsements (mayor and councillor candidates only)
- current acceptable identification
- nomination filing fee (paid by cash, debit card, certified cheque or money order, payable to ‘Corporation of Norfolk County’)
- If an agent is filing a nomination on your behalf, the agent must provide the above documents as well as their own identification.
- The deadline to file a nomination is **August 19, 2022 at 2:00 p.m.**

Withdrawing a Nomination

If you decide you no longer wish to run in the 2022 municipal election, you must:

- file the Withdrawal of Nomination form in person
- provide identification
- file a financial statement by the deadline date

The last day to file a withdrawal is **August 19, 2022 at 2:00 p.m**.



Changing Office

If, after filing a nomination for an office on Council or any of the school boards, you wish to run for a different office, you must:

- file the Withdrawal of Nomination for the old office
- at the same time, file a Nomination Paper for the new office
- if applicable, pay the difference in the nomination filing fee

For mayor or councillor candidates, you are not required to submit additional declaration of endorsements – the ones you submitted for the first office are transferred to the second office.

Nomination filing fee

If the nomination filing fee is the same for the new office, no extra payment is required. If the nomination filing fee is different for the new office, the difference must be paid, if applicable.

***Note:** the filing fee is not refunded until you file the financial statement by the deadline date

Changing Office

Campaign finances

- The two offices (campaigns) are separate and contributions and expenses cannot be transferred from one to the other.
- If you plan to incur expenses or accept contributions, you must open a separate bank account for each campaign.
- A contributor's total contribution cannot exceed $1,200 for both campaigns for councillor or school board trustee candidates or $2,500 for mayoralty candidates.

Financial statement

You will be required to file a financial statement for each campaign.

- The withdrawn campaign will show all financial activity from the day the nomination paper is filed until the day the withdrawal is filed.
- The remaining current campaign will show all financial activity from the day the nomination paper is filed until the end of the campaign period.

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What does it mean to be a Member of Council

Roles of Council

Mayor:

- Head of Council
- To foster activities that enhance economic, social and environmental well-being of municipality and residents
- To advise Council on the accountability and transparency of municipal operations
- To provide the Council with leadership
- To represent the municipality at official functions
- To promote public involvement

Councillors:

Councillors have a representative, policy-making and stewardship role in each municipality.

1. **Representative Role**

Councillors are elected by constituents to represent their views when dealing with issues at Council.

2. **Policy-Making Role**

Councillors are expected to provide direction for municipal policies, including administration and guidance for future decisions.

Norfolk COUNTY

It is the role of Council…

to **represent the public** and to consider the well-being and interests of the municipality

to **develop and evaluate the policies and programs** of the municipality

to **determine which services** the municipality provides

to **ensure that administrative policies, practices and procedures** are in place to implement the decisions of council

to **ensure the accountability and transparency** of the operations of the municipality, including the activities of the senior management of the municipality

to **maintain the financial integrity** of the municipality

to **carry out the duties assigned to the municipal by law**

Norfolk COUNTY

Meeting Requirements

Minimum of 3 meetings per month

- Council
- Public Hearing
- Council-in-Committee
- Additional meetings as required (Special Council, Budget)

All meetings are open to the public

- Limited exceptions for “closed meetings”

Must serve on at least 2 committees or Boards

- Mayor and Councilors must be on the Board of Health
- Service Boards (Police, Library, Housing)
- Advisory Committees (Agriculture, Tourism, Climate Change, Accessibility)
- Committees-of-the-whole (Public Hearing, Budget, CIC)
- Business Improvement Areas (Downtown Simcoe, Delhi)

Meeting Requirements – Cont'd

Workshops/Conferences/Training

- Informal workshops for educational purposes
- Attendance at Conferences & Training sessions (AMO/ROMA/FCM)

Technology

- Agendas will be provided electronically
- Appropriate technology resources will be provided to each member (i.e. laptop or tablet, cell phone, etc.)

What does it mean to be a School Board Trustee

Role of School Board Trustee

School board trustees are members of the school board.

Trustees are locally-elected representatives of the public and are advocates for public education.

The *Education Act* creates four different kinds of school boards:

(i) English-language public district school boards

(ii) English-language separate district school boards

(iii) French-language public district school boards

(iv) French-language separate district school boards

Role of School Board Trustee – Cont'd

The role of a school board trustee is to:

- Establish policy direction
- Participate in making decisions that benefit the entire school board while representing the interests of constituents

Trustees are accountable to:

- Constituents
- Ministry of Education
- Families

Campaigning

Election Signs

Election signs can be erected as of Friday, September 24, 2022 after 12:00 p.m. 30 days prior to Voting Day.

The following rules must apply

- ✗ Cannot exceed 3 square meters in Sign Area
- ✗ Not allowed on Public Property (including road allowances)
- ✗ Not more than 2 signs per candidate and not more than 2 signs per third party advertiser on a single private residential property
- ✗ Not more than 2 signs per candidate and not more than 3 signs per third party advertiser on a single private non-residential property
- ✓ MUST be erected ONLY after 12pm on September 24, 2022
- ✓ MUST be removed before 7 days after the election polls close on October 24, 2022
- ✓ Consent shall be obtained from the property owner prior to erecting a sign

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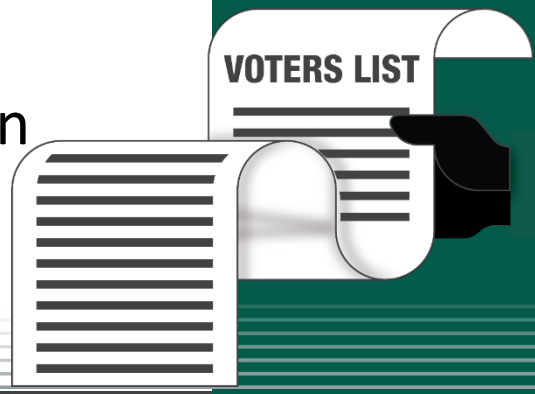
Voter's List

- The preliminary list of electors, as corrected by the clerk, becomes the voters' list on September 1, 2022.
- The clerk determines how and when individuals can apply to have their name and information corrected or added to or removed from the voters' list.
- One copy of the voters` list can be provided to each municipal candidate or trustee candidate (request must be made to the clerk in writing).
- Candidates running in a ward are entitled only to that portion of the list that contains the names of the electors entitled to vote for that office.
- The voters' list shall not be posted in a public place.
- The voters' list shall not be made available to the public by posting on an internet website or via any other print or electronic medium of mass communication.



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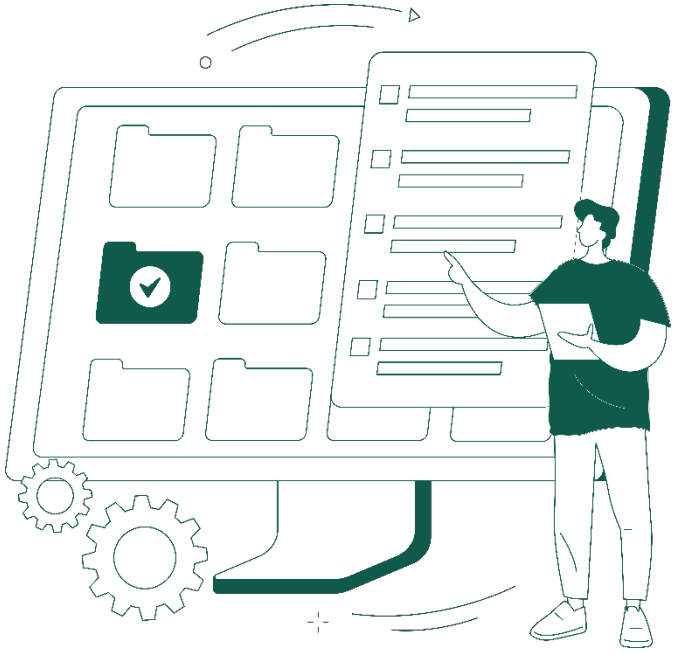
Voting Day

- Campaigning at the voting locations is strictly prohibited
- The following guidelines must be followed by all Candidates, Scrutineers and Supports of Candidates
    - Cannot influence potential voters
    - Cannot ask voters how they voted
    - Cannot display candidate's name, picture or any other campaign materials
    - Cannot display campaign materials (Printed, banners, clothes, signs, vehicles) inside the voting location

Campaign Finances

Financial Rules and Regulations

Record Keeping



You are responsible for keeping records of the financial activities related to your campaign.

You are required to keep all of your campaign financial records until November 17, 2026 when the next council or school board takes office.

Record Keeping

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money, 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.

Campaign Period

Campaign Period

You may accept contributions or incur campaign expenses during your campaign period only. Your campaign begins on the day you file your nomination.

In most cases, your campaign will end on October 24, 2022.
Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (August 19, 2022)
- know you will not have any more financial activity, you can end your campaign at any time after voting day and before December 31, 2022.

Norfolk COUNTY

Notice of Penalties

88.23(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.

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.

Campaign Finances

Bank Account

- You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses.
- If you do not spend any money and do not receive any contributions of money, you do not have to open a campaign bank account.
- If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.
- You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.
- All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.
- **The nomination fee is considered to be a personal expense, not a campaign expense.**

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Contributions

- Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.
- If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.
- If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.
- If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

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Who cannot make a contribution

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

- a corporation
- a trade union
- an individual who is not normally resident in Ontario
- 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

Contributions

- If you sell tickets to a fundraising event, the cost of the ticket is a contribution.
- If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (i.e. what it would cost you to buy those signs today) is a contribution that you make to your campaign.
- If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is a contribution by the guarantor.

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Things that are not contributions

- If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.
- A cash donation of $25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.
- The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the Broadcasting Act (Canada) is not considered to be a contribution.
- If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

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Contribution Limits:
Contributions from yourself and your spouse

If you are running for municipal council, there is now a limit on the total amount that you and your spouse may collectively contribute to your own campaign. The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for.

The formula to calculate the limit is:

- for head of council: $7,500 plus $0.20 per eligible elector
- for council member or trustee: $5,000 plus $0.20 per eligible elector

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Contribution Limits:
Contributions from yourself and your spouse

All of the contributions that you and your spouse make to your own campaign count towards this limit, including:

- contributions of money
- the value of goods or services that you or your spouse donate to the campaign
- the value of any inventory from the previous election that you use again in this campaign.

Contribution Limits: Contributions from other people

There is a $1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (e.g. 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 (i.e. running for the same council or the same school board) is $5,000.

You are required to inform every contributor of the contribution limits. An easy way to make sure that this is done is to include the contribution limits on the receipt that you provide for each contribution.

Only a contribution that is $25 or less can be made in cash. All contributions above $25 must be made by cheque, money order or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions)

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Contribution Receipts

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

If you receive 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.

You are required to list the names and addresses of every contributor who gives more than $100 total to your campaign in your financial statement. You 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 totalling more than $100.

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

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Returning Ineligible Contributions

You are required to return any contribution that was made or accepted in contravention of the act as soon as you learn that it was an ineligible contribution.

If you cannot return the contribution, you must turn it over to the clerk.

Returning Ineligible Contributions

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

- made outside your 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, etc.)
- greater than the individual $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 you.

Refunding Unused Contributions and Rebates

- If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.
- You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.
- Contributions to municipal council and school board campaigns are not tax deductible.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the purpose of raising money for your campaign.

If your campaign brochure requests a contribution to be made to your campaign it is considered a fundraising effort

Fundraisers can only be held during your campaign period. You must record the gross income and the expenses on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets.

Campaign Income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution.

If the good or service is sold for $25 or less, the amount paid is considered to be campaign income, and not a contribution.

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your 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 your campaign bank account. If you use a credit card to pay for purchases you should make sure that you 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.

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

Norfolk COUNTY

Goods and Services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services – you must record both the contribution and the expense.

Example:

Your friend spends $150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of $150 in goods or services from your friend and record an expense of $150.

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

Norfolk COUNTY

General Spending Limits

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for.

The formula to calculate the limit is:

- for head of council: $7,500 plus $0.85 per eligible elector
- for council member or trustee: $5,000 plus $0.85 per eligible elector.

When you file your nomination the clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

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Types of Expenses

Most of your expenses will be subject to the spending limit. The following expenses are not subject to the spending limit:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a 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
- audit and accounting fees.

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.

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Campaign Inventory

If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you wish to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

It is your responsibility as a candidate to file a **complete** and **accurate** financial statement **on time.** The filing deadline is 2 p.m. on the last Friday in March following the election **(March 31, 2023).**

Campaign Financial Statements

If you filed a nomination form, you must file a financial statement.

This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than $10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the clerk.

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Filing Early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 31, 2023.

Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one at the same time.

Auditor's Report

You must have an auditor review your financial statement and provide a report if:

- Your campaign expenses exceed $10,000, or
- The contributions you received (including contributions from yourself) exceed a total of $10,000, or
- Both your expenses and your contributions exceed $10,000 each.

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

You can incur expenses relating to the auditor's report after December 31, 2022. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Automatic Penalties

There are three contraventions of the Municipal Elections Act, 1996 where penalties apply automatically:

1. if you fail to file a financial statement by the end of the 30-day grace period or fail to apply to the court before March 31, 2023 for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the clerk when you file your financial statement.

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2025 election.

Compliance Audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the municipal 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. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

Compliance Audits

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the Municipal Elections Act, 1996 the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if you contravened the act and, if so, which penalties should apply.

Questions & Answers

Thank you for coming

Norfolk COUNTY