

**Report:** PDL-CAS-18-05

**Region of Waterloo**  
**Planning, Development and Legislative Services**  
**Council and Administrative Services**

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**To:** Chair Sean Strickland and Members of the Administration and Finance Committee

**Date:** May 1, 2018

**File Code:** C03-01

**Subject:** 2018 Municipal Election Update

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**Recommendation**

For information.

**Summary**

This report is provided for background information on the following aspects of the 2018 municipal election: changes to the nomination process, campaign finances, recount policy, accessibility plan, third party advertising, municipal election compliance audit committee, and promotion.

**Report**

**Changes to the Nomination Process**

The Municipal Elections Modernization Act, 2016 resulted in substantial changes to the nomination process. The Nomination period is now Tuesday May 1 – Friday July 27, 2018 at 2:00 pm. This 3 month term greatly reduces the previous 9 month process.

When candidates (excluding School Board trustees) file a nomination paper (Form 1) they will now be required to submit 25 signatures of eligible voters supporting the nomination (minimum of five copies of Form 2). The following guidelines apply to nomination endorsements:

- In order to be eligible, a person endorsing a candidate must be eligible to vote on the date of endorsement;

- A person signing may endorse more than one candidate;
- Endorsements will be in the form of a prescribed declaration (new Form 2);
- Should the candidate file for a different office on the same Council, further endorsements are not required.

The Clerk's office has prepared a revised checklist that will be used by staff when candidates are filing nomination papers. The checklist will ensure that all candidates submit, and are provided with, the same information at the time of filing.

All Regional Council Candidates will be expected to bring the following

- Completed Nomination Form (Form 1) and 25 signatures of eligible voters (Form 2)
- Payment of nomination fee (\$200 for Regional Chair, \$100 for Regional Councillor, payment can be made by cash, debit, Visa or MasterCard)
- Proof of Canadian Citizenship (birth certificate, Canadian passport, Canadian citizenship papers)
- Proof of residency or non-residency elector status (Ontario driver's licence, Ontario photo health card, property tax bill)

Candidates will be provided with the following information:

- Information on the Sign By-law
- List of Regional roads
- Estimated campaign spending limit
- Candidate's guide prepared by the Province

### **Campaign Finances**

Changes to campaign finance rules further restrict who can support a candidate's campaign financially as outlined below.

- Funds can no longer be accepted from trade unions, corporations, and political parties.
- Maximum contributions to a candidate have now been increased to \$1200 (previously it was \$750).
- A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council.

### **Campaign Spending Limit**

The following formulas are prescribed for the maximum expense calculations for candidates:

- In the case of a candidate for the office of head of council of a municipality, the amount shall be calculated by adding together \$7,500 plus 85 cents for each elector entitled to vote for the office.
- In the case of a candidate for another office, the amount shall be calculated by adding together \$5,000 plus 85 cents for each elector entitled to vote for the office.

### **New – Contribution Limits for Candidates and their Spouse**

Candidates, and their spouses, have a limit to funding their own campaigns. These limits are as follows and are included in the above maximum expense calculation:

- for Regional Chair, \$7,500 + \$0.20 per elector to a maximum of \$25,000
- for Regional Councillors, \$5,000 + \$0.20 per elector to a maximum of \$25,000.

A chart is attached to this report as Appendix B, showing the draft estimates for campaign spending limits and candidate contributions for the upcoming election. This information is for Regional Council positions only.

The Clerk is now responsible for reviewing the contributions reported on the financial statements to determine if any contributor appears to have exceeded any of the contribution limits. This is a new provision and staff are currently working with Finance staff to determine the process, and any additional resources that may be required, for completing this review.

### **Recount Policy – Tie Vote**

Municipalities are permitted to establish a policy to require an automatic recount when the results fall within a defined threshold. A recount must be conducted in the same manner that was used on voting day and must be completed within 15 days of the results being declared by the Clerk.

The Region will continue to follow the provisions of the legislation related to recounts, as has been done in the past. For a general election the legislation requires a recount “when the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office.”

### **Accessibility Plan**

In accordance with the Municipal Elections Act, 1996, the Clerk is required to prepare a plan regarding the identification, removal and prevention of barriers that affect electors

and candidates with disabilities and shall make the plan available to the public before voting day in a regular election. Although the Region is not responsible for opening polls or printing ballots for the election, the Region does accept nomination papers and financial statements and inquiries from candidates for Regional offices. As a result an accessibility plan has been prepared to ensure that the process is accessible to candidates. The plan is attached as Appendix 1.

### **Third Party Advertising**

The Municipal Elections Act now includes provisions on third party advertising. A third party advertisement is defined as “an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate.” Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser. Only those who have registered can spend money on third party advertising. A third party can include an individual, corporation or trade union.

The prescribed formula for third party advertisers is \$5,000 plus five cents for each eligible elector, to a maximum of \$25,000. There is no limit for personal contributions for a third party advertiser or their spouse to their own campaign. In the chart attached as Appendix B to this report is an overview of the **draft** estimates for the third party limits for the 2018 municipal election in the Region of Waterloo.

A third party advertiser must register with the **area municipality** where it will campaign. This means that in order to conduct a Region-wide campaign a third party advertiser must register with each of the seven area municipalities. Any complaints regarding third party advertisers will also be directed to the appropriate area municipality. The Region will not be accepting third party registrations.

### **Municipal Election Compliance Audit Committee (MECAC)**

The “Municipal Elections Act” requires the establishment of a Compliance Audit Committee by October 1<sup>st</sup> of an election year. The Regional Clerk has been delegated the authority to appoint the MECAC members and will inform Regional Council of the members once appointed. The Region of Waterloo appointed its first Compliance Audit Committee in 2006. In 2010 the Municipal Clerks agreed to the establishment of a joint committee with the majority of area municipalities within the Region of Waterloo. In 2014 the City of Cambridge joined the Committee and the City of Guelph is interested in joining the joint Committee for 2018. The terms of reference are being revised to now include all participating municipalities, legislation references and inclusion of third party

advertising. A copy of the terms of reference will be available upon request in July.

### **Promotion**

The Region and all Area Municipalities are working together on a joint election promotion campaign which will utilize radio and print advertising, banners in facilities, bus ads, etc. Representatives from the Communication staff from the Area Municipalities are preparing the joint communication plan.

A general website has been established, [www.wrvotes.com](http://www.wrvotes.com). This website provides links to the election website for the Region and each of the area municipalities. It will also be used for posting generic advertisements that apply to all municipalities. A social media campaign will also utilize #wrvotes.

### **Corporate Strategic Plan**

Election preparation directly aligns with Focus Area 5 of the Strategic Plan – Responsive and Engaging Government Services.

### **Financial Implications**

None

### **Other Department Consultations/Concurrence**

None

### **Attachments**

Appendix A: Region of Waterloo Municipal Election Accessibility Plan

Appendix B: Chart for **draft** Estimated Campaign Expenses

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**Approved By:** **Kris Fletcher**, Director, Council and Administrative Services/Regional Clerk

**Appendix A: Region of Waterloo Municipal Election Accessibility Plan**

 Region of Waterloo  Council/Legislated Policy	Section #	Policy #
	7	11
	Approval Date:	Revision Date:
	2018	
Title:	Region of Waterloo Municipal Election Accessibility Plan	
Responsibility:	C&AS	Approval Level: Council
Applies to:	All staff	

**Policy Statement:**

The Region of Waterloo strives to provide a fair and inclusive voting process that allows for participation by all persons, including those with disabilities. There will be full and equal access to electoral services for all persons. The Region works in co-operation with the area municipalities to provide an accessible election process.

**Legislative Requirements**

The Municipal Elections Act states as follows:

- 12.1** (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.
- (2) The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election.
- (3) Within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

The Region of Waterloo has an Accessibility Policy and a Multi-Year Accessibility

Plan.

**Operating Details:**

With Municipal Elections, the Region of Waterloo does not open polls and print ballots, etc. for voting. This is a responsibility of each area municipality within the Region and they conduct that portion of the election on behalf of the Region. Each municipality will have their own accessibility plan for municipal elections. The Region is responsible for accepting nomination papers and financial statements and inquiries from candidates for Regional offices.

**Procedures:**

With each election there needs to be an update to the accessibility plan. The plan is reviewed to ensure adherence to the legislation.

**Guidelines:**

Provisions will be made for accessibility to all candidates, including access to Regional buildings. Nomination papers are accepted in the Regional Clerk's Office at 150 Frederick Street, Kitchener and the building is fully accessible, including parking below the building in level P2.

The Region's website is AODA compliant for the posting of any election related information. The Region also uses a TTY telephone system for deaf and hard of hearing callers. This is available across the organization. Any forms, materials distributed to candidates that are prepared by the Region of Waterloo will conform to AODA standards, or alternate formats will be provided where requested. Nomination forms are provided by the Province of Ontario.

**See Also:**

Region of Waterloo Accessibility Policy

Region of Waterloo Multi-Year Accessibility Plan

**Region of Waterloo**  
**Draft Campaign Spending Limit Estimates - 2018 Municipal Election**

<b>Office</b>	<b>Number of Electors<sup>1</sup></b>	<b>Total Campaign Spending Limit<sup>2</sup></b>	<b>Personal Contribution Limit<sup>3</sup></b>	<b>Third Party Total Spending Limit<sup>4,5</sup></b>
Regional Chair	35,2761	\$307,346.85	\$25,000.00	\$22,638.05
Regional Councillor Cambridge	85,922	\$78,033.70	\$22,184.40	\$9,296.10
Regional Councillor Kitchener	147,290	\$130,196.50	\$25,000.00	\$12,364.50
Regional Councillor Waterloo	71,346	\$65,644.10	\$19,269.20	\$8,567.30
Mayor Cambridge	85,922	\$80,533.70	\$24,684.40	\$9,296.10
Mayor Kitchener	147,290	\$132,696.50	\$25,000.00	\$12,364.50
Mayor North Dumfries	7,663	\$14,013.55	\$9,032.60	\$5,383.15
Mayor Waterloo	71,346	\$68,144.10	\$21,769.20	\$8,567.30
Mayor Wellesley	7,714	\$14,056.90	\$9,042.80	\$5,385.70
Mayor Wilmot	15,031	\$20,276.35	\$10,506.20	\$5,751.55
Mayor Woolwich	17,795	\$22,625.75	\$11,059.00	\$5,889.75

<b>Example Councillor</b>	<b>Number of Electors</b>	<b>Total Campaign Spending Limit</b>	<b>Personal Contribution Limit</b>	<b>Third Party Total Spending Limit</b>
Example A	5,000	\$9,250.00	\$6,000.00	\$5,250.00
Example B	10,000	\$13,500.00	\$7,000.00	\$5,500.00

1 Numbers are based on the 2014 voters list and are subject to change

2 Head of Council = \$7,500 + .85 per elector Councillor = \$5,000 + .85 per elector

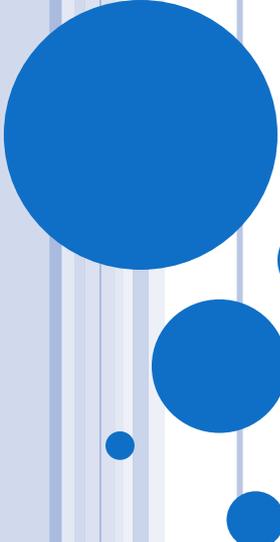
3 Head of Council = \$7,500 + .20 per elector to a maximum of \$25,000  
 Councillor = \$5,000 + .20 per elector to a maximum of \$25,000

4 Third Party Total Campaign Limit = \$5,000 + \$0.05 per elector, up to \$25,000

5 There is no limit, other than the total campaign limit, on the contributions made by a third party, or their spouse, to their own campaign.



Region of Waterloo

A series of five blue circles of varying sizes arranged in a descending staircase pattern on the left side of the slide.

# MUNICIPAL ELECTIONS

Presentation to Administration and Finance Committee,  
May 1, 2018

## GENERAL QUALIFICATIONS

- A candidate for municipal office must, upon nomination, be a qualified municipal elector and fulfill all of the following requirements:
  - A Canadian citizen; 
  - At least 18 years old;
  - a resident of the municipality, a non-resident owner or tenant of land in the municipality or the spouse (including a same sex partner) of such non-resident owner or tenant;
  - Not disqualified by any legislation from holding office.
- 
- Note – a candidate, if nominated must remain qualified throughout the election and if elected, throughout the term of office



# NOMINATIONS



- Nominations open May 1, 2018
- Your nomination can be filed any day the Clerk's office is open (generally 8:30 to 4:30)
- Nomination Day is July 27, 2018— must be filed by **2:00 p.m.** on that date
- Can't be nominated for more than one office
- In order to raise campaign funds or incur campaign expenses you must be nominated.

# NOMINATION

- Obtain papers from the Clerk of the municipality where you intend to run or from a municipal website or provincial website

Form 1 Nomination form - [Form 1](#)

- Endorsed by 25 persons – [Form 2](#)

- Must be qualified electors



- Pay the prescribed nomination fee \$100 cash, certified cheque, debit, credit card (\$200 if head of Council)

# TERM LENGTH

**December 1, 2018 –  
November 14, 2022**

# FINANCIAL RESPONSIBILITIES



- Remember you can't get contributions or make any expenditures until you are nominated (Campaign period May 1 – December 31, 2018)
- Appoint a chief financial officer/campaign manager to keep track of the books
- Open a bank account exclusively for your campaign
  - contributions of money go in this account including money from yourself or spouse
  - any expenses must be paid from this account
  - Nomination fee is a personal expense not a campaign expense



**The candidate is ultimately responsible for all finances**

# WHO CAN CONTRIBUTE TO YOUR CAMPAIGN?

1. You\* 
2. A spouse\* 
3. An individual who normally resides in the province of Ontario



## **\*NEW RULES for you and your spouse**

- For the head of council: \$7,500 plus \$0.20 per eligible elector
- For council member or trustee: \$5,000 plus \$0.20 per eligible elector
- Cap of \$25,000

# WHO CAN'T CONTRIBUTE?



- A corporation
- A trade union
- A federal or provincial political party, constituency association, or a registered candidate in a federal or provincial election or provincial leadership race.
- Any individual who is not normally a resident in Ontario
- Groups such as clubs, associations or ratepayer's group are not eligible to make contributions. May make contributions as individuals.

# HOW MUCH MONEY CAN BE SPENT ON MY CAMPAIGN?

Formula used to calculate the amount of money that can spend

- For head of council(Mayor/Regional Chair): \$7,500 plus \$0.85 per eligible elector.
- For council member or trustee: \$5,000 plus \$0.85 per eligible elector.



## WHAT IS A CONTRIBUTION?



Money, goods or services that are given to you for use in your campaign (including goods and services from yourself)

- **Discounts** – the difference between what you were charged and the market price is a contribution. Remember corporations and other businesses are not permitted to make contributions!
- **Professional Service** – if someone would normally charge you and gives you a service for free, the market value is considered the contribution.
- **Goods at a fundraiser** – if you sell goods at a higher value – the difference is the contribution.
- **Sign Inventory** - the current value of the sign is considered to be a contribution that you made to your campaign.

# WHAT IS NOT A CONTRIBUTION?

- Volunteers working for your campaign



- Cash donation of \$25 or less is not considered a contribution. You can accept such donations without keeping track of who gave them to you. You will however need to report the total amount of money that you received



- A campaign loan from a bank



## CONTRIBUTIONS LIMITS



- Only contributions up to \$25 can be accepted in cash
- Any donation over \$100 must be listed on your financial information return
- No single or total combined donation can exceed \$1200 unless it is your own money or the money of your spouse.
- The maximum total amount that a contributor can give candidates in the same jurisdiction is \$5,000

**Candidate are responsible for advising contributors of limits**

# ISSUE RECEIPTS FOR EVERY CONTRIBUTION!

- The receipt should show name of contributor, date and value.
- For goods and service you must receipt the full value
- If you receive a check from a joint account the receipt is in the signatories name
- Receipt everything over \$25.00

Cash Receipt		Receipt Number: _____
		Date: _____
Received From _____ the amount of \$ _____		
For _____		
Current Balance: \$ _____		<input type="checkbox"/> Cash
Payment Amount: \$ _____		<input type="checkbox"/> Cheque
Balance Due: \$ _____		<input type="checkbox"/> Money Order
Received By: _____		
		Cash Receipt Template

## RETURN INELIGIBLE CONTRIBUTIONS AS SOON AS YOU FIND OUT!

- Made outside your campaign period
- From an anonymous source (exemption for money \$25.00 or less)
- From an ineligible source e.g. Corporation, Trade Union, doesn't reside in Ontario
- Greater than \$1,200
- Cash of greater value than \$25.00

**Can't determine who gave you the money?**

**Give it to the Clerk**

## FINANCIAL STATEMENTS

- If you filed a nomination form you must file a financial statement
- Filing Deadline – March 29, 2019 @ 2:00 p.m.
- A candidate whose campaign contributions or expenses exceed \$10,000 must have an auditor to complete financial statements
- Expenses related to an auditor's report can be incurred after the campaign period.
- Clerks are now required to review contributions that are reported by candidates/3rd parties to see if contributors have given more than permitted.
- Compliance Audit Committee

VOTING DAY

Monday October 22, 2018