

FREQUENTLY ASKED QUESTIONS FOR CANDIDATES

Banking

To start campaigning for local office you must set up a bank account to be used specifically for your campaign. All contributions to your campaign and expenditures incurred for your campaign must come through this account and can only be accessed during your campaign period. Your campaign period is the day you file your nomination paper with the City Clerk through to December 31, 2018. A candidate who does not accept any contributions of money or incur any expenses is not required to open a bank account.

Filing Nomination Papers

- To get things started you will need to file a nomination form with the City Clerk on the prescribed form (Nomination Form 1) accompanied by the prescribed nomination fee (\$200 for Office of Mayor, \$100 for all other offices). May 1, 2018 is the first day nomination papers can be accepted by the City Clerk and July 27, 2018 (between the hours of 9:00 a.m. and 2:00 p.m.) is the last day to file your nomination paper.
- If, on or before 2 pm on March 29, 2019, you file your financial statement and auditor's report on the prescribed form reflecting your election campaign financing, your filing fee will be returned to you.
- If running for a Council position, your nomination must be endorsed by at least 25 eligible electors, who may endorse more than one nomination
- You may not accept any contributions or spend any monies on your campaign until you have filed your nomination paper with the City Clerk.

Withdrawal of Nominations, s. 36 *Municipal Elections Act*

- If you, as a nominated candidate, submitted your nomination paper and paid your nomination filing fee to the City Clerk, and now wish to withdraw your nomination, you must submit a written "Withdrawal of Nomination Form" available from the City Clerk. The form may be submitted during regular office hours 8:30 a.m. to 4:30 p.m., Monday to Friday. The latest you can submit this form to the City Clerk is before 2:00 p.m. on Friday, July 27, 2018. This will ensure your name does not appear on the municipal ballot.
- You will be required to provide to the City Clerk proof of your identity before the withdrawal is authorized.
- Your nomination filing fee will be refunded (mailed) to you shortly after you submit the withdrawal form.

- If you decide to withdraw from the office to which you have submitted a nomination form and apply for another office, the *Municipal Elections Act* provides that your earlier nomination is deemed withdrawn at the time of the filing of a subsequent nomination. No withdrawal form is necessary. If this is the case, the following rules apply:
 - a) The nomination paper is not transferable – you must file a separate nomination for an office. The "old" nomination form is deemed to have been withdrawn at the time of filing the second nomination form.
 - b) The filing fee is deemed to be paid with the latest filing if the two nominations are for the same Council or local board.
 - c) A candidate must file a separate financial statement for each office he or she was nominated for during the election period since these are considered separate campaigns.
 - d) A candidate who has already paid the filing fee accompanied by an endorsement of 25 eligible electors is not required to obtain endorsements for the second office of the same Council.

Example 1: A candidate nominated for the office of City Councillor may file a new nomination for the office of Mayor. The original nomination for the office of City Councillor is deemed to be withdrawn at the time the nomination for mayor is filed. A second nomination filing fee must be paid.

Each campaign that for City Councillor and for Mayor, is a separate campaign, contributions and expenses may not be transferred. The candidate is required to file two separate financial disclosures, one for the City Councillor and one for the Mayoralty campaign.

Example 2: A candidate who is nominated for the office of City Councillor may decide to seek election instead for the office of School Board Trustee. At the time of filing the new nomination for Trustee, the original nomination for City Councillor is deemed to be withdrawn and a second nomination filing fee must be paid. Each campaign is a separate campaign; contributions and expenses may not be transferred. The candidate is required to file two separate financial disclosures, one for the office of City Councillor and one for the office of School Board Trustee.

Contributions

Campaign contributions are monies, goods or services given to a candidate for his or her election campaign. The candidate must issue a receipt to the contributor for the full value. Here are some examples of contributions:

- Monetary contributions;
- Value of goods and services;
- The admission price for a fund-raising function;
- The difference between the amount paid and the market value of a good or service sold at a fund-raising function;
- The difference between the amount paid and the market value of a good or service purchased for the campaign;
- Any unpaid but guaranteed balance of a campaign loan.

These are **not** considered contributions:

- The value of services provided by voluntary unpaid labour;
- The value of services provided voluntarily by employees of an entity as long as they do not receive extra compensation from their employer;
- The value of free political advertising provided it is in accordance with the *Broadcasting Act* (Canada) and is made available to all candidates;
- The amount of a campaign loan obtained by the candidate or the spouse of the candidate.
- Items sold by the candidate for \$25 or less to raise campaign funds. On these occasions, the money is considered income and the candidate does not have to issue a receipt or ensure the buyer is eligible to contribute.

Contributions may be accepted during the candidate's campaign period, only. Your campaign period begins the date and time you file your nomination paper with the City Clerk and ends on December 31, 2018. Once your campaign has ended you are required to complete a financial statement (deadline March 29, 2019) that will outline the contributions and expenses from your campaign account experienced during your campaign. This statement will be filed in the Office of the City Clerk and is considered a **public document**, therefore the names and addresses individuals who contributed to your campaign in excess of \$100 will be listed on the statement and will be made public.

The limit on contributions donated in money, goods or services from any individual is \$1200 to any one candidate. Unions and Corporations cannot contribute to campaigns; but individuals, unions and corporations can

register as third party advertisers and make contributions to third party advertisers.

Candidates running for Mayor and/or their spouses may self-fund up to the amount of \$7,500 +20¢ per elector. Those running for Councillor may self-fund up to \$5,000 + 20¢ per elector. This does not apply to School Trustees.

The maximum **total amount** a contributor may contribute to candidates in the same jurisdiction is \$5,000. Each municipal council (Mayor and Council) and School Board is a separate jurisdiction.

Campaign Expenses

For the purposes of the 2018 City of Sarnia Municipal Election, the following maximum campaign expenses rules apply to all candidates [*Bill 212 Royal Assent*, December 15, 2009]:

1. If you are running for the Office of Mayor in the City of Sarnia, your maximum campaign expense limit is calculated by adding together \$7,500 plus 85 cents for each elector entitled to vote for the office of Mayor.
2. If you are running for the Office of City/County Councillor in the City of Sarnia or School Board Trustee, in the jurisdiction of a School Board, your maximum campaign expense limit is calculated by adding together \$5,000 plus 85 cents for each elector entitled to vote for the office in which you are running.

You, as a candidate, will be issued a Preliminary Certificate of Campaign Expenses at the time of filing your nomination paper with the City Clerk, which will state your maximum campaign expense limit. This figure will be based on the voters' list as it was at the close of nominations for the 2014 election. This may differ for some school board candidates who file their nomination papers before the distribution of trustees is determined by their respective board. School Board candidates, please contact the Municipal Elections Office for further details.

A second and Certificate for Maximum Campaign Expenses will be issued to you after September 25, 2018, which will state your final maximum campaign expense limit and will be based on the voters' list at the close as of September 15, 2018.

Candidates may spend no more than 10% of the maximum campaign expense limit on parties, etc., that occur after the election.

Campaign Period

- If you are a candidate for the 2018 City of Sarnia municipal election, your campaign period begins on the day you filed your nomination for an office with the City Clerk and ends on December 31, 2018.
- If you withdraw your nomination, your campaign period ends on the day of withdrawal.

You will need this information (the date you filed) when you complete your financial statement after the election.

If you were a candidate for one office and changed to another office, each is considered a separate campaign and a separate financial statement must be filed at the appropriate time for each office.

Note: You cannot accept a contribution nor incur an expense outside your campaign period.

Duties of candidate, s. 88.22(1), *Municipal Elections Act*

A candidate shall ensure that,

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17;

(l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;

(m) financial filings are made in accordance with sections 88.25 and 88.32;

(n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;

(o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;

(p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;

(q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and

(r) each contributor is informed that a contributor shall not make contributions exceeding,

(i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and

(ii) a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Requirements for Placement of Elections Signs

Election signs may not be placed on municipal property, including public rights-of-way and road allowances. Candidates and third party advertisers are required to identify themselves on all campaign advertisements and signs.

This information will be updated with additional details as the election progresses.

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