



**TOWNSHIP OF LUCAN BIDDULPH  
2022 MUNICIPAL AND SCHOOL BOARD ELECTIONS**

# **Information for Candidates**

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## **Introduction**

This guide has been prepared for the purpose of supplying information to persons intending to stand for elected office. This guide is available electronically on the Lucan Biddulph website ([www.lucanbiddulph.on.ca/town-hall/elections](http://www.lucanbiddulph.on.ca/town-hall/elections))

This guide is only intended to provide Candidates with information on running for office. Candidates are responsible for ensuring they are familiar with the requirements of the Municipal Elections Act, 1996 and should consult the Act for complete information and legislative requirements. A copy of the Municipal Elections Act, 1996 is available for Candidates at the Municipal Office and it is also available online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Every person who proposes to be a Candidate must file nomination papers prior receiving any campaign contributions and/or expending any funds on a campaign. A Candidate may file his or her nomination papers as of May 2, 2022 during regular business hours (Monday – Friday, 8:30 am – 4:30 pm) Nomination papers will be available from the Municipal Clerk and on the Lucan Biddulph website.

Please Note: Nomination Papers submitted by facsimile transmissions, email or mail will not be accepted. Forms must be completed in person at the Municipal Offices, located at 270 Main Street, Lucan, ON, N0M 2J0. Candidates are required to sign the Nomination Form 1, and sign a form declaring that they are qualified to run in the election. This declaration is taken before a Commissioner for Oaths.

The final day for filing for the 2022 municipal election is Nomination Day, Friday, August 19, 2022 at 2:00 pm

If an agent is filing the nomination on behalf of a Candidate, the candidate's nomination paper must be commissioned before the agent files the nomination form with the Township of Lucan Biddulph, and the agent must provide a copy of the candidate's identification as well as providing their own identification.

## **Key Contact**

Lisa deBoer  
Returning Officer  
519-227-4491  
[ldeboer@lucanbiddulph.on.ca](mailto:ldeboer@lucanbiddulph.on.ca)

## **Important Dates**

The following are key legislative dates for the 2022 Municipal and School Board Elections as set out in the *Municipal Elections Act, 1996*.

### **2022**

Monday, May 2

- First day for Candidates to file a nomination paper for the office of Mayor, Deputy Mayor, Ward Councillor or School Board Trustee.
- First day for an individual, group or organization to file a notice of registration as a third-party advertiser.
- Campaign period for an individual running for office begins once a nomination paper or notice of registration is filed by the Candidate or their agent.

Friday, August 19

- Nomination Day – This is the final day to file or withdraw nomination papers for the 2022 Municipal and School Board election. Please note that on this date, nominations must be submitted or withdrawn no later than 2:00 pm

Monday, August 22

- Certification of nomination papers to be completed by 4:00 pm
- Declaration of acclamation provided after 4:00 pm as required.

Monday, September 26

- Final expense limits provided to Candidates and third-party advertisers

Friday, October 21

- Last day for third-party advertisers to file their Notice of Registration

Monday, October 17 to Sunday, October 23

- Advance Voting Period

Monday, October 22

- Voting Day

Wednesday, November 16

- Inaugural Council

## **2023**

Tuesday, January 3

- Campaign period ends for Candidates and registered third parties
- Last day for Candidate or registered third parties to file an Extension of Campaign Period (Form 6)

Wednesday, March 1

- Last day for Clerk to provide notice of financial filing requirements and penalties to Candidates and registered third parties

Thursday, March 30

- Last day for Candidate or registered third party to apply to Superior Court of Justice to extend the time to file the financial statement

Thursday, March 30

By 2:00 pm

- Last day to file financial statement for reporting period ending December 31, 2022 applies to all Candidates and registered third parties
- Last day for Candidate or registered third party to notify Clerk of filing extension received from the Superior Court of Justice

After 2:00 pm

- 90-day compliance audit period begins
- Start of 30-day period in which a Candidate or registered third party may file the primary financial statement and pay a \$500 late filing fee

Monday, May 1

- Last day (by 2:00 pm) for Candidate or registered third party to file a primary financial statement and pay \$500 late filing fee
- Penalties take affect at 2:01 pm

Friday, June 30

- Last day of the extended campaign period for Candidates and registered third parties that extended their campaign due to a deficit

Wednesday, August 30

- Last day for Clerk to provide notice of supplementary filing requirements and penalties to Candidates or registered third parties

Thursday, September 28

- Last day for Candidate or registered third party to apply to Superior Court of Justice to extend the time to file the financial statement

Friday, September 29

By 2:00 pm

- Last day to file financial statement for reporting period ending July 2, 2023 – only applies to those who filed a Form 6 to extend the campaign period
- Last day for Candidate or registered third party to notify Clerk of filing extension received from the Superior Court of Justice

After 2:00 pm

- 90-day compliance audit period begins
- Start of 30-day period in which a Candidate or registered third party may file the supplementary financial statement and pay a \$500 late filing fee

Monday, October 30

- Last day (by 2:00 pm) for Candidate or registered third party to file a supplementary financial statement and pay \$500 late filing fee
- Penalties take affect at 2:01 pm

Thursday, December 28

- Last day to request a compliance audit on a supplementary financial statement

## **Municipal Offices to be Elected**

From Monday, October 17, 2022 to Monday, October 24, 2022 at 8:00 pm, voters in the Township of Lucan Biddulph will elect members for the following offices:

### **Mayor**

- One to be elected by all electors of the municipality

### **Deputy Mayor**

- One to be elected by all electors of the municipality

### **Councillor**

- 3 Councillor positions in total to be elected
  - One to be elected by Ward 1 electors of the municipality
  - One to be elected by Ward 2 electors of the municipality
  - One to be elected by Ward 3 electors of the municipality

### **School Boards**

- Thames Valley District School Board (English)
  - Two to be elected by public school board electors of the municipality
- London and District Catholic Separate School Board (English)
  - One to be elected by separate school board electors of the municipality
- Conseil scolaire Viamonde - French Language School Board
  - One to be elected by French language electors of the municipality
- Conseil scolaire Catholique Providence – French Language District Separate School Board
  - One to be elected by French language separate school electors of the municipality



## **Qualifications 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*, 1996.

In order to run for office in the Township of Lucan Biddulph a person must be:

- A Canadian citizen;
- At least 18 years old;
- A resident of the Township of Lucan Biddulph or the owner or tenant of land here, or the spouse of such owner or tenant; and
- Not disqualified by any legislation from holding office.

### **Ineligibility**

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

- An employee of the Township of Lucan Biddulph except during an authorized leave of absence (the leave of absence must begin upon filing the Nomination Form);
- A person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar, or who holds any administrative position of the municipality;
- A judge of any court; or
- A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada.

## **Nomination Procedures**

### **Filing Nomination Papers**

Every person who proposes to be a Candidate must file nomination papers prior to receiving any campaign contributions and/or expending any funds on a campaign. A Candidate may file nomination papers as of May 2, 2022 during regular business hours. Nomination papers will be available from the Municipal Clerk and on the Township of Lucan Biddulph website.

Please note that Nomination Papers submitted by facsimile transmissions or mail will not be accepted. Forms must be completed in person the municipal office at 270 Main Street, Lucan, ON N0M 2J0. Candidates are required to complete the Nomination Paper which includes a declaration of qualification, taken before a Commissioner of Oaths. Commissioners of Oaths in the Clerks Department can administer this declaration for you. Photo identification containing the Candidate's signature is also required.

The final day for filing for the 2022 municipal election is Nomination Day, Friday, August 19, 2022 – 9:00 am to 2:00 pm

The nomination must be accompanied by the prescribed nomination filing fee. The prescribed fee is \$200 for the head of council (Mayor) and \$100 for all other offices. The fee can be paid by cash, debit, certified cheque or money order payable to the Township of Lucan Biddulph (no HST is charged on this fee).

If an agent is filing the nomination on behalf of a Candidate, the Candidate's Nomination Paper must be commissioned before the agent files the nomination form with the Township of Lucan Biddulph, and the agent must provide a copy of the Candidate's identification as well as providing their own identification.

Candidates are responsible for ensuring that they meet all the qualifications and have followed the procedures with respect to the filing of Nomination Papers.

### **Exception for Additional Nominations**

If the number of nominations filed for an office is less than the number of persons to be elected to an office, additional nominations may be filed between 9:00 am to 2:00 pm on the Wednesday following Nomination Day – August 24, 2022.

### **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 Clerk by the filing date. For the 2022 municipal election, the filing date is before 2:00 pm on March 30, 2023.

### **Examination and Certification of Nominations by Clerk**

The Clerk shall examine each nomination that has been filed before 4:00 pm on the Monday following Nomination Day – August 22, 2022. Any nominations filed as

additional nominations shall be examined before 4:00 pm on the Thursday following Nomination Day – August 25, 2022.

If the Clerk rejects a nomination, he or she will provide notice as soon as possible to the individual seeking nomination and to all Candidates. The 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 at/with the Clerks Department before 2:00 pm on August 19, 2022.

### **Acclamations**

If at 4:00 pm on August 22, 2022, the number of certified Candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the Candidate or Candidates elected by acclamation.

### **Campaign Information**

Candidates are advised to refer to the Province of Ontario's Candidates Guide for information on Campaign Contributions and Fund Raising and on Campaign Expenses. The provincial guide is available online from the Ministry of Municipal Affairs and Housing and from the Municipal Clerk.

The *Municipal Elections Act*, 1996, does not contain restrictions on when a Candidate may or may not advertise but does regulate the amount a Candidate can spend on their campaign. The Candidate must have filed their nomination form before spending any money on advertising and the amount they spend on their campaign is regulated as explained in the restrictions below.

### **Campaign Expense Limits**

There are limits on the amount that a registered Candidate may spend on a campaign. The campaign period begins the day the Candidate files a Nomination Paper and ends on January 3, 2023. The limit on campaign expenses is based on a formula related to the number of electors entitled to vote for the office.

Once an individual files their nomination paper, they will be given a Preliminary Certificate of Maximum Campaign Expense Limit based on the Voters List from the 2018 municipal election. Each Candidate will be provided a final certificate on or before September 26, 2022, which is calculated using the greatest number of electors on the

Voters List as of the 2018 municipal election or September 26, 2022, whichever provides the highest maximum limit.

The following is the formula used to calculate the limits:

- Head of Council: \$7,500.00 plus 85 cents for each elector entitled to vote for the office
- Candidate for another office: \$5,000.00 plus 85 cents for each elector entitled to vote for the office

Please note that Candidates will also be subject to Maximum Amount of Contributions – Own Campaign. Third-party advertisers will also be subject to Maximum Campaign Spending Limits.

## **Filing Financial Statements**

All nominated Candidates, including those not elected, those who withdrew their nomination and whose nomination was rejected by the Clerk, must disclose and report on or before March 31, 2023 by 2:00 pm their contributions and expenses as of January 3, 2023, 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 Clerk along with their financial statement if expenses are over \$10,000.00

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 31, 2023. Candidates' financial statements are filed with the Clerk and are public documents which are to be available at no charge for viewing by the public on the Township of Lucan Biddulph website. The Clerk will advise at least 30 days prior to March 31, 2023 filing deadline of all the filing requirements of the Act. The Clerk is not required to give additional notice for each supplementary filing date.

It is the responsibility of the Candidate to file a complete and accurate financial statement by the filing date.

Please refer to the Provincial Municipal Elections guide or the *Municipal Elections Act* for detailed information with respect to:

- Extending a campaign in order to eliminate a deficit;
- Supplementary financial statement information;
- Surplus and deficit information; and
- Enforcement and penalties.

### **Scrutineers (Candidates' Agents)**

Scrutineers may be appointed, in writing by the Candidate, as stated under Section 16 of the *Municipal Elections Act*, 1996, as amended. If appointed, scrutineers will be entitled to the following:

Upon request and after producing the properly signed "Appointment of Scrutineer" and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, and allowing them to identify, observe, and list all electors that have participated. Scrutineers may log into the system any time after the election has started and voters have cast ballots, and determine who has voted. Please note that access to a personal computer and internet connection is required to log into this system.

Upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Help Centre(s).

Scrutineers and Candidates **are prohibited** from the following:

- Using a cellular telephone or any other electronic device within a Voter Help Centre;
- Engaging electors in conversation while in a voting place or location;
- Attempting, directly or indirectly, to interfere with how an elector votes;
- Attempting to campaign or persuade an elector to vote for a particular Candidate;
- Displaying a Candidate's election campaign material in a voting place;
- Compromising the secrecy of the voting;
- Interfering or attempting to interfere with an elector who is marking a ballot;

- Obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted; and
- Communicating any information obtained at a voting place about how an elector intends to vote or has vote.

## **Election Signs**

Election signs must follow election sign regulations of the Township of Lucan Biddulph and the County of Middlesex. The *Municipal Elections Act*, section 88.3(2) sets out important signage requirements for Candidates and sections 88.4(2) and 88.5(1) set out important signage requirements for third-party advertisers.

### **Lucan Biddulph Sign Regulations**

#### **Election Sign By-law (16-2013)**

Election signs may not be erected more than 60 days prior to an election day.

Election signs must be removed no later than 24 hours following an election.

Election signs shall not be placed on municipal property of any type (including but not limited to fire halls, administration buildings, arenas, parks and community centres).

Election signs shall not be permitted within the road allowance (either side of the travelled portion) adjacent to a municipal property as noted in 10.3 above.

Where election signs are removed by an officer, such officer shall advise the candidate or an agent of the candidate of sign removal and such signs shall be retained by the officer until 24 hours following an election, after which the signs may be disposed of.

### **Middlesex County Sign Regulations**

The County of Middlesex regulates the placement of election signs on municipal roads and intersections under their jurisdiction.

Excerpts from Middlesex County Sign By-law No. 6272:

#### **ELECTION SIGNS:**

3(a) A temporary sign (which includes election signs) shall be a sign or notice of temporary nature which sign shall not exceed 1.2 metres (3.9') by 2.4 metres (7.9') in size.

3(e) Election signs may be erected on the right-of-way or adjacent to a County Road, providing:

(1) They are not placed closer to the travelled portion of the highway than the outer extremity of the shoulder and do not interfere with official signs, traffic signals, or other safety devices. Should the extremity of the shoulder be difficult to determine, it shall be up to the County Engineer to specify its location on any particular County Road.

(2) Election signs are not to be affixed to any permanent or official County sign or support, guide rail or other County structure or facility.

(3) Mobile Trailer type read-o-graph signs are prohibited on the right-of-way of a County road. Such read-o-graph signs may be utilized providing they are erected on private property and meet the requirements of the Local Municipality for Mobile Trailer type read-of-graph signing.

(4) Election signs shall be removed within 24 hours after the election date.

### **Prohibition of Canvassing in Voting Places**

The Clerk, as the Returning Officer, is the lessee of the premises used as voting locations. As the lessee, the Returning Officer does not permit campaigning of any nature in or on the premises used as a voting location on Voting Day. The premises are deemed to include the entire building and the property on which it is located.

Section 48 of the *Act* provides as follows:

“While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. No person shall display a Candidate’s election campaign material or literature in a voting place. For the purpose of this section, ‘Voting Place’ includes any place in the immediate vicinity of the voting place designated by the Clerk.”

Election Officials are instructed to immediately remove from any voting place material or literature of any nature which may be deposited in and around a voting place.

Candidates or their agents and scrutineers must not engage electors in conversations at voting places and they may not wear campaign buttons or distribute material of any kind in and around a voting place.

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

Campaign provisions have been clarified through recent amendments to the *Act* to allow Candidates to campaign in apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9:00 am until 9:00 pm. Landlords and condominium corporations may not prohibit tenants or owners from displaying campaign signs in their windows.

When the building is being used as a voting location, canvassing in the building during voting hours is not permitted.

## **General Voter Information**

### **Voter Qualifications**

A person is qualified to be a voter in the Township of Lucan Biddulph if on Voting Day, he or she,

- a) Resides in the Township of Lucan Biddulph or is the owner or tenant of land in the Township of Lucan Biddulph, 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, except as a voting proxy (see section on Voting Proxies); and/or
- 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 purpose 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 the homeless to be enumerated and 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.

(3.1) Despite paragraph 1 or subsection (2), 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 2022 Voters List for the Township of Lucan Biddulph is initially prepared by the Municipal Property Assessment Corporation (MPAC). The Voters List contains the names, addresses and school support of each person who meets the qualifications of a voter.

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 prohibited.

Candidates are entitled to receive a copy of the list for their use and Candidates may request either an electronic or paper copy of the list by completing Form EL14- Candidate's Declaration – Proper Use of Voters List.

## **Revision of the Voters List**

The Voters List will be available as soon as is practicable following Thursday, September 1, 2022. Applications for amendments to the list will be accepted by the Clerk from Thursday, September 1, 2022 to the close of voting on Voting Day – October 24, 2022.

Individuals will be able to confirm if their information on the Voters List on the Lucan Biddulph website (if applicable) and at the following locations during regular operating hours:

- Municipal Office, 270 Main Street, Lucan ON NOM 2J0

## **Proxy Voting**

The intent and purpose of proxy voting is to allow individuals to vote through a trusted friend or family member if such individual anticipates being away on Voting Day for various reasons.

With internet and telephone voting, proxy voting is not required. Internet and telephone voting allows individuals who have been issued a voting PIN to vote from anywhere in the world at any time during the Voting Period.

### **Advance Voting Days**

All eligible electors are encouraged to vote any time from October 17, 2022 at 9:00 am through to Voting Day at 8:00 pm. Votes are accepted 24 hours a day during the voting period.

Candidates may view the names of the electors who have already voted through the Candidate's Module where the Form EL14 (Candidates Declaration – Proper Use of Voters List) has been completed and returned to the Municipal Clerk.

### **Voter Notification and Voting Places**

A notice will be mailed by the Clerk to each voter advising him or her of the date and time of Voting Period and locations and methods of voting (options on where and how to vote).

The Clerk will provide the Candidates with an up-to-date copy of a list of voting places for the area in which they are standing for elected office. In the event that any location is subsequently changed, a notice of such change will be mailed to the Candidates concerned.

### **Voting Method**

Voting is by internet and telephone. Voting procedures are available from the Lucan Biddulph website or in hard copy upon request and are provided to a Candidate when filing a nomination paper.

### **Voters Absence from Work**

A voter is entitled to have three consecutive hours to vote on Voting Day (October 24, 2022). If a voter's normal hours of employment are such that he or she would not have three consecutive hours to vote, the employer must allow the voter to be absent to attend the polls. The absence shall be timed to suit the employer's convenience as much as possible.

## **Reminders to Candidates**

- 1) Must be eligible elector for the office being sought.
- 2) Must file their Nomination Paper in person or by agent.
- 3) Cannot be nominated for more than one office.
- 4) Must pay a filing fee of \$100 or \$200 cash, debit, certified cheque or money order payable to the Township of Lucan Biddulph.
- 5) Cannot accept donations or spend any funds on a campaign until such time as you have filed a Nomination Paper with the Clerk. This includes conducting campaign related activities such as canvassing or placing advertisements.
- 6) You are responsible for keeping records of the financial activities related to your campaign. Remember to issue receipts for all donations, including donations of goods or services; obtain receipts for expenses incurred; and keep copies of all receipts.
- 7) Keep receipts for all expenditures and a record of the value of all contributions which are donated (e.g., sign stakes, paper, printing services, etc.).
- 8) It is the responsibility of the Candidate to file a complete and accurate financial statement on time. Candidates should completely familiarize themselves with the appropriate sections of the *Municipal Elections Act, 1996*.

## **Nomination Submission Checklist**

If an agent is filing the nomination on behalf of a Candidate, the Candidate's Nomination Paper must be commissioned before the agent files the nomination form with the Municipality, and the agent must provide a copy of the Candidate's identification as well as providing their own identification.

The following completed items must be provided at the time of filing a nomination. Copies of the blank forms are available through the Municipal Clerk:

- Nomination Paper (Form 1)
- Declaration of Qualifications
- Filing Fee of \$200 Mayor or \$100 for all other offices (cash, certified cheque, debit)
- Consent to release personal information
- Candidates declaration – proper use of voters list

Note the items below are provided by the Municipal Clerk to prospective Candidates and are available at the municipal office at the time of filing:

- Preliminary Estimate of Maximum Campaign Expenses
- Notice of Penalties
- Bank Account Letter