

**2018**

# **Voters' guide**

**for Ontario municipal council and school board elections**

# **2018 Voters' guide for Ontario municipal council and school board elections**

This guide provides information to voters for the 2018 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2018-2022 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the [Municipal Elections Act, 1996](#) and other legislation and regulations, such as:

- [Municipal Act, 2001](#)
- [City of Toronto Act, 2006](#)
- [Education Act](#)

# Table of Contents

<b>Quick links .....</b>	<b>1</b>
<b>General information .....</b>	<b>2</b>
<b>Eligibility to vote.....</b>	<b>3</b>
<b>How to vote in your municipality .....</b>	<b>7</b>
<b>Voters' list and identification .....</b>	<b>8</b>
<b>Questions on the ballot .....</b>	<b>10</b>
<b>Supporting a candidate's campaign.....</b>	<b>11</b>
<b>Third party advertising .....</b>	<b>13</b>
<b>Supporting a third party advertiser .....</b>	<b>14</b>
<b>After the election .....</b>	<b>16</b>
<b>Enforcement and penalties .....</b>	<b>18</b>
<b>By-elections.....</b>	<b>20</b>
<b>Acceptable documents for voter identification .....</b>	<b>22</b>
<b>Where to find forms .....</b>	<b>23</b>
<b>Contact us.....</b>	<b>24</b>

## Quick links

The following links are provided in the electronic version of this Guide:

Municipal Property Assessment Corporation – information on changing school support:  
<https://www.mpac.ca/PropertyTypes/PropertyAssessmentProcedures/AssessmentProceduresChangeSchoolSupportDesignation>

Municipal Property Assessment Corporation – contact information:  
[www.mpac.ca/AboutMPAC/ContactUs](http://www.mpac.ca/AboutMPAC/ContactUs)

Ontario Ministry of Education – information on French language rights:  
[www.edu.gov.on.ca/eng/amenagement/admission.html](http://www.edu.gov.on.ca/eng/amenagement/admission.html)

Ontario Central Forms Repository – links to election forms:  
[www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca) (type “municipal election” in Quick Search box)

Ministry of Municipal Affairs – resources for municipal elections:  
[www.ontario.ca/municipalelections](http://www.ontario.ca/municipalelections)

Ministry of Municipal Affairs – election email address:  
[mea.info@ontario.ca](mailto:mea.info@ontario.ca)

## **General information**

Every four years, voters across Ontario decide who will represent their interests and lead their communities by electing the members of their municipal councils and school boards.

The Province of Ontario sets out common rules that all voters and candidates must follow. However, municipalities are responsible for conducting elections to their council and for conducting the election of school trustees to Ontario's school boards. This guide contains information about the rules that are the same for all municipal elections, such as who is eligible to vote.

### **Municipal clerk**

Every municipality has a municipal clerk who is in charge of running the election. Contact your municipal clerk or municipal website if you have questions about the election, such as:

- how or where to vote
- how to apply for election jobs
- whether or not you are eligible to vote in the municipality.

If your municipality does not have a website you could visit or contact your town hall for more information.

### **Accessibility**

Municipal clerks must keep in mind the needs of all voters when they are planning and running the election. The clerk must also ensure that voting places are accessible.

The municipal clerk must prepare a plan for identifying, removing and preventing barriers that affect persons with disabilities. This plan must be available to the public before voting day.

The municipal clerk must also issue a public report on their accessibility plan within 90 days after voting day.

# Eligibility to vote

## Municipal council election

You are eligible to vote in the election for municipal council if you meet all of the following requirements:

- you are a Canadian citizen
- you are aged 18 or older
- you qualify to vote in the municipality.

There are three ways that you can qualify to vote in a municipality:

1. As a **resident elector** if you live in the municipality. You may own, rent, live in shared accommodation where you do not pay rent or live in the municipality but do not have a fixed address. Being a resident elector is the most common type of eligibility.
2. As a **non-resident elector** if you own or rent property in a municipality, but it's not the one where you live. You can only be a resident elector in one municipality. However, you can be a non-resident elector in any other municipality (or municipalities) where you own or rent property.
3. As the **spouse of a non-resident elector** if your spouse owns or rents property in the municipality or municipalities other than the one where you live.

Neither you nor your spouse qualify as a non-resident elector if you do not personally own or rent the property in the municipality. For example, if the property is owned by your business or your cottage is owned by a trust, you would not qualify as a non-resident elector.

## Students

There is a special rule for students who may be living away from home while they attend school. If you are a student and consider your “home” to be the place where you live when you are not attending school (i.e. you plan on returning there), then you are eligible to vote in both your “home” municipality and in the municipality where you currently live while attending school.

## Voting in more than one municipality

If you qualify to vote in more than one municipality, you can vote in all of those municipal elections. For example, if you qualify as a resident elector in one municipality, and a non-resident elector in three other municipalities, you can vote in all four of those municipal elections.

The exception to this rule is if two or more of the municipalities are in the same region.

## **Examples of voting once within the same region**

In Peel Region, electors are eligible to vote only once for Peel regional chair, even if they are eligible to vote in more than one of the lower tier municipalities that make up the region. Once they have cast a vote for regional chair, electors must leave that part of the ballot blank in any of the other lower tier municipalities where they choose to vote.

In Niagara Region, electors vote only once for the office of regional chair, and for regional councillors who don't sit on any local municipal council. An elector who qualifies to vote in two or more municipalities in Niagara Region can only vote for regional chair and regional councillor in one municipality. If they vote in a second municipality, they must leave the regional chair and regional councillor portions of the ballot blank.

## **Wards**

If your municipality has wards, you must vote in the ward where you live. If you are also the owner or tenant of a property in another ward, you are not permitted to vote in that ward instead.

If you are a non-resident elector, and you own or rent properties in more than one ward in the municipality, you must choose only one ward to vote in. Make sure that you are on the voters' list for that qualifying address.

## **School board elections**

School board elections are held at the same time as municipal elections. You are only permitted to vote in the same board election once.

You are eligible to vote in the election for a school board if you meet all of the following requirements:

- you are a Canadian citizen
- you are aged 18 or older
- you qualify to vote for that particular school board.

If you are a resident elector in a municipality, you are eligible to vote for a school trustee that represents the municipality where you live (or, if you live in a large municipality with wards, a school trustee that represents the ward where you live).

If you live in an unorganized area (instead of a municipality), you may qualify to vote for a school board that has jurisdiction over the unorganized area.

## **Voting in more than one school board election**

School boards sometimes cover many municipalities and areas without municipal organization. You may be eligible to vote in other school board elections in addition to the one where you live.

For example, if you (or your spouse) own or rent residential property in a municipality or an unorganized area different than where you live, you are eligible to vote for a school trustee in this municipality or unorganized area if the trustee sits on a different school board.

Your property must be residential in order for you qualify to vote. If you (or your spouse) own or rent commercial property in a municipality or unorganized area different than where you live, you are not eligible to vote for school trustee.

Even if you qualify to vote in elections for two or more school boards, you can only qualify to vote for one kind of school board. For example, you cannot vote for an English-language public school board in one part of Ontario and vote for an English-language separate school board in a different part of Ontario.

### **Choosing a school board**

There are four different kinds of school boards in Ontario:

1. English-language public school board
2. English-language separate school board
3. French-language public school board
4. French-language separate school board.

You may only vote for one kind of school board.

No matter which school your children go to, you are automatically eligible to vote for the English-language public school board unless you take steps to change and become a supporter of a different kind of board.

The Municipal Property Assessment Corporation (MPAC) keeps the provincial record of school support. If you want to change your school support you must contact MPAC at <https://www.mpac.ca/AboutMPAC/ContactUs>.

Information about how to change your school support can be found at <https://www.mpac.ca/PropertyTypes/PropertyAssessmentProcedures/AssessmentProceduresChangeSchoolSupportDesignation>.

You can also contact the school board that you wish to vote for to get information about changing your school support.

If you want to vote for an English-language separate school board you must meet both of the following requirements:

1. you must be a Roman Catholic
2. you or your spouse must be an English-language separate school board supporter.



If you want to vote for a French-language public school board you must meet both of the following requirements:

1. you must be a French-language rights holder
2. you or your spouse must be a French-language public school board supporter.

If you want to vote for a French-language separate school board you must meet all of the following requirements:

1. you must be a Roman Catholic
2. you must be a French-language rights holder
3. you or your spouse must be a French-language separate school board supporter.

French-language rights holder is defined in the *Education Act*, and refers to the right of citizens whose first language is French to receive educational instruction in French.

You can find more information from the Ministry of Education at <http://www.edu.gov.on.ca/eng/amenagement/admission.html>.

If you voted for a French-language board or an English-language separate board in the last election and you wish to change and vote for an English-language public board in the current election, you must contact MPAC **before voting day** to change your school support.

**Note:** You cannot change your school support when you go to vote on voting day.

# How to vote in your municipality

Voting day is **October 22, 2018**.

## Taking time off work to vote

You are entitled to three hours in which to vote on voting day. This does not mean you can take three hours off work. It means you're allowed to be absent to give yourself three hours of voting time.

Typically this is at the start or end of your working hours. For example, voting hours are normally from 10 a.m. to 8 p.m. If your working hours are from 10 a.m. to 6 p.m., you are entitled to leave one hour early so that you would have from 5 p.m. to 8 p.m. to vote.

Your employer may decide when it would be most convenient for you to be absent in order to vote. For example, if you work from noon to 6 p.m., your employer may decide that you should come in at 1 p.m., rather than leave work at 5 p.m.

## Voting from your home

Your municipality may provide opportunities for you to vote without having to go to a voting place:

- Municipalities may offer voting options such as vote by mail or vote by internet.
- Municipalities are required to provide a voting place in certain retirement homes and long-term care facilities.

Contact your clerk for more information about how you can vote in your municipality.

## Appointing a voting proxy

If, for any reason, you will be unable to personally cast your ballot, you may appoint someone to go to the voting place and cast a ballot on your behalf. This person is called your voting proxy.

To appoint a voting proxy, you and the person you want to vote for you must fill out two copies of the [Appointment for Voting Proxy Form \(Form 3\)](#). Please see page 23 for links to forms.

You must know who you want to appoint as your proxy when you fill out and sign the form. The person you want to appoint must be eligible to vote in the election, and should be someone you trust to mark the ballot in the way you have instructed them to.

The earliest that you can appoint a proxy is the beginning of August, 2018. Contact your clerk to find out the deadline for appointing a voting proxy.

Voting by proxy may not be available if your municipality offers other voting options such as vote by mail, telephone or internet.

## **Being a voting proxy**

If someone has appointed you as their voting proxy you must take the completed forms to the municipal clerk to get them certified. Once the forms have been certified, you may cast a vote on behalf of the person who appointed you.

If you are appointed as the proxy for one family member you may also be appointed as the proxy for additional family members.

Family member refers to a spouse, sibling, parent, child, grandparent or grandchild. There is no limit to the number of times you may be appointed, but it must only be for family members. You cannot be appointed as a proxy for a non-family member and a family member at the same time.

If you are appointed as the proxy for a person who is not a family member, you can act as the proxy for this one person only. You cannot be a proxy for anyone else.

## **Power of attorney or executors**

The only way to vote on someone else's behalf is to be appointed as their voting proxy.

You cannot vote on someone's behalf if you only have legal or medical power of attorney or are acting as a person's executor or in any other representative capacity.

## **Voters' list and identification**

Your name must be on the voters' list in order for you to cast a ballot.

The voters' list for each municipal election is prepared from data kept by the Municipal Property Assessment Corporation (MPAC).

## **Adding your name to the voters' list**

You can check to see if MPAC has your information in its database at [www.voterlookup.ca](http://www.voterlookup.ca). You can also call them at 1-866-296-MPAC (6722) or TTY 1-877-889-MPAC (6722).

The voters' list becomes official on September 1.

After September 1, you must apply to your municipal clerk if you want to add your name to the list or correct your information. You have until the close of voting on October 22 to apply for any changes. If you are applying to add your name to the voters' list, you will be asked to provide proof that you are eligible to vote.

## **Removing a name from the voters' list**

The voters' list is a public document. If you do not want your name to appear on the voters' list you can apply to the clerk to have your name removed. If you remove your name from the list, you will not be able to vote.

You can also apply to the clerk to remove the name of someone who is deceased. You cannot ask for someone else's name to be removed from the list for any other reason.

## **Showing identification before you vote in person**

When you arrive to vote in person you must show identification to prove that you are the person whose name appears on the voters' list. The identification must show your name and address. Photo identification is not required.

Examples of identification include:

- Ontario driver's licence
- Ontario health card (if your name and address are printed on the card)
- mortgage, lease or rental agreement
- insurance policy
- credit card statement
- bill for hydro, water, gas, telephone, internet.

A Canadian passport is not an acceptable identification document because you write your address inside your passport yourself.

For a full list of acceptable documents, please see page 22 of this guide.

If your name is on the voters' list and you do not have identification, you may fill out and sign a declaration that you are the person whose name appears on the list.

## Questions on the ballot

A municipal council may pass a bylaw to put a question on the ballot.

There are conditions on the kind of questions that may be asked:

- it must be about a matter that the municipality has authority for, and that the municipality can implement
- it can't be a matter of Provincial interest
- the wording of the question must be clear, concise and neutral
- the possible answers to the question must be “yes” and “no”
- multiple choice or multi-part questions are not permitted.

If council wants to put a question on the ballot for the 2018 election it must pass a bylaw by March 1, 2018.

Any person may appeal the wording of the question to the Chief Electoral Officer of Elections Ontario. This appeal must be filed with the municipal clerk within 20 days of the bylaw being passed.

Members of the public cannot make a council put a question on the ballot.

The Minister of Municipal Affairs may also place a question on the ballot. The question may be about any matter.

### The results of a question on the ballot

If more than 50 per cent of the eligible voters in a municipality vote on the question, the result is binding on the municipal council. This means:

- if “yes” receives more than 50 per cent of the votes, the municipality must implement the results of the question in a timely manner
- if “no” receives more than 50 per cent of the votes, the municipality cannot implement the matter in question until four years have passed since voting day.

If less than 50 per cent of the eligible voters in the municipality vote on the question, the results are not binding. Council may consider the results, but it is not required to act or not act on whatever the question was about.

The results of a minister's question can provide advice to the minister or to the government, but the results are not binding.

# Supporting a candidate's campaign

## Nomination signatures

If your municipality has more than 4,000 electors, candidates running for municipal council must submit 25 endorsement signatures when they file their nomination.

In order to endorse a candidate, you must be eligible to vote on the day that you sign the endorsement. For example, a person who is 17 cannot sign an endorsement even if they will be 18 by voting day and able to vote in the election.

You can provide signatures to as many people as you like – there is no limit on the number of nominations you can endorse, and you can endorse more than one person running for the same office.

## Signs

The Municipal Elections Act, 1996 does not regulate the size or placement of signs. Your municipality may have rules regarding where signs may be placed and when they may be displayed. Contact your municipal clerk for more information.

## Inside a voting place

Campaign materials, including pamphlets, signs, or buttons supporting or opposing a candidate are not permitted inside a voting place.

You are not permitted to show your marked ballot to anyone. This includes taking a picture or video of your marked ballot. The exception to this rule is if someone in the voting place is assisting you to mark your ballot.

## Contributions

Any person who is a resident of Ontario may make a contribution to a candidate's campaign.

Corporations and trade unions are not permitted to make contributions to candidates in municipal elections in Ontario.

Groups such as neighbourhood associations, clubs or professional associations, such as fire or police associations, are not eligible to make contributions. Members may contribute individually.

## Contribution limit

You may contribute a maximum of \$1,200 to a single candidate (\$2,500 to a mayoral candidate in the City of Toronto). This amount includes the value of any goods or services donated to the campaign. You may not contribute more than \$5,000 in total to candidates running for offices on the same council or school board.

If you buy a ticket to a candidate's fundraiser, the cost of the ticket is a contribution.

Any contribution of money must come directly from the contributor. You are not permitted to pool contributions from others and then forward that money to a candidate's campaign. If a contribution is made from a joint account, it must be clear which person is making the contribution.

Contributions greater than \$25 may not 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.

If the total value of the contributions you've made to a candidate is greater than \$100, your name and address will be recorded in the candidate's financial statement. The candidate's financial statement is a public document.

Contributions to municipal council and school board candidates are not tax deductible. Your municipality may have a contribution rebate program in place. You should contact your municipal clerk for more information.

If the candidate has a surplus at the end of their campaign, they must turn that money over to the municipality. They are not permitted to return unused contributions to the contributors.

## **Review of contributions**

Contributions reported on candidates' financial statements will be reviewed by the municipal clerk to check that they are within the rules.

If the financial statements show that a contributor gave more than \$1,200 to a candidate (\$2,500 to a mayoral candidate in Toronto), or if they show that a contributor gave more than \$5,000 total to candidates running for the same municipality or school board, the clerk will report this to the compliance audit committee.

The compliance audit committee will hold a meeting, and determine whether the municipality (or school board) should begin court proceedings against the contributor.

If you want to contribute to a candidate, you should make sure that you know what the contribution limits are, and keep track of your donations to ensure that you don't end up giving more than is permitted.

## **Third party advertising**

Beginning in 2018, there are rules for third party advertising in Ontario's municipal council and school board elections.

A third party advertisement is an ad that supports, promotes or opposes a candidate, or supports, promotes or opposes a “yes” or “no” answer to a question on the ballot.

Third party in this context is a person or entity who is not a candidate. Third party advertising is separate from any candidate's campaign, and must be done independently from a candidate.

If you wish to spend money on third party advertisements during the election you must register first with the municipal clerk, and must file a financial statement.

### **Eligible third party advertisers**

The following are eligible to register as a third party advertiser:

- any person who is a resident of Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario.

Groups or businesses that are not corporations cannot register as third party advertisers. Candidates cannot register as third party advertisers.

Only registered third party advertisers may spend money on advertisements supporting, promoting or opposing candidates or answers to a question on the ballot during the municipal election.

### **What is not considered to be third party advertising?**

Activities that do not involve spending money such as speaking with friends or posting your opinion on social media are not considered to be third party advertising.

Advertising about an issue rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered to be third party advertising.

For more information about third party advertising rules, including spending limits and enforcement, see the Guide for Third Party Advertisers at [www.ontario.ca/municipalelections](http://www.ontario.ca/municipalelections).



# Supporting a third party advertiser

## Contributions

Any person who is a resident of Ontario may contribute to a third party advertiser to help fund their advertisements.

Corporations carrying on business in Ontario, and trade unions that hold bargaining rights for employees on Ontario may also contribute to third party advertisers.

Groups such as neighbourhood associations, clubs or professional associations, such as fire or police associations, are not eligible to make financial contributions to third party advertisers. Members may contribute individually.

## Contribution limit

You may contribute a maximum of \$1,200 to a third party advertiser. This amount includes the value of any goods or services donated to the third party advertiser. You may not contribute more than \$5,000 in total to third party advertisers who are registered in the same municipality.

Third party advertisers can hold fundraising events. If you buy a ticket to a third party advertiser's fundraiser, the cost of the ticket is a contribution.

Any contribution of money must come directly from the contributor. You are not permitted to pool contributions from others and then forward that money to a third party advertiser. If a contribution is made from a joint account, it must be clear which person is making the contribution.

Contributions greater than \$25 may not 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.

If the total value of the contributions you've made to a third party advertiser is greater than \$100, your name and address will be recorded in the third party advertiser's financial statement. The financial statement is a public document.

Contributions to third party advertisers are not tax deductible. Municipal contribution rebate programs do not apply to contributions to third party advertisers.

If the third party advertiser has a surplus at the end of their campaign, they must turn that money over to the municipality. They are not permitted to return unused contributions to contributors.

## **Review of contributions**

Contributions that are reported on third party advertisers' financial statements will be reviewed by the municipal clerk to check that they are within the rules.

If the financial statements show that a contributor gave more than \$1,200 to a third party advertiser, or if they show that a contributor gave more than \$5,000 total to third party advertisers registered in the same municipality, the clerk will report this to the compliance audit committee.

The compliance audit committee will hold a meeting, and determine whether the municipality should begin court proceedings against the contributor.

If you want to contribute to a third party advertiser, make sure that you know what the contribution limits are, and keep track of your donations to ensure that you don't end up giving more than is permitted.

# After the election

## Election results

Many municipalities will report unofficial voting results on the night of the election.

The results of a municipal election are not official until the clerk makes the declaration. This usually happens a few days after voting day, after the clerk has had time to check the results and make sure that all of the votes have been counted properly.

## Recounts

The Municipal Elections Act, 1996 requires an automatic recount only if the votes are tied.

Your municipal council or school board may have a policy that sets out other reasons for an automatic recount.

If you feel there should be a recount, and the rules for an automatic recount don't apply, you can ask the municipal council or school board to order a recount. Any recounts must be ordered within 30 days after the clerk has declared the results of the election.

If you are an eligible voter, you can also apply to the Superior Court of Justice to ask a judge to order a recount.

Recounts must be done the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If a recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

## Compliance audits

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

Every candidate and every third party advertiser must file a financial statement which reports their contributions and expenses.

If you are an eligible voter and you believe, on reasonable grounds, that a candidate or a third party advertiser has contravened the election finance rules, you may apply for a compliance audit of the candidate's or the third party advertiser's finances.

The application must be in writing and must set out the reasons why you believe that the candidate or third party advertiser has contravened the rules.

An application for a compliance audit must be submitted to the municipal clerk within 90 days of the filing deadline. The deadline for candidates and third party advertisers to file their financial statements is the last Friday in March following the election (March 29, 2019).

The deadline for a candidate to file a supplementary financial statement is the last Friday in September (September 27, 2019). If a candidate files a supplementary financial statement, an application for a compliance audit may be submitted within 90 days of the supplementary filing deadline.

## Enforcement and penalties

Enforcement of the Municipal Elections Act, 1996 is done through the courts. The Ministry of Municipal Affairs does not have a role in investigating elections or in determining penalties.

If you are an eligible voter and you feel that the election was not valid (either the election of a specific candidate or candidates, or the entire election), you can apply to the Superior Court of Justice to determine whether the election was valid. The application must be made within 90 days after voting day.

Any person can begin court proceedings against a person, trade union or corporation who they believe committed an offence in relation to an election. Only the court can decide whether the person, trade union or corporation is guilty of committing an offence, and only the court may determine the penalty.

It is an offence to do, or attempt to do, any of the following:

- vote if you are not an eligible elector
- vote more times than you are permitted to vote
- vote in a voting place where you are not entitled to vote
- persuade a person who is not an eligible elector to vote
- cast a vote yourself after you have appointed a proxy
- vote as a proxy if the person who appointed you has cancelled the appointment, become ineligible to vote or died
- give a ballot to someone if you are not authorized to do so
- switch the ballot you were given with a different piece of paper to be placed in the ballot box
- take a ballot away from the voting place
- handle a ballot box or ballots if you are not authorized to do so
- bribe a person (using money, valuables, or offers of office or employment) to vote a certain way or to not vote at all, or give someone else money so that they can bribe the person
- accept a bribe to vote a certain way or to not vote at all
- bribe a person to become a candidate, decide to not become a candidate, or withdraw from being a candidate.

It is also an offence to break the rules relating to campaign finance – for example, to make a contribution without being eligible to do so, to contribute more than the limit or to contribute money that is not yours.

## **General penalties**

If a person is convicted of committing an offence, they may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next regular election
- up to six months in prison.

If a corporation or trade union is convicted of committing an offence, they may be subject to a fine of up to \$50,000.

These penalties would be determined by the court.

## By-elections

A by-election is an election that happens during the council or school board term. It may occur because:

- a seat becomes vacant on a council or school board (by-election for office)
- the municipality wants to put a question to voters before the next regular election (by-election for a question on the ballot).

## Vacancies

If a member of a municipal council or school board resigns, loses their eligibility (for example, by moving away) or dies during the term, their seat becomes vacant.

A vacancy on a council must be filled unless the vacancy occurs within 90 days before voting day in the next regular election. A vacancy on a school board must be filled unless the vacancy occurs within one month before voting day in the next regular election.

A vacant seat can be filled either by appointing someone who is qualified or by holding a by-election.

## Appointment

If a council or board decides to fill a vacancy by appointment, they must appoint a person who is eligible to serve on the council or board and who is willing to accept the appointment.

The legislation does not set out any other criteria. It is up to the council or board to determine how they will decide who to appoint. Different approaches include:

- appointing the candidate who came second in the regular election
- inviting interested persons to apply for the position
- offering the appointment to a member of the community.

Sometimes councils or boards want to put additional restrictions on appointees, such as requiring that an appointee agree not to run in the next regular election. While a council or board may set this as a condition for appointment, there is nothing in provincial legislation that would prevent someone who was appointed from running in the next election.

## By-election for an office

Once the council or school board has decided to hold a by-election, the municipal clerk is in charge of conducting it. The council or board does not decide when the last day to file nominations or voting day will be. These dates are determined by the clerk.

Nominations open when the council has passed the bylaw ordering the by-election, or when the school board has passed a resolution ordering the by-election and sent it to the clerk who will conduct it. Nominations close at 2 p.m. on nomination day.

The clerk must set nomination day within 60 days after the by-election was ordered by council, the board or the court.

Voting day will be 45 days after nomination day.

## **By-election for a question on the ballot**

If a council or board wants to put a question on the ballot, they do not have to wait until the next regular election to do so. They could hold a by-election specifically to allow electors to vote on the question.

Voting day for a by-election to put a question on the ballot must be at least 180 days after the bylaw or resolution to hold the by-election has been passed.



## Acceptable documents for voter identification

You must present one of the following documents showing your name and address:

- Ontario driver's licence
- Ontario Health Card (photo card)
- Ontario Photo Card
- Ontario motor vehicle permit (vehicle portion)
- cancelled personalized cheque
- mortgage statement, lease or rental agreement relating to property in Ontario
- insurance policy or insurance statement
- loan agreement or other financial agreement with a financial institution
- document issued or certified by a court in Ontario
- any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency or such a government
- any document from a Band Council in Ontario established under the *Indian Act* (Canada)
- income tax assessment notice
- child tax benefit statement
- statement of employment insurance benefits paid T4E
- statement of old age security T4A (OAS)
- statement of Canada Pension Plan benefits T4A (P)
- Canada Pension Plan statement of contributions
- statement of direct deposit for Ontario Works
- statement of direct deposit for Ontario Disability Support Program
- Workplace Safety and Insurance Board statement of benefits T5007
- property tax assessment
- credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
- CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
- hospital card or record
- document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
- document showing residence at a long-term care home under the Long-Term Care Homes Act, 2007, issued by the Administrator for the home
- utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
- cheque stub, T4 statement or pay receipt issued by an employer
- transcript or report card from a post-secondary school

## Where to find forms

You can get copies of forms from your municipal clerk, or you can download them from the Government of Ontario's Central Form Repository at [www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca).

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

[Appointment of Voting Proxy \(Form 3\)](#)

[Declaration of Identity \(Form 9\)](#)

## Contact us

If you have questions or would like to give feedback on this guide, please contact us at [mea.info@ontario.ca](mailto:mea.info@ontario.ca).

You can also contact your regional Municipal Services Office:

### Central Municipal Services Office

13<sup>th</sup> Floor, 777 Bay St.  
Toronto ON M5G 2E5  
Telephone: 416-585-6226 or 1-800-668-0230

Lower Tier, Upper Tier and Single Tier Municipalities (Barrie, Dufferin, Durham, Halton, Hamilton, Muskoka, Niagara, Orillia, Peel, Simcoe, Toronto, York)

### Eastern Municipal Services Office

Rockwood House  
8 Estate Lane  
Kingston ON K7M 9A8  
Telephone: 613-545-2100 or 1-800-267-9438

Lower Tier, Upper Tier and Single Tier Municipalities (Belleville, Brockville, Cornwall, Dundas/Glengarry, Frontenac, Gananoque, Haliburton, Hastings, Kawartha Lakes, Kingston, Lanark, Leeds and Grenville, Lennox & Addington, Northumberland, Ottawa, Pembroke, Peterborough, Prescott, Prescott-Russell, Prince Edward, Quinte West, Renfrew, Smith Falls and Stormont)

### Northern Municipal Services Office (Sudbury)

Suite 40, 159 Cedar St.  
Sudbury ON P3E 6A5  
Telephone: 705-564-0120 or 1-800-461-1193

Districts (Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming)

### Northern Municipal Services Office (Thunder Bay)

Suite 223, 435 James St. S  
Thunder Bay ON P7E 6S7  
Telephone: 807-475-1651 or 1-800-465-5027

Districts (Kenora, Rainy River and Thunder Bay)

### Western Municipal Services Office

2<sup>nd</sup> Floor, 659 Exeter Rd  
London ON N6E 1L3  
Telephone: 519-873-4020 or 1-800-265-4736

Lower Tier, Upper Tier and Single Tier Municipalities (Brant, Brantford, Bruce, Chatham-Kent, Elgin, Essex, Grey, Guelph, Haldimand, Huron, Lambton, London, Middlesex, Norfolk, Oxford, Perth, St. Thomas, Stratford, Waterloo, Wellington and Windsor)

**Ministry of Municipal Affairs**

© Queen's Printer for Ontario, 2018

ISBN 978-1-4868-1947-8 (HTML)

ISBN 978-1-4868-1948-5 (PDF)

04/18

Disponible en français