

Town of Ingersoll



Candidate Information and Nomination Package 2022 Municipal Elections

This guide is provided for information purposes and is subject to change. Please reference the *Municipal Elections Act* for further information.

This Guide will be made available in alternative formats upon request.

Clerk's Department
130 Oxford St. 2nd Floor
Ingersoll, ON
N5C 2V5
(519) 485-0120

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Information for Candidates - Introduction

The municipal and school board election will be held on Monday, October 24, 2022 and the new term of Council will begin on November 15, 2022.

This package has been prepared for the purpose of supplying information to persons who have filed nomination papers with the Town of Ingersoll for the offices of Mayor, Deputy Mayor and Councillor. The information contained within this package is intended only as a guide to help potential candidates and while it contains certain provisions of relevant legislation, it does not purport to recite all applicable statutory references.

It is the candidate's responsibility to refer to and be informed of the relevant legislation and regulations that govern the election and campaign processes. All relevant statutes can be found online at www.e-laws.gov.on.ca. Specific questions regarding the legislative requirements can be directed to the Ministry of Municipal Affairs and Housing (mea.info@ontario.ca).



Municipal Election – October 24, 2022
Procedures for the 2022 Municipal Election and
Alternative Voting Method – Vote by Mail

These procedures are provided for information purposes and are subject to change. Please reference the *Municipal Elections Act* for further information.

This document will be made available in alternative formats upon request.

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1. Introduction

- 1.1. The 2022 Municipal Election will be held on Monday, October 24, 2022.
- 1.2. The Council of the Corporation of the Town of Ingersoll enacted By-law No.21-5155 on July 12, 2022, authorizing the use of Vote-counting equipment and Vote by Mail as an alternative voting method for the 2022 Municipal Election. Section 42(5) of the *Municipal Elections Act*, 1996 provides that when a by-law authorizing the use of an alternative voting method is in effect, Section 43 (advance votes) and Section 44 (voting proxies) apply only if the by-law so specifies . Pursuant to By-law 21-5155, Council has authorized the elimination of advance voting and proxy voting other than the Ballot Return Station that will be located at the Municipal Office.
- 1.3. Section 42(3) of the Act requires that the Clerk establish procedures and forms for the use of any alternative voting method; and that a copy of such procedures and forms be provided to each candidate. The purpose of this document is to establish procedures for the use of the Vote by Mail method that is consistent with the principles of the *Municipal Elections Act*, 1996. It is noted that the Clerk, in the role of Returning Officer, may need to vary from these prescribed rules, or develop additional ones from time to time if necessary.
- 1.4. Procedures and forms have been developed for this alternative voting procedure, as required by s. 42(3) (a), and will be revised as necessary.
- 1.5. The Clerk may at any time, up to and including Voting Day, amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.
- 1.6. With respect to matters of policy and procedures for alternative voting methods and vote-counting equipment, the Clerk's decision is final.
- 1.7. Questions regarding the procedures are welcome. For more information, contact the Municipal Office during regular business hours at 519-485-0120.

2. Key Dates for the 2022 Municipal Election

<i>Municipal Elections Act</i> Reference	Date or Time Period
Nomination & Registration Period (s. 33)	May 2, 2022 – August 19, 2022 at 2:00 pm
Alternative Voting Method Procedures (s. 42 (3) (ii))	On or before June 1, 2022
Voters' List Reproduced (s.23 (2) (a))	On or before September 1, 2022
Nomination Day (s. 31)	August 19, 2022 (9:00 a.m. to 2:00 p.m.)
Certification of Nominations (s. 35 (1) (2))	Before 4:00 p.m. on August 22, 2022
Revision Period for Voters' List (s. 24 (1))	September 1 – October 24, 2022
Voting Kit Mailed to Electors	On or about September 26, 2022

Last Date for Guaranteed Mail-back through Canada Post	October 13, 2022
Voting Day (s. 5)	October 24, 2022
Official Declaration of Votes (s. 55 (4) (a))	Approximately October 25, 2022

3. Definitions

“Assistant Returning Officer” shall mean an employee designated within the Clerk’s Department of The Corporation of the Town of Ingersoll with responsibility for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

“Ballot Box” shall mean a sealed box secured at the Municipal Office, in which ballots are placed in advance of the close of voting and after being processed through a vote tabulator.

“Ballot Return Station” shall mean a voting place under the general supervision of a designated Election Official where electors, who prefer to deliver or have delivered their completed ballots, may deposit their ballots directly into the care of the Clerk or designated Election Official rather than forwarding their ballots by mail. The Ballot Return Station will be located within the Town of Ingersoll Municipal Office.

“Ballot Scanning Station” shall mean the station located within the Counting Location where the ballots will be processed through a vote tabulator.

“Clerk” shall mean the Clerk of The Corporation of the Town of Ingersoll.

“Close Of Voting” shall be 8:00 p.m. Eastern Standard Time on October 24, 2022.

“Continuous Drop Box Location” shall mean

- (a) a sealed ballot box available inside the Municipal Office at 130 Oxford Street (2nd Floor), Ingersoll, Ontario for the drop off of Return Envelopes during regular office hours except on Voting Day, when the office will be open from 8:30 a.m. to 8:00 p.m.; and
- (b) the mail slot available on the outside of the Municipal Office located at 130 Oxford Street (2nd Floor), Ingersoll, Ontario for the drop off of Return Envelopes anytime, 24 hours a day, 7 days a week until 8:00 p.m. on Voting Day.

“Council” shall mean the Council of The Corporation of the Town of Ingersoll.

“Counting Location” shall mean a secured location within the Municipal Office located at 130 Oxford Street (2nd Floor), Ingersoll, Ontario.

“DataFix” shall mean the company secured to provide Voters List management and the production of the voters kits for the 2022 Municipal Election.

“Deputy Returning Officer” shall mean a person appointed by oath to carry out the counting of votes in a ballot box and other duties as may be delegated by the Returning Officer and for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

“Drop Box” shall mean the sealed box in which Return Envelopes and Secrecy Envelopes are placed by persons delivering their ballots in person to either the Continuous Drop Box Location or Ballot Return Station located within the Municipal Office.

“Election Official” shall mean a person, appointed by the Clerk, with responsibility to assist in the administration of the election process and for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

“Last Date For Guaranteed Mail” shall mean the date that is guaranteed for the return of voting packages deposited in mail boxes anywhere in Canada.

“Municipal Office”, unless otherwise specified, shall mean the Town of Ingersoll Municipal Office located at 130 Oxford Street (2nd Floor), Ingersoll, Ontario.

“Nomination Day” shall mean Friday, August 19, 2022 between the hours of 9:00 a.m. and 2:00 p.m.

“Processing Room” shall mean the IT room located within the Municipal Office, 130 Oxford Street, Ingersoll, Ontario, wherein Return Envelopes will be processed under the control of the Clerk or designated Returning Officer or Election Official. Candidates, or their scrutineers, have the right to be present during all processing and counting of Return Envelopes, Inner Ballot Secrecy Envelopes and ballots.

“Replacement Voting Kit” shall mean a set of documents which consists of: a Voting Instruction Sheet with detachable Voter Declaration Form, a Ballot(s), a Ballot Secrecy Envelope; a Return Envelope with prepaid postage, and such other necessary material as the Clerk or designated Election Official determines to replace a Voting Kit that has been lost or destroyed.

“Return Envelope” shall mean a prepaid postage envelope addressed to the Municipal Office that should contain both a Voter Declaration Form and a Ballot Secrecy Envelope containing one (1) ballot and is either returned by mail to the Municipal Office or is dropped off at the Ballot Return Station.

“Returning Officer” shall mean the Clerk of The Corporation of the Town of Ingersoll with responsibility for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures. As Returning Officer, the Clerk is empowered by legislation to conduct the election and may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk's opinion, necessary or desirable for conducting the election.

“Secured Room” shall mean the vault located in the Municipal Office, 130 Oxford Street, Ingersoll, Ontario, wherein election materials will be stored under the control of the Clerk or designated Election Official.

“Sequestered” shall mean the period of time after 12:00 p.m. on Voting Day during which Election Officials designated in accordance with Section 21, as well as any candidate or their appointed scrutineers are at the Counting Location. The Counting Location shall be secured and personnel sequestered from 12:00 p.m. until all ballots are counted and successful tallies determined following the close of voting at 8:00 p.m. on Voting Day.

“Valid Mark” shall mean a mark made by marking an **X** in the designated box beside a candidate’s name, or a mark which clearly states the voter’s intention, provided there are no means by which to identify the voter.

“Vote By Mail” shall mean the alternative voting method authorized by the Council to conduct the 2022 Municipal Election in the Town of Ingersoll.

“Vote Tabulator” shall mean an apparatus that optically scans a designated area on the ballots to read the votes and tabulate the results.

“Voter Declaration Form” shall mean the slip included in the Voting Kit upon which the voter must sign to declare his or her eligibility to vote in this election.

“Voters’ List” shall mean a list showing all eligible electors within the Town of Ingersoll, as provided by the Municipal Property Assessment Corporation (MPAC) and revised by the Returning Officer or Assistant Returning Officer pursuant to the provisions of the *Municipal Elections Act*, 1996.

“Voting Day” shall mean October 24, 2022.

“Voting Kit” shall mean a set of documents which consists of: a Voting Instruction Sheet with detachable Voter Declaration Form, a Ballot(s), a Ballot Secrecy Envelope; a Return Envelope with prepaid postage, and such other necessary material as the Clerk determines.

4. Alternative Voting Procedures - Vote by Mail Overview

- 4.1. The Town of Ingersoll will be utilizing an alternative method of voting - VOTE BY MAIL - for the 2022 Municipal Election being held on October 24, 2022.
- 4.2. Voters will receive a Voting Kit in the mail during the week of September 26, 2022. The Voting Kit will contain all of the materials required to place their vote by mail. The voter simply follows the instructions in their kit, deposits their ballot in the mail using the postage paid response envelope, and Canada Post will deliver the ballots to the Municipal Office for counting on Voting Day.
- 4.3. Qualified electors added to the Voters’ List before September 12, 2022, will receive their Voting Kit by mail. The Voting Kit will contain a voting instruction sheet with detachable Voter Declaration Form; a composite ballot; a white ballot secrecy envelope; and a postage prepaid yellow return envelope in which to return the required materials to the Returning Officer.

- 4.4. Electors who do not receive their personal Voting Kit, or who receive a Voting Kit with incorrect information, must have their own information revised on the Voters' List in order to receive their own Voting Kit. After September 12, electors who revise their own information on the Voters' List will be issued their Replacement Voting Kit at the time that they submit such revision. Any person who receives a Voting Kit addressed to another person should contact the Municipal Office to receive further information as it is against the law to exercise a vote other than your own vote.
- 4.5. Return Envelopes will be received daily by mail and also by drop-off at the Municipal Office. Designated Election Officials will remove the secrecy envelope from the return envelope, and update the Voter's Lists to show that the voter identified on the Voter Declaration Form has cast a ballot. The secrecy envelope will then be secured in a ballot box.
- 4.6. Should voters be unable, or choose not to mail their vote, the Ballot Return Station that has been established will protect their right to vote by allowing them to deliver their ballots in person right up to the close of voting on Voting Day. See Section 13.8 for location of Ballot Return Station.
- 4.7. Assistance will be available at the Municipal Office during regular office hours, or by calling 519-485-0120.

5. Election Officials

- 5.1. The Clerk is responsible for conducting the Municipal Election, establishing the procedures and rules and interpreting the procedures and rules except as varied by a Court.
- 5.2. The Clerk may appoint, in writing, Deputy Returning Officers (DROs) and such other designated Election Officials as required to assist in the administration, management, security, and control of the Vote-by-Mail election system.
- 5.3. Written appointments of designated Election Officials and delegation of duties shall include the authority to require any person to furnish proof of identity or qualifications pursuant to the *Municipal Elections Act*, 1996, as amended.

6. Scrutineers

- 6.1. Candidates may appoint, in writing, on the designated form, scrutineers to represent them.
- 6.2. All scrutineers must comply with the procedures that are set out on their Appointment Form and identified in Appendix "A" attached hereto.

7. Notices

- 7.1. When required under the Act, notices will be published in the newspaper with the widest general circulation in the municipality, being the Oxford Review. In addition, at the discretion of the Returning Officer, notices will also be posted on the Municipal Website, and where possible on local radio stations. All notices will be published/posted in the English language only.
- 7.2. The following essential notices shall be issued:
- i) Notice of Election Information: The notice of election information will provide the location of the Ballot Return Station, the dates and times on which the station will be opened, and other relevant information as determined by the Clerk. The notice will be published and posted on or before August 19, 2022 (Nomination Day).
 - ii) Notice of Revision of Voters' List: The period for revisions to the Voters' List is from September 1, 2022 to the Close of Voting on Voting Day. The notice will be published and posted on or before August 29, 2022.
 - iii) Notice of Nomination: The nomination period is from May 2, 2022 until 2:00 p.m. on August 19, 2022 (Nomination Day). The notice will be published and posted on or before May 2, 2022.
 - iv) Notice of Additional Nominations: Notice will be given on August 22, 2022 if the number of nominations received and certified by the Clerk is less than the number required. If so, additional nominations can be accepted between 9:00 a.m. and 2:00 p.m. on August 24, 2022. The Clerk shall review and certify any additional nominations before 4:00 p.m. on August 25, 2022.
 - v) Certified Election Results: The certified election results shall be published as soon as possible after Voting Day.
 - vi) Notice of Penalties: Notice of penalties related to campaign finances and the refund of the nomination filing fee shall be given to all candidates and third party advertisers no later than October 23, 2022.
- 7.3. The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

8. Preliminary List and Voters' List

- 8.1. The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the Town of Ingersoll with the Preliminary List for municipal elections. The Preliminary List, as corrected by the Clerk under Section 22 of the *Municipal Elections Act*, 1996, shall constitute the Voters' List.

- 8.2. The preliminary list and the Voters' List are public documents and may be inspected by the public at the Municipal Office during regular office hours from 8:30 a.m. to 4:30 p.m., Monday to Friday. On Voting Day, the office will be open from 8:30 a.m. through to the Close of Voting.
- 8.3. No person shall use information obtained from these lists, except for election purposes. The use and sale of these lists for commercial purposes is PROHIBITED.
- 8.4. Upon receipt of a written request from a candidate for an office, the Clerk or designated Election Official shall provide him/her with a copy of the part of the Voters' List that contains the names of the voters who are entitled to vote for that office. Candidates will be required to sign a declaration, stating that the Voters' List will be used for election purposes only.

9. Voters' Qualifications

- 9.1. A voter is entitled to vote once in a municipality where he or she resides or in the case of a school board, the area of jurisdiction of the school board where he or she qualifies as an elector. Even if the voter has more than one qualifying property address, a voter may only have one permanent residence.
- 9.2. Qualifications of Electors and Persons Prohibited from Voting are outlined under Section 17(2) and 17(3) of the *Municipal Elections Act*, 1996.
- 9.3. A voter must complete the Voter Declaration Form provided in the Voting Kit to declare his or her eligibility to vote in this election.

10. Revision of the Voters' List Procedure

The period for revisions to the Voters' List is from September 1, 2022 to the Close of Voting on Voting Day.

- 10.1. Persons, upon application in writing on the appropriate form established by the Clerk, may have their name added, removed, or information added or amended on the Voters' List.
- 10.2. A voter will be asked to provide, to the designated Election Official, the prescribed proof of identity and residence or complete an application on the prescribed form, including a statutory declaration, to prove his/her right to vote. Such proof of identity and residence shall include the person's name, qualifying address, and signature.
In addition, a voter may be asked to provide proof of citizenship, such as a birth certificate, Canadian Citizenship certificate or other such documentation.
- 10.3. Applications to revise the Voters' List must be made in writing on the appropriate form established by the Clerk and shall be filed in person by the applicant or his or her agent, by mail by the applicant or via any other format and manner that the Clerk specifies. Applications must be filed in accordance with Section 24 of the *Municipal Elections Act*, 1996.

- 10.4. Applications to remove another person's name from the Voters' List must be made in writing on the appropriate form established by the Clerk and shall be filed in person by the applicant or in person by an agent. Applications must be filed in accordance with Section 25 of the *Municipal Elections Act*, 1996.
- 10.5. Revisions to the Voters' List will be conducted at the Municipal Office, during regular office hours up to and including Voting Day. On Voting Day revisions can take place from 8:30 a.m. to 8:00 p.m.
- 10.6. Beginning September 15 and not later than September 25, the Clerk shall prepare an interim list of the changes to the Voters' List approved under sections 24 and 25 of the *Municipal Elections Act*, and that were approved on or before September 15th. The Clerk shall provide a copy of the interim list to each person who was provided a copy of the Voters' List. After the Statement of Changes to the Voters' List has been compiled, the original list and the Statement of Changes together make up the Voter's List.
- 10.7. The Clerk may correct any obvious error in the preliminary list and shall notify the Municipal Property Assessment Corporation of the corrections. The Clerk may use any information that is in the local municipality's custody or control to correct the preliminary list.
- 10.8. The Clerk shall certify the Voters' List as revised. Only persons on this Voters' List and those added by revision are entitled to vote.
- 10.9. All deletions, amendments and additions to the Voter's List shall be maintained electronically.
- 10.10. The Clerk, or designate will print the name of an elector who is issued a voting kit or replacement voting kit on the provided declaration form, so that when returned and in the event of an illegible signature, the elector may be easily identified and stricken from the voting list as having returned their ballot.

11. Nominations

- 11.1. Nominations are to be filed in person with the Clerk or designated Election Official at the Municipal Office, in person or through an agent during normal office hours beginning May 2, 2022 until August 19, 2022 at 2:00 p.m. The nomination paper may not be faxed or e-mailed.
- 11.2. On Nomination Day, August 19, 2022, the prescribed filing time is 9:00 a.m. to 2:00 p.m. and nominations will be accepted at the Municipal Office only. Only those persons within the Municipal Office during the prescribed filing time will be considered for filing.
- 11.3. Nominations must be on the prescribed form and shall bear original signatures, accompanied by the prescribed fee.
- 11.4. Nominations must be endorsed by at least twenty-five (25) persons and accompanied by the prescribed declaration by each of the persons endorsing the nomination and be accompanied by a declaration of qualification on the prescribed form, signed by the person being nominated.

- 11.5. Persons endorsing a nomination must be eligible to vote in the election for the Town of Ingersoll and may endorse more than one nomination.

Filing Fees

- 11.6. The following tables identifies the filing fees for each office of Council:

Position	Fee Amount
Head of Council (Mayor)	Two hundred dollars \$200.00
Deputy Mayor	One hundred dollars (\$100.00)
Councillor	One hundred dollars (\$100.00)

Filing fees may be paid by debit, cash, money order, or certified cheque. Credit cards or non-certified cheques are not accepted.

- 11.7. All candidates must provide designated Election Officials with proof of identity and qualifying address within the municipality when filing a nomination. If an agent is filing on behalf of a candidate, the agent must provide a copy of the candidate's proof of identity as well as their own.
- 11.8. The surname on the nomination form and the surname on the identification must be the same. Some flexibility will be given to first names (e.g. Bill for William), subject to approval of the Clerk.
- 11.9. Nomination forms will be reviewed for completeness when filed and will be certified at a later date, on or before 4:00 p.m. on August 22, 2022.
- 11.10. An unofficial list of persons, who have submitted nomination forms and the office that they are seeking election to, shall be updated as soon as practical after receipt of nomination papers. The list will also be included on the Town of Ingersoll website www.ingersoll.ca and in the Clerk's Office.
- 11.11. An official list of nominated persons shall be posted in the same manner as specified in Section 11.10 once nomination forms have been certified and the nomination period has expired.
- 11.12. A candidate is entitled to a refund of the nomination filing fee if the documents required under subsection 88.25 (1) of the *Municipal Elections Act* are filed on or before 2:00 p.m. on the filing date of March 31, 2023.

Withdrawal of Nominations

- 11.13. A candidate may withdraw his or her nomination by filing a written withdrawal with the Clerk's Office before 2:00 p.m. on Nomination Day. The candidate shall appear in person, with identification in order to withdraw the nomination; or the candidate's agent shall appear in

person, with identification and a Letter of Authorization to represent the candidate, in order to withdraw the candidate's nomination.

Additional Nominations

- 11.14. If the number of nominations filed for an office and certified by the Clerk is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on August 24, 2022. The Clerk shall review and certify any additional nominations before 4:00 pm on August 25, 2022.

12. Acclamations

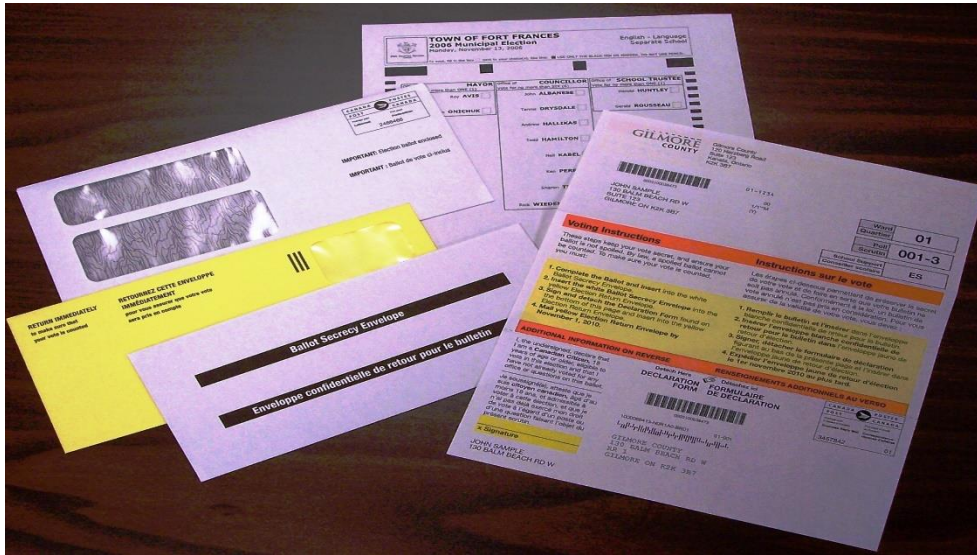
- 12.1. If, after the close of nominations on Nomination Day, the number of candidates nominated for any office is equal to or less than the number that are required to be elected to that office, the Clerk will, after 4:00 p.m. on August 22, 2022, declare the candidate(s) acclaimed and prepare a Declaration of Acclamation.
- 12.2. The Clerk will call for additional nominations if the number of certified candidates is fewer than the number of positions to be elected. The additional nominations may be filed on August 24, 2022 between 9:00 a.m. and 2:00 p.m. The Clerk will certify the nominations by 4:00 p.m. on August 25, 2022.
- 12.3. The Clerk will post the list of acclaimed candidates on the bulletin board located at the Municipal Office and on the municipal website. The Clerk will also provide a copy of the declaration to the acclaimed candidate(s) and will place a copy of the declaration in the candidate's file.

13. Vote by Mail Procedures

Where an election is required to be held for an Office, the Vote by Mail procedure shall be as follows:

- 13.1. The Municipality, in conjunction with DataFix, will provide a Vote-by-Mail Kit to every person who qualifies to be an elector up to the Close of Voting on Voting Day.
- 13.2. During the week of September 26, 2022, delivery of Voting Kits to those that are on the Voters' List as of September 12, 2022 will commence. After this date, Voting Kits will be provided by the Clerk or designated Election Official, either by mail or in person at the Municipal Office.
- 13.3. A Voting Kit shall consist of:
- A Voting Instruction Sheet with a detachable Voter Declaration Form (with bar code);
 - A Composite Ballot;
 - A White Ballot Secrecy Envelope;
 - A Yellow Return Envelope with prepaid postage; and

- Such other material as the Clerk determines.



- 13.4. In addition to mailed Voting Kits, the Clerk will receive blank Voting Kits for the municipality. Once received, the Voting Kits will be counted, numbered and recorded.
- 13.5. Blank Voting Kits will be stored in the Secured Municipal vault under the control of the Clerk or designated Election Official.
- 13.6. The number of Voting Kits distributed by the Clerk or designated Election Official to persons qualifying to be voters after September 12, 2022 will be recorded.
- 13.7. Upon receipt of the Voting Kit, each voter should follow the instructions provided in the Voting Kit exactly. The instructions require the voter to:
 - Complete the ballot;
 - Insert the ballot into the ballot envelope marked “Ballot Secrecy Envelope”;
 - SEAL the Ballot Secrecy Envelope;
 - Complete and sign the Voter Declaration Form. If a voter requires assistance in voting, he/she shall make their mark (i.e. an “x”) on the signature line and have a witness sign in the signature area of the Voter Declaration Form and print their name below;
 - Place the completed Voter Declaration Form and the SEALED Ballot Secrecy Envelope into the yellow prepaid business reply envelope;
 - Seal the yellow prepaid business reply envelope; and
 - Mail the yellow prepaid business reply envelope by October 13, 2022 or deliver it by some other means to the Municipal Office (Ballot Return Station) no later than 8:00 p.m. on October 24, 2022.

Note: The postage paid envelope is only applicable for mail originating within Canada.

- 13.8. In addition to using the mail system, a Ballot Return Station will be established for those voters who, rather than forwarding their ballots by mail, prefer to deliver or have delivered their completed ballots directly into the care of the Clerk or designated Election Official. The Ballot Return Station shall be established as follows:

Ballot Return Station Location

Town of Ingersoll Municipal Office

130 Oxford Street (2nd Floor), Ingersoll, ON, N5C 2V5

Drop Off Times

- i) During regular office hours, Monday through Friday 8:30 a.m. – 4:30 p.m.
- ii) In the after-hours drop box located next to the entrance of the Town of Ingersoll Municipal Offices, located at 130 Oxford St. - 24 hours a day, 7 days a week, until October 24, 2022 (Election Day) at 8:00 p.m.

- 13.9. The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk or designated Election Official is October 13, 2022.
- 13.10. Voters who have failed to mail their Return Envelope by October 13, 2022 are encouraged to take steps to ensure alternate delivery of the Return Envelope to the Municipal Office by the Close of Voting on Voting Day.
- 13.11. Return Envelopes deposited in the Continuous Drop Box located at the Municipal Office by the Close of Voting on Voting Day will be considered as having been mailed.
- 13.12. DataFix has a record of all voters on the Voters' List provided by the Municipal Property Assessment Corporation (MPAC), and has received a list of all voters added to the list up to and including September 9, 2022.
- 13.13. Voters on or added to the list up to September 14, 2022 will receive their Voting Kit by mail.
- 13.14. Voters added to the list between September 9, 2022 and October 13, 2022 will receive their Voting Kit by mail or in person from the Clerk or designated Election Official.
- 13.15. After October 13, 2022, it is recommended that those persons making application to add their names to the list do so in person or by an agent at the Municipal Office.
- i) Those persons making application to add their names to the list will be asked to provide, to the designated Election Official, the prescribed proof of identity and residence, or complete an application in the prescribed form, including a statutory declaration, to prove his/her right to vote. Such proof of identity and residence shall include the person's name, qualifying address, and signature.
 - ii) Agents acting on behalf of a voter will be asked to provide to the designated Election Official, the prescribed proof of identity for themselves, and in addition, the prescribed proof of identity and residence for the voter that they are agent for to prove the voter's right to vote. Such proof of identity and residence shall include the person's name, qualifying address, and signature.

- iii) In addition, proof of citizenship, such as a birth certificate, Canadian Citizenship certificate or other such documentation may be required for any voter.
- iv) If the application is certified by the Clerk or designated Election Official, a Voting Kit will be issued at that time. Those voters will have the option of returning the ballot at a later time or conducting their vote and depositing their Return Envelope with a designated Election Official for placement in the Drop Box in the Municipal Office.

13.16. A list of names shall be maintained showing the name and address of each person who has been added to the Voters' List and has been issued a Voting Kit.

13.17. It must be emphasized that, in a Vote-by-Mail system, the onus is on eligible voters to ensure that their names are on the Voters' List.

13.18. Due to time constraints, the Clerk or designated Election Official cannot ensure that a Voting Kit mailed after October 13, 2022 will reach voters in time for them to exercise their right to vote. Where it is not possible to mail a Voting Kit to a voter, and at the request of the voter, the Clerk or designated Election Official may arrange for a Voting Kit to be delivered to the voter.

Replacement Voting Kits

13.19. If a voter on, or added to, the Voters' List does not receive a Voting Kit, or if the Voting Kit is lost or destroyed, a Replacement Voting Kit may be issued. The voter or their agent must attend the Municipal Office to obtain a Replacement Voting Kit (unless a home visit under the Home-Assisted Vote Retrieval Program has been arranged, See Appendix B). A declaration form must be signed by the elector prior to the issuance of a Replacement Voting Kit. The Clerk or designated Election Official will confirm that the voter is qualified, and issue the Replacement Voting Kit, printing the elector's name on the declaration form for ease of identification when the kit is returned.

13.20. If the Voting Kit is a Replacement Kit, the Voter Declaration Form will be marked with "RVK" and initialed by the Clerk or designated Election Official to indicate that the voter has been issued a Replacement Voting Kit.

13.21. The designated Election Official shall ensure that each individual for whom a Replacement Voting Kit is issued, signs a declaration form attesting to the fact that they are:

- A qualified elector;
- Not in receipt of their Voting Kit;
- They were in receipt of their Voting Kit but it has been either lost or destroyed; incorrect or completed incorrectly.
- They were not on the Master Voters' List and as such shall also be processed as an addition to the Master Voters' List.

13.22. A list of names shall be maintained showing the name and address of each person who has received a Replacement Voting Kit.

- 13.23. The completed Replacement Voting Kit declaration forms shall be kept in the custody of the Clerk.
- 13.24. Voters requiring technical assistance in any manner should attend at the Municipal Office or call the Town of Ingersoll at 519-485-0120 for assistance from election staff. The Municipal Office will be open for assistance during normal office hours during the election period and on Voting Day from 8:30 a.m. to 8:00 p.m.

14. Form of Ballot

- 14.1. The form of ballot will be a "Composite Ballot".
- 14.2. The ballot shall be designed with the names of the candidates in alphabetical order based upon the last name.
- 14.3. The place for the elector to mark the ballot for each candidate shall be clear and unambiguous.
- 14.4. The ballot shall be designed so that the ballot can be counted using an optical scanning Vote Tabulator.

15. Storage of Ballots & Election Material

- 13.1. Utilization of a Vote-by-Mail process necessitates the storage of cast ballots, declarations, the Voters' List, and Blank/Replacement Voting Kits, etc. in a secured location.

During the election period beginning May 2, 2022 through to Voting Day, all Ballot Boxes, the Voters' List, and Blank/Replacement Voting Kits will be kept in the Secured Room and may only be accessed by either the Clerk or a designated Election Official. Such access to the Secured Room will be witnessed by an additional individual.

- 15.2. All designated Election Officials accessing election materials in the Secured Room will be required to sign a log noting the date and time of entry and exit. Entry shall only be by a minimum of two (2) persons at any time. There shall not be only one person in the Secured Room at any time for the duration of the election period.
- 15.3. The Drop Boxes located inside the Municipal Office will be kept behind the main reception counter during regular office hours and will be sealed and returned to the Secured Room at the close of business each day.

16. Security of Voting Kits/Ballots Prior To Voting

- 16.1. Ballots will be printed under the supervision of DataFix and the number of Voting Kits/ballots printed will be forwarded to the Clerk.
- 16.2. DataFix will facilitate the mailing of a Voting Kit to each person identified on the revised Voters' List as of September 9, 2022 and this number of Voting Kits used will be forwarded to the Clerk.
- 16.3. In addition to the Voting Kits that are mailed, the Clerk will receive blank Voting Kits for the municipality. Once the Voting Kits are received, they will be counted and the numbers recorded.
- 16.4. The number of Voting Kits distributed by the Clerk or designated Election Official to persons qualifying to be voters after September 9, 2022 will be recorded.
- 16.5. If the Clerk runs out of ballots printed by DataFix, the Clerk may photocopy as many ballots as deemed necessary and place his/her initials upon the back of such ballots. The number of ballots copied will be recorded.

17. Security of the Ballot During / After The Vote

- 17.1. Upon receipt by mail or from the Drop Box, the Return Envelopes will be opened by the Clerk and/or designated Election Official and, upon verification of the Voter Declaration Form and Ballot Secrecy Envelope, the sealed Ballot Secrecy Envelopes will be stored in sealed ballot boxes. See Section 18 below for processing of Return Envelopes. The number of yellow Return Envelopes processed shall be reconciled with the:
 - Number of electors marked as having voted on the Voters' List;
 - Number of rejected ballots;
 - Number of secrecy envelopes deposited into the ballot box;
 - Number of Voter Declaration Forms; and
 - Number of ballots (voting kits) issued

The reconciliation shall be recorded on the Daily Batch Reconciliation Form.

- 17.2. At the end of each day, the Clerk or designated Election Official(s) shall affix a seal to the Drop Boxes, initial the seal and place the sealed boxes in the Secured Room in the presence of another designated Election Official.

17.3. Daily Ballot Reconciliation and Control

- i) Each morning, the Clerk or designated Election Official(s) shall unseal and open the previous day's Drop Boxes and retrieve the ballots from the Drop Box and deposit the ballots into the Master Drop Boxes and reseal and both Officials shall initial the Master Drop Boxes.

- ii) The daily drop boxes are to be confirmed empty and sealed in the presence of another designated Election Official.
- iii) The Return Envelopes in the Drop Boxes will be processed per Section 18.
- iv) The Ballot Boxes will remain in the care of a designated Election Official to process all ballots returned by mail or in person during regular business hours.
- v) Upon completion, the Ballot Boxes will be sealed, initialed and placed in the Secured Room under the control of the Clerk or designated Election Official(s).
- vi) The retrieval and depositing of the ballots from the daily Drop Boxes to be deposited into the Master Drop Boxes shall be completed in the presence of the Clerk and designated Election Official or two (2) Election Officials.

Election Day Ballot Reconciliation and Control

- 17.4. Beginning at 12:00 p.m. on Voting Day, the sealed Ballot Boxes will be transported by the Clerk or designated Election Official to the Counting Location, the Secrecy Envelopes will then be opened by designated Election Officials and the ballots packaged into bundles in preparation for counting.
- 17.5. Drop Boxes shall be maintained at the Ballot Return Station on Voting Day during the specified hours. At the Close of Voting, the Drop Boxes shall be sealed and transported to the Counting Location for processing.
- 17.6. When the count is complete, the Ballot Boxes will be sealed and initialed by the Clerk or designated Election Official prior to being transferred to the Secured Room under the control of the Clerk or designated Election Official for the statutory retention period.

18. Procedure on Receipt of Return Envelopes

- 18.1. Return Envelopes will be processed in the Processing Room.
- 18.2. The opening of Return Envelopes during the election period, up to and including Voting Day is for the purpose of processing Voter Declaration Forms, updating the Voters' List, and placing sealed Ballot Secrecy Envelopes into the Ballot Boxes.
- 18.3. All designated Election Officials entering the Processing Room while envelopes are being processed are required to sign a log noting the date and time of entry. Entry shall only be by a minimum of two (2) persons at any time, i.e. there shall not, at any time, be only one person in the Processing Room while envelopes are being processed.
- 18.4. On Monday to Friday, from approximately September 26, 2022 up to and including October 23, 2022, between the hours of 8:30 a.m. and 4:30 p.m., as required and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m., Return Envelopes will be opened by designated Election Officials and dealt with in the manner outlined in Section 18.

- 18.5. Return Envelopes received after 8:00 p.m. on Voting Day will be date stamped, will not be counted and will be placed in the Secured Room and retained for the statutory document retention period.

Mailed Return Envelopes

- 18.6. Return Envelopes will be received, on a regular basis, by designated Election Officials. The Clerk or designated Election Official shall in plain view, sort the Return Envelopes for processing and place them in a drop box for this purpose. These drop boxes will be placed in the Secured Room for safekeeping until the designated time for the Return Envelopes to be opened in accordance with the procedures set out in Section 19 below.

Return Envelopes Physically Brought to the Office

- 18.7. Voters attending in person at the Municipal Office to exercise their right to vote shall complete their vote in accordance with the instructions contained in the Voting Kit and deliver the Return Envelope to a designated Election Official. There will be an area designated at the Municipal Office for voters to complete their vote in privacy.
- 18.8. Return Envelopes will be deposited immediately in a secure receptacle (Drop Box) located behind the main reception counter. The receptacle shall be clearly marked as a "Drop Box" for return ballots in their Return Envelopes.
- 18.9. Designated Election Officials shall monitor the use of the Drop Box and request placement of its contents in the Secured Room as often as necessary. The contents of the Drop Box may be processed daily or as needed, with the mailed Return Envelopes. Designated Election Officials shall ensure that the Drop Box is sealed appropriately and placed in the Secured Room at the end of every business day.

19. Opening of Ballot Packages Prior to Counting

- 19.1. The Clerk and designated Election Officials shall ensure that every vote possible can be counted.
- 19.2. In the Processing Room, on Monday to Friday, from approximately September 26, 2022 up to and including October 24, 2022, between the hours of 8:30 a.m. and 4:30 p.m., as required and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m., the Clerk or designated Election Official, in the presence of at least one other designated Election Official, will open Return Envelopes which have been received at the Ballot Returning Station, and will remove the Ballot Secrecy Envelope and Voter Declaration Form from the Return Envelope.
- The designated Election Official will identify the voter from the Voter Declaration Form, and will confirm that the Voter Declaration Form is properly signed. At this time the designated Election Official will update the Voters' List to indicate that the Voter has exercised his/her right to vote.

- 19.3. If upon opening the Return Envelope, it contains an equal number of Ballot Secrecy Envelopes to Voter Declaration Forms, the ballots WILL BE COUNTED.
- 19.4. If upon opening the Return Envelope, the ballot is not contained within the Ballot Secrecy Envelope; however is accompanied by a signed Voter Declaration Form, the designated Election Official will insert the ballot into a Ballot Secrecy Envelope without examining the ballot and seal the envelope closed. The ballot WILL BE COUNTED.
- 19.5. If upon opening the Return Envelope, it contains a Ballot Secrecy Envelope; however there is no Voter Declaration Form, the designated Election Official will open the Ballot Secrecy Envelope to determine if the Voter Declaration Form has been inserted in the Ballot Secrecy Envelope.
- a) If the designated Election Official finds the Voter Declaration Form contained in the Ballot Secrecy Envelope, the designated Election Official will remove the Voter Declaration Form without examining the ballot. The Ballot Secrecy Envelope will be resealed by taping it closed.
 - i) If the Voter Declaration Form is signed, the ballot WILL BE COUNTED.
 - ii) See Section 19.7. if the Voter Declaration Form is unsigned.
 - b) If the designated Election Official does not find the Voter Declaration Form contained in the Ballot Secrecy Envelope, the ballot WILL BE REJECTED.
- 19.6. If upon opening the Return Envelope, it contains more Voter Declaration Forms to Ballot Secrecy Envelopes, or more Ballot Secrecy Envelopes to Voter Declaration Forms, the designated Election Official will open the Ballot Secrecy Envelopes to determine if any Voter Declaration Forms or additional ballots have been inserted in such envelopes.
- a) If the designated Election Official finds more than one ballot is contained in the Ballot Secrecy Envelope and the number of ballots now equals the number of Voter Declaration Forms, the designated Election Official will remove the additional ballot without examining the ballot and insert it into a new Ballot Secrecy Envelope and seal or tape the Ballot Secrecy Envelopes closed.
 - i) If the Voter Declaration Form is signed, the ballots WILL BE COUNTED.
 - ii) See Section 19.7. if the Voter Declaration Form is unsigned.
 - b) If the designated Election Official finds that a Voter Declaration Form is contained in the Ballot Secrecy Envelope, the designated Election Official will remove the Voter Declaration Form without examining the ballot and seal or tape the Ballot Secrecy Envelope closed.
 - i) If the Voter Declaration Form is signed, the ballots WILL BE COUNTED.
 - ii) See Section 19.7. in the Voter Declaration Form is unsigned.
 - c) If after this process there remains a different number of Ballot Secrecy Envelopes than Voter Declaration Forms, the ballots WILL BE REJECTED.
- 19.7. If a Voter Declaration Form has not been signed by the voter, and where sufficient time permits, an attempt will be made to contact the voter to provide for an opportunity for the voter to sign the Voter Declaration Form. The Voter Declaration Form together with the Ballot Secrecy Envelope will be kept in the Secured Room up to the Close of Voting on Voting Day.
- i) If the voter attends the Municipal Office and signs the Voter Declaration Form prior to the Close of Voting on Voting Day, the ballot WILL BE COUNTED.

- ii) If the Voter Declaration Form is unsigned at the Close of Voting on Voting Day, the ballot WILL BE REJECTED.
- 19.8. If, upon opening the Return Envelope, the Ballot Secrecy Envelope has not been sealed or in the event the Ballot Secrecy Envelope has been sliced open as a result of opening the Return Envelope, the Clerk or designated Election Official will seal or tape the envelope closed without examining the ballot and the ballot WILL BE COUNTED.
- 19.9. If the Secrecy Envelope contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her, the ballot MAY BE REJECTED. Since ballot envelopes will be opened and separated from the ballot prior to counting, ballot envelopes dealt with in such a manner will not automatically be rejected. The decision of the Clerk in determining whether or not the ballot will be counted or rejected is final.
- 19.10. In addition to rejecting cast ballots for violations of the *Municipal Elections Act*, 1996 the following conditions will also cause a ballot to be considered rejected if:
- i) upon opening the Return Envelope there is no Voter Declaration Form;
 - ii) upon opening the Return Envelope there is a different number of Ballot Secrecy Envelopes than Voter Declaration Forms;
 - iii) upon opening the sealed Ballot Secrecy Envelope at the Counting Location, the envelope contains more than one ballot; and
 - iv) upon opening the sealed Ballot Secrecy Envelope at the Counting Location, the envelope contains a ballot which has not been marked, it will be counted as a "Ballot Used but Unmarked by Elector".
- 19.11. Where a Ballot Secrecy Envelope is rejected, the reason for the rejection shall be recorded by numbering the Ballot Secrecy Envelope and noting the reason for the rejection on a separate Rejected Ballots Record.
- 19.12. The designated Election Official will place the Voter Declaration Form in a container, filed by last name. Voter Declaration Forms that have been processed will be made available for viewing at the Municipal Office by the candidates or scrutineers to review or update their Voters' Lists, if desired.
- 19.13. The designated Election Official will place the Ballot Secrecy Envelope in the Ballot Box and keep a running tally of the number of Ballot Secrecy Envelopes in that box. (In order to facilitate counting on Voting Day, a maximum number of ballots per box will be predetermined). Once the box contains the predetermined number of ballots, the box will be sealed, numbered sequentially, dated and stored in the Secured Room under the control of the Clerk or designated Election Official. A new Ballot Box will then be utilized.
- (I.e. Box 1 – once this box contains the predetermined number of Ballot Secrecy Envelopes, it will be numbered accordingly, sealed and placed in the Secured Room under the control of the Clerk or designated Election Official. A new Ballot Box, numbered Box 2 will be used).
- 19.14. After all Return Envelopes received each day have been dealt with, the Clerk or designated Election Official will affix a seal to each Ballot Box, initial the seal and place the sealed Ballot Box in the Secured Room under the control of the Clerk or designated Election Official.

19.15. On Voting Day the Ballot Boxes and other required election material will be transported to the Counting Location.

20. Programming and Testing of Vote Tabulators

The following section details generic tabulator programming and testing requirements applicable to all optical scanning vote tabulators regardless of provider or model. Model-specific technical specifications, programming, testing and use requirements will be added as an addendum to this Alternative Voting Procedure as they become available from the provider.

20.1. For the purpose of counting ballots, the Town of Ingersoll will use optical scanning Vote Tabulator(s). The Clerk or designated Election Official will facilitate training sessions for all Elections Officials using the Vote Tabulator(s) and shall oversee the programming, testing and use of the Vote Tabulator(s).

20.2. Programming

The Vote Tabulator hardware and software shall be programmed so that:

- a printed record of the number of votes cast for each candidate is provided;
- the tabulator will stop when it hits a damaged or defective ballot;
- a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by the scanner shall be returned to the Election Official;
- an over-voted race (i.e. where more votes are marked than are allowed) shall not be counted. The remaining races that have been properly voted on that same composite ballot shall be counted;
- an under-voted race (i.e. where fewer votes are marked than are allowed) shall be counted;
- a blank ballot (i.e. no votes indicated in any race on the composite ballot) shall be counted;

20.3. Prior to Voting Day, the Clerk in the presence of a designated Election Official, shall have the Vote Tabulator(s) tested to ensure that it will accurately count the votes for all candidates that are marked with a valid mark in the designated area.

20.4. When testing the Vote Tabulator(s), adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the system.

20.5. After programming the Vote Tabulator(s), a set of ballots shall be established for testing purposes. The back of these test ballots shall be stamped "sample".

20.6. The testing of the vote tabulator(s) shall be conducted as follows:

- i. A pre-audited group of ballots marked in the designated area, including ballots that fall into each of the categories listed below will be tabulated:

- ballots on which are recorded a pre-determined number of votes for each candidate;
- ballots that have over-voted races for each office;
- ballots that have under-voted races for each office;
- ballots that have no votes recorded; and
- ballots that are damaged or defective or has been marked in such a way that it cannot be properly processed by a vote tabulator with the message “Ballot misread.”

20.7. Assign a varying number of votes to each candidate.

20.8. Compare the output of the tabulation with the pre-audited results.

20.9. If the Clerk or designated Election Official detects any errors in the test, efforts shall be made to determine the cause of the error and correct it. The test shall be repeated until an errorless count is made and certified by the Clerk or designated Election Official.

20.10. On Voting Day, before the commencement of the tabulation of the votes, the Clerk or designated Election Official shall have the Vote Tabulators tested in the manner described in Section 20.6 above.

20.11. The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in a sealed envelope with the remaining election materials and records in accordance with the Act.

Opening the Poll

20.12. The Clerk or designated Election Official shall, in the presence of Election Officials and candidates/scrutineers (if in attendance), cause the vote tabulator to print a copy of the totals before tabulating the votes to confirm zero (“0”) totals for each candidate.

20.13. If the totals are zero (“0”) for all candidates, the Election Official shall initial and ensure that the zero (“0”) printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of voting.

20.14. In the event that a scanner malfunctions during the counting process, it may be necessary for an adjustment on the scanner. Paper jams, multi-feeds, and other minor interruptions shall not be considered malfunctions and will not require that the system be re-tested.

20.15. The Clerk shall retain and have access to the pre-audited group of ballots referred to in Section 20.6 and other materials used in the programming and testing of the Vote Tabulator(s).

21. Counting Location

- 21.1. The Counting Location is the lower level of the Municipal Office located at 130 Oxford Street, Ingersoll, Ontario, unless otherwise specified.
- 21.2. At 12:00 p.m., on Voting Day, the following persons shall be sequestered at the Counting Location, and shall remain at this location until the Close of Voting:
- Deputy Returning Officers; and
 - Designated Election Officials.
- 21.3. At 12:00 p.m., the Clerk, or designated Election Official shall transport the sealed ballot boxes to the Counting Location. The following procedures apply to those persons sequestered at the Counting Location between 12:00 p.m. and the Close of Voting (8:00 p.m.) on Voting Day:
- i) The doors of the Counting Location will be secured between 12:00 p.m. and 8:00 p.m. on Voting Day and only the Deputy Returning Officers, designated Election Officials, certified candidates and authorized scrutineers will be permitted to remain in the Counting Location.
 - ii) Any person leaving the Counting Location between 12:00 p.m. and 8:00 p.m. on Voting Day will not be permitted to return (except for the Clerk and Assistant Returning Officer, as noted below). If leaving the Counting Location for the purposes of utilizing washroom facilities on the main floor, the sequestered worker must be escorted to and from the Counting Location to ensure there is no communication with other individuals that may be present in the building.
 - iii) The Clerk and Assistant Returning Officer shall be the only persons permitted to enter, or leave and re-enter, the Counting Location as necessary between 12:00p.m. and 8:00 p.m. on Voting Day. (Except as noted in Section 21.3 (ii))
 - iv) Persons permitted to be present at the Counting Location arriving after 12:00 p.m. and before 8:00 p.m. will be permitted to enter, but will be subject to all of the rules herein respecting sequestering.
 - v) No person will be permitted to enter the Counting Location after 8:00 p.m. (except for the Clerk and authorized designated Election Officials).
 - vi) Cell phones or other similar equipment will not be permitted in the Counting Location other than for designated Election Officials as authorized by the Clerk. If such devices are brought into the Counting Location, they will be confiscated, labeled as to owner, and returned to the owner when they leave the premises.
- 21.4. Proceedings at a Counting Location are under the direction of the Clerk, or persons designated by the Clerk and no other person shall touch any ballot, or interfere in the proceedings in any way.
- 21.5. No campaign material will be allowed within the Counting Location.

22. Opening of Secrecy Envelopes

- 22.1. Commencing at 12:00 p.m. on Voting Day, the sealed Ballot Boxes, containing the Ballot Secrecy Envelopes received by the Clerk or designated Election Officials up to that time, will be taken by the Clerk or designated Election Official to the Counting Location. Designated

Election Officials will open the ballot boxes, remove and open the Ballot Secrecy Envelopes and remove and sort the ballots in preparation for processing through the Vote Tabulator. The ballots will be bundled into groups for processing. Scrutineers will be allowed to view the sealing of the ballot boxes after the ballots have been bundled in preparation for transfer.

- 22.2. The Return Envelopes received at the Ballot Return Station between 8:30 a.m. and the Close of Voting on Voting Day will be processed in accordance with Section 19 of these procedures.
- 22.3. In the event a ballot is accidentally slit by the opener or damaged by extraction in such a manner that it obviously cannot be scanned (i.e. torn, ripped, crumpled), the Election Official shall set it aside for a designated Election Official to repair (tape) or replace in accordance with Section 23.9 of these procedures.

23. Counting and Tabulating Of Ballots

- 23.1. Counting the ballots shall commence at 12:00 p.m. on Voting Day or and continue until all ballots, including those ballots received in the Drop Box at the Municipal Office up to and including the Close of Vote, have been counted. No results shall be revealed until all votes have been tallied. The completion of the statements of results and handling of election materials will proceed as set out in the *Municipal Elections Act 1996*, subject to whatever modifications may be required due to the Vote by Mail process.
- 23.2. The Clerk reserves the right to amend the start time of the tallying of the votes, where deemed necessary. The use of high volume tabulator(s) and/or low voter turnout based on the total number of ballots received prior to Voting Day shall be relied on to determine if vote tabulation and the sequestering of the Designated Election Official(s) responsible for the operation of the Vote Tabulator(s) shall commence after 12:00 p.m.
- 23.3. No ballot cast in the 2022 municipal election shall be counted prior to Voting Day.
- 23.4. No candidate or scrutineer shall interfere with the vote count in any manner or they will be required to leave the Counting Location.
- 23.5. The Clerk will appoint Election Official(s) to operate the Vote Tabulator(s). It is the operators' responsibility to ensure the fairness and accuracy of the vote count. It will be their responsibility to use whatever appropriate means they feel necessary to accomplish this goal, subject to direction by the Returning Officer.
- 23.6. On Voting Day, the sealed Ballot Boxes containing the Ballot Secrecy Envelopes stored in the Secured Room will be transported to the Counting Location for processing.
- 23.7. Once the Ballot Secrecy Envelopes have been opened the ballots will be bundled and placed back in the Ballot Box from which they were removed.

- 23.8. Upon the commencement of the Tallying of the Votes, the designated Election Official shall load and seal the smart card into the tabulator, and insert the ballots into the Vote Tabulator in accordance with the operating instructions of the Tabulator's make and model.
- 23.9. In the case of a technically damaged or defective ballot, the voting machine will report a misread, cease scanning, and return the damaged ballot. The damaged/defective ballot shall be isolated for action by the Municipal Clerk, or designate (either a second attempt at scanning or repaired).
- 23.10. Upon receipt of the technically defective ballot, the designate shall, using a new unused ballot, prepare a replacement ballot in plain view by marking the new ballot with the same marks contained in the designated voting spaces on the technically defective ballot, and the replacement ballot shall be clearly labeled "replacement" and given a number which shall also be recorded on the defective ballot (i.e. Duplicate #1011, Original #1011, Duplicate #1012, Original #1012, etc.). The annotations on the Replacement ballot must be recorded only on the bottom edge of the ballot outside of the vote area.
- 23.11. The replacement ballot shall be substituted for the original used ballot and then tabulated by the Vote Tabulator.
- 23.12. The original used ballot being replaced shall be placed in an envelope marked "Defective Ballots" by the Clerk or Election Official.
- 23.13. Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are elector identifying marks, in which case the entire ballot shall be rejected. There are appropriate spaces on the back of the composite ballot for numbering and noting objections to ballots. A corresponding list is provided to record the same number and summarize the objection.
- 23.14. If a ballot is rejected by the Vote Tabulator because it is not a proper Town of Ingersoll election ballot, the ballot shall not be tabulated and shall be placed in an envelope marked "Rejected ballots."
- 23.15. As soon as possible after 8:00 pm on October 24, 2022, after each of the Vote-by-Mail ballots have been scanned/counted in the Vote Tabulator the Municipal Clerk or designate will insert close the voting machine poll in accordance with the Tabulator's operating instructions. The voting machine will then print out the tabulated results for every inserted ballot. These results will be organized on the report tape into winners for each office/race within the election. Once the results have been certified by the Municipal Clerk, or designate, they will become the official results.
- 23.16. Once all ballots have been counted the ballots will be secured; the Ballot Boxes will be sealed and returned to the Clerk or designated Election Official for secure storage.
- 23.17. If the Clerk determines that it is impracticable to tabulate the votes with the Vote Tabulator(s), the Clerk may direct that the ballots be counted manually, following, as far as practicable, the provisions of this procedure governing the tabulation of the votes by a Vote Tabulator.

24. Announcement of Results

- 24.1. Unofficial results of the counting will be posted on the Town's website at www.ingersoll.ca and in the Council Chambers at the Town Office (Election Public Open House) following the conclusion of the count on Voting Day.
- 24.2. Official results will be announced and posted by the Clerk on the Municipal Website as soon as possible after Voting Day.
- 24.3. As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:
 - The number of votes for each candidate; and
 - The number of declined and rejected ballots.

25. Recount

- 25.1. The Clerk will conduct all recounts as per the regulations in the *Municipal Elections Act*, 1996, Sections 56 to 64. A recount is required if one of the following occurs:
 - i. A tied vote where both or all candidates cannot be declared elected;
 - ii. Requested by by-law or resolution of council;
 - iii. Requested by by-law resolution of a local board;
 - iv. Requested by order of the Ontario Superior Court of Justice; or
 - v. Requested by the Minister of Municipal Affairs.
- 25.2. The Clerk will conduct the recount in the same manner as with the original count, unless otherwise ordered by the judge who issued the order for the recount.
- 25.3. The Clerk will notify all involved parties of the recount and set a date, time and place of the recount.
- 25.4. If, after a recount is conducted, there is still a tie vote, the names of the candidates who tied will be placed in a container. The Clerk will blindly draw a name from the container. The name drawn will be the successful candidate.

26. Disposition of Records

- 26.1. The Clerk will retain all documents and materials relating to the 2022 Municipal Election for 120 days after declaring the results of the election. The earliest date for destruction of election records is February 22, 2023 (if the results of the election are declared on October 25, 2022).
- 26.2. Documents and materials destroyed will be witnessed by two (2) people and the 'Witness Statement as to Destruction of Ballots' will be completed.

- 26.3. The Clerk shall retain the financial statement and auditor's report until the Members of Council elected at the next regular election have taken office.
- 26.4. The Clerk shall not destroy the ballots or documents if a court of competent jurisdiction orders that they be retained or a recount has commenced and is not finally disposed of.

27. Accessibility

- 27.1. The Clerk shall have regard to the needs of candidates and electors with disabilities.
- 27.2. The Clerk shall ensure that the Ballot Return Station is accessible to electors with disabilities.
- 27.3. The Clerk shall ensure that the Counting Location is accessible to candidates and scrutineers with disabilities.
- 27.4. The Clerk shall prepare a Report to be submitted to the Council, 90 days after voting day, about the identification, removal and prevention of barriers that affect voters and candidates with disabilities.
- 27.5. Election Officials will be available for assistance during normal office hours from 8:30 a.m. to 4:30 p.m., Monday to Friday, during the election period and on Voting Day from 8:30 a.m. to 8:00 p.m.
- 27.6. The Town of Ingersoll has established Accessible Customer Service Policies, Practices and Procedures. The Municipal Election for the Town of Ingersoll will be conducted with having regard to the policies as established.

28. Emergencies

- 18.1. It is impossible to predict if an emergency will occur, and if so, to what extent the conduct of the election will be affected. In the event of an emergency, the Clerk may, in accordance with Section 53 of the *Municipal Elections Act*, declare an emergency and make such arrangements as deemed necessary for the conduct of the election.

29. General

- 18.1. Any person, corporation or trade union guilty of corrupt practices or contravening provisions of the *Municipal Elections Act* 1996 may be prosecuted pursuant to the provisions of the *Municipal Elections Act*, 1996.

30. Amendments to this Document

30.1. The Clerk at any time, up to and including Voting Day, has the right to amend this document to facilitate the vote, counting of the votes and security. A copy of the amendment will be forwarded to each candidate.

30.2. The Clerk's ruling on any interpretation of this document is final.

DATED at the TOWN OF INGERSOLL this 13th day of April, 2022.

Danielle Richard
Clerk
Town of Ingersoll

Procedures for Scrutineers

1. General

- 1.1. A candidate may appoint scrutineers to represent him or her during the processing and at the tabulating of the votes, including during a recount.
- 1.2. The appointment of a scrutineer shall be in writing if made by a candidate or applicant for a recount.
- 1.3. A scrutineer shall, on request, show his or her appointment to the designated Election Official in charge of the Return Envelope and Inner Ballot Secrecy Envelope processing or of a place where votes are being tabulated.
- 1.4. Scrutineers may be present when Return Envelopes, Inner Ballot Secrecy Envelopes or ballots are being processed and when the votes are being tabulated. The scrutineers that may be present include:
- 1.5. One (1) scrutineer appointed for each certified candidate for each vote tabulator in operation. (In this situation, the number of scrutineers who may be present is reduced by one while the candidate who appointed them is present).
- 1.6. There is no age or relation to the candidate restriction relative to the appointment of scrutineers.
- 1.7. The appointment of the scrutineer must be in writing on the Clerk's prescribed form.
- 1.8. Scrutineers will be provided an area within the "Counting Location" for their use. Cell phones or other equipment will not be permitted in the Counting Location other than for designated Election Officials. Scrutineers shall not interfere with the vote count in any manner either during the sequestered period or during the vote counting procedure. Should they do so, they shall be required to leave the facility when so requested by the designated Election Official.
- 1.9. No campaign material will be allowed within the Counting Location on Voting Day.
- 1.10. A candidate or scrutineer arriving at the Counting Centre after 12:00 p.m. and before 8:00 p.m. on Voting Day will be permitted to enter, but will not be permitted to return once they leave the Counting Centre, except for washroom breaks as outlined in Section 21.
- 1.11. A candidate or scrutineer will not be permitted to enter the Counting Centre after 8:00 p.m. on Voting Day.

- 1.12. The Clerk shall accommodate each candidate or scrutineer at the Counting Centre who intends to view the tabulation of vote and who, at least seven (7) calendar days before the election, notifies the Clerk in writing of that intention.

2. Rights of Scrutineers (includes candidates)

- 2.1. To be present during all processing and counting of Return Envelopes, Inner Ballot Secrecy Envelopes and ballots;
- 2.2. To inspect the ballot boxes and the ballots and other papers, forms and documents relating to the vote (but not so as to unduly delay processing);
- 2.3. To examine each ballot as votes are counted (but not to touch the ballot);
- 2.4. To object to a Return Envelope, Inner Ballot Secrecy Envelope or a ballot or the counting of votes in a ballot;
- 2.5. To sign the Statement of Results prepared by the Deputy Returning Officer;
- 2.6. To place a seal on the ballot box after the counting of the votes when the Deputy Returning Officer seals the box;
- 2.7. A scrutineer may object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The Deputy Returning Officer alone shall decide all objections.
- 2.8. Notwithstanding Section 2.4 above, to protect the secrecy of the vote, candidates or scrutineers will not be able to examine ballots or to object to ballots as ballots are fed into the Vote Tabulators by the designated Election Official.

3. Prohibitions on Scrutineers (includes candidates)

- 3.1. Scrutineers and candidates are prohibited from:
 - i. Attempting directly or indirectly to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate at the Ballot Return Station;
 - ii. Displaying a candidate's election campaign material at the Ballot Return Stations during the election period and within the Counting Centre on Voting Day;
 - iii. Compromising the secrecy of the voting;
 - iv. Interfering or attempting to interfere with an elector who is marking a ballot;
 - v. Obtaining or attempting to obtain, at a Ballot Return Station, any information about how an elector intends to vote or has voted; and
 - vi. Communicating any information about how an elector intends to vote or has voted.

Amendments to the Procedures: None at this time

APPENDIX B

2022 Home-Assisted Vote Retrieval Procedure

The following outlines the logistics of Ingersoll's Home-Assisted Voting Procedure. Voters who reside in Ingersoll may request a home visit if they are prevented from leaving their residence in order to obtain their vote by mail kit from the mail, or return their completed vote by mail kit through Canada Post or Town Hall located at 130 Oxford St. 2nd Floor, Ingersoll ON.

Note: Due to the nature of home visits, candidates and scrutineers are not permitted to attend scheduled home-assisted vote retrievals.

Home-Assisted Vote Retrieval Dates and Times

To be arranged on a case-by-case basis.

Requesting a Home Visit

Voters may request a home visit between late September (when the vote by mail kits are mailed to electors), until October 14th at noon. Voters are encouraged to contact Town Hall as soon as possible to arrange for a home visit.

Voters can request a home visit by phoning Town Hall at (519) 485-0120 or by emailing clerks@ingersoll.ca

Scheduling a Home Visit

Role	Step
Voter	Contact Town Hall to request a home visit. Note: if the voter emails to request a home visit, staff will call the voter to schedule the visit.
Election Staff	1. Advise the voter that home visits are provided to persons who are unable to leave their homes and confirm that the voter is unable to leave their home due to illness, injury or disability either to retrieve their vote by mail kit or return their kit in mail or to Town Hall. Note: Do not inquire as to the illness, injury or circumstance that necessitates the home visit.
	2. Request the voter's name and log into voterview to determine if the voter: a) Is on the voters' list and if so: I. Verify the voter's address and school support II. Determine if he or she has already voted.

b) Has received their vote by mail kit (take into consideration the date of the request to determine if the vote by mail kit should have been delivered to the voter).

*Note: if voterview indicates that the voter has been sent a vote by mail kit but he or she is unable to retrieve their kit from the mail, has not received their vote by mail kit or has misplaced, lost or damaged their kit, procedures established under sections 13.19 to 13.23 of this procedure manual for issuing a replacement kit must be followed.

Individuals not on the voters' list or whose information is incorrect:

- Determine the voter's address to verify that he or she is eligible to vote in the Ingersoll municipal elections.
- If the voter is eligible, inform him/her that they will need to complete the 'Application to Amend the Voters' List (form EL15) be added to the voters' list or to have their information corrected. Valid ID is required for all additions to the list.

Scheduling the Home Visit

- Provide the voter with an overview of the home-assisted vote retrieval process based on the needs of the voter including if the visit:
 - Is to retrieve the completed vote by mail kit, if so, refer to the Home-Assisted Vote Retrieval Procedure;
 - Is to enable the voter to complete their ballot and/or add or change their voters' list information. Inform the voter that they will need to provide an acceptable form of ID. Proceed to Home-Assisted Vote Casting and Retrieval Procedure.
- Schedule the home visit based on the availability of the voter and election officials.
- Complete the home visit scheduling form noting the voter's address and contact information as well as any accessibility needs.
- Ask that if the voter has any pets that they be kept in a separate room for the duration of the visit.

Home-Assisted Vote Retrieval Procedure – Vote Retrieval

Procedure to be followed when the voter has completed the steps of the vote by mail kit and is unable to return the kit via Canada Post or to the Municipal Office.

- Staff will arrive at the voter's home with a portable ballot box and will have the voter place their ballot contained in its secrecy envelope in the secure ballot box, or place the ballot in the box in view of the voter if he or she is unable to do so themselves.
- Staff will update Home Assisted spreadsheet to indicate that the individual has voted.
- Ballots will be processed in accordance with section 19 of the procedure manual.

Home-Assisted Vote Retrieval Procedure – Vote Casting and Retrieval

Procedure to be followed when the voter must be issued a ballot (replacement or due to being added to the voters' list).

- Staff will follow the proper procedure for issuing a ballot to the elector and where necessary will collect appropriate EL15 forms and amend or add the voter to the voterview system.
- If a replacement kit is to be issued the procedures established under sections 13.19 to 13.23 of the Procedure manual will be followed.
- The voter will be provided the vote by mail kit and the opportunity to complete their ballot in private.
- If the voter requires assistance from a support person to complete the ballot the oral oath (Form EL27) will be given.
- Once completed, the voter will place their ballot contained in the secrecy envelope in the secure ballot box.
- Staff will update Home Assisted spreadsheet to indicate that the individual has voted.
- Ballots will be processed in accordance with section 19 of the procedure manual.

Staff will always travel with:

- A secure ballot box
- extra secrecy envelopes
- replacement voting kits and replacement voting kit declaration forms
- Extra EL15 Forms
- Form EL27 – Oral Oath of Friend or Interpreter/Assistance
- A copy of the Procedures for the 2022 Municipal Elections and Alternative Voting Method

COVID 19 Protocols

Appropriate health and safety protocols will be followed to limit the spread of COVID-19. Health measures may include, but not be limited to:

- Masking
- Pre-screening of the voter and household members for symptoms of COVID-19
- Physical distancing

Safety measures to be adhered to will be based on the most up-to-date recommendations of Southwestern Public Health.

Instructions

It is the responsibility of the person being nominated to file a complete and accurate nomination paper. Please print or type information (except signatures).

Nomination paper of a person to be a candidate at an election to be held in the following municipality

Nominated for the Office of	Ward Name or Number (if any)
-----------------------------	------------------------------

Nominee's name as it is to appear on the ballot paper (subject to agreement of the municipal clerk)	
Last Name or Single Name	Given Name(s)

Nominee's full qualifying address within municipality		
Suite/Unit Number	Street Number	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Mailing Address	<input type="checkbox"/> Same as qualifying address	
Suite/Unit Number	Street Number	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

If nominated for school board, full address of residence within its jurisdiction		
Suite/Unit Number	Street Number	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Email Address	Telephone Number	Telephone Number 2
---------------	------------------	--------------------

Declaration of Qualification

I, _____, declare that I am presently legally qualified (or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada) to be elected and to hold the office for which I am nominated.

Signature of Nominee

Date (yyyy/mm/dd)

Date Received (yyyy/mm/dd)	Time Received	Initial of Nominee or Agent (if filed in person)	Signature of Clerk or Designate
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Certification by Clerk or Designate

I, the undersigned clerk of this municipality, do hereby certify that I have examined the nomination paper of the aforesaid nominee filed with me and am satisfied that the nominee is qualified to be nominated and that the nomination complies with the Act.

Signature

Date Certified (yyyy/mm/dd)

Instructions

- Candidates must obtain 25 original signatures.
- An individual providing an endorsement signature must be a Canadian citizen, aged 18 or older and have a qualifying address in the municipality. An individual may sign an endorsement for more than one person seeking nomination.
- The qualifying address provided must include the postal code.

Personal information collected on this form is obtained under the authority of sections 33 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open.

Name of person seeking nomination

Last Name or Single Name

Given Name(s)

Endorsement signatures for the nomination of a person for an office in the municipality of _____ in the year _____.

Name of person providing endorsement – 1

Last Name or Single Name

Given Name(s)

Qualifying Address

Suite/Unit Number

Street Number

Street Name

Municipality

Province

Postal Code

I endorse _____ as a candidate and declare that I am qualified to be an elector in this municipality.

Signature

Date (yyyy/mm/dd)

Delete

Name of person providing endorsement – 2

Last Name or Single Name

Given Name(s)

Qualifying Address

Suite/Unit Number

Street Number

Street Name

Municipality

Province

Postal Code

I endorse _____ as a candidate and declare that I am qualified to be an elector in this municipality.

Signature

Date (yyyy/mm/dd)

Delete

Instructions

- Candidates must obtain 25 original signatures.
- An individual providing an endorsement signature must be a Canadian citizen, aged 18 or older and have a qualifying address in the municipality. An individual may sign an endorsement for more than one person seeking nomination.
- The qualifying address provided must include the postal code.

Name of person providing endorsement – 3			
Last Name or Single Name		Given Name(s)	
Qualifying Address			
Suite/Unit Number	Street Number	Street Name	
Municipality		Province	Postal Code
I endorse _____ as a candidate and declare that I am qualified to be an elector in this municipality.			
_____		_____	<input type="button" value="Delete"/>
Signature		Date (yyyy/mm/dd)	

Name of person providing endorsement – 4			
Last Name or Single Name		Given Name(s)	
Qualifying Address			
Suite/Unit Number	Street Number	Street Name	
Municipality		Province	Postal Code
I endorse _____ as a candidate and declare that I am qualified to be an elector in this municipality.			
_____		_____	<input type="button" value="Delete"/>
Signature		Date (yyyy/mm/dd)	

Name of person providing endorsement – 5			
Last Name or Single Name		Given Name(s)	
Qualifying Address			
Suite/Unit Number	Street Number	Street Name	
Municipality		Province	Postal Code
I endorse _____ as a candidate and declare that I am qualified to be an elector in this municipality.			
_____		_____	<input type="button" value="Delete"/>
Signature		Date (yyyy/mm/dd)	

Instructions

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be immediately paid to the clerk who is responsible for the conduct of the election.

For the campaign period from (day clerk received nomination)

YYYY	MM	DD
------	----	----

to

YYYY	MM	DD
------	----	----

Initial filing reflecting finances from start of campaign to December 31 (or 45 days after voting day in a by-election)

Supplementary filing reflecting finances from start of campaign to end of extended campaign period

Box A: Name of Candidate and Office

Candidate's name as shown on the ballot

Last Name or Single Name	Given Name(s)
--------------------------	---------------

Office for Which the Candidate Sought Election	Ward Name or Number (if any)
--	------------------------------

Municipality

Spending Limit General \$	Parties and Other Expressions of Appreciation \$	Contribution Limit Contributions from Candidate and Spouse \$
---------------------------------	---	---

I did not accept any contributions or incur any expenses. (Complete Boxes A and B only)

Box B: Declaration

I, _____, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Signature of Candidate

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Candidate or Agent (if filed in person)	Signature of Clerk or Designate
-------------------------	------------	--	---------------------------------

Box C: Statement of Campaign Income and Expenses

* Note – No entry is required. Values will auto-populated once the applicable details are calculated.

LOAN

Name of bank or recognized lending institution Amount borrowed
\$

INCOME

Total amount of all contributions (from line 1A in Schedule 1)	+ \$		see Note *
Revenue from items \$25 or less	+ \$		
Sign deposit refund	+ \$		
Revenue from fundraising events not deemed a contribution (from Part III of Schedule 2)	+ \$		see Note *
Interest earned by campaign bank account	+ \$		
Other (provide full details)			
1.	+ \$		-
2.	+ \$		-
3.	+ \$		-
4.	+ \$		-
5.	+ \$		-
6.	+ \$		-
		Add Item (+)	
Total Campaign Income (Do not include loan)		= \$	C1

EXPENSES (Note: Include the value of contributions of goods and services)

1. Expenses subject to general spending limit

Inventory from previous campaign used in this campaign (list details in Table 2 of Schedule 1)	+ \$		see Note *
Advertising	+ \$		
Brochures/flyers	+ \$		
Signs (including sign deposit)	+ \$		
Meetings hosted	+ \$		
Office expenses incurred until voting day	+ \$		
Phone and/or internet expenses incurred until voting day	+ \$		
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$		
Bank charges incurred until voting day	+ \$		
Interest charged on loan until voting day	+ \$		
Other (provide full details)			
1.	+ \$		-
2.	+ \$		-
3.	+ \$		-
4.	+ \$		-
5.	+ \$		-
6.	+ \$		-
		Add Item (+)	
Total Expenses subject to general spending limit		= \$	C2

2. Expenses subject to spending limit for parties and other expressions of appreciation

1.	+	\$			
2.	+	\$			
3.	+	\$			
4.	+	\$			
5.	+	\$			

Add Item (+)

Total Expenses subject to spending limit for parties and other expressions of appreciation = \$ **C3**

3. Expenses not subject to spending limits

Accounting and audit	+	\$			
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+	\$			see Note *
Office expenses incurred after voting day	+	\$			
Phone and/or internet expenses incurred after voting day	+	\$			
Salaries, benefits, honoraria, professional fees incurred after voting day	+	\$			
Bank charges incurred after voting day	+	\$			
Interest charged on loan after voting day	+	\$			
Expenses related to recount	+	\$			
Expenses related to controverted election	+	\$			
Expenses related to compliance audit	+	\$			
Expenses related to candidate's disability (provide full details)					

1.	+	\$			
2.	+	\$			
3.	+	\$			
4.	+	\$			
5.	+	\$			

Add Item (+)

Other (provide full details)					
1.	+	\$			
2.	+	\$			
3.	+	\$			
4.	+	\$			
5.	+	\$			

Add Item (+)

Total Expenses not subject to spending limits = \$ **C4**

Total Campaign Expenses (C2 + C3 + C4) = \$ **C5**

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses
(Income minus Total Expenses) (C1 – C5) + \$ **D1**

If there is a surplus, deduct any refund of candidate's or spouse's contributions to the campaign - \$

Surplus (or deficit) for the campaign = \$ **D2**

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who is responsible for the conduct of the election.

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse	+ \$		
Contributions in goods and services from candidate and spouse (include value listed in Table 1 and Table 2)	+ \$		see Note *
Total value of contributions not exceeding \$100 per contributor • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+ \$		
Total value of contributions exceeding \$100 per contributor (from line 1B; list details in Table 3 and Table 4) • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+ \$		see Note *
Less: Ineligible contributions paid or payable to the contributor Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	– \$		
Total Amount of Contributions (record under Income in Box C)	= \$	1A	

Part II – Contributions from candidate or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)	
			–
			–
			–
			–
			–
Total			

Add Item (+)

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
(Note: Value must be recorded as a contribution from the candidate and as an expense.)**

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value (\$)	
					–
					–
					–
					–
					–
Total					

Add Item (+)

Additional information is listed on separate supplementary attachment, if completed manually.

Part III – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 3: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)	
					—
					—
					—
					—
					—
					—
					—
					—
					—
Total					

Add Item (+)

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 4: Contributions in goods or services from individuals other than candidate or spouse
(Note: Must also be recorded as Expenses in Box C.)**

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)	
					—
					—
					—
					—
					—
					—
					—
					—
					—
Total					

Add Item (+)

Additional information is listed on separate supplementary attachment, if completed manually.

**Total for Part III – Contributions exceeding \$100 per contributor
(Add totals from Table 3 and Table 4 and record the total in Part 1 – Summary of Contributions)**

\$ _____ **1B**

Schedule 2 – Fundraising Events and Activities

Complete a separate schedule for each event or activity held.

Additional schedule(s) attached, if completed manually.

Fundraising Event/Activity 1

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket revenue

Admission charge (per person)	\$		2A
(If there are a range of ticket prices, attach complete breakdown of all ticket sales)			
Number of tickets sold	x		2B
Total Part I (2A X 2B) (include in Part I of Schedule 1)			= \$

Part II – Other revenue deemed a contribution

Provide details (e.g., revenue from goods sold in excess of fair market value)

1.		+ \$		-
2.		+ \$		-
3.		+ \$		-
4.		+ \$		-
5.		+ \$		-

Add Item (+)

Total Part II (include in Part I of Schedule 1) = \$ _____

Part III – Other revenue not deemed a contribution

Provide details (e.g., contribution of \$25 or less; goods or services sold for \$25 or less)

1.		+ \$		-
2.		+ \$		-
3.		+ \$		-
4.		+ \$		-
5.		+ \$		-

Add Item (+)

Total Part III (include under Income in Box C) = \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1.		+ \$		-
2.		+ \$		-
3.		+ \$		-
4.		+ \$		-
5.		+ \$		-

Add Item (+)

Total Part IV Expenses (include under Expenses in Box C) = \$ _____

Remove Event (-)

Add Event (+)

Auditor's Report – Municipal Elections Act, 1996 (Section 88.25)

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality	Date (yyyy/mm/dd)
--------------	-------------------

Contact Information

Last Name or Single Name	Given Name(s)	Licence Number
--------------------------	---------------	----------------

Address		
Suite/Unit Number	Street Number	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Telephone Number	Email Address
------------------	---------------

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.25 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

[Save Form](#)

[Print Form](#)

[Clear Form](#)



Certificate of Maximum Expenses and Maximum Contributions to a Candidate's Own Election Campaign 2022 Municipal Elections

All candidates must retain this document, sign its acknowledgment page, and return the acknowledgment page to the Town Clerk's Office before the candidate's nomination will be certified. Section 88.9.1 of the *Municipal Elections Act* states "a candidate for an office on a council and his or her spouse shall not make contributions to the candidate's own election campaign that, combined, exceed an amount calculated in accordance with that section". This limit does not apply to school board trustee candidates.

Section 88.20 (6) of the *Municipal Elections Act* states that during the period that begins on the day a candidate is nominated under section 33 and ends on voting day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula. This amount does not apply to expenses described in Paragraphs 3 and 5 to 9 of subsection 88.19 (3) listed on page 2.

In accordance with the requirements of section 33.0.1 and 33.0.2 of the *Municipal Elections Act*, 1996 as amended, I hereby certify that the preliminary calculation of the maximum amounts described in section 88.9.1 and 88.20 (6) are as follows:

Mayor

Maximum Contributions to a Candidate's Own Campaign (88.9.1(1)(a))	\$9,309.20
Maximum Campaign Expense Limit (O. Reg. 101/97)	\$15,189.10

Deputy Mayor and Town Councillor

Maximum Contributions to a Candidate's Own Campaign (88.9.1(1)(a))	\$6,809.20
Maximum Campaign Expense Limit (O. Reg. 101/97)	\$12,689.10

The number of electors used for the final calculation of contribution and spending limits will be the greater of the number determined from the voters' list from the 2018 election as it existed on September 15, 2018, or the number determined from the voters' list for the 2022 election as it exists on September 15, 2022. The contribution and expense limits using the 2018 information have been included in this certificate. The Clerk will provide a "final" maximum contribution and spending limit calculation using the number of voters eligible to vote in the 2022 election (if the number of eligible voters is greater than that of 2018) to each certified candidate **on or before September 25, 2022.**

A certificate of the applicable maximum amounts is hereby given in accordance with the provisions of the *Municipal Elections Act*, 1996.

Danielle Richard, Clerk



Expenses

Section 88.19 (3) of the Municipal Elections Act states that: (3) without restricting the generality of subsections (1) and (2), the following amounts are expenses:

1. The replacement value of goods retained by the person, individual, corporation or trade union from any previous election in the municipality and used in the current election.
2. The value of contributions of goods and services.
3. Audit and accounting fees.
4. Interest on loans under section 88.17.
5. The cost of holding fund-raising functions.
6. The cost of holding parties and making other expressions of appreciation after the close of voting.
7. For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).
8. Expenses relating to a compliance audit.
9. Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
10. The cost of election campaign advertisements (within the meaning of section 88.3) or third party advertisements, as the case may be.



Certificate of Maximum Expenses and Maximum Contributions to a Candidate's Own Election Campaign Acknowledgement 2022 Municipal Election

In accordance with the requirements of section 33.0.1 and 33.0.2 of the *Municipal Elections Act*, 1996 as amended, I hereby acknowledge receipt of the maximum amounts described in section 88.9.1 and 88.20 (6) of the *Municipal Elections Act*, 1996 as amended.

I understand that the following amounts represent the preliminary calculation of the maximum campaign expenses for the office to which I have filed nomination papers (check the office to which you are a candidate):

Mayor

Maximum Contributions to a Candidate's Own Campaign (88.9.1(1)(a))	\$9,309.20
Maximum Campaign Expense Limit (O. Reg. 101/97)	\$15,189.10

Deputy Mayor and Town Councillor

Maximum Contributions to a Candidate's Own Campaign (88.9.1(1)(a))	\$6,809.20
Maximum Campaign Expense Limit (O. Reg. 101/97)	\$12,689.10

Candidate Name

Candidate's Signature

Date



NOTICE TO CANDIDATE OF FILING REQUIREMENTS

Municipal Elections Act, 1996 (s.88.25)

TO:

_____ / _____ (Name of Candidate) (Office)
_____ / _____ (Address) (Postal Code)

FROM: The Clerk or designated election official of the Corporation of the Town of Ingersoll

TAKE NOTICE EVERY CANDIDATE SHALL FILE by March 31, 2023, with the Clerk with whom their nomination was filed a financial statement and auditor's report in accordance with s.88.25 of the Municipal Elections Act, 1996.

88.25

- 1) On or before 2:00 p.m. on the filing date, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,
 - (a) in the case of a regular election, as of December 31 in the year of the election;
 - (b) in the case of a by-election, as of the 45th day after Voting Day.
- 2) If a candidate's election campaign ends as described in paragraph 3 of subsection 88.24(1), the financial statement and auditor's report must reflect the candidate's election campaign finances as of the day the election campaign period ended.
- 3) If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30.
- 4) If the candidate's election campaign period continues during all or part of the supplementary filing period, the candidate shall, before 2:00 pm on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.
- 5) If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24(1) and the election campaign period continued during all or part of the supplementary filing period, the candidate shall, before 2:00 pm on the supplementary filing date, file a supplementary financial statement and auditor's report for the period commencing on the day the candidate's election campaign period ends and including the six-month period following the year of the election.
- 6) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1) updated to reflect the changes to the candidate's campaign finances during the supplementary reporting period.
- 7) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*.
- 8) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000.

_____ Date

_____ Municipal Clerk or designate

Note: At least 30 days before the filing date, the Clerk shall give notice to candidates of all the filing requirements under MEA, s.88.25, along with the candidate's entitlement to receive a refund of the nomination filing fee if he or she meets the requirements of MEA, s.34 and the penalties set out in MEA, s.88.23(2) and s.92(1)

Notice to be given in accordance with MEA, s.13.

Also Note: If the Clerk has provided for electronic filing, candidates must also be advised of this option and consequences or limitations associated with.



NOTICE OF PENALTIES – CANDIDATE

Municipal Elections Act, 1996 (s.33.1)

TO:

_____ / _____ (Name of Candidate)	_____ / _____ (Office)
_____ / _____ (Address)	_____ / _____ (Postal Code)

FROM: The Clerk or designated election official of the Corporation of the Town of Ingersoll

Take notice that a candidate shall be subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) if the candidate fails to file documents with the Municipal Clerk as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the Municipal Clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

Take notice that a candidate shall be guilty of an offence and, on conviction, is subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

Penalties

In the case of a default described above:

- (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the *Municipal Elections Act* applies.

Refund

A candidate is entitled to receive a refund of the nomination filing fee if the documents (financial statement and auditor's report) required under subsection 88.21(1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

The Clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 88.23(1) and 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.



VOTERS' LIST REQUEST & CANDIDATE'S DECLARATION - PROPER USE OF VOTERS' LIST

Municipal Elections Act, 1996 (s.23(4) (5));

Pursuant to the provisions of Section 23(4) of the Municipal Elections Act, 1996, as amended, certified candidates are entitled to receive a copy of the part of the voters' list that contains the names of the electors who are entitled to vote for that office. This copy is not permitted to be delivered prior to September 1, 2022.

I, _____, being a candidate for the office of _____, hereby request the Clerk to provide me with the following information when it becomes available:

A paper copy of the Voters' List. Please note that a copy of all revisions made to the Voters' List will be provided on or before Monday, September 25, 2022.

OR

An electronic copy of the Voters' List. Please note that a copy of all revisions made to the Voters' List will be provided on or before Monday, September 25, 2022.

I, the undersigned, do hereby agree to use the Voters' List for election purposes only and I understand that I am prohibited by the *Municipal Elections Act, 1996* from using the Voters' List for commercial purposes and from publishing, posting or making the list available to the public in any manner.

Signature:

Date

Name: _____
(please print)



Consent to Release Information
2022 Municipal and School Board Election
(Municipal Freedom of Information and Protection of Privacy Act)

Personal information on the Nomination Paper – Form 1 is collected under the authority of the *Municipal Elections Act* and will be used to assist the Clerk in the administration of the 2022 Municipal Election. Questions regarding the collection of this information should be forwarded to the Clerk, 130 Oxford St. 2nd Floor, Ingersoll ON, N5C 2V5 (519) 485-0120.

Name of Candidate: _____

Candidate for the office of:

- Mayor
- Deputy Mayor
- Councillor

I the undersigned, acknowledge that the Nomination Paper – Form 1 that I have filed with the Clerk contains personal information and I am aware that the document is a public record under the *Municipal Elections Act, 1996* and may be inspected by any person.

I further acknowledge that the Town of Ingersoll's website will include a list of all candidates, the office for which they are running and their qualifying address. I request the following additional contact information to also be posted:

Campaign Phone Number _____

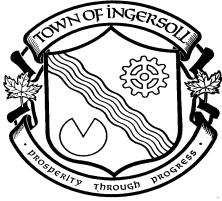
Campaign Email _____

** I understand that I may not incur any campaign expenses (including costs incurred to establish a dedicated campaign email address and/or phone number, where relevant), until the date my nomination is filed.*

Candidate Signature

Date

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, and will be used for authorizing candidate information to be placed on the Town of Ingersoll's website. Questions about this collection of personal information should be directed to the Clerk, 130 Oxford St. 2nd floor, Ingersoll ON, N5C 2V5.



**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 08-4432**

**A By-law Respecting Miscellaneous Signs and Other Advertising Devices
Not Requiring Permits
Within The Town Of Ingersoll**

PART 1.0

TITLE, SCOPE AND INTENT OF NON PERMIT SIGN BY-LAW

1.1 TITLE

This By-law shall be known as the “Town of Ingersoll NO PERMIT Sign By-law”.

1.2 SCOPE

- (a) This By-law shall regulate the location, size, number, construction, alteration, repair and maintenance of all signs and advertising devices within the geographic boundaries of the Town of Ingersoll.
- (b) All schedules attached to this By-law form part of this By-law.
- (c) All signs and advertising devices located on public and private Property within the geographic boundaries of the Town of Ingersoll are subject to the provisions of the By-law.
- (d) This By-law does not apply to signs erected, located or displayed or caused to be erected, located, or displayed by federal, provincial or municipal governments, the Conservation Authority or a local board as defined in the Municipal Act, 2001, as amended, including, but not limited to signs designating a public arena, museum, signs required by the Town of Ingersoll to inform the public of planning applications submitted under the Planning Act and TODs signs.
- (e) Notwithstanding, subsection 1.2 (d), the applicable regulations under this By-law for Ground Signs or Wall Signs shall apply to signs that function as Ground Signs or Wall Signs.

1.3 INTENT

The purpose of this By-law is to regulate signs in the Town of Ingersoll with the intent of authorizing signs that:

- (a) are appropriate in size, number, and location to the type of activity or use to which they pertain;
- (b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;
- (c) are compatible with their surroundings;
- (d) protect and enhance the aesthetic qualities and visual character of the Town of Ingersoll;
- (e) do not create a distraction or safety hazard for pedestrians or motorists;
- (f) minimize adverse impacts on nearby public and private property;
- (g) regulate signs while impairing the public's right to expression as little as possible and in proportion to the purpose of this By-law.

2.0 ADMINISTRATION

This By-law shall be administered by a Municipal Law Enforcement Officer or the Chief Building Official for the Town of Ingersoll.

3.0 INTERPRETATION

- (a) Words importing the singular number or the masculine gender may include more persons, parties or things of the same kind than one, and females as well as males in the converse.
- (b) The word "shall" is mandatory and the word "may" is permissive.

4.0 DEFINITIONS

In this By-law:

"Abandoned sign" means a sign located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign that pertains to a time event or purpose that no longer applies.

"Advertising device" means any device or object erected or located so as to attract public attention to any goods or services or facilities or event and includes, flags, banners, pennants and lights.

"Banner" means a sign or advertising device made exclusively of one ply eighteen-ounce polar flex vinyl or approved equal.

"Candidate" shall have the same meaning as in the Canada Elections Act, the Election act (Ontario) or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996.

“Construction Information Sign” means a sign which identifies or provides information relating to or advertising the development or the construction of a building on the property on which the sign is erected, located, or displayed but does not include a New Home Development Ground Sign.

“Construction site sign” means a temporary sign that

- a) includes, in whole or in part, information promoting a development and may identify component parts of such building or structure and the persons involved in its design and construction.
- b) relates to or advertises the construction or sale of a building structure on the property.

“copy” means the graphic content of a sign surface in either permanent or removable letter, pictorial; symbolic, or numeric form.

“Council” means the Council of the Town of Ingersoll.

“Designated Official” means a Municipal Law Enforcement Officer for the Town of Ingersoll and or the Chief Building Official.

“Directional sign” means any sign on a property which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

“Election Sign” means a sign advertising or promoting or relating to the election of a political party, candidate for public office in a federal, provincial or municipal election, or an authorized question on the ballot.

“Garage sale sign” means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential.

“Grade” means the average surface elevation of the finished ground below a sign or which is in contact with a ground sign.

“Height” means the vertical dimension between the average grade at the base of a building or structure and the highest point of such building or structure or part thereof.

“Incidental sign” means a sign containing information that has a purpose incidentally related to the use or occupancy of a property and which sign is intended to assist the public with the location of business facilities or provides courtesy or directional information but is not an advertisement.

“Inflatable sign” means a sign or an advertising device filled with air or gas and tethered to the ground, a vehicle or any structure and shall include balloons and any other inflatable advertising sign.

“Information sign” means a sign for public safety or convenience regulating traffic, parking or other functional subdivision of the property or a sign denoting sections of a building and bearing no commercial advertising.

“Official sign” means any sign required by a federal or provincial statute or regulation or by a municipal by-law and shall include a traffic sign, street name sign and a permanent sign erected, located, or displayed on a street to inform the public of the location of public buildings, hospitals, public libraries, places of worship, parks, recreational or educational facilities.

“Open House Directional sign” means a temporary portable sign intended to direct traffic to a residence for sale or lease, but not include a New Home Development Portable Sign.

“Owner” means the registered owner of the Property, or the person or the person’s authorized agent in lawful control of a property.

“Person” means any individual, association, proprietorship, partnership, syndicate, company, corporation, firm, business, authorized agent, trustee and the heirs, executors or other legal representatives, or any combination of the foregoing.

“Poster” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice or placard.

“Premises” means a lot under registered ownership and includes all buildings and structures thereon.

“Property” means a parcel of land which can be legally conveyed pursuant to the Planning Act and includes any buildings and structures thereon.

“Public Property” means property, land, structure or building owned by the Town of Ingersoll or owned by the Federal or Provincial government(s).

“Real Estate sign” means a temporary non-illuminated sign displayed on property and advertising the sale, rent or lease of the property.

“Sidewalk Sign” means a freestanding sign which is typically shaped like an “A” or a “T” and has one or two sign faces.

“Sight Triangle” means the triangular space formed by the street lines of a corner lot, where such lot is located at the intersection of two (2) or more streets, and a line drawn from a point in one street to a point in the other street line, such point being nine (9) metres (29.5 ft) from the point of intersection of the street lines measured along the said street lines, and where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projected tangents of the street lines drawn through the extremities of the interior lot lines.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an Advertising Device.

“Sign area” means the entire area of the surface of a sign including the border or frame, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected, located, or displayed. Where there is no border or the sign is composed of individually installed letters, numerals or shapes, the sign area shall include all of the area of the smallest polygon containing a maximum of eight right angle sides that enclose the surface of the sign or the grouping of letters, numerals or shapes.

“Sign Owner” means any person described on the sign, or whose name and address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, and for the purposes of this definition, there may be more than one sign owner.

“Street” means a public highway or public road under the jurisdiction of the Town of Ingersoll, the County of Oxford but does not include a lane or right-of-way.

“Unsafe” when used with respect to a sign or sign structure means a condition that is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist.

“Zone” means any land use zone established in the zoning by-laws of the Town of Ingersoll and passed under the Planning Act or any predecessor or successor Act.

PART 5

GENERAL PROHIBITIONS AND REGULATIONS

- 5.1 No person shall erect, locate, or display or cause to be erected, located, or display a sign on a premise:

- (a) for which a permit has not been obtained, if a permit is required under this By-law;
- (b) which is not in compliance with this By-law or the conditions of any variance granted under this By-law;
- (c) listed in Schedule 'A' which is not in compliance with any regulation listed in the Schedule for that sign type;
- (d) which is not specifically permitted under this By-law;
- (e) which is on Town of Ingersoll property except as permitted by this By-Law;
- (f) which obstructs the view of any pedestrian or driver of a motor vehicle, obstructs the visibility of any traffic sign or device, or interferes with vehicular traffic in a manner that could endanger any person;
- (g) which illuminates any adjacent property or the path of vehicular traffic;
- (h) which is not maintained in a proper state of repair, becomes unslightly, becomes structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;
- (i) which the Designated Official has directed be removed; or,
- (j) which bears or displays the Town of Ingersoll logo, crest or seal in whole or in part, without the express written permission of the Town of Ingersoll;

5.1.2 A person shall be deemed to be erecting, locating, or displaying a sign if that person is the sign owner and directs, permits or fails to stop the erection, location or display of the sign.

5.1.3 No liability (including negligence) is borne by the Town of Ingersoll for damages or consequential losses arising from signs and/or related lighting that are erected or maintained which projects over any public highway, public right-of-way or public sidewalk in accordance with the provisions of this by-law. All signs and/or related lighting shall be the responsibility of the owner.

5.2 Banners Hanging Over Municipal Roads

5.2.1 No person shall erect, locate, or display a Banner except in accordance with the applicable regulations under Schedule 'A', the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.2.2 No Banner shall exceed 7.62 m (25 feet) in length or .61 m (24") in width.

5.2.3 A Banner shall have rope tunnels provided at the top and bottom of the banner. Such tunnels shall be securely sewn to the banner and of sufficient size to accommodate a minimum 1 cm (3/8") diameter poly or nylon rope. Brass eyelets will be sewn into the perimeter of the banner, approximately every .914 m (3 feet).

- 5.2.4 The Banner material will be one ply eighteen-ounce polar flex vinyl or approved equal and contain half moon openings to reduce wind loading throughout the face of the banner. Final approval of banner specifications, material, etc. must be obtained from the Town Engineering Services Co-Ordinator and Erie Thames Power, Operations Manager.
- 5.2.5 Cost per banner installation will be established by Erie Thames Power and payable to the Town of Ingersoll prior to installation.
- 5.2.6 Banners to be erected over Municipal Roads are subject to the approval of Erie Thames Power, Engineering Co-Ordinator and the Clerk for the Town of Ingersoll.
- 5.3 Banners – Private Property
- 5.3.1 No person shall erect, locate or display a Banner except in accordance with the applicable regulations under Schedule ‘A’, the applicable general regulations under this by-law, and the specific regulations under this section of the By-law.
- 5.3.2 No Banner shall exceed 7.62 m (25’) in length or .061 (24”) in width.
- 5.3.3 No Banner shall be erected, located or displayed on a Property for more than twenty-eight (28) days in one calendar year.
- 5.3.4 No Banner advertising a special event shall be erected, located, or displayed on fencing adjacent to a Street unless the special event is organized by a Charity or Community Organization and the Charity or Community Organization has obtained the permission of the Owner of the Property on which the fence is located.
- 5.3.5 Notwithstanding subsection 5.3.3, and subject to the other requirements for Banners in this by-law, one Banner, advertising a grand opening or closing promotional event, may be erected, located or displayed on a Property for seven (7) consecutive days, provided that:
- (a) the Banner shall advertise a grand opening or closing promotional event for a business only once;
 - (b) where the Banner advertises a grand opening or closing promotional event for a business, a Mobile sign shall not also advertise that grand opening or closing promotional event; and
 - (c) the Banner is attached only to a wall of the building containing the sign or only to a Ground sign.

5.4 Sidewalk Signs

- 5.4.1 No person shall erect, locate, or display a Sidewalk sign except in accordance with the applicable regulations under Schedule 'A', the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.4.2 No Sidewalk sign shall be more than 0.61 m (2') in width or 0.91 m (3') in height.
- 5.4.3 No Sidewalk sign shall be permanently secured to the ground, any structure or tree.
- 5.4.4 Where a Sidewalk sign is erected, located, or displayed on private Property, it shall be erected, located, or displayed against the front wall of the business it is advertising.
- 5.4.5 No Sidewalk sign shall be erected, located, or displayed on public Property except on a public sidewalk.
- 5.4.6 Where a Sidewalk sign is erected, located, or displayed on a public sidewalk, it shall be erected, located, or displayed adjacent to the curb opposite or against the front wall of the business it is advertising provided there is a minimum 1.5 metres (4.92 feet) of unobstructed sidewalk.
- 5.4.7 No person shall erect, display or locate a Sidewalk sign on a public sidewalk except during the hours of operation of the business the Sidewalk sign is advertising.
- 5.4.8 No Sidewalk sign shall be erected, located, or displayed on a public sidewalk without a permit issued by the Town of Ingersoll and the permit shall be valid for one (1) calendar year.
- 5.4.9 No Sidewalk sign shall be erected, located, or displayed on a public sidewalk without displaying a Validation Marker and the Sign Owner shall satisfy the Town of Ingersoll's requirements for liability insurance.

5.5 Poster

- 5.5.1 No person shall erect, locate, or display a Poster except in accordance with Schedule 'A' and the general regulations applicable under this By-law.
- 5.5.2 Notwithstanding Schedule 'A' and any general regulations applicable under this By-law, the Town of Ingersoll may remove and dispose of Posters without notice or compensation to any person.

5.6 Election Signs

- 5.6.1 No person shall erect, locate, or display an Election sign except in accordance with the applicable regulations under Schedule 'A', the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.6.2 The maximum size of an Election sign is 1.486 m² (16 ft²) square feet for each sign face.
- 5.6.3 No person or his agent shall erect, locate, or display an Election sign unless it is erected, located, or displayed on private property, except as a Poster subject to all of the regulations regarding Posters in this By-law and to subsections 5.6.4, 5.6.5 and 5.5.7.
- 5.6.4 No Election sign associated with a federal or provincial election shall be erected, located or displayed earlier than the date the writ of election is issued, with the exception of signage at a Campaign Office.
- 5.6.5 No Election sign associated with a municipal election shall be erected, located, or displayed earlier than twenty-eight (28) days prior to voting day, with the exception of signage at a Campaign Office.
- 5.6.6 Any sign used by a candidate during an election that is larger than an Election Sign shall comply with the regulations of this By-law with respect to permits, structure, location, dimensions, and characteristics.
- 5.6.7 All Election signs shall be removed no later than three (3) days after the voting day of the election for which the Sign was erected, located, or displayed. For the purpose of this subsection, the candidate shall be responsible for the removal of the Election signs.

PART 6

REGULATIONS FOR PARTICULAR TYPES OF SIGNS

- 6.1 The following signs are prohibited under this By-law and no person shall display
- (a) any flashing or animated sign, with the exception of an Electronic Message Display as permitted under this By-law;
 - (b) any projecting sign except as permitted under this By-law;
 - (c) any roof sign;
 - (d) any sign erected, located, or displayed within a sight triangle;
 - (e) any sign displayed on a vehicle, trailer or truck which is parked or located on property in a manner that is unrelated to its normal use as a vehicle and

is more consistent with the use of the vehicle as a sign, save and except a vehicle, trailer or truck owned by a non-profit organization that may be granted permission to obtain a permit for a period not to exceed 21 days and located on private property only;

- (f) any sign which obstructs or is erected, located or displayed in a parking space required by the zoning by-laws of the Town of Ingersoll.

- 6.1.2 Where a sign is not expressly permitted by this By-law, it shall be deemed to be prohibited.
- 6.1.3 Where a type of sign is not specifically permitted within a particular zone or on a property with a particular zoned use under Schedule 'A', it shall be deemed to be prohibited within that Zone or on that property.
- 6.1.4 Notwithstanding subsections 6.1.2 and 6.1.3 and subject to the approval of Council, signs of street furniture erected, located, or displayed by the Town of Ingersoll are exempt from this By-law.

PART 7 PENALTIES AND ENFORCEMENT

- 7.1 Every person who contravenes any provision of this By-law is guilty of an offence. Pursuant to the provisions of the *Provincial Offences Act*, upon conviction a person is liable to a fine of not more than \$5,000.00 exclusive of costs.
- 7.2 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 Where a sign is erected, located, or displayed on, over, partly on, or partly over, property owned by or under the jurisdiction of the Town of Ingersoll and not in accordance with the regulations of this By-law, the sign may be removed immediately by the Town of Ingersoll without notice or compensation.
- 7.4 Where a sign is erected, located, or displayed in contravention of this By-law, the Designated Official may immediately pull down or remove any sign that he determines constitutes a safety hazard or a concern without notice of compensation.
- 7.5 Where a sign does not comply with this By-law or a permit issued under this By-law, the Designated Official may order the Sign Owner to remove or bring the sign into compliance in the manner and within the time specified in the order.
- 7.6 The order mention in section 7.5 may be served:

- (a) by personal service upon the Sign Owner;
 - (b) by prepaid registered mail sent to the last address of the Sign Owner, shown on the records of the Town of Ingersoll; or,
 - (c) by prominently posting a copy of the order either on the sign in respect of which the order is made, or on the property upon which the sign is erected, located, or displayed.
- 7.7 Where the order is served in accordance with section 7.6 it is deemed to have been received by the party being served upon the mailing or posting of the order.
- 7.8 Where a sign is not removed or is not brought into conformity as required by an order under section 7.5, the Designated Official may have the sign removed without notice or compensation. For this purpose, the Designated Official, an Inspector and their contractor or other agent may enter upon the property at any reasonable time.
- 7.9 The cost incurred by the Town of Ingersoll in removing a sign under this part of the By-law is deemed to be municipal taxes and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the Town of Ingersoll in removing a sign under this part of the By-law is a debt payable to the Town of Ingersoll and may be recovered in any court of competent jurisdiction.
- 7.10 Any sign, including abandoned signs or unsafe signs, removed by the Town of Ingersoll shall be stored by the Town of Ingersoll for fourteen (14) days, during which time the Sign Owner may redeem such sign upon payment of the applicable fee prescribed on Schedule 'A'.
- 7.11 Where a sign has been removed by the Town of Ingersoll and has been stored for a period of fourteen (14) days and has not been redeemed by the Sign Owner, such sign may be destroyed or otherwise disposed of by the Town of Ingersoll without notice of compensation.

Part 8 CONFLICT

- 8.1 Where a provision of this By-law conflicts with a provision of any other by-law or any federal or provincial statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

PART 9 VALIDITY

- 9.1 If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART 10 REPEAL

10.1.1 Any by-law not consistent with this By-law is hereby repealed in their entirety on the day on which this By-law comes into force and effect.

PART 11 APPEAL FOR A SIGN VARIANCE

11.1 The Municipality recognizes that there may be exceptions to the rule and an appeal to Council may be made for a variance to the “Non-Permit Sign By-law”. The applicant must forward to the Clerk in writing the reason for such variance for Council’s consideration.

PART 12 EFFECTIVE DATE

12.1 This By-law comes into force and effect on. January 1, 2009.

READ a first and second time in Open Council this 14th day of July 2008.

READ a third and final time in Open Council this 14th day of July 2008.

Paul Holbrough, Mayor

Elaine Clark, Clerk

SCHEDULE 'A' TO BY-LAW NO. 08-4432

Signs not requiring Permits

No permit shall be required for signs meeting the following regulations:

SIGN TYPE	LOCATION/ZONE	REGULATIONS
Inflatable sign advertising a holiday or festival	Private Property	
Election Sign	Private Property	Refer to Section 5.6
No Trespass or Warning Sign	Private Property	Maximum sign area 0.2 m ²
Municipally erected signs including Information Signs, Official Signs	Public Property	
Commemorative sign, plaques, or corner stone of a non-advertising nature	Public and Private Property	Attached to the wall of the building
Emblem of religious organization	Private Property	
Flag of a country, province, territory, municipality, corporation, organization or association	Public and Private Property	

SCHEDULE ‘A’ TO BY-LAW NO. 08-4432

Signs not requiring Permits

No permit shall be required for signs meeting the following regulations:

SIGN TYPE	LOCATION/ZONE	REGULATIONS
Mural	Commercial Zone	Maximum sign area 50% of the wall on which the mural is displayed
Home Occupation Sign	Residential Zone	Maximum sign area 0.3 m ² (3.2 sq. ft). Signs must be attached to and flat against the wall of the related building. Signs must be non-illuminated.
Directional Sign	Public Property	Council approved events. Erection and removal of sign the day of the event. Maximum sign area 0.5 m ² . (5.4 sq ft)
Banner erected, located or displayed by a Charity or community organization	Private Property	Refer to Section 5.2
Real Estate Sign	Private Property/Residential Use	Maximum 0.2 m ² (2.15 sq ft). Display no longer than seven (7) days after a firm sale is reported to the local realtors association or seven (7) days after the property or space has been leased.
Sign erected, located or displayed by a person performing work or services on a residential property	Private property in Residential zones if the service is being performed at that property	Maximum sign area not exceeding 0.5 m ² (5.4 sq. ft) Only erected, located, or displayed on property for sale or rent. Display no longer than seven (7) days after completion of work or services

SCHEDULE ‘A’ TO BY-LAW NO. 08-4432

Signs not requiring Permits

No permit shall be required for signs meeting the following regulations:

SIGN TYPE	LOCATION/ZONE	REGULATIONS
Real Estate Sign	Private Property Commercial/Industrial Use	Commercial – Maximum sign area 2.0 m ² (21.5 sq ft). Only erected, located, or displayed on property for sale or rent. Industrial -Maximum sign area 4.0m ² (43.00 sq ft). Only erected, located, or displayed on property for sale or rent.
Open House Directional sign		Maximum sign area 0.5 m ² (5.4 sq. ft). Not erected, located, or Displayed on a traffic Median, traffic island, Light standard, or utility Pole or in a sight triangle. Located no closer than 0.3m (3.2 sq. ft) From the sidewalk. Displayed 72 hours maximum prior to the Open House and to be removed immediately at the close of the Open House.
Construction Information Sign	Private Property	Maximum sign 4.0 m ² 43 sq. ft). Display no longer than 30 days after project’s completion.
Sidewalk/Portable ‘A’ Type Sign	Downtown Commercial Core Area	On Town owned sidewalk extending no more than .60 metres (2 ft) from any building or structure. To be placed between 9 a.m. and 9 p.m. daily except for approved BIA Special Events Maximum size 1.2 m x .6 m (4’ height x 4’ wide)

SCHEDULE 'A' TO BY-LAW NO. 08-4432

Signs Not Requiring Permits

No permit shall be required for Signs meeting the following regulations:

SIGN TYPE	LOCATION/ZONE	REGULATIONS
Poster (including Yard & Garage Sales)	Not permitted on Thames St between Bell to Canterbury or in the defined Business Improvement Area	Paper or cardboard only on public property Maximum sign area 0.45 m (18") by 0.38 m (15") Only affixed by tape Maximum one poster per approved location. Maximum display period 24 hours prior to the yard/garage sale and to be removed within 24 hours of the yard/garage sale.
Incidental	Private	Maximum sign area 0.5 m ² .
Portable 'A' Sign	All Locations save and except downtown commercial core area	Maximum sign area 0.5 m ² 5.4 sq. ft) Not erected, located, or Displayed on a traffic Median, traffic island, Light standard, or utility Pole or in a sight triangle. Located no closer than 0.3m (3.2 sq ft) From the sidewalk. Displayed 72 hours maximum prior to the event and to be removed immediately at the close of the event.



**Corporation of the Town of Ingersoll
By-Law 18-4999**

A By-law to amend By-law 08-4432 being a By-law Respecting Miscellaneous Signs and Other Advertising Devices Not Requiring Permits within the Town of Ingersoll

WHEREAS The Corporation of the Town of Ingersoll is desirous of amending By-law 08-4432 being a by-law respecting miscellaneous signs and other advertising devices not requiring permits with the Town of Ingersoll;

NOW THEREFORE, the Council of the Corporation of the Town of Ingersoll enacts as follows:

1. That By-law 08-4432 is hereby amended by adding to the following definition to section 4.0 Definitions:

“boulevard” shall be the area between the curb edge and the sidewalk or 10 (ten) feet from the edge of the paved or hard surface of the road.

2. That Section 5.6.3 of By-law 08-4432 be replaced with:

No person or his agent shall erect, locate, or display an Election sign unless it is erected, located, or displayed on private property, or immediately in front of a residential private property, so long as it is not in the boulevard and except as a Poster subject to all of the regulations regarding Posters in this By-law and to subsections 5.6.4, 5.6.5 and 5.5.7.

3. That Section 5.6.5 of By-law 08-4432 be replaced with:

No Election sign associated with a municipal election shall be erected, located, or displayed earlier than thirty-six (36) days prior to voting day, with the exception of signage at a Campaign Office.

READ a first and second time in Open Council this 11th day of June, 2018.

READ a third time in Open Council and passed this 11th day of June, 2018.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk

April 6, 2022

Attention: Candidates for 2022 Municipal Election

Re: Election Signs on Oxford County Road Allowances/Facilities/Properties

Candidates in the upcoming municipal election are asked to adhere to the following requirements with respect to placement of election signs or any other election advertising material within Oxford County road allowances and on County owned property.

Placement of election signage is not permitted as follows:

- In proximity to intersections where sign would pose a safety hazard by obstructing Driver sightlines
- In the median portion of Oxford Road 2, east of Oxford Road 4, in Woodstock
- On the grounds of County owned facilities/property

All election signs and any other election advertising must clearly identify the candidate or third party advertiser and shall not incorporate flashing lights or animation.

Placement of election signage that does not adhere to the requirements above or is deemed to cause visibility problems and/or constitute a hazard will be removed and the candidate may be invoiced for the costs. Any signs that are removed may be picked up at a County or Area Municipality facility; locations will be available upon request.

Please remove all election signs by no later than October 26, 2022.

If you have questions or comments, please contact Oxford County at 519 539-9800.

Yours truly,



David Simpson, P.Eng., PMP
Director of Public Works

Cc Frank Gross, Manager of Transportation and Waste Management Services
Cc Shawn Vanacker, Supervisor of Transportation



**Corporation of the Town of Ingersoll
By-Law 18-4979**

A by-law to govern the proceedings of the Council of the Corporation of the Town of Ingersoll and the appointed Committee thereof and repeal By-law No. 15-4803

WHEREAS Section 238 of the Municipal Act, 2001, S.O. c. 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

WHEREAS Council of the Corporation of the Town of Ingersoll is desirous of changing Procedural By-law No. 15-4803 to reflect the changes to the Municipal Act as updated by Bill 68;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. c. 25, as amended, provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows:

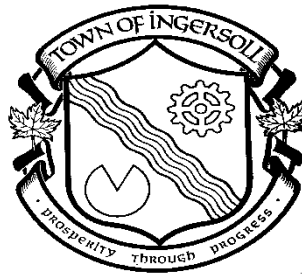
1. That the proceedings of the Council and its Committees, the conduct of the members and the calling of meetings shall be governed by the provisions and regulations contained in this By-law and as attached as Schedule 'A'.
2. Schedule 'A' attached hereto shall form part of this By-law. This By-law may be cited and referred to as "The Procedure By-law".
3. That By-law No. 15-4803, as amended, is hereby repealed.
4. That this By-law shall come into force and be effective on the date of the third and final reading thereof.

READ a first and second time in Open Council this 8th day of January, 2018.

READ a third time and finally passed in Open Council this 8th day of January, 2018.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk



The Procedure By-Law
By-Law No. 18-4979

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1.0 Definitions

- 1.1 **'Act'** means the *Municipal Act, 2001 S.O. 2001 c. 25*, as amended from time to time.
- 1.2 **'Ad Hoc Committee'** means a committee established by Council for a specified purpose.
- 1.3 **'Advisory Committee'** means a committee established by Council with an on-going mandate or purpose.
- 1.4 **'Chair'** means the position of the person appointed to preside, or presiding at, a meeting, whether that person is the regular presiding officer or not.
- 1.5 **'Clerk'** means the position of the person appointed, by By-law pursuant to Section 228 of the Act, as the Clerk of the Corporation of the Town of Ingersoll.
- 1.6 **'Closed Meeting'** means a meeting of the Council or Committee that is not open to the public, pursuant to Section 239 of the Municipal Act, 2001 (the Act).
- 1.7 **'Committee'** means any advisory, ad-hoc or other committee, subcommittee or Special Committee of Council of which all members shall be appointed by by-law.
- 1.8 **'Committee of the Whole'** means all members present sitting in Council. The purpose of this committee is to enable the Council to give detailed consideration to a matter under conditions of freedom approximating that of a committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of the Council, but have the status of recommendations which the Council is given the opportunity to consider further and which it votes on finally under its regular rules.
- 1.9 **'Council'** means the elected members of the Town when they sit in deliberative assembly.
- 1.10 **'Defer', 'Deferred' or 'Deferral'**, when used in connection with matter or item before the Council or a committee, means that the said matter or item is to be dealt with at the next or specified meeting of the same body.
- 1.11 **'Deputy Mayor'** means the member of Council elected to act in the place of the head of Council (Mayor) when the head of Council is absent or refuses to

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act or, when the office of the head of Council is vacant, and while so acting such member has all the power and duties of the head of Council.

- 1.12 **'Local Board'** includes any person performing any public function prescribed by regulation but does not include a police services board.
- 1.13 **'Mayor'** means the Mayor or, in absence of the Mayor, the Deputy Mayor, or Acting Mayor and may be referred to as the Head of Council.
- 1.14 **'Meeting'** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
- (a) a quorum of members is present, and
 - (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council.
- 1.15 **'Member'** means a member of Council or a committee.
- 1.16 **'Motion'** means a proposal by a member to resolve and effect a decision.
- 1.17 **'Motion for Division of the Assembly'** means a motion made after the Chair has stated the *Question*, requiring a vote, either about to be taken on a *Question*, or any other motion under consideration, or a vote previously taken and the results announced by the Chair, to be taken again by rising of each member present, and does not include a vote by show of hands.
- 1.18 **'Open Meeting'** means all meetings of Council or committee excluding "Closed Meetings" as defined in this section.
- 1.19 **'Personal Privilege'** means a motion to *Raise a Question of Privilege*, of an urgent nature that affects a right of privilege of the council, Committee or of an individual member.
- 1.20 **'Point of Order'** means a statement made by a member during a meeting, drawing to the attention of the Chair a breach of the rules of procedure.
- 1.21 **'Presiding Officer'** means the Mayor or Chair while presiding at a meeting or such other person as may be authorized to do so in his/her absence.
- 1.22 **'Privileged Motion'** means a motion that does not relate to pending business, but that does relate to special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. a Privileged Motion involves one of the five following motions, listed in ascending order of precedence: *Call for the*

Schedule 'A' to By-law 18-4979 The Town of Ingersoll Procedure By-law

Orders of the Day, Raise a Question of Privilege, Recess, Adjourn, and Fix the Time to Which to Adjourn.

- 1.23 **'Question'** means a motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and 'on the floor' can a motion be debated and put to a question of the members for proper resolution (*Question On the Floor*).
- 1.24 **'Quorum'** means a majority of the members of a municipal council or committee.
- 1.25 **'Refer', 'Referred' or 'Referral'**, when used in connection with a matter or item before the Council or committee, means that the said matter or item is referred to the body or person named in the motion specified for further consideration or action, prior to reporting back to Council or committee.
- 1.26 **'Resolution'** means a decision of Council on any motion or committee recommendation.
- 1.27 **'Rules of Procedure'** means the rules and regulations provided in this by-law and, where necessary, *Robert's Rules of Order* (Newly Revised).
- 1.28 **'Recorded Vote'** means that if a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. Section 246 (2) specifically notes that a failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- 1.29 **'Substantive Motion'** means any original main motion that introduces a substantive question as a new subject for the consideration of the Council, except one of the following:
- i) to refer;
 - ii) to amend
 - iii) to lay on the table
 - iv) to postpone indefinitely or to another day certain; or,
 - v) to adjourn.
- 1.30 **'Statutory Committee'** means a committee required by legislation to be established by Council with an on-going mandate or purpose.
- 1.31 **'Town'** means the Corporation of the Town of Ingersoll

2.0 General Provisions

Rules of Procedure

- 2.1 The short title of this By-law is the 'Procedure By-law'.
- 2.2 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees appointed by Council.
- 2.3 In respect to questions or concerns regarding these rules and regulations, the decision of the Chair presiding shall be final, subject to only an appeal to the Council. In the case of a conflict concerning the application of these rules, 'Robert's Rules of Order (Newly Revised)' may be consulted as an interpretative aid.
- 2.4 All meetings of the Council of the Town of Ingersoll and all meetings of the Committees of Council shall be open for attendance by the public, except in the case of a Closed Session, as noted in Section 19.1.
- 2.5 This by-law shall not apply to boards and statutory committees that are incorporated and have their own by-laws or procedural by-law.
- 2.6 Except where it is provided otherwise, any one or more of these rules may be temporarily suspended on a two-thirds (2/3) majority vote of the members of Council, except where such suspension may be contrary to the *Municipal Act, 2001*.

3.0 Meetings

3.1 Place

- 3.1.1 The meetings of the Council of the Town of Ingersoll shall be held at the Council Chambers, the Town Centre, 130 Oxford St. in Ingersoll or at such other place as Council may approve except as otherwise provided by this by-law.
- 3.1.2 The Clerk may provide for a meeting to be held at such other place where the Council Chambers may not be able to accommodate the number of anticipated participants.
- 3.1.3 When a Closed Meeting matter is listed on a Council Agenda, Council may open a meeting in the JC Herbert Room for the purpose of convening into a Closed Meeting or may reconvene for a Closed Meeting when the Closed Meeting is listed on the agenda.

Schedule 'A' to By-law 18-4979 The Town of Ingersoll Procedure By-law

3.1.4 A Council education and training session, held in accordance with the *Municipal Act*, 2001, may be held at other facilities in the Town.

3.1.5 In the case of an emergency, Council may hold its meetings and keep its public offices at any convenient location within or outside the municipality pursuant to Section 236 (1) of the *Act*.

3.2 Inaugural or First Council Meeting

3.2.1 The Inaugural or First Meeting of the Council of the Corporation of the Town of Ingersoll, being the meeting after a regular election held pursuant to Sections 3, 4 and 5 of the *Municipal Elections Act*, S. O. 1996 c. 32, as amended, shall be held on the first Monday of December at 7:00 o'clock in the evening. The Inaugural Meeting will be only for the Declarations of Office and Oaths of Allegiance.

3.3 Regular Council Meetings

3.3.1 After the Inaugural meeting, the regular meetings of Council shall be held on the second Monday of each month at 6:00 p.m. local time, unless otherwise approved through a resolution of the Council or at the direction of the Mayor and upon two-thirds (2/3) majority support through a phone or e-mail polling of Council.

3.3.2 Notwithstanding any other provisions of this by-law the scheduling of Council meetings may be altered by Council or the Clerk when deemed necessary to provide for public participation with respect to a specific issue of public interest.

3.3.3 Council shall approve at or before the Regular Meeting in November of each year, the schedule of Council meetings for the following calendar year.

3.4 Special Council Meetings

3.4.1 In addition to Regular Meetings, Special Meetings of the Council shall be held upon a petition of Council or upon direction of the Mayor at any time. The purpose of the special meeting can be to inquire or report on any matter considered of interest to the Council.

3.4.2 Upon receipt of a written petition of the majority of the members of Council or direction of the Mayor, the Clerk shall summon a Special Meeting for the purpose and at the time set out in the petition. Notice shall be given through the Clerk and the notice shall set out the date, time, place and the item(s) to be considered at the Special Meeting.

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- 3.4.3 A minimum of forty-eight (48) hours' notice must be given prior to the holding of a Special Meeting.
- 3.4.4 Notwithstanding any other provisions this by-law, a Special Council Meeting called to deal with an emergency or a matter that impacts on the welfare, health and well-being of the residents or of staff, the notice of provision may be waived by the Mayor.
- 3.4.5 No business other than that stated in the notice shall be considered at such Special Meeting, except with the unanimous vote of the members present.

4.0 Calling a Meeting to Order

- 4.1 As soon after the hour fixed for the holding of the meeting of Council or Committee as a quorum is present, the Mayor or Chair shall call the meeting to order.
- 4.2 If no quorum is present ten (10) minutes after the time appointed for a meeting of the Council or Committee, the Clerk or Chair shall record the names of the members present and the meeting shall stand adjourned until the date of the next Regular Meeting.
- 4.3 If a member is unable to attend a meeting, they are to inform the Clerk or Chair as to the nature of the absence in order that it is recorded as personal business, other municipal business or illness.
- 4.4 In the event that the Mayor or Chair does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council or committee, the Acting Mayor or Vice-Chair shall preside until the arrival of the Mayor or Chair, and while presiding, shall have all the powers of the Mayor or Chair.
- 4.5 In the case the Mayor or Deputy Mayor is unable to attend the meeting, the members will, by resolution duly motioned and seconded, appoint a Chair. While so presiding, the Chair shall have all the powers of the head of Council.
- 4.6 Should the Mayor or Deputy Mayor, as the case may be, arrive after the meeting has been called to order, the presiding officer shall relinquish the position of the Chair to the Mayor or Deputy Mayor, as the case may be, immediately after the current item of business on the Council Orders of the Day is considered or otherwise disposed.
- 4.7 The seat of a member of Council shall be declared vacant if the member is absent from a meeting of Council for three (3) consecutive months without being authorized so to do by a resolution of council pursuant to Section 259 (1) of the *Act*.

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- 4.8 Except where unavoidable due to circumstances of extreme emergency, no member shall absent himself/herself from any regular meeting of Council without having provided reasonable notice of such absence to the Head of Council or the Clerk prior to the commencement of the meeting from which the member shall be absent.

5.0 Duties of the Presiding Officer

5.1 Roles and Responsibilities

- 5.1.1 It shall be the duty of the Mayor or other duly appointed presiding officer at a meeting to:

- a) open the meeting by taking the chair and calling the members to order;
- b) announce the business in the order in which it is to be acted upon;
- c) receive, in the proper manner, all motions presented by the members of Council and to submit these motions as questions for proper debate;
- d) put to a vote all questions which are duly moved and seconded, when necessary or motions that arise in the course of proceedings and to announce the results;
- e) decline to put to a vote motions which infringe upon the Rules of Procedure;
- f) restrain the members, within the Rules of Procedure, when engaged in debate;
- g) enforce on all occasions the observance of order and decorum among the members;
- h) call by name any member persisting in breach of the Rules of Procedure, thereby ordering the member to vacate the member place;
- i) do all matters to permit the meetings to proceed in an orderly and efficient manner;
- j) authenticate by his or her signature, when necessary, all by-laws and Minutes of Council;
- o) inform the member of the Council, when necessary or when referred to for the purpose, on any point of order;

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- p) represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
 - q) ensure that the decisions of the Council are in conformity with the laws and by-laws governing the activities of the Council;
 - r) receive all messages of goodwill and other similar communications and announce them;
 - s) adjourn the meeting without question in the case of grave disorder arising during the meeting, or suspend the sitting of Council, until a time to be named by the Mayor, and,
 - t) adjourn the meeting when the business of Council is concluded.
- 5.1.2 The Mayor may, without leaving the Chair, speak to any question under consideration and prior to the question being disposed of by Council.
- 5.1.3 When the Mayor is called upon to decide a point of order or procedure, the Mayor shall state the rule or authority applicable to the case, and make a ruling, if necessary in consultation with the Clerk; and, if an objection is made to the ruling by at least two members, the Mayor shall submit said ruling to a vote of council, without debate, in the following words:
- “SHALL THE RULING OF THE CHAIR BE SUSTAINED?”
- and the decision of the Council shall be final.
- 5.1.4 When two or more members concurrently request to speak on an issue, the Mayor shall name the member who is first to be heard and the other member(s) shall have the privilege of speaking thereafter in the order named by the Mayor.
- 5.1.5 The Mayor, except when disqualified to vote by reason of pecuniary interest or any other Statute of the Province, may vote on consideration of a motion for Division of the Assembly, and may vote with the other members on all questions.
- 5.1.6 When the Mayor sees fit to exercise the right to vote on any question before the Council, the Mayor may explain the vote.

5.2 Deputy Mayor or Acting Mayor

- 5.2.1 When the Mayor is unable to carry out his duties through illness or otherwise, when the Mayor is absent from the office in the course of their duties or on vacation or an approved leave or refuses to act or his office is vacant, the Deputy Mayor or Acting Mayor shall have all of the powers and duties of the Mayor and shall chair all meetings, but can only be exercised, pursuant to the Act or any other Statute of the Province.
- 5.2.2 The duties of the Deputy Mayor may include other duties as defined by Council.

6.0 Public Notice

- 6.1 The Clerk shall provide the public with notice of the Council meeting schedule by annually posting a calendar of the meetings on the Town of Ingersoll website. Any amendments to or cancellations of the meeting dates shall be posted as required.
- 6.2 The meeting agenda shall constitute notice of each meeting. The agenda shall include the time, location of the meeting and all relevant material on a matter to be considered by Council.
- 6.3 Notice shall be provided as per the Public Notice By-law and policy.
- 6.4 Posting of the Regular Council Meeting agenda will occur, unless due to unforeseen circumstances, at the latest by 5 p.m. on the Friday prior to the Council meeting and subsequent to the agenda being forwarded to the members of Council, the Chief Administrative Officer and to the Department Heads.
- 6.5 Notice of a Special Meeting of Council shall be provided by posting the agenda on the Town's website a minimum of 48 hours before the commencement of the meeting. and subsequent to the agenda being forwarded to the members of Council, the Chief Administrative Officer and to the Department Heads.

7.0 Council Meeting Agenda

7.1 Order of Business

- 7.1.1 The order of business for the regular meetings of Council shall be as follows:
 - 1. Call to Order

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2. Disclosures of Pecuniary Interest
 3. Adoption of Meeting Minutes
 - (a) Regular Council
 - (b) Special Council
 - (c) Committees of Council
 - (d) Other
 4. Correspondence – Note and File
 5. Consideration of Accounts
 6. Consideration of Staff Monthly Reports
 7. Consideration of Staff Special Reports
 8. Consideration of Correspondence & Resolutions
 9. Public Meetings
 10. Consideration of Petitions, Delegations & Presentations
 11. Consideration of By-laws
 12. Notice of Motions
 13. Upcoming Council Meeting
 14. Closed Meeting
 15. Consideration of Matters Arising from Closed Session
 16. Adjournment
- 7.1.1 An agenda for a Special Meeting, Council workshop or committee meeting is not required to include all agenda headings listed above.
- 7.1.2 Business shall be considered in the order set forth on the agenda, unless otherwise determined by Council or the committee.
- 7.1.3 A change in the order of items listed on the agenda for the consideration of the regular business items may be permitted on a majority approval of the members.
- 7.1.4 The items on the agenda not dealt with before the meeting is adjourned shall be noted and repeated on the next agenda. This includes items of business not tabled due to lack of time.
- 7.1.5 Any person, member of Council, or member of staff, at any time prior to the preparation of the agenda, may file in writing with the Clerk, an item for inclusion on the Council agenda. Agenda preparation takes place on the Wednesday preceding a Regular Meeting of Council.
- 7.1.6 Not less than forty-eight (48) hours, including weekends and holidays, before the time appointed for the holding of a Regular Meeting of Council, the Clerk shall deliver to each member an agenda and all related materials.
- 7.1.7 An agenda for a Special Council Meeting shall be provided prior to at the Special Meeting. If materials are available, it will be the intent of the Clerk to

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deliver, an agenda and all related materials for a Special Council Meeting, forty-eight (48) hours prior to the time of the Special Council Meeting.

- 7.1.8 It shall be the duty of the Clerk to ensure that the minutes of the last Regular Meeting and any and all special and committee meetings held more than seven (7) days prior to a Regular Meeting are included on the next Regular Meeting agenda for approval.

7.2 Disclosure of Pecuniary Interest

- 7.2.1 Any member having a pecuniary interest shall disclose the interest and the general nature thereof prior to any consideration of the matter at the Meeting in accordance with the *Conflict of Interest Act*.

7.3 Monthly and Special Staff Reports

- 7.3.1 Staff Reports shall be considered by the Council sitting in Committee by resolution.

- 7.3.2 Staff Reports shall be reviewed by Council and appropriate questions directed to the staff person through the Presiding Officer or Chair.

- 7.3.3 Staff Reports shall be accepted in Open Council by resolution.

8.0 Minutes

- 8.1 The Clerk shall prepare minutes for all Council, Committee of the Whole and Closed Meetings and shall receive minutes from all other committees.

- 8.2 The minutes of a meeting shall record, without note or comment, all resolutions, decisions and other proceedings of the council which shall include the place, date and time of the meeting.

- 8.3 Such minutes as referred to in 8.1 may be received or received and adopted by Council without having been read at the meeting considering the question of their adoption.

- 8.4 The Clerk may audio record, to supplement the handwritten notes of the Clerk, the open meeting proceedings of Council or a Council workshop by audio tape, digital recording or other means of recording.

- 8.5 The audio taped or digital recording of proceedings are not intended to, and do not, replace the written minutes of the proceedings of Council as adopted by resolution by Council.

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- 8.6 Any recording of the proceedings will be destroyed upon adoption of the written minutes of the proceedings of Council.
- 8.7 When the minutes have been adopted by Council they shall be signed by the Mayor and the Clerk. All minutes shall be bound in suitable volumes and indexed and filed in accordance with the Record Retention By-law.

9.0 Correspondence and Petitions

- 9.1 All petitions shall be on a form supplied by the Town and/or submitted in accordance with the Town's policy on petitions.
- 9.2 All correspondence or every petition to be presented to the Council shall be legibly written or printed, dated and contain a brief description of the subject matter and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
- 9.3 If, in the opinion of the Mayor or presiding officer, the correspondence or petition contains any obscene or improper matter or language, the Mayor or presiding officer shall decide whether it should be included in the agenda for a Council meeting.
- 9.4 To be placed on the upcoming Regular Meeting agenda, any correspondence or petition must be submitted to the Clerk no later than 4:00 p.m. on the Wednesday of the week preceding the Regular Council Meeting.
- 9.5 Upon the decision of the Mayor or presiding officer, subject to the provisions of this by-law, the Clerk shall provide a copy of the correspondence or petition to Council, but may be required to read part or all thereof by any member during the meeting.

10.0 Delegations and Presentations

10.1 Delegations

- 10.1.1 Persons desiring to appear before Council as a delegation or to present a petition or make a presentation shall submit a request, in writing, to the Clerk no later than 4:00 p.m. on the Wednesday preceding the day of the Council meeting, stating the person's complete name, address, telephone number, reasons for their appearance and if applicable, the name, address, and telephone number of any person, corporation or organization which they are representing. Persons addressing Council shall confine their remarks to the stated business.

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- 10.1.2 If a staff report is required to provide further information as a result of a delegation, the matter shall be referred to the appropriate department to report back to Council at the next appropriate meeting.
- 10.1.3 Any person or persons, not being members of Council, desiring to address the Council, shall be permitted to do so on a motion to that effect being carried by a majority vote of the members present.
- 10.1.4 A delegation shall be permitted to speak for a maximum of ten (10) minutes and possibly another ten (10) minutes for any questions of clarification.
- 10.1.5 Notwithstanding 10.1.4, a delegation consisting of two or more persons, shall be permitted to have two speakers only with each speaker being limited to speaking for a maximum of ten (10) minutes and ten (10) minutes for any questions of clarification.
- 10.1.6 Persons who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, request to be heard and apply in writing to the Clerk may be heard upon majority approval of Council at the time of discussion, if it is considered either (a) urgent business; or, (b) matters listed on the agenda.
- 10.1.7 The priority in which delegations are heard shall be in accordance with the following:
- a) Known and listed delegations;
 - b) Delegations who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, apply in writing to the Clerk by 12:00 p.m. the date of the meeting, to be heard on a particular matter, if the matter is scheduled agenda business or if the matter is as defined under urgent business; and,
 - c) Delegations that are heard in accordance with the application of the section regarding the suspension of the rules.
- 10.1.8 No person(s) shall be permitted to have delegation status to speak to the same subject more than one time unless otherwise requested by Council.

10.2 Presentations

10.2.1 Members of staff, consultants or agencies may be asked to present an oral or written briefing report at the appropriate time during the meeting dealing with a specific item of business. Such information is not classified as a delegation.

10.2.2 Notwithstanding 10.1.4, the Clerk may schedule presentations by staff, staff retained consultants and other government bodies or agencies for the purpose of presenting information to Council which exceed the maximum time limit of ten (10) minutes.

11.0 Committee of the Whole

11.1 Council may, by motion, move into Committee of the Whole, at any time.

11.2 The rules governing the procedure of Council and the conduct of members, shall be observed in Committee of the Whole, so far as they are applicable except that:

(a) Motions may be moved orally;

(b) Motions do not require a seconder;

(c) More discussion may be allowed, as determined by the committee;

(d) Committee of the Whole proceedings shall be ratified by Council prior to action being taken as a result of the proceedings.

11.3 Chairs of the Committee of the Whole, as listed on Regular Meeting agendas, are alternated through the members of Council on a monthly basis.

11.4 A member may by motion to move into the Committee of the Whole to consider Staff Reports.

11.5 The proceedings of the Committee of the Whole shall not be entered into the minutes.

11.6 A motion to "rise and report" shall be decided without debate.

12.0 Committees

12.1 A committee may be established by Council at any time as is deemed necessary for consideration of matters within its jurisdiction.

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- 12.2 The Mayor shall be an ex-officio member of all committees and shall be entitled to all the rights of membership in a committee.
- 12.3 Membership on a sub-committee shall be from among the members of the committee to which the sub-committee shall report.
- 12.4 Membership on a committee may be extended to non-members from Council.
- 12.5 The Clerk or an employee of the corporation as recognized as a staff liaison shall provide support to a committee.
- 12.6 No committee shall meet while Council is in session.

12.7 *Advisory and Ad Hoc Committees*

- 12.7.1 Advisory and Ad Hoc Committees of Council shall be governed by the rules of this by-law as they are applicable.
- 12.7.2 Advisory and Ad Hoc Committees shall be appointed by by-law and such appointment shall be for the term of Council.
- 12.7.3 Advisory and Ad Hoc Committees shall consist of a number of members as set out in their Terms of Reference.
- 12.7.4 Ad Hoc Committees may be appointed for some special purpose, on a motion of a member, duly seconded and carried by the majority of the Council.
- 12.7.5 When an Ad Hoc Committee has completed its mandate with a final report to Council, it dissolves automatically.
- 12.7.6 Unless otherwise named by a motion of Council, a Committee shall, at its first meeting, appoint a Chairperson of such Committee from among the members.
- 12.7.8 A majority of all members of a Committee shall constitute a quorum.
- 12.7.9 Members of Council may attend meetings of any Advisory or Ad Hoc Committees to which they are not appointed members. They shall not be allowed to vote nor take part in discussion or debate, except by the permission of the majority of the members of the committee.
- 12.7.10 No order or authority to do any matter or thing shall be recognized as emanating from any Committee, unless it is in writing to the Council and approved by Council resolution.

13.0 Rules of Conduct of Members and Other Attendees

13.1 A member or other attendees shall not:

1. Speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any member of the Senate, of any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario;
2. Speak on any subject other than the subject under debate;
3. Criticize any decision of the Council or Committee, except for the purpose of moving in accordance with the provision of the applicable section requesting reconsideration of that question;
4. Disturb the Council or Committee by any disorderly deportment or conduct;
5. Use profane or offensive words or insulting expressions;
6. Disobey the rules of the Council or Committee or a decision of the Chair or the Council or Committee on points of order or on the interpretation of the Rules of Procedures;
7. Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.

13.2 A member shall:

1. Obtain the permission of the Chair to speak, prior to speaking to a question or motion;
2. Have the right to speak first in debate, if he or she is the author of the Question on the Floor or other motion under consideration;
3. When intending to introduce a motion, do so immediately, but may preface the motion with a few words of explanation, of which such words must not become a speech;
4. When more than one member addresses the Chair at the same time, allow the Chair to name the member entitled to speak first, but may make a motion to change the priority of the speakers;

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5. When they are called to order by the Chair, immediately cease speaking unless allowed to explain;
6. Obey the ruling of the Chair, subject to appeal to the Council or Committee in accordance with Section 5.1.3.

13.3 If the Chair desires to leave the position of the presiding officer before adjournment and fail to call some member to the position of the presiding officer, the Council or Committee may appoint a member to preside over the meeting until the business of the meeting is finished.

14.0 Rules of Conduct of Staff

14.1 All staff will act in accordance with the Staff Code of Conduct.

14.2 Clerk

- 14.2.1 The Clerk shall, in addition to those duties prescribed by law, or by any by-law or resolution of the Council, perform the following duties:
- a) Supply all information relative to his/her office as the Council may require;
 - b) Conform with all directions of the Council consistent with the by-laws of the Town and perform those duties prescribed elsewhere in this by-law;
 - c) Notify the members of a committee of any meeting of the committee, when notified by the Head of Council or the Chair of a Committee, a minimum of forty-eight (48) hours in advance of the meeting;
 - d) Attend or have a designate attend all meetings of Council and to record the minutes, orders, and requests of all such meetings as required by the Act; and,
 - e) Provide, at the request of the chair, points of clarification arising from the interpretation of this by-law.

14.3 Staff Members

- 14.3.1 Each staff member shall act in accordance with all statutory duties and shall act in a professional and respectful manner when addressing Council.

15.0 Rules of the Debate in Council

- 15.1 Every member previous to speaking to any question or motion, shall address the Chair.
- 15.2 Every member present at a meeting of the Council when a question is put to vote (*Putting the Question*), shall vote thereon unless prohibited by any Statute of the Province, in which case the Clerk shall so record in the minutes.
- 15.3 If any member present at a meeting of the Council when a question is put to a vote and a recorded vote is taken, does not vote, he or she shall be deemed as voting in the negative except where he or she is prohibited from voting by any Statute of the Province, pursuant to Section 246(2) of the *Act*.
- 15.4 If a member disagrees with the announcement of the Chair that a question is carried or lost the member may, but only immediately after the declaration of the result by the Chair, object to the Chair's declaration and request a recorded vote to be taken or make a motion for *Division of the Assembly*.
- 15.5 When a recorded vote is requested, either before or after the vote but before proceeding with the next item of business, the Clerk shall call the names of each member starting with the name of the member so requesting, then proceed to the member sitting on the immediate right of the requesting Council Member then continue to move clockwise until each member of Council has voted and the Clerk shall record the name and vote of every member on any matter or question.
- 15.6 When the Chair calls for the vote on a question, each member shall occupy his or her seat and shall remain in his or her seat and shall remain in his or her place until the result of the vote has been declared by the Chair, and during such time no member shall speak to any other member or make any noise or disturbance.
- 15.7 When a member is speaking no other member shall pass between the speaker and the Chair, or interrupt the speaker except to raise a point of order.

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- 15.8 Any member may require the *Question on the Floor* motion under discussion to be read at any time during the debate but no so as to interrupt a member while speaking.
- 15.9 No member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by a member who has presented the motion to the Council, but not by any member who has moved an amendment or a procedural motion.
- 15.10 No member shall speak to the same question, or in reply, for longer than four (4) minutes, without the leave of Council.
- 15.11 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only through the Chair.
- 15.12 Notwithstanding the applicable section, when a member has been recognized as the next speaker, then immediately before speaking, such member may ask a question of or through the Chair on the *Question on the Floor* or matter under discussion but only for the purpose of obtaining information, following which the member may speak.
- 15.13 The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provide by these Rules of Procedure:
1. a point of order;
 2. a privileged question;
 3. presentation of a petition;
 4. to adjourn;
 5. to lay on the table;
 6. to put the *Question on the Floor* to a vote.
- 15.14 The following matters and motions with respect thereto may be introduced without notice and without leave, but such motions shall be in writing signed by the mover and seconder, except as otherwise provided by these Rules of Procedure:
1. to amend;
 2. to suspend the Rules of Procedure;
 3. to postpone indefinitely;
 4. to postpone to a certain time;
 5. to go into the Committee of the Whole.

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- 15.15 During the proceedings of the Council or in the Committee of the Whole, the matter or motion shall be decided by the Chair who may, if necessary, consult with the Clerk, subject to an appeal to the Council upon a point or order, in accordance with Section 5.1.3.

16.0 Motions and Amendments

16.1 Notice(s) of Motion

- 16.1.1 Notice of all new motions, except motions listed in Sections 15.13 and 15.14, shall be given in writing and duly signed at a meeting of Council or Committee, but shall not be debated until the next regular meeting of Council or Committee unless if such motion is delivered to the Clerk at least six (6) full business days preceding the date of the meeting at which such motion is to be introduced; and such motion shall be printed in full in the Agenda for that meeting of the Council or Committee and each succeeding meeting until the motion is considered or otherwise disposed.
- 16.1.2 When a member's *Notice of Motion* has been called from the Chair for two (2) successive meetings and not duly considered or otherwise disposed, it shall be dropped from the Agenda unless the Council or Committee otherwise decides.
- 16.1.3 If, at the third meeting, such notice of motion is put to a question by the Chair and not considered or otherwise disposed, it shall be deemed to have been withdrawn.
- 16.1.4 Any motion may be introduced without notice if the Council, without debate, dispenses with the notice requirements of Section 16.1.1, on the affirmative vote of at least two-thirds of the members present and voting.

16.2 Motion to be Seconded

- 16.2.1 A motion must be formally seconded before the Chair *States the Question* and can put the *Question* to a vote, or before the Clerk can record the motion and its result in the minutes.

16.3 Stating the Question

- 16.3.1 When a motion is presented in Council in writing, it shall be read aloud by the Chair.
- 16.3.2 When a motion is presented in Council orally, it shall be stated by the Chair and recorded by the Clerk before debate can occur.

16.4 Motion Ultra Vires

16.4.1 A motion in respect of a matter which is beyond the jurisdiction of the Council or Committee shall not be in order.

16.5 Question on the Floor

16.5.1. After a motion is stated by the Chair it shall be deemed to be in the possession of the Council or Committee but the motion may, with the permission of the Council, be withdrawn by the mover and seconder at any time before the Question is put or any amendment(s) made thereto.

16.5.2 A *Question on the Floor* for a decision must duly be considered or otherwise disposed before any other motion can be received, except other matters as listed in the applicable section.

16.5.3 A motion to refer a *Question on the Floor* to Committee of the Whole, a Committee of Council or an Advisory Body shall preclude all amendments of the main question until the motion to refer is duly considered or otherwise disposed.

16.6 Previous Question

16.6.1 A motion for the *Previous Question* is the motion used to bring the Council to an immediate vote on one or more pending *Questions*. It has the effect of closing debate and preventing any further amendment of the *Question On the Floor*. It does not prevent the making of any *Privileged Question*, nor does it prevent a special order set for a particular hour from interrupting the pending business.

16.6.2 A motion for the *Previous Question* only can be moved using the following words: "THAT THE QUESTION NOW BE PUT."

16.6.3 A motion for the *Previous Question* cannot be proposed when an amendment, pursuant to Section 16.7, is under consideration.

16.6.4 A motion for the *Previous Question* is not allowed in Committees.

16.7 Amendments

16.7.1 A motion to *Amend* shall adhere to the following rules:

1. be presented in writing (*Primary Amendment*) and duly seconded;

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2. be relevant or germane to the *Question On the Floor*;
3. not be used to amend something previously adopted;
4. not be worded such as to propose a direct negative of the *Question On the Floor*;
5. be duly considered or otherwise disposed of by Council or Committee before a previous amendment of the same question;
6. be amended only once (Secondary Amendment), and any further amendment must be to the main question;
7. be put to a vote in the reverse order to that in which it is so moved; and,
8. may be used to separate and dispose of distinct parts of a question.

16.8 Privileged Motion

16.8.1 A *Privileged Motion* shall receive the immediate consideration of the Chair and when resolved the *Question On the Floor*, so interrupted, shall be resumed at the point where it was suspended.

16.9 Motion to Adjourn

16.9.1 A *Motion to Adjourn* shall always be in order, except as provided in Section 16.9.2.

16.9.2 A *Motion to Adjourn* is not in order when:

1. a member is speaking to the *Question on the Floor*;
2. a member has already indicated to the Chair that he or she desires to speak to the *Question on the Floor*;
3. proposed during a vote or during the verification of a vote; or,
4. proposed immediately following the affirmative resolution for the *Previous Question*.

16.9.3 A *Motion to Adjourn* a meeting of Council shall be duly seconded, without debate and put to vote.

16.9.4 A *Motion to Adjourn* the final regular meeting of Council's term, wherein unfinished business remains at the time of adjournment, has the effect of

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causing said unfinished business to fall to the ground. Such business may be introduced at the next session of Council, however, the same as if it had never been brought up.

16.9.5 A *Motion to Adjourn*, when resolved in the negative, cannot be made again until after some intermediate proceedings have been considered and disposed of by Council.

16.9.6 Immediately after a *Motion to Adjourn* has been put to a vote, and resolved in the affirmative, the Chair will declare the meeting adjourned, but not before allowing the members the time to motion for *Division of the Assembly*.

16.10 Reconsideration

16.10.1 The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.

16.10.2 No discussion of a main question, once resolved, shall be allowed unless reconsidered.

16.10.3 After any question has been resolved, except a motion not subject to debate or one of indefinite postponement, any member who voted in the majority may, at the same or the subsequent meeting, make a motion for *Reconsideration* thereof.

16.10.4 A motion for Reconsideration shall include a statement by the mover of at least one valid reason why the main Question, so previously decided, must be reconsidered by Council.

16.10.5 No motion for Reconsideration shall be introduced, unless it is moved and seconded by two members from among those who voted with the majority that carried the main motion or Report.

16.10.6 No motion shall be reconsidered more than once.

17.0 Voting on Motions

17.1 Immediately preceding the taking of the vote, the Chair shall state the *Question On the Floor* in the form introduced, in the precise form in which it will be recorded in the minutes.

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- 17.2 After a *Question On the Floor* is stated by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 17.3 Only members present when the Question On the Floor is stated by the Chair shall be entitled to vote on the question.
- 17.4 The manner of determining the decision of the Council or Committee on a Question On the Floor shall be decided prior to the vote being taken and at the discretion of the Chair, unless otherwise decided by Council
- 17.5 Whenever the vote regarding the Question On the Floor results in a tie, the questions shall be deemed to have been resolved in the negative.

18.0 By-Laws

- 18.1 Every By-law, previous to its being adopted by council, shall receive three readings.
- 18.2 Following approval by resolution of the introduction of the by-law(s) and the first and second reading, the by-law(s) shall be referred to the Committee of the Whole by resolution for discussion and amendment.
- 18.3 On the first and second reading following introduction, amendment or debate shall not be permitted. All amendments and debate on the context of the by-law(s) shall be restricted to Committee of the Whole.
- 18.4 The Committee shall rise, by written resolution, to report the by-law(s) passed in Committee with or without amendments. A vote to defeat the by-law(s) shall be taken at this stage.
- 18.5 By resolution, the by-law(s) shall be read a third time as presented or amended.
- 18.6 Every by-law passed by the Council shall:
 - (a) be numbered and dated on which the three readings were given and shall be entered thereupon by the Clerk; and,
 - (b) be under the seal of the Corporation and shall be signed by the Mayor and by the Clerk.

19.0 Closed Meeting

- 19.1 Except as provided in the *Municipal Act* s. 239 (2) and (3) all meetings shall be open to the public.
- 19.2 Meetings closed to the public must be closed by a motion to “Proceed into a *Closed Meeting*” with the said motion, duly seconded and passed, stating the general nature of the matter(s) to be considered at the *Closed Meeting*.
- 19.3 Where the public is excluded from a meeting, or portion thereof, no vote may be taken except a vote on a procedural matter or for the giving of directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- 19.4 A meeting held for the purpose of educating or training the members of Council, local board or a committee may be closed to the public, provided that no member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the Council, local board or committee.
- 19.5 For an education or training session, the resolution must state the reason it is to be closed under Section 239, subsection 3.1 of the *Municipal Act*, 2001.
- 19.6 The number of times a member may speak to any question shall not be limited during a *Closed Meeting*, provided that no member shall speak more than once until every member who desires to do so shall have spoken.
- 19.7 A member present at a *Closed Meeting* shall, prior to consideration of any matter, declare any pecuniary interest, direct or indirect, and the general nature thereof; and said member shall leave the *Closed Meeting*, or part thereof, during which the matter is under consideration. Said declaration shall be recorded in the minutes.
- 19.8 Any matter raised by a member, while in a *Closed Meeting* that was not listed on the resolution to “Proceed into “*Closed Meeting*”, shall not be considered.
- 19.9 A motion to adjourn a *Closed Meeting* shall always be in order and be decided without debate, except when a member is in possession of the floor.
- 19.10 A copy of any report or document circulated as part of an agenda regarding a confidential matter shall be returned to the Clerk at the end of the meeting for destruction.

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- 19.11 On reconvening in public session, the Chair shall accept a motion to resolve the matter publicly, or alternatively advise that direction had been given to staff during the closed meeting in accordance with the Municipal Act, 2001.

20.0 Adjournment

- 20.1 The Council may adjourn its meeting from time to time.
- 20.2 The Council shall adjourn at the hour of 11:00 p.m. local time, if in session at that hour, unless a motion to continue receives at least two-thirds (2/3) vote of the majority of members present.
- 20.3 A Regular Council Meeting shall not be adjourned until a by-law confirming the proceedings of that meeting to the time of adjournment has been presented to and dealt with by the Council.

21.0 Use of Mobile Devices

- 21.1 With the exception of the Fire Chief, all other cell phones, pagers, radios, etc. shall be switched to "off", silent or non-audible mode upon entry to the Council Chamber or meeting room.

22.0 Press Releases

- 22.1 No individual member of Council or staff shall undertake to issue press releases or claim to speak on behalf of the Council without permission granted by motion in Council or municipal by-law or other direction of Council or the CAO.

23.0 Taping and/or Recording of Meetings (by other than the Clerk)

- 23.1 Council or committee meetings, not held in closed, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company or by any other media at the back of the Council Chambers or meeting room and in such a manner as not to interfere with the proceedings of the meeting.
- 23.2 Should the recording interfere with the proceedings of the meeting, the recording privileges may be withdrawn. The ruling of the Presiding Officer or Chair shall be final unless by appeal to the Council which shall decide upon the question without debate.
- 23.2 All media are to advise the Clerk at the beginning of the meeting of their intention to record.

24.0 Public Meetings under the *Planning Act*

- 24.1 Public meetings held pursuant to the *Planning Act* shall be held, whenever practical and in accordance with Notice Requirements, at 7:00 pm on the second Monday of every month during a Regular Council Meeting.

25.0 Repeal or Amendment of This By-Law

- 25.1 This By-law is not to be amended or repealed except by a majority of all members of Council present.
- 25.2 No amendment or repeal of this By-law is to be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council.

26.0 Miscellaneous

- 26.1 For the purposes of this By-law, words used in the present tense include the future tense; words in singular number include the plural and words in the plural include the singular number; and the word "shall" is mandatory.



**Corporation of the Town of Ingersoll
By-law 20-5090**

A By-law to amend Procedure By-law 18-4979

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Ingersoll has enacted Procedure By-law 14-4803;

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2020 to amend the Municipal Act, 2001, to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9;

AND WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19);

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

AND WHEREAS the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the Emergency Management and Civil Protection Act, prohibiting all organized public events of over fifty people due to COVID-19;

AND WHEREAS The Corporation of the Town of Ingersoll considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency and any other emergency;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll amends Procedure By-law 15-4803 by adding the following section:

27.0 Electronic Meetings during a Declared Emergency

a) Under this section, an “Electronic Meeting” is defined as any regular or special meeting of Council that utilizes remote electronic access for the Members during any period of time during which an emergency has been declared, either by the Head of Council or the Province, in all or part of the Town of Ingersoll, under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act;

b) An Electronic Meeting will utilize either telephone, Voice over Internet Protocol, video, or any other technology that allows for audio and/or video electronic means of access by Members through the internet or other technology;

c) An Electronic Meeting will be conducted, at the discretion of the Clerk, either by (i) electronic access for all Members or (ii) a combination of an in-person meeting and electronic access. Any problems, technical or others, arising from the electronic access for Members which prevents a Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum of the remaining Members is lost at the time of the vote;

d) Members attending and present during an Electronic Meeting shall be counted for the purpose of quorum and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person. Votes may be taken electronically. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. Determining the result of any vote shall be determined by the Clerk and the Clerk's determination shall be final.

e) The Clerk should provide notice of an Electronic Meeting, along with an agenda, as soon as possible to the Members and public. Notice should include sufficient information as to provide Members and the public with the means to electronically access the open session of the meeting;

f) If the Chair so determines that the nature of the emergency requires a meeting forthwith, the timelines for Notice may be waived and the meeting held as soon as quorum can be established. In such an instance, the Clerk shall make reasonable efforts to notify the Members, staff, and public of the meeting before it is held. Section 6.0 of this Bylaw shall apply, as applicable;

g) Unless otherwise approved by the Chair, an Electronic Meeting shall not permit public deputations, except by way of written submission received in advance of the meeting, which shall be submitted to the Municipal Clerk's office at clerks@ingersoll.ca prior to the start of the Electronic Meeting, and shall be provided to members in advance of the meeting if possible. The Clerk shall verbally read out the written deputation at the beginning of the meeting;

h) Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that the Clerk is authorized to adjust the manner in which the meeting is conducted to apply to the specific circumstances of the meeting and the electronic means of access and participation being utilized; and

i) An Electronic Meeting under this section shall apply to Local Boards and Committees of Council, if permitted by law, and should be read and adapted accordingly.

This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the Municipal Act, 2001, as amended, and shall hereby come into effect as of the date and time of its passing

READ a first and second time in Open Council this 27th day of March 2020.

READ a third time and passed in Open Council this 27th day of March 2020.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk



**Corporation of the Town of Ingersoll
By-law 20-5101**

A By-law to amend Procedure By-law 18-4979

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Ingersoll has enacted Procedure By-law 14-4803;

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the COVID 19 Economic Recovery Act, 2020 to amend the Municipal Act, 2001, to permit meetings to be held electronically;

AND WHEREAS The Corporation of the Town of Ingersoll considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency and any other emergency and as directed by the Medical Officer of Health;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll amends Procedure By-law 15-4803 by amending the following in section 27:

27.0 Electronic Meetings

a) Under this section, an “Electronic Meeting” is defined as any regular or special meeting of Council that utilizes remote electronic access for the Members during any period of time during which an emergency has been declared, either by the Head of Council or the Province, in all or part of the Town of Ingersoll, under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act **or during such times as a pandemic, or when the Medical Officer of Health recommends physical distancing;**

This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the Municipal Act, 2001, as amended, and shall hereby come into effect as of the date and time of its passing

READ a first and second time in Open Council this 10th day of August 2020.

READ a third time and passed in Open Council this 10th day of August 2020.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk



**Corporation of the Town of Ingersoll
By-Law 22-5193**

**A by-law to amend section 3.2.1 of Procedure By-Law 18-4979, inaugural meeting
of Council**

WHEREAS The *Municipal Act*, 2001, S.O. 2001, c. 25 section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Ingersoll has enacted Procedure By-law 18-4979;

AND WHEREAS section 235 (1) of the *Municipal Act*, 2001 was amended to establish that the new term of office of a member of Council of a lower tier municipality shall commence on November 15 in the year of a regular election;

AND WHEREAS section 3.2.1 of Procedure By-law 18-4979 establishes that the Inaugural or First Meeting of Council of the Corporation of the Town of Ingersoll, being the meeting after a regular election held pursuant to sections 3, 4 and 5 of the *Municipal Elections Act*, S.O. 1996 c. 32 as amended, shall be held on the first Monday of December;

AND WHEREAS Council is desirous of amending section 3.2.1 of Procedure By-law 18-4979 to reflect changes made to section 235 (1) of the *Municipal Act* as it pertains to the start of the new term of office;

NOW THEREFORE the Council of The Corporation of the Town of Ingersoll repeals section 3.2.1. of Procedure By-law 18-4979 and replaces it with the following:

3.2.1

The Inaugural or First Meeting of the Council of the Corporation of the Town of Ingersoll, being the meeting after a regular election held pursuant to Sections 3, 4 and 5 of the *Municipal Elections Act*, S.O. 1996 c. 32, as amended, shall be held on November 15 at 7:00 p.m., or if November 15 falls on a Friday, Saturday or Sunday, the meeting shall be scheduled for the following Monday. The inaugural meeting will be only for the Declarations of Office and Oaths of Allegiance.

READ a first and second time in Open Council this 14th day of February 2022.

READ a third time and passed in Open Council this 14th day of February 2022.

Edward (Ted) Comiskey, Mayor

Danielle Richard, Clerk



**Corporation of the Town of Ingersoll
By-Law 21-5147**

Being A By-Law to Establish A Code of Conduct for Members of Council, Local Boards and Advisory Committees

WHEREAS Section 223.2(1) of the Municipal Act, 2001, C. 25, as amended, directs municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and,

AND WHEREAS Section 223.4(5) of the Municipal Act, 2001, C. 25, as amended, authorizes penalties if the Integrity Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code;

AND WHEREAS the Council for the Corporation of the Town of Ingersoll deems it desirable to maintain a Code of Conduct;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows:

1. That the Council does hereby adopt the Code of Conduct and shall be governed by the provisions and regulations contained in this By-law and as attached as Schedule 'A.'
2. Schedule 'A' attached hereto, in substantially the same form, shall form part of this By-law.
3. That this By-law shall come into force and be effective on the date of the third and final reading thereof.
4. That By-Law 11-4646 is hereby repealed.

READ a first and second time in Open Council this 14th day of June, 2021.

READ a third time in Open Council and passed this 14th day of June, 2021.

Edward (Ted) Comiskey, Mayor

Danielle Richard, Clerk

TOWN OF INGERSOLL POLICIES AND PROCEDURES

Policy:	Code of Conduct for Members of Council and Members of Council's Boards and Advisory Committees
Previous Approval Date:	September 8, 2008 (Resolution C08-09-245)
Revision Dates:	April 14, 2020
Effective Date	Upon Council Approval

INTRODUCTION

A written Code of Conduct helps to ensure that members of Ingersoll's municipal Council, advisory committees and local boards (as defined in the *Municipal Act, 2001*) share a common understanding of acceptable conduct. This policy and its standards are designed to supplement the legislative parameters within which members must operate. Such standards should serve to enhance public confidence that Ingersoll's elected and appointed representatives operate from a base of integrity, justice, and courtesy; avoiding improper use/influence of their office and conflicts of interest, be they real or perceived.

Six pieces of provincial legislation govern the conduct of elected officials and include:

1. The *Municipal Act* as amended, and the Council Procedural By-law passed under section 238 of that Act;
2. The *Municipal Conflict of Interest Act* as amended;
3. The *Municipal Elections Act, 1996* as amended;
4. The *Municipal Freedom of Information and Protection of Privacy Act*;
5. The *Occupational Health and Safety Act*, as amended (violence and harassment in the workplace); and
6. The *Ontario Human Rights Code*, as amended.

The Criminal Code of Canada also governs the conduct of members of Council.

PURPOSE

The purpose of this Code of Conduct is to identify the Town's expectations of its members and to set guidelines for appropriate behaviours so as to:

- a) Protect the public interest;
- b) Encourage the highest of ethical standards among members;
- c) Provide an understanding of the fundamental rights, privileges and obligations;
- d) Offer a procedure for determining the appropriateness of conduct; and,
- e) Identify a means of correcting inappropriate conduct.

The following key principles provide the foundation for the Code:

- Members shall serve and be seen to serve constituents in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity, honesty, and accountability;
- Members shall affect decisions in an open, transparent and equitable manner through the

Schedule 'A' to By-Law 21-5147

proper processes;

- Members shall show respect and fairness for differences of opinion;
- Members shall work together for the common good of the community and its residents;
- Members shall demonstrate an understanding of the fundamental rights, privileges, and obligations of their elected position; and
- Members shall perform their duties to promote public confidence and bear close public scrutiny.

The Code of Conduct is meant to identify standards to:

- Ensure equitable treatment of citizens and employees;
- Communicate corporate and community priorities;
- Ensure compliance with statutory requirements;
- Minimize liability risks;
- Ensure accountability by elected officials;
- Ensure optimal use of available resources;
- Implement corporate and community strategic plans;
- Set limits on governance and operational matters; and
- Set out the means of correcting unethical conduct.

The Town of Ingersoll's Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics. This revised Code of Conduct is consistent with the existing statutes governing the conduct of members.

POLICY

1. Definitions

"Child" means a child born within or outside marriage and includes an adopted child or a person who a parent has demonstrated a settled intention to treat as a child within his or her family.

"Confidential Information" includes any information that is of a personal nature to Town employees, clients or information in the custody or under the control of the Town that is not available to the public and that, if disclosed, could result in loss or damage to the Town or could give the person to who it is disclosed an advantage.

"Corporate Resource" includes but is not limited to Town equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, handheld mobile devices, cell phone, phone, address, voice-mail, e-mail, facility and staff while undertaking duties on behalf of the Town.

"Immediate Relative" shall be defined as a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships.

"Parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

"Spouse" shall mean the person to whom a person is married or with whom the person is living

in a conjugal relationship outside of marriage.

2. Roles and Responsibilities

The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the *Municipal Act*).

It is the responsibility of the Members to ensure that they, as individuals or as a Member of Council or Committee, adhere to and uphold the Code.

Members must recognize their responsibility to:

- Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Town;
- Perform their duties in an impartial manner;
- Endeavour to demonstrate sound financial management, planning, and accountability; and
- Be aware of and understand statutory obligations imposed upon individual members and Council as a statutory body regarding, but not limited to conflicts of interest and confidentiality.

3. Benefits, Gifts or Hospitality

The Town recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, members shall not accept a fee, advance, gift, benefit, service, entertainment, etc. that is directly or indirectly connected with the performance of his/her duties of Office, and that could be perceived to compromise their decision on a matter or create an obligation or special consideration by a group/organization or individual, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to a Member, or a gift or benefit provided with the Member's knowledge to his or her spouse, child or parent or to a Member's staff that is directly or indirectly connected to the performance of his/her duties is deemed to be a gift to that Member.

With respect to benefits, gifts or hospitality, the following are recognized as exceptions:

- a) Compensation authorized by by-law;
- b) Gifts or benefits that normally accompany the responsibilities of office and that are received as an incident of protocol or social obligation;
- c) A political contribution otherwise reported by law;
- d) Services provided without compensation by persons volunteering their time;
- e) A suitable memento of a function honouring the Member;
- f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
- g) Food and beverages consumed at banquets, receptions or similar events, if:
 - Attendance serves a legitimate purpose;
 - The person extending the invitation or a representative of the organization is in attendance; and
 - The value is reasonable, and the invitations infrequent.

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- h) Communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the calendar year exceeds \$300, the Member shall, within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Chief Administrative Officer.

The disclosure statement must indicate:

1. The nature of the gift or benefit;
2. Its source and date of receipt;
3. The circumstances under which it was given or received;
4. The estimated value;
5. What the recipient intends to do with the gift; and
6. Whether any gift will at any point be left with the Town.

Any disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Chief Administrative Officer shall ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Member. If the Chief Administrative Officer makes a preliminary determination that a potential conflict exists, he or she shall call upon the Member to justify receipt of the gift or benefit.

Should the Chief Administrative Officer determine that receipt was inappropriate, a written report shall be presented to Council in closed session whereby Council may:

- Direct the Member to return the gift;
- Reimburse the donor for the value of any gift or benefit already consumed;
- Forfeit the gift; or
- Remit the value of the gift or its benefit if already consumed, to the Town.

A Member shall not seek or obtain by reason of his or her office, any personal privilege or advantage with respect to Town services that are not otherwise available to the general public and not consequent to his or her official duties.

4. Business Relations

A Member shall not borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Town.

5. Communications / Media Relations

Members shall show respect for the decision-making process of Council. Information concerning adopting policies, procedures, and decisions of the Council shall be conveyed openly and

accurately even if Members disagree with the decision of Council.

Confidential information may be communicated only when and upon determination by Council (see section 6 below).

Members shall not use their office to promote or sponsor commercial products or events other than Town-sponsored products or events.

6. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential.

Members shall not disclose or release by any means to any member of the public in either verbal or written form any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council.

Under the Procedural By-law and as authorized under s. 239 of the *Municipal Act*, where a matter that has been discussed at closed meeting remains confidential, no Member shall disclose the content of the matter, or the substance of deliberations, of the closed meeting.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- The security of the property of the municipality or local board;
- Personnel matters about an identifiable individual, including municipal or local body employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council board, committee or other body may hold a closed meeting under another Act;
- Items under litigation, negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions if so specified;
- Information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act;
- Statistical data required by law not to be released (e.g., certain census or assessment data);
- Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency if any of them; and
- A trade secret or scientific, technical, commercial, financial or labour relations

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information, supplied in confidence to the municipality or local board, which if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organizations.

This list is provided as an example and is not exclusive. Requests for information should be referred to the appropriate staff member to be addressed either as an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

Members shall not access or attempt to gain access to confidential information in possession of the Town unless it is necessary for the performance of their duties and not prohibited by law or Council policy.

The obligation to keep information confidential is a continuing obligation even after the individual ceases to be a Member.

7. Conduct at Meetings

During Council, committee or any other advisory committee meeting or a working group meeting, Members shall conduct themselves with decorum in accordance with the provisions of the Town's Procedural By-law. Respect for delegations and fellow Members, staff, and the public, requires that all Members show courtesy and not distract from the business of Council during presentations and when other Members have the floor.

Further to the provisions contained in the Town's Procedural By-law, cell phones, handheld mobile devices, or similar equipment shall:

- a) Remain on vibrate or silent while in open session;
- b) Not be used by a member during open session, unless under extenuating emergency circumstances; and
- c) Turned off while in closed session.

8. Conflict of Interest

Members will recognize their obligations to follow and respect the provisions of the *Municipal Conflict of Interest Act* and in doing so shall:

- Not use their office in any way to attempt to influence any decision or recommendation that results from consideration of a matter to which the Member acting on his or her behalf or while acting for, by, with or through another, has a pecuniary interest, direct or indirect;
- Publicly Disclose a direct or indirect pecuniary interest and the general nature thereof prior to any consideration of the matter;
- Withdraw from direct involvement of any matter of pecuniary interest by vacating the Council table when the matter is debated and by refraining from making any comment that might influence decisions on the issue;
- Vacate the Council Chamber, or the room in which Council is gathered, when the matter to which the Member has disclosed an interest is discussed in closed session.
- Be deemed ineligible to vote on the matter to which they have declared an interest.

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The Clerk or the Secretary of the Committee or Local Board shall record every declaration of interest and the general nature thereof for all matters considered in a meeting open to the public in the minutes of the meeting. Where the meeting is not open to the public, the declaration of interest and the general nature thereof will be recorded in the minutes of the next meeting that is open to the public.

If the matter is of a confidential nature, the Member shall retire from the meeting room.

9. Current and Prospective Employment

Members shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Town.

10. Elections - Campaign Material / Promotion

Members shall not use a corporate resource for any election-related purpose.

Members shall not campaign, distribute or display any election-related material at any Town facility, Town-hosted meeting or event.

Upon registration as a candidate or on June 30th in an election year, the following Town services will be unavailable to Members:

- a) All forms of advertising, including advertising in Town owned or distributed publications (both in print and on-line); **OR**,
- b) Preparation, printing or distribution of any newsletters and pamphlets (either hard copy or electronic).

Subject to the approval of the CAO, Members may continue to use corporate resources as part of the performance of their regular duties, (including the preparation, printing, and distribution of a flyer or notice), provided that the content of the communication is for:

- a) Communicating and conducting a community meeting; or
- b) Communicating to the community on a single specific issue.

Contact information for Members routinely contained in a Town publication or on the Town's website is permitted including a Member's profile information.

Members are responsible for ensuring that the content of any communication material funded or resourced by the Town does not contain, or allude to any election-related material including the name, photograph or identity of a registered Candidate, in any level of government.

Nothing contained in this section of the Code is intended to prohibit members from continuing to fulfil regular duties as a member.

11. Expenses

Members shall comply with the provisions of the Town of Ingersoll Mileage Allowance, and Expense Allowance - Conferences, Conventions, Seminars, Training Courses, and Workshops.

12. Harassment

Harassment of another Member, staff, or any Member of the public is misconduct. It is the policy of the Town of Ingersoll that all persons be treated fairly in the workplace in an environment free of discrimination and personal and sexual harassment.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

With regards to harassment, all Members are responsible for complying with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act*, the Town's Harassment and Violence Policy, and the Council-Staff Relations Policy.

13. Influence on Staff

Members shall comport themselves in compliance with By-law 19-5037, a By-law to establish a Council-Staff Relations Policy for the Town of Ingersoll. Compliance requires that Members shall remain respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members of Council.

In addition, Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual Member or group of members of Council.

14. Public Meetings

At a public meeting, Members will not pressure staff to respond to questions that do not support Council's decision.

15. Representing the Town

Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

16. Respect for the Town and its By-laws and Policies

Members shall encourage public respect for the Town and its by-laws and policies as approved by Council.

17. Use of Town Property, Services, and Other Resources

No Member shall use any Town property, equipment, services, supplies or services of consequence for personal purposes other than for reasons connected to the discharge of Town duties or associated community activities of which Town Council has been advised.

No Member shall obtain financial gain from the use of Town-developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Town of Ingersoll.

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No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

18. Use of Town Technology Resources

Members shall comply with the provisions of the Town of Ingersoll Computer User Policy.

APPLICATION

19. Role of the Integrity Commissioner

The Integrity Commissioner is an independent and impartial position that is appointed by and reports directly to the Council of the Corporation of the Town of Ingersoll. The Integrity Commissioner is a Statutory Officer under the *Municipal Act, 2001* whose powers and functions are set out under the same and include, but are not limited to:

1. Advising Members on the application of the Code of Conduct and any procedures, rules, by-laws and policies of the Town governing ethical behaviour, including review and investigation of formal complaints of contraventions where deemed appropriate.
2. Advising Members on the application of sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act*, including review and investigation of formal complaints of contraventions where deemed appropriate.
3. Providing advice to Members on obligations under the Code of Conduct, any rules, by-laws and policies of the Town governing ethical behavior and on obligations under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
4. Ensuring a fair, unbiased and appropriate process is undertaken to consider complaints regarding contraventions and recommending decisions and penalties; and
5. Providing educational information to Members of Council, local boards, and the public on the provisions of the Code of Conduct and the *Municipal Conflict of Interest Act*.

20. Integrity Commissioner – Advice

As noted in section 19 of this policy, Members may seek the advice of the Integrity Commissioner for items related to the following matters:

- Obligations under the Code of Conduct applicable to the member.
- Obligations under a procedure, rule or policy of the municipality or local board, as the case may be, governing the ethical behavior of members.
- Obligations under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.

Requests for advice by Members shall be governed by the following:

- All requests for advice by Members to the Integrity Commissioner shall be in writing.
- Advice provided to a Member by the Integrity Commissioner shall be in writing.
- A Member may consent, in writing, to the disclosure of any advice received from the Integrity Commissioner. However, per section 223.5 (2.2) of the *Municipal Act*, if a Member releases only part of the advice provided to him/her, the Integrity Commissioner may release all or part of the advice without obtaining the Member's consent.
- Any advice given by the Integrity Commissioner to a Member binds him or her in any subsequent consideration of the conduct of that Member in the same matter as long as

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- all the relevant facts known to the member were disclosed to the Integrity Commissioner.
- The Integrity Commissioner may provide educational advice information to Members of Council, Local Boards, Staff and the public about Code(s) and/or the *Municipal Conflict of Interest Act*.
- Any educational information provided by the Integrity Commissioner to the public may be summarized and disclosed, but shall not disclose any confidential information that could identify the person concerned.

21. Protocol for Complaint Process

Members, staff, or the public, who have reasonable grounds to believe that a Member has contravened the Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* may initiate a complaint via the informal or formal processes detailed in this policy.

1) Informal Complaint Process

- Advise the Member that his/her behaviour or activity does not comply with the Code and request that the prohibited behavior be discontinued.
- Maintain a written record of the incident including the date, time, location, other persons present and any other relevant information.
- If applicable, advise the Member of your satisfaction with the response; or if applicable, advise the Member of your dissatisfaction.
- If dissatisfied, consider pursuing the matter further through the formal complaint procedure or in accordance with applicable judicial processes.

Although Complainants are encouraged to initially attempt to stop or remedy Code-prohibited behavior through the informal complaint process, nothing in this policy precludes an individual from immediately pursuing a resolution via the formal complaint process.

2) Formal Complaint Process

- The complaint is to be made in writing (using the prescribed form) setting out the grounds for the belief that there is an alleged contravention and signed by an identifiable individual and accompanied by a sworn affidavit.
- If the provided complaint form is not used, written details of the complaint must contain all of the information required on the Town's Form and include a sworn affidavit.
- At a minimum, the complaint must include the name of the alleged violator, the provision(s) of the Code that have allegedly been contravened, background details including date(s), time(s), location on the prohibited activity/behavior, the names of any witnesses, and of all those persons involved.
- The complaint shall be filed through the Clerk or designate.
- In the event that a complaint is sent to or left at the Town's municipal offices, the Clerk shall ensure that the document is delivered, unopened (or if left unsealed, placed in a sealed envelope) to the Integrity Commissioner.

22. Integrity Commissioner's Complaint Classification & Decision to Investigate

Upon receipt of a Formal Complaint, the Integrity Commissioner shall make an initial classification of the complaint to determine if the matter is, on its face, a complaint with respect to a contravention of the Code and not a matter covered under other legislation or policies of

Council.

1. If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to the Code of Conduct, the Integrity Commissioner shall advise the Complainant in writing as follows:
 - a. Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code, that pursuit of such an allegation must be made through appropriate police service;
 - b. Municipal Freedom of Information and Protection of Privacy – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, then the matter will be referred to the Clerk for review under statute.
2. A formal complaint of a contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* will be reviewed and investigated in accordance with section 24 of this policy. All other alleged contraventions of the Act should be pursued by the Complainant in accordance with the Act through a court application.
3. Upon review, if the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious, not made in good faith, or if there are insufficient grounds for an investigation, he/she will not conduct an investigation and shall communicate this determination in writing to the Complainant and the Member identified in the complaint form.
4. Efforts will may be made to achieve a resolution through informal means if at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes there is an opportunity to resolve the matter without formal investigation, and both the Complainant and the Member agree to the informal approach.

23. Review and Investigation Process – Code of Conduct Contraventions

If the Integrity Commissioner determines that a formal investigation is required, he/she shall proceed in the following manner, subject to the his/her ability to elect to exercise the powers of a Commissioner under ss. 33 and 34 of the *Public Inquiries Act*, 2009, as contemplated by subsection 223.4(2) of the *Municipal Act*, 2001, at which time the identity of the person filing the complaint is no longer considered confidential:

1. The Integrity Commissioner shall provide a copy of the complaint, and any supporting materials to the Member whose conduct is in question, with a request that a written response to the allegation be provided to the Integrity Commissioner within fourteen (14) days.
2. The Integrity Commissioner shall give a copy of the Member's response to the Complainant, with a request for a written reply within fourteen (14) days.
3. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Town or Local Board work location relevant to the complaint for the purpose of investigation and potential resolution.
4. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.

Schedule 'A' to By-Law 21-5147

5. At any time, the Complainant may abandon the request for an investigation, and the Integrity Commissioner will cease his/her investigation.
6. If the Integrity Commissioner receives a complaint between nomination day and voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election would be held:
 - a. There shall be no requests for an inquiry about whether a Member of Council or a local board has contravened the Code of Conduct applicable to the Member;
 - b. The Integrity Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a Member of Council or local board has contravened the Code of Conduct applicable to the Member; and
 - c. The Town or local board shall not consider whether to impose the applicable penalties related to a Member of Council or of a local board.
7. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated in such a manner, the Commissioner shall not commence another inquiry in respect of the matter unless within six (6) weeks of voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, the person or entity that made the request or the Member or former Member whose conduct is concerned, makes a written request to the Commissioner that the inquiry be commenced.
8. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Town or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5(3) of the *Municipal Act*, 2001 (duty of Confidentiality).
9. When the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code of Conduct, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
10. When the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, they shall summarize the advice they have given but shall not disclose confidential information that could identify persons concerned with informal complaints or the identity of those concerned with formal complaints that have been dismissed.

24. Review and Investigation Process – Municipal Conflict of Interest Inquiry

This section applies to inquiries by the Integrity Commissioner under section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

1. An elector, as defined in the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*.
2. The application shall set out the reasons for believing that the Member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Schedule 'A' to By-Law 21-5147

3. The application shall include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six (6) weeks before the date of the application.
4. No application for an inquiry shall be made during the period of time between nomination day and voting day, as defined in the *Municipal Elections Act*, 1995, in any year in which a regular municipal election will be held, or more than six (6) weeks after the applicant became aware of the alleged contravention, unless the following is satisfied:
 - a. The applicant became aware of the alleged contravention within the period of time starting six (6) weeks before nomination day and ending on voting day as defined in the *Municipal Elections Act*, 1996 in any year in which a regular municipal election will be held.
 - b. The applicant applies within six (6) weeks after the day after voting day, as defined in the *Municipal Elections Act*, 19956 in any year in which a result municipal election will be held.
5. The Integrity Commissioner may conduct such inquiry as he or she considers necessary.
6. If the Integrity Commissioner decides to conduct an inquiry, he or she may have a public meeting to discuss the inquiry.
7. The Town and its local boards and committees shall give the Integrity Commissioner such information, as the Integrity Commissioner believes to be necessary for an inquiry.
8. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Town, local board or committee work location relevant to the complaint for the purpose of investigation and potential resolution.
9. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular municipal election will be held, he or she shall terminate the inquiry on that day.
10. If an inquiry is terminated in such a manner, the Commissioner shall not commence another inquiry in respect of the matter unless within six (6) weeks of voting day, as defined in the *Municipal Elections Act*, 1996, in any year in which a regular election will be held, the person or entity that made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.
11. The Integrity Commissioner and every person acting under his or her instruction shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, except where information may be disclosed in a criminal proceeding, as required.
12. If during the course of an inquiry, the Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any Act, other than the *Municipal Conflict of Interest Act*, or the *Criminal Code*, he/she shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge(s) have been disposed of. Any such suspension shall be

reported to Council.

13. The integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application unless otherwise terminated under the provisions of the Municipal Conflict of Interest Act.
14. Upon completion of the inquiry and if deemed appropriate, the Integrity Commissioner may apply to a judge under the provisions of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1, or 5.2 of that Act. The Integrity Commissioner shall advise the applicant if he or she will not be making an application to the judge. After deciding whether to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

25. Reporting and Recommendations

Upon completion of an investigation, the Integrity Commissioner may report to the Complainant and the Member on the results of his or her review within ninety (90) days of receiving a complete Complaint package. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the Complainant and the Member indicating when the complete report will be available. If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty, as set out in subsection 223.4(5) of the *Municipal Act*, 2001.

The Integrity Commissioner shall provide the Member who is the subject of the complaint with notice in writing of the proposed finding, and any recommended sanction at least ten (10) days prior to the report being provided to the Municipal Clerk. An opportunity to comment shall be provided to the Member on the proposed finding and any recommended sanction prior to the report being published.

26. Penalty – Non-Compliance with the Code of Conduct

Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Commissioner has determined there was a violation; impose either of the following penalties on a Member:

- a) Reprimand the Member;
- b) Suspend the remuneration of the Member in respect of their services as a Member of Council or local board, for a period of up to ninety (90) days.

The Integrity Commissioner may also recommend that Council take any of the following actions:

- a) Removal from membership of a Committee, Local Board or Adjudicative Board;
- b) Removal as Chair of a Committee, Local Board, or Adjudicative Board;
- c) Request for repayment or reimbursement of moneys received;
- d) Request for a return of property or reimbursement of its value; and
- e) Request for an apology to Council, a Local Board or Adjudicative Board, the Complainant, or both.

27. Implementation

Members seeking clarification of any part of this Policy should consult with the Chief Administrative Officer or the Integrity Commissioner

At the beginning of each term of Council, the Clerk will:

- a) Provide each Member with a copy of the Code of Conduct;
- b) Provide each Member with a copy of the Municipal Conflict of Interest legislation;
- c) Undertake a review of the Code as part of the Council orientation process; and,
- d) Have each Member sign an "Acknowledgement of Code form" indicating that the Code has been read and understood.

Members are expected to formally and informally review the Code on regular basis, as- needed or when so requested by Council.

28. Policy Review

This policy shall be reviewed once during each term of Council.



Town of Ingersoll Council Code of Conduct Complaint Form and Affidavit

Filing a Code of Conduct Complaint

1. The Code of Conduct applies to all Members of Council, advisory committees and member of local boards of the municipality (as defined in the *Municipal Act*).
2. A complaint that a Member has contravened a Code of Conduct must be submitted to the Clerk of the Town of Ingersoll to be filed with the Integrity Commissioner for investigation.
3. In accordance with subsection 2234(9) of the Municipal Act, no complaint that a Member has contravened the Code of Conduct may be submitted by any person during the Election period, which starts on Nomination Day and ends on Voting Day in a regular election year.
4. This complaint form must be submitted with a sworn affidavit (section 3) attesting to the facts that the Complainant is alleging. An affidavit must be signed and sworn or affirmed before the Town Clerk, a Deputy Clerk, a Notary Public or a Commissioner for Taking Affidavits.

Section 1: Complainant Contact Information

Full Legal Name:			
Address:			
Primary Phone Number:		Alternate Phone Number	
Email Address (optional):			

Section 2: Code of Conduct Contravention Details

Name(s) of Member(s) who you believe have contravened provisions of the Council Code of Conduct: _____

Using the space below, clearly outline all of the reasons why you believe the Member has contravened the Council Code of Conduct and **include applicable dates, times and locations as well as specific provisions of the Code you believe that have been breached**. Any supporting documents or evidence that you wish to provide should be listed and attached to this Form.

Date of alleged contravention:	
--------------------------------	--

Provision(s) of Code of Conduct allegedly contravened:

The personal information collected on this form is collected under the authority of sections 223.1 to 223.8 of the Municipal Act, 2001, as amended. The information will be provided to enforce the Code of Conduct and shall be shared with the Integrity Commissioner and any persons the Integrity Commissioner deems necessary as part of his/her investigation.

Facts constituting the alleged contravention (use separate page if required):

Names and contact information of any witnesses:

Section 3 - Affidavit of Complainant

I, _____ of the _____ of
Complainant Name Town/City
 _____ in the _____ of _____
Name of Town/City County Name of County

DO SOLEMNLY DECLARE THAT:

All of the statements contained in this Complaint Form are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of the Canada Evidence Act.

Date _____, 20_____

Signature of Complainant

DECLARED before me at the _____ of _____

in the _____ of _____

this _____ day of _____, 20_____

Name of Commissioner or Clerk Signature of Commissioner or Clerk

The personal information collected on this form is collected under the authority of sections 223.1 to 223.8 of the Municipal Act, 2001, as amended. The information will be provided to enforce the Code of Conduct and shall be shared with the Integrity Commissioner and any persons the Integrity Commissioner deems necessary as part of his/her investigation.

TOWN OF INGERSOLL POLICIES AND PROCEDURES

Policy:	Use of Town of Ingersoll Resources for Election Purposes
Approval Date:	April 11, 2022
Revision Dates:	N/A
Effective Date	Upon Council Approval

Policy Statement

This policy complies with the *Municipal Elections Act*, 1996 (“Act”) and aids in preserving the integrity and public trust of the elections process by setting out provisions for the use of Town resources including facilities, supplies, equipment and infrastructure during an election period. This policy allows the Town to meet its legal obligations to ensure that no candidate, registered third party advertiser or political party is provided with an unfair advantage.

This policy recognizes that Members of Council are holders of their office until the end of the term and supports them in continuing to fulfill their responsibilities as Members of Council. Nothing in this policy shall preclude a Member of Council from performing his or her duties as an elected official, nor inhibit any member from representing the interests of the constituents of the Town of Ingersoll.

Purpose and Background

Section 88.18 of the *Municipal Elections Act* requires municipalities to establish rules and procedures for the use of municipal resources during the election period. The Act also provides that the Town cannot make a contribution (including money, goods and services) to any candidate, registered third party advertiser or political party during an election (sections 88.8(4) and 88.12(4)). The *Election Finances Act* and the *Canada Elections Act* impose similar contribution restrictions for provincial and federal election campaigns, respectively.

The provisions in this Policy may also be subject to the provisions of additional Town by-laws and policies.

Definitions

“**Corporate Resource**” shall include but not be limited to Town equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, handheld mobile devices, cell phone, phone, address, voice-mail, e-mail, facility and staff.

“Campaign-Related Activity” – shall mean any activity that may directly or indirectly benefit a municipal, provincial or federal election campaign.

“Campaign-related Signs” shall mean any material, regardless of format, that promotes or opposes any candidate, Third Party Advertiser or a question on a ballot, or any material that may directly or indirectly benefit an election campaign.

“Candidate” means any person who has filed and not withdrawn a nomination for an elected office at the municipal, provincial or federal level in an election or by-election.

“Election Campaign” shall mean any campaign related to an election or a by-election at the municipal, provincial or federal level of government, or a campaign related to the submission of a question on the ballot.

“Third Party Advertiser” means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act*, 1996 Section 37.5 of the *Elections Finances Act*, R.S.O. 1990, c. E.7, or Section 353 of the *Canada Elections Act*, S.C. 2000, c. 9.

Applicability

This policy shall apply to the use of Town of Ingersoll corporate resources by any party that would directly or indirectly benefit a municipal, provincial or federal election campaign or a campaign related to a question on a ballot.

Policy

This policy is intended to facilitate the preservation of elections provisions and fulfill the requirements of the *Municipal Elections Act* and the *Election Finances Act* by setting out provisions for the use of Town resources that may indirectly or directly benefit an election campaign.

1. Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act*, 1996, as amended, the *Election Finances Act* (Ontario), the *Canada Elections Act* (Canada), the Declaration of Office for Members of Council, Ingersoll’s Code of Conduct for Members of Council, Local Boards and Advisory Committees and any other relevant Code of Conduct, policy or procedure of the Town governing appropriate comportment.

Town resources, assets and funding that shall not be used by any party to directly or indirectly benefit an election campaign and includes, but is not limited to:

- 1.1. Town staff;
 - 1.2. Town funds;
 - 1.3. Town property including facilities and/or equipment, except in those cases where use of the property, facilities and/or equipment are rented in accordance with Town procedures applicable to the general public and/or use of the property, facilities and/or equipment is permitted under other legislation (e.g. Election Sign By-law, etc.). Any rental shall be subject to the following:
 - Any campaign material will be set up and removed within the approved rental period; and
 - Campaign material may only be displayed within the rented area as designated on the rental agreement.
 - 1.4. Print or electronic materials paid for by the Town promoting an individual;
 - 1.5. Any photos or videos produced by the Town, including electronic images and videos (including those used for social media purposes);
 - 1.6. Town mail supplies and services (including access to the mail machine/postage, Canada Post account, etc.);
 - 1.7. Town technical services and equipment (e.g. computers, laptops, mobile devices and applications such as voice mail, e-mail, Internet and Intranet, Town web pages, social media accounts and domains, etc.);
 - 1.8. The Town brand (e.g. logos, crest, etc.) and slogans;
 - 1.9. Lists and files produced using Town resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996* (e.g. Voters' List).
2. Town staff shall not engage in any campaign-related activities during business hours unless they are on paid or unpaid leave.
 3. Campaign-related signs or materials shall not be displayed at or in Town-owned or leased facilities, unless otherwise permitted by legislation, and, where permitted for display, shall comply with the provisions of the Town of Ingersoll Election Sign By-law and the County of Oxford Election Sign By-Law.
 4. No individual shall distribute, in print or electronic form, material paid for by the Town that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit an election campaign. This does not limit a Member of Council from communicating with

constituents on matters of interest that are relevant to the business of the Town and fall within the fiduciary responsibility of the Member of Council, providing that these actions and communications do not promote the personal interests of a Member of Council.

5. Information provided to a candidate or registered third party that is a general nature and may provide valuable guidance to all others will be provided to all candidates and registered third parties by posting the information to the Town's website, or through other mechanisms to ensure equal access to information.
6. At the discretion of the Clerk, the Town may host information sessions at Town-owned facilities for education purposes provided that the session is open to all candidates and that no particular candidate or registered third party, political party, or ballot question is promoted, supported or opposed at the event.
7. Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding Town business, during their period of office.

2022 Candidates' Guide - Ontario municipal council and school board elections

2022 Candidates' Guide – Ontario municipal council and school board elections

This guide provides information to candidates for the 2022 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2022-2026 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*

New election rules for 2022

Nominations may be filed electronically if permitted by your municipal clerk. [Contact your municipal clerk](#) to find out if nominations can be filed electronically in your municipality, and for information about how to file your nomination.

The deadline for filing your nomination is August 19, 2022 at 2 p.m.

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Contact us

If you have further questions or would like to give feedback on this Guide, please contact us at mea.info@ontario.ca.

You can also contact your regional [Municipal Services Office at the Ministry of Municipal Affairs and Housing](#).

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General information

Every four years, voters across Ontario elect municipal councillors and school board trustees.

The Province of Ontario sets out common rules that all candidates and voters 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 run for office, and rules about campaign spending.

Your municipality may have specific rules on issues such as:

- where and when election signs may be displayed
- whether campaign activities may occur on municipal property
- whether those who make contributions to candidates may receive a rebate

Contact your municipal clerk if you have questions about the election in your municipality.

To learn more about the duties of municipal councillors and the role of council, please see the [Ontario Municipal Councillor's Guide](#).

The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

Contact the municipal clerk if you are interested in becoming a candidate. You must file any election forms, such as the nomination form and campaign financial statements, with your municipal clerk. The clerk is also responsible for providing information about spending limits and filing deadlines to candidates.

[If your municipality does not have a website](#) you could visit or contact your municipality's offices for more information.

Public health and safety at the voting place

The municipal clerk is responsible for setting up and running the voting places used in a municipal election. The clerk must follow any provincial or local public health measures that are in effect. They may also put in place additional procedures that they consider necessary for conducting the election. If you have questions about public health and safety at the voting place, you should contact your municipal clerk.

Emergency declaration by the clerk

If the municipal clerk believes that circumstances have arisen that prevent the election from being conducted appropriately, they may declare an emergency. This declaration is specific to the election and separate from an emergency that may be declared by the municipality or the province.

Once the clerk has declared an emergency, they can decide what arrangements to make to allow the election to proceed appropriately. The arrangements that the clerk makes will depend on the nature of the emergency.

If your municipal clerk has declared an emergency in relation to an election or by-election in your municipality, you should contact the clerk for information about the arrangements that they have put in place and how those arrangements may affect voting and campaigning.

Eligibility to run for election

Running for municipal council

To run for a position on council you must be eligible to vote in that municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector. For more information about eligibility to vote, please see [the 2022 Voters' Guide](#).

You must be eligible to hold office on the day you file your nomination. For example, a person who is 17 years old but will turn 18 before nomination day must wait until they have turned 18 to file their nomination.

If your municipality has wards, you can run in any ward – you do not have to live in a particular ward in order to be its councillor. However, if you run in a ward where you do not live, you will not be able to vote for yourself. Having a campaign office or a business in a ward where you would not otherwise be eligible to vote does not make you eligible to vote in that ward.

Municipal employees

You cannot work for a municipality and be on its council at the same time. If you are an employee of a municipality and you want to run for office on that municipality's council, you must take a leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

If you are an employee of a municipality and you want to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you should check with your employer to see if there are any policies in place that could affect you.

If you are an employee of an upper-tier municipality, you can run for office in a lower-tier municipality without taking a leave of absence or resigning unless being elected to the lower tier council means that you would also be a member of the upper-tier council.

Who is not eligible?

The following people are disqualified from being elected to municipal office:

- any person who is not eligible to vote in the municipality
- an employee of a municipality who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Running for school board trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights). For more information about eligibility to vote, please see [the 2022 Voters' Guide](#).

Additional information about [French-language rights](#) is available from the Ministry of Education.

School board employees

You cannot work for a school board and be a trustee in Ontario at the same time.

If you are an employee of any Ontario school board and you want to run for a trustee position on any school board in the province, you must take an unpaid leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

Municipal officials

If you are a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, you are not permitted to run for office as a trustee of that board unless you take a leave of absence. If you are elected, you must resign from your job.

Who is not eligible?

The following people are disqualified from being elected as a school trustee:

- any person who is not eligible to vote in the school board election
- an employee of a school board or a municipal official who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Note for MPs, MPPs and senators

If you are an MP, MPP or senator, you may file your nomination for municipal or school board office without resigning your current seat in parliament, the legislature or the senate. However, you must resign your seat by the close of nominations (2 p.m. on Friday August 19, 2022). If you are a federal or provincial cabinet minister, you must step down from cabinet prior to filing your nomination and must resign your seat by the close of nominations.

If you have not resigned by nomination day, your nomination will be rejected and your name will not appear on the ballot.

Nominations

Filing your nomination

To file your nomination you must give the following to your municipal clerk:

- a completed [nomination form \(Form 1\)](#)
- the nomination fee
- completed [endorsement of nomination forms \(Form 2\)**](#)

**If you are running for municipal council and your municipality has more than 4,000 electors, you must submit original endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for school board trustee and candidates for municipal council in municipalities with 4,000 or fewer electors do not have to submit endorsement signatures.

When you fill out the nomination form, write down your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name, you may use that name provided that the clerk agrees.

You do not have to provide all of your names under the box entitled “Given Name(s)” on the form. Only provide the one(s) that you want to appear on the ballot. If your legal name is a single name you do not have to provide any given names.

Clerks can decide to allow nominations to be filed electronically. If your municipality allows electronic filing, contact the clerk for more information about how to file your nomination.

If electronic filing is not allowed in your municipality, you must file the nomination form that you have signed – the form may not be a copy and may not be scanned and submitted electronically. You must file the nomination form in person or have an agent file it on your behalf.

The clerk may require you to show identification or fill in an additional form to prove that you are eligible to be nominated. If an agent is going to file the form on your behalf you should check with the clerk to see if you are required to provide identification or additional paperwork.

Your campaign period begins when the clerk has received your nomination. If you file your nomination electronically at a time when the clerk’s office is not open, you may have to wait to begin your campaign. You should contact the clerk for more information.

The nomination fee

The fee to file a nomination is \$200 to run for head of council and \$100 for all other positions. This fee must be paid to the clerk at the time you submit your nomination form.

Your nomination fee will be refunded if you file your campaign financial statement by the deadline.

Endorsement signatures

If you are running for municipal council in a municipality that has more than 4,000 electors, you must submit 25 original signatures endorsing your nomination.

You must use [Form 2](#) to collect the endorsement signatures.

Anyone providing an endorsement signature must also fill in their name and address, including the postal code.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they signed the endorsement. In addition to their endorsement, they will also be required to sign a declaration that they are eligible to vote in the municipality.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they would like and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

Collection of signatures should be undertaken safely by following guidance related to and in compliance with all applicable laws and emergency orders, as well as any [guidance and safety standards established by the province for COVID-19](#). These measures are intended to keep Ontarians safe.

If you submit 25 original endorsement signatures and find out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, you will not lose your nomination. The person who supplied false information (by declaring that they were eligible to endorse your nomination when they were not eligible) could be subject to prosecution.

If the clerk has allowed electronic filing, you must still collect the endorsement signatures in person. You can submit an electronic copy of the forms when you file your nomination. You must keep the forms with the original signatures as part of your campaign records.

School board trustee candidates are not required to submit endorsement signatures.

The [Endorsement of Nomination Form \(Form 2\)](#) is a public document. Endorsements of candidates cannot be revoked if the document has already been filed with the clerk.

Deadline to file your nomination

The nomination period begins on May 1, 2022. As May 1 is a Sunday, you may not be able to file your nomination until May 2, 2022 when the clerk's office is open. The last day to file a nomination is Friday, August 19, 2022 by 2 p.m.

The clerk has until 4 p.m. on Monday, August 22, 2022 to certify or reject your nomination. The clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified, your name will not appear on the ballot.

Where to file

If you are running for council office in a single-tier or lower-tier municipality (city, town, township, village, etc.), you must file your nomination with the clerk of that municipality.

If you are running for an office in an upper-tier municipality (region or county) that does not also sit on a lower-tier council, you must file your nomination with the clerk of the upper-tier municipality. For example, a person running for chair of Durham Region would file their nomination with the clerk of Durham Region rather than the clerk of a lower-tier municipality such as Oshawa or Pickering.

If you are running for a school trustee position that represents more than one municipality, contact your municipal clerk for information about where to file your nomination.

Changing your mind – withdrawal

If you decide to withdraw your nomination, you must notify the clerk in writing by the close of nominations (2 p.m. August 19, 2022).

If you withdraw your nomination, you are still required to file a campaign financial statement covering all the financial transactions you made in your campaign.

If your campaign did not have any financial transactions, you must file a financial statement reporting this. Your nomination fee will be refunded by the clerk if you file your financial statement by the deadline.

Changing your mind – running for a different office

You can only run for one office at a time. If you decide to run for a different office, your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same council or school board, and both offices are elected at large (for example, an office such as the mayor, which everyone in the municipality may vote for), everything (contributions, expenses, etc.) from your first campaign is simply transferred to your second campaign.

Example:

You file your nomination to run for deputy mayor on May 12, 2022. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 12 is transferred to your second nomination (in this case, you would have to pay an additional \$100 to make up the \$200 fee to run for head of council).

- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- Your campaign for mayor is deemed to have started on May 12.
- Any campaign contributions or expenses that occurred prior to June 29 are transferred to your mayoral campaign.
- You must file one campaign financial statement covering your campaign finances from May 12 until January 3, 2023.
- Your nomination fee will be refunded if you file your campaign financial statement by the filing deadline.

If you decide to run for a different office on the same council or school board, and one or both of the offices is elected by ward, then you must keep the two campaigns separate.

Example:

You file your nomination to run for mayor on May 12, 2022. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2022.

Your first nomination for mayor is deemed to be withdrawn, and your campaign for mayor ends. You may not transfer any contributions or expenses from your mayoral campaign to your ward councillor campaign.

- You must pay a separate nomination fee when you file your nomination for ward councillor.
- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- You must file a campaign financial statement covering your campaign for mayor (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

If you decide to run for office on a different council or school board, then you must keep the two campaigns separate. If you decide to run for council in a municipality that has more than 4,000 electors, you will need to submit original endorsement signatures from electors eligible to vote in that municipality. If you are unsure if the municipality has more than 4,000 electors, you should contact the municipal clerk.

Example:

You file your nomination to run for school board trustee on May 12. During the summer you decide to run for councillor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for school board trustee is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for ward councillor.
- If the municipality where you are running for ward councillor has more than 4000 electors, you must submit 25 endorsement signatures.
- Your campaign for school board trustee ends. You may not transfer any contributions or expenses from your trustee campaign to your ward councillor campaign .
- You must file a campaign financial statement covering your campaign for school board trustee (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, August 22, that candidate will be declared elected by acclamation. Similarly, in a municipality where multiple candidates are elected at large, if the number of certified candidates is the same as or less than the number of offices, those candidates will be declared elected by acclamation.

If you are elected by acclamation, you must still file a campaign financial statement.

Additional nominations

If there are positions that no candidates have run for or positions that are still vacant after the candidates who did run have been acclaimed, the clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between 9 a.m. and 2 p.m. on Wednesday, August 24, 2022. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 25, 2022.

Campaigning

Signs

Your municipality may have rules about when you can put up campaign signs and how signs may be displayed on public property.

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a third party advertiser.

Please see [Leftover campaign inventory](#) (page 23) if you plan to reuse signs from the last election.

You are responsible for ensuring that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. Contact your local clerk for more information.

You are entitled to have your nomination fee refunded if you file your campaign financial statement by the filing deadline. The clerk cannot make removing your signs a condition for receiving your refund.

Getting information out

It is up to you to provide voters with information about you as a candidate and about your campaign. The municipal clerk is not responsible for providing your contact information to voters.

All candidates' debates

The *Municipal Elections Act, 1996* does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates can be organized by community groups, media outlets, candidates or any other interested persons.

Joint campaigns / running on a slate

There is nothing in the *Municipal Elections Act, 1996* that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates' names on them) must be divided between the campaigns.

For information on campaign finance rules please see [Campaign Finance](#) (page 16).

Third party advertising

General information

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 a "yes" or "no" answer to a question on the ballot.

The meaning of "third party" in this context means a person or entity who is not a candidate. Eligible individuals, corporations and trade unions can register to be third party advertisers. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who want to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

For more information about third party advertising rules, including eligibility, spending limits and enforcement, see the [Third Party Advertisers' Guide](#).

On voting day

Campaigning on voting day

The *Municipal Elections Act, 1996* does not prohibit campaigning on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these “blackouts” do not exist for municipal council and school board elections.

The Act prohibits the display of campaign material inside a voting place. The “voting place” could include the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside the voting place.

Remaining in a voting place

As a candidate, you are allowed to stay in a voting place to observe but you are not allowed to interfere with voters, attempt to influence how they vote or ask a voter how they voted. Scrutineers may also stay in the voting place.

You and your scrutineers are entitled to be in the voting place 15 minutes before it opens and to inspect the ballot boxes, the ballots and any other papers or forms relating to the vote. However, you may not delay the opening of the voting place.

You and your scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking your seal.

Note: If you have been acclaimed, you are not allowed to be in the voting place or to appoint scrutineers.

Scrutineers

You may appoint a scrutineer for each ballot box in a voting place. You do not have to appoint that many scrutineers, or any scrutineers at all. If you have appointed one scrutineer for each ballot box, a scrutineer must leave while you are in the voting place.

Scrutineers may observe but they are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted.

You must provide each of your scrutineers with an appointment in writing. Scrutineers may be required to show their appointment document to election officials at the voting place.

Scrutineers may be required to take an oath of secrecy.

There are no general restrictions on who you can appoint as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Counting votes

If your municipality is using voting machines or vote counting equipment, the clerk must have the processes and procedures for use of this equipment in place by June 1, 2022. If vote counting equipment is used, the clerk will be able to provide you with information on how the votes will be counted and how many scrutineers may be present.

The vote count begins immediately after the close of voting at on October 24, 2022 at 8 p.m.

If the votes are counted manually, you and your scrutineers are entitled to view the ballots as they are counted, but you cannot touch the ballots. You and your scrutineers may object to a ballot or how it is counted (for example, if it is unclear who the vote is for or if the ballot has extra markings on it). The deputy returning officer is responsible for deciding whether to accept the objection and must keep a list of all the objections raised.

Results

After the votes have been counted, the deputy returning officer will prepare a statement showing the results and seal all the other election documents, including the ballots, inside the ballot box. You and your scrutineers are entitled to put your or their own seal on the ballot box at this time, and are entitled to sign the statement showing the results.

The sealed ballot box and the statement of the results will then be delivered to the municipal clerk, who will compile the results and declare who has been elected.

Note: results announced on voting night are unofficial. It may take the clerk a few days or more to make the official declaration.

After voting day

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 in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to request that a judge order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in 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 the 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.

Tied votes

If two or more candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the clerk declaring the results of the election. If you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner by lot. This means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

Wrapping up your campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, remove any references to the campaign. Websites that say “Vote for me” which are left up for years after the election can make it look like you are attempting to campaign for the next election early.

Usually, campaigns must end on December 31. However, since December 31, 2022 is a Saturday, the deadline moves to January 3, 2023. Your campaign must end on January 3, 2023 unless you have a deficit and inform the clerk in writing that you are going to extend your

campaign. Once your campaign has ended, you should close your campaign bank account and prepare your campaign financial statement.

Financial statements must be filed with the clerk by 2 p.m. on Friday, March 31, 2023.

Term of office

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Campaign finance

General information

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the [campaign financial statement \(Form 4\)](#) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement.

You are required to keep all of your campaign financial records until November 15, 2026 when the next council or school board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses, including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution

Campaign period

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign period begins on the day the clerk receives your nomination.

In most cases, your campaign will end on January 3, 2023. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (August 19, 2022)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before January 3, 2023

If you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2023

Bank account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. You do not have to open a campaign bank account if you do not spend any money and do not receive any contributions of money. If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense. You do not need to have a campaign bank account in order to pay the nomination fee.

Contributions and campaign income

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution. If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (what it would cost you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things that are not contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.

The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the *Broadcasting Act* (Canada) is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

Who can make a contribution

You can accept contributions only from individuals who are residents of Ontario. Corporations and trade unions are not permitted to make contributions to candidates.

If your spouse is not a resident of Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Who cannot make a contribution

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

- a corporation
- a trade union
- an individual who is not normally a resident in Ontario
- a federal political party, constituency association, or a registered candidate in a federal election

- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board

When you can receive contributions

You can only accept contributions after the clerk has received your nomination, and you cannot accept contributions after your campaign period has finished. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must turn it over to the clerk.

Contribution limits – contributions from yourself and your spouse

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

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

There is a cap of \$25,000. If the formula results in a number greater than \$25,000, the limit will still be \$25,000.

The clerk will tell you what your self-funding limit is.

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

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

This limit does not apply to school board trustee candidates.

Contribution limits – contributions from other people

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (for example, contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

If you are running for mayor in the City of Toronto, the limit is \$2,500.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (for example, running for the same council or for the same school board) is \$5,000.

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

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

Contribution receipts

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

If you receive a contribution from a joint account, the contribution can only come from one person. You must determine who is making the contribution and issue the receipt to that person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

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

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the *Municipal Elections Act, 1996* as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the clerk.

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

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contribution rebates

Your municipality may have a contribution rebate program. Contact your clerk for more information.

Contributions to municipal council and school board campaigns are not tax deductible.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

Campaign income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income that is not a contribution.

Campaign expenses

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your campaign.

Reminder: the nomination fee is a personal expense rather than a campaign expense. It should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

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

Goods and services

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

Spending limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

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

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

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

On or before September 25, 2022, the clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

While most of your expenses will be subject to the general spending limit, the following expenses are not:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

When the general spending limit applies

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

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as 10% of the amount of your general spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Leftover campaign inventory

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

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

Note to accountants: The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit.

Note: Ending your campaign with a deficit may result in questions being raised about how expenses were paid for, and whether you contributed more than your self-funding limit by paying outstanding expenses with personal funds.

Campaign financial statement

It is your responsibility as a candidate to file a **complete and accurate financial statement on time**.

The filing deadline is 2 p.m. on the last Friday in March following the election (**March 31, 2023**).

If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

Financial statements are not required to have original signatures. You should contact your clerk for information about whether you can file your financial statement electronically if you are not able to file your statement in person.

If you filed a nomination form, you must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

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

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

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

Filing early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 31, 2023. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one.

Applying for an extension

If you think that you will be unable to file your financial statement by the deadline, you may apply **before March 31, 2023** to the Superior Court of Justice for an extension. If the court grants the extension, you will receive the refund of your nomination fee if you file by the deadline given to you by the court.

Grace period for filing

If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2 p.m. on Monday, May 1, 2023. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, automatic penalties apply:

- you will forfeit your elected office (if you won the election)
- you will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election

If you did not file your financial statement by the end of the grace period, you may still file it for the purposes of having your finances on the record. The clerk will accept the financial statement and make it available to the public. The penalties will still apply.

Separate statement for each office

If you filed a nomination and then changed your mind and filed a nomination for a different office, you may be required to file a separate financial statement for each campaign.

Extended campaigns

Your campaign period ends on January 3, 2023. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the clerk on or before January 3, 2023 using the [Notice of Extension of Campaign Period form \(Form 6\)](#).

Your campaign may be extended until June 30, 2023.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until January 3, 2023 (due March 31, 2023)
- a supplementary financial statement that includes the information from your initial statement and adds financial information from your extended campaign

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 29, 2023.

Auditor's report

You must have an auditor review your financial statement and provide a report if any of the following are true:

- your campaign expenses exceed \$10,000
- the contributions you received (including contributions from yourself) exceed a total of \$10,000
- both your expenses and your contributions exceed \$10,000 each

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

You can incur expenses relating to the auditor's report after January 3, 2023. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

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

Automatic penalties

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

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

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2026 election.

Compliance audits

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

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

An application for a compliance audit must be submitted to the municipal clerk who conducted the election within 90 days of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

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

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

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

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the financial statement

General information

All candidates must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

Candidates must use [Form 4](#).

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 31, 2023)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 29, 2023)**.

Tips for completing Form 4

Learn more about how to correctly fill out the campaign financial statement.

Box A: Name of Candidate and Office

Record your general spending limit and your spending limit for parties and other expressions of appreciation.

Note: automatic penalties will apply if the form reports that either of the spending limits have been exceeded.

If you are running for a council position, record your self-funding limit.

Box B: Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Box C: Statement of Campaign Income and Expenses

Loan

If you obtained a loan for your campaign you must record the name of the bank or recognized lending institution and the amount borrowed.

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fundraising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.

The \$1,000 that you spent on the shirts must be recorded as a campaign expense.

The \$2,500 that you raised by selling the shirts must be recorded as revenue from fundraising events not deemed a contribution.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution and must be recorded as revenue from fundraising events not deemed a contribution.

Sign deposit

If your municipality requires a deposit for election signs, this should be recorded as a campaign expense and paid for using campaign funds. If your deposit is refunded, record the amount under Income.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Expenses related to parties and expressions of appreciation after voting day are subject to that spending limit regardless of when they are incurred.

Box D: Calculation of Surplus or Deficit

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to January 3, 2023.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

You are entitled to reimburse contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Schedule 1: Contributions

Schedule 1 includes a summary of contributions from your campaign.

The following tables are included in Schedule 1 and need to be filled in, if applicable:

- Table 1: Contributions in goods or services from candidate or spouse
- Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
- Table 3: Monetary contributions from individuals other than candidate or spouse where contributions exceed \$100 per contributor
- Table 4: Contributions in goods or services from individuals other than candidate or spouse where contributions exceed \$100 per contributor

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be reimbursed by you and your spouse if the campaign ends with a surplus.

Note: you must report the full amount of the contributions made by you and your spouse, including any amounts that have been reimbursed from a surplus.

Contributions totalling \$100 or less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided at the top of Schedule 1.

If an anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Goods and services from candidate or spouse

If you or your spouse contribute goods and services to your campaign, this must be recorded as a contribution. Record any contributions in Table 1 of Schedule 1.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign and counts towards your self-funding limit. You must calculate the

current market value (for example, if you have 100 signs left over from 2018 and use them again, you must calculate how much it would cost to purchase those same signs in 2022) and record it in Table 2. This inventory must also be recorded as a campaign expense.

Contributions totalling more than \$100

If a contributor makes 1 or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided in Schedule 1 (Tables 3 and 4).

If an anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 3 (listing "anonymous" as the name of the contributor). Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Note: it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 3 because the total exceeds \$100.

Goods and services from individuals other than candidate or spouse

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Example:

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

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

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs and record a contribution of \$200 in goods or services from the vendor. **Note:** As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Contributions in goods or services from individuals other than the candidate or spouse must be recorded in Table 4 of Schedule 1.

Schedule 2: Fundraising Events and Activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket
- if goods or services are offered for sale, any amount of money paid that exceeds their market value (for example, if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables. Refer to [Schedule 1: Contributions](#) (page 32) for more information.

The fundraising event may also generate revenue that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (for example, if a \$100 item is sold for \$175, \$100 is revenue)
- the amount paid for goods or services offered for sale for \$25 or less

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (such as those collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions in Schedule 2.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

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

Forms referred to in this guide

You can get copies of forms from your municipal clerk, or you can download them from the [Government of Ontario's Central Form Repository](#).

- [Nomination Paper \(Form 1\)](#)
- [Endorsement of Nomination \(Form 2\)](#)
- [Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)
- [Financial Statement – Subsequent Expenses \(Form 5\)](#)
- [Notice of Extension of Campaign Period \(Form 6\)](#)