

**CLERK'S**

**NOMINATION**

**PROCEDURES**

**2010**

# CLERK'S NOMINATION PROCEDURES 2010

## 1.0 DEFINITIONS

**Act** means the Municipal Elections Act, 1996, S.O. 1996 c.32.

**Clerk** means the person so appointed by the Council of the Corporation of the Township of North Frontenac.

**Municipal Office** means the Township of North Frontenac Municipal Office located at 6648 Road #506, Plevna, Ontario K0H 2M0.

**Normal Office Hours** means Monday to Friday 9:00 a.m. to 4:00 p.m.

## 2.0 APPLICATION OF RULES AND PROCEDURES

2.1 These rules and procedures applies to the Township of North Frontenac 2010 Municipal Election as authorized by the *Municipal Election Act, 1996*, Sections 29, 30, 31, 32, 33, 34, and 35.

2.2 Where these rules and procedures do not provide for any matter, an election to which these rules and procedures applies shall be conducted as far as practicable in accordance with the principles of the *Municipal Elections Act, 1996* (MEA).

## 3.0 FILING A NOMINATION

3.1 Nominations will be accepted from Monday, January 4, 2010 to September 10, 2010.

3.2 Nominations are to be filed in the following manner as per Section 33 of the *Municipal Elections Act, 1996*:

- a) in person or through an agent;
- b) during Clerk's normal office hours (Monday to Friday 9:00 a.m. to 4:00 p.m.) from January 4, 2010 and September 9, 2010. If filed on Nomination Day (September 10, 2010) the prescribed filing time is 9:00 a.m. to 2:00 p.m.;
- c) the Nomination must be on the prescribed form (see Appendix I) and accompanied by the prescribed nomination filing fee of \$200.00 for the Head of Council and \$100.00 for all other offices. The filing fee is payable by cash, certified cheque or money order.

3.3 Faxed or e-mailed nomination forms are not permitted, original signatures are required.

3.4 If a candidate has filed an earlier nomination for an office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. The filing fee is deemed to have been paid with the latest filing.

## 4.0 PROCESSING OF NOMINATIONS

4.1 Prior to 4:00 p.m. on the Monday following Nomination Day (September 13, 2010), the Clerk shall examine each nomination filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the *Municipal Elections Act, 1996*, the Clerk shall certify as such on the nomination filed. If not satisfied, the Clerk shall reject the nomination and as soon

as possible give notice to the person who sought to be nominated and all other candidates for that office. The Clerk's decision to certify or reject a nomination is final. A Clerk may wish to consider the following criteria in her decision to reject or certify individual nominations:

- a) candidate refuses or declines to provide proof of qualification or identification suitable to the Clerk;
- b) a person must be qualified at the time of filing the nomination as provided in Section 29(1) of the *Municipal Elections Act, 1996*. A person may be nominated for an office only if, as of the day the person is nominated,
  - (i) he or she is qualified to hold that office under the Act that creates it; and
  - (ii) he or she is not ineligible under the *Municipal Elections Act, 1996* or otherwise prohibited by law to be nominated for or to hold the office.

Notwithstanding the above provision, some persons otherwise disqualified at the time of filing the nomination are entitled to file in accordance with Sections 29(1.1) and (1.2) and 30(1) of the *Municipal Elections Act, 1996*:

*29(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, Section 9 of the Legislative Assembly Act and section 219 of the Education Act, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations on Nomination Day of the election, the nomination shall be rejected by the Clerk under section 35.*

*29(1.2) Subsection (1.1) does not apply to a member of the Executive Council of Ontario or a federal Minister of the Crown.*

30(1) An employee of a municipality or local Board is eligible to be a candidate for and to be elected as a member of the Council or local Board that is the employer if he or she takes an unpaid leave of absence beginning as of the day the employee is nominated and ending on Voting Day.

In addition to these provisions in the *Municipal Elections Act, 1996*, the *Education Act* has been amended to provide for parallel changes for a candidate for a district school Board or a school Authority. (See Section 219(5) of the *Education Act*.);

- c) the nomination form is incomplete;
- d) the prescribed filing fee has not been paid;
- e) the necessary financial disclosure was not filed for the previous regular election or any by-election in which the individual may have been a candidate.

4.2 If sufficient nominations are not received after the process described above has been completed, additional nominations may be filed in the office of the Clerk on the Wednesday following Nomination Day (September 15, 2010) between the hours of 9:00 a.m. and 2:00 p.m. The same process that applies to Nomination Day applies in this instance. Certification will take place by 4:00 p.m. on Thursday, September 16, 2010.

4.3 The Clerk will post the unofficial names of nominees on the website (with their permission) as received including date and time.

## **5.0 WITHDRAWAL OF NOMINATIONS**

5.1 Candidates may withdraw their nominations by delivering the Nomination Withdrawal on the prescribed form (see Appendix II) to the Clerk before 2:00 p.m. on Friday, September 10, 2010.