

<b>Municipal Election Nomination Procedure</b>	City Clerk – Election Office
	<b>Procedure No.:</b> EO-06-22
	<b>Date:</b> March 2022

## 1. Purpose

- 1.1 This document establishes the City of Hamilton's procedure for receiving and certifying nominations for:
- (a) an office on municipal council; and
  - (b) an office on a school board.

## 2. Authority

- 2.1 The *Municipal Elections Act, 1996 (MEA)* provides broad authority to the City Clerk, who is responsible for conducting an election, to provide for a procedure that is not otherwise provided for in an Act or Regulation and that the City Clerk determines is necessary or desirable to conduct the election. This power includes the ability to establish forms, such as the forms that are provided within the Nomination Package. This power also permits the City Clerk to require a person to provide proof of their identity or qualifications to an Election Official as a condition of doing anything or having the Election Official do anything under the MEA. **Reference: 12 MEA**

## 3. Application

- 3.1 This Procedure applies to the City Clerk, Election Officials, and individuals wishing to run for office in a City of Hamilton municipal election, and/or by-elections.

## 4. Applicable Legislation

- *Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32*
- Ontario Regulation 101/97-General (made under the *Municipal Elections Act*)
- Ontario Regulation 304/13- Voter Identification (made under the *Municipal Elections Act*)
- *Education Act, R.S.O. 1990, CHAPTER E.2*
- *Municipal Act, 2001, S.O. 2001, CHAPTER 25*

## 5. Definitions

5.1 In this Procedure:

“**Candidate**” means a person who has been nominated under section 33 of the MEA;

“**City Clerk**” means the City Clerk for the City of Hamilton;

“**Election Campaign Period**” means the period that runs from the date that the City Clerk receives the nomination of a Candidate to the date the Election Campaign Period ends as determined under section 88.24 of the MEA;

“**Election Official**” means an individual appointed by the City Clerk and to whom the City Clerk has delegated powers pursuant to section 15 of the MEA;

“**MEA**” means the *Municipal Elections Act*, 1996, S.O. 1996, CHAPTER 32 as amended;

“**Nomination Day**” in a regular election is the third Friday in August in the year of the election. *August 19, 2022* is Nomination Day for the 2022 regular Municipal Election.

“**Nomination Package**” includes all documents and forms identified in section 8.3 of this Procedure;

“**Voting Day**” in a regular election is the fourth Monday in October, subject to section 10 of the MEA. *October 24, 2022* is Voting Day for the 2022 regular Municipal Election.

## 6. General

6.1 For the 2022 regular Municipal Election, between May 2, 2022 and August 18, 2022, the office of the City Clerk will accept nominations for office on municipal council and for office on a school board by appointment only during regular business hours which are, Monday- Friday from 8:30am-4:30pm excluding holidays. The office of the City Clerk is located at 71 Main Street West, Hamilton. **Reference: 33(4)(a) MEA**

6.2 Nominations can also be filed on Nomination Day, being August 19, 2022 for the 2022 regular Municipal Election, between 9:00 am and 2:00 pm at the office of the City Clerk. **Reference: 33(4)(b) MEA**

- 6.3 Additional nominations will be accepted between 9:00 am and 2:00pm on the Wednesday following Nomination Day, being August 24, 2022 for the 2022 regular Municipal Election, for any office where the number of nominations filed pursuant to section 6.1 and 6.2 of this Procedure is less than the number of persons to be elected to the office. The City Clerk will provide notice if additional nominations will be accepted. **Reference: 33(5) MEA**
- 6.4 The following publications relate to Municipal Elections and are available at the following locations:

**Municipal Elections Act, 1996**

Government of Ontario Book Store  
880 Bay Street  
Toronto, Ontario  
416-326-5300

also available at: [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

**Municipal Elections Law 2006,  
Candidates and Electors, and  
How to Campaign for Elected Office**

Municipal World Inc.  
Box 399,  
St. Thomas, Ontario N5P 3V3  
519-633-0031

[www.municipalworld.com](http://www.municipalworld.com)

## 7. Candidate Eligibility

- 7.1 A person is eligible to be nominated for office on a municipal council (mayor or councillor) if, on the day the nomination paper is filed, they:
- (a) are a Canadian citizen; **Reference: 17(2)(b) MEA**
  - (b) are at least 18 years old; **Reference: 17(2)(c) MEA**
  - (c) Reside in, or are the owner or tenant of land in the City of Hamilton, or the spouse of such owner or tenant; **Reference: 17(2)(a) MEA**
  - (d) are not prohibited from voting under subsection 17(3) of the MEA or otherwise by law; **Reference: 17(2)(d)(3), 29(1) MEA, 256 Municipal Act**
  - (e) are not disqualified by any legislation from holding municipal office. **Reference: 256 Municipal Act**

7.2 The following people are disqualified from being elected as a member of council, or from holding office as a member of council:

- (a) an employee of the City of Hamilton, except if they take an unpaid leave of absence as permitted by section 30 of the MEA beginning as of the day they are nominated and ending on Voting Day; **Reference: 258(1) Municipal Act**
- (b) a person who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman or register (s 223.11 of the *Municipal Act*) or an investigator (s 239.2(1) of the *Municipal Act*), except if on unpaid leave of absence as permitted by section 30 of the MEA; **Reference: 258(1) Municipal Act**
- (c) a person who holds any administrative position of the municipality, except if on unpaid leave of absence as permitted by section 30 of the MEA; **Reference: 258(1) Municipal Act**
- (d) a judge of any court; **Reference: 258(1) Municipal Act**
- (e) a member of the Assembly as provided in Legislative Assembly Act, Senate or House of Commons of Canada who has not resigned from their office by close of nominations; **Reference: 258(1) Municipal Act, 29(1.1) MEA**
- (f) a public servant within the meaning of the Public Service of Ontario Act, except in accordance with Part V of the *Public Services of Ontario Act*; **Reference: 258(1) Municipal Act**
- (g) a Candidate who failed to file the necessary financial statement or exceeded the prescribed spending limit in the last municipal election or by-election; **Reference: 88.23(1)(2) Municipal Elections Act**
- (h) a person who was convicted of a corrupt practice. **Reference: 17(3) MEA**

7.3 A person is eligible to be nominated for an office on a school board if, on the day the nomination paper is filed, they:

- (a) are a resident within the area of jurisdiction of the board, the owner or tenant of residential property in the area of jurisdiction of the board, or a spouse or such owner or tenant; **Reference: 1(8)(9)(10)(a) Education Act**
- (b) are a Canadian citizen; **Reference: 1(10)(b) Education Act**

- (c) are at least 18 years old; **Reference: 1(10)(c) Education Act**
- (d) meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights; **Reference: 50.1, 54, 58.8, 58.9, 219 Education Act**
- (e) are not legally prohibited from voting pursuant to section 17(2)(d) of the MEA or otherwise by law; **Reference: 17(2)(d) (3) MEA, 1(10)(d) Education Act;**
- (f) are not disqualified by any legislation from holding school board office. **Reference: 219(4) Education Act**

7.4 The following people are disqualified from being elected for office on a school board:

- (a) an employee of a district school board or school authority, except if they take an unpaid leave of absence beginning as of the day they are nominated and ending on Voting Day; **Reference: 219 (4)(a) (5) Education Act**
- (b) the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority, except if they take an unpaid leave of absence beginning as of the day they are nominated and ending on Voting Day; **Reference: 219(4)(c) (5) Education Act**
- (c) a member of the Assembly or of the Senate or House of Commons of Canada who has not resigned from their office by close of nominations; or **Reference: 219(4)(d) Education Act**
- (d) otherwise ineligible or disqualified under the *Education Act* or any other Act. **Reference: 219(4)(e) Education Act**

## 8. Filing a Nomination

- 8.1 Nomination Packages may be obtained online at [www.hamilton.ca/elections](http://www.hamilton.ca/elections) beginning on April 4, 2022.
- 8.2 Hard-copies of the Nomination Package will be made available by request only and can be requested by contacting the City Clerk's Office or by contacting [elections@hamilton.ca](mailto:elections@hamilton.ca).

8.3 Nomination Packages include the following documents:

- (a) Nomination Paper – Form 1;
- (b) Endorsement of Nomination – Form 2; (*mayor and councillor Candidates only*)
- (c) Declaration of Qualification (*council or school board*);
- (d) Candidate Information Consent Form;
- (e) Candidate Request and Oath for Proper Use of the Voters' List; and
- (f) Ballot Name and Name Pronunciation Form

8.4 Nominations may be filed:

- (a) In person, by appointment, between Monday May 2, 2022 and Thursday August 18, 2022 during regular office hours of the office of the City Clerk's Office regular office hours. **Reference: 33(4)(a) MEA** or
- (b) In person, without an appointment, on Friday August 19, 2022 between the hours of 9:00am and 2:00pm at City Hall room 191/192. **Reference 33(4)(b) MEA**
- (c) If required, in person, by appointment, on Wednesday August 24, 2022 between the hours of 9:00am and 2:00pm. **Reference: 33(5) MEA**

8.5 Electronic filing of nominations is not permitted.

8.6 Candidates will be required to present the following when filing their nomination:

- (a) a completed Nomination Package as outlined in section 8.3 of this Procedure; **Reference: 33(2), 12(2) MEA**
- (b) an original, or a certified true copy signed by a commissioner of oath or notary, of a document that is listed in Policy EO-07-22 Identification Requirements for Candidates and shows the person's name and qualifying address; **Reference: 12(3) MEA** and
- (c) proof of filing fee payment (*payment is made at the time of filing*). **Reference: 33(2)(c) MEA, 2(1) O. Reg 101/97**

8.7 If a person is nominated for more than one office, the first nomination is considered void at the time the second nomination is filed. **Reference: 29(2) MEA**

8.8 When attending in-person at the office of the City Clerk to file a nomination, an Election Official will verify the accuracy and completeness of the Nomination Package as follows:

8.8.1 Nomination Form – Form 1

- must be filled in completely and signed by Candidate
- will be signed and time-stamped by Election Official at the time the filing is complete **Reference: 33(2)(a) MEA**

8.8.2 Endorsement of Nomination – Form 2 (Mayor and Councillor Candidates only)

- Must include a minimum of 25 acceptable endorsements
- In order to be considered acceptable, endorsements must be:
  - (a) from persons eligible to vote in an election for an office within the City of Hamilton if the election was held on the day of endorsement;
  - (b) contain original signatures; and
  - (c) be completed in their entirety. **Reference: 33(2)(a) MEA**

8.8.3 Declaration of Qualification

- Complete the declaration relevant to the office being sought (Mayor, Councillor, Trustee) Candidates
- must be signed and dated by the Candidate
- will be signed by the Election Official at time of filing **Reference: 12(2) MEA**

8.8.4 Release of Candidate Information-Consent Form

- Candidate must choose and sign for one option outlined on the form regarding the release of their nomination information on the City of Hamilton's website
- Candidates may opt to have all information released, selected information released, or only their name released **Reference: 12(2) MEA**
- It should be noted that although the Candidate can decide how much of their personal information is released on the City's website, the City Clerk is obligated under the MEA to produce for

inspection at the office of the City Clerk information filed with the City Clerk or other Election Official under the MEA (including personal information) **Reference: 88(5) MEA**

#### 8.8.5 Request and Oath for Voters' List

- Candidates wishing to obtain a copy of the part of the voter's list that contains the names of the electors who are entitled to vote for the office for which they are nominated (the "Voter's List") must request a copy of the Voter's List using this form
- the form must be signed and dated by the Candidate
- this form requires that the Candidate use the Voters' List for election related purposes only
- Voter's Lists will not be provided by the City Clerk until September 1, 2022 **Reference: 23(4) MEA**

#### 8.8.6 Ballot Name and Name Pronunciation Form

- Candidates must complete this form indicating:
  - (a) their name as it will appear on the ballot; and
  - (b) the phonetic pronunciation of their name as it should be pronounced on the audio ballot for Accessible Voting Technology. **Reference: 12(2) MEA**

8.9 Documentation filed with an Election Official must contain original signatures. **Reference: 14(1) MEA**

8.10 Election Officials will require the Candidate to provide a document that is listed in Policy EO-07-22 Identification Requirements for Candidates which shows the person's name and qualifying address, at the time the person files their nomination with the City Clerk.

8.10.1 The identification provided may be an original, a certified copy or a notarized copy of the document.

8.10.2 The identification provided must be valid.

8.10.3 A copy of the identification will be made by the Election Official and kept within the file until the nomination is reviewed and certified by the City Clerk.

8.11 When satisfied that the necessary documentation is in order, the Election Official will direct the Candidate to the Citizen Service Centre staff where they will pay the appropriate filing fee:



- 8.11.1 Filing fees are \$200 for office of the head of council (Mayor), \$100 for the office of council other than the mayor (Councillors) or office of the school board (Trustees). **Reference 33 (2)(c), (2.1) and (3) MEA 2(1) O. Reg 101/97**
- 8.11.2 Payments may be made by cash, debit, certified cheque or money order payable to the City of Hamilton.
- 8.11.3 Candidates shall keep the original receipt and provide a copy to Election Officials when filling their nomination.
- 8.12 When all forms identified in Section 8.8.1-8.8.6 of this Procedure have been verified, identification has been verified, and the filing fee has been paid, an Election Official will sign, date and time-stamp the Nomination Form–Form 1 and will ask the Candidate to initial same.
- 8.13 Upon receipt of the Nomination Package by the Election Official, Candidates will be provided with copies of all forms submitted, a duplicate receipt of nomination fee payment, and their Preliminary Campaign Expense Limits. **Reference 33.0.1 MEA**
- 8.14 Once a Nomination Package is submitted, an email will be sent to the Candidate that will provide them log-in instructions and credentials to access the Candidate Portal.
- 8.15 The Candidate Access Portal will be used to provide information to Candidates, including but not limited to:
- (a) Notice of Penalties and Refund of Nomination Filing Fee; **Reference 33.1 MEA**
  - (b) Sign By-Law;
  - (c) Ward Maps;
  - (d) Policies and Procedures; **Reference 12(1), 42(3) MEA,**
  - (e) Forms; **Reference 12(2)**
  - (f) Voters' List (available after September 1). **Reference 23(4)**
- 8.16 Any printing of candidate access portal information is at the coordination and expense of the candidate.

## **9. Withdrawal of Nomination**

- 9.1 For the 2022 regular Municipal Election, a Candidate no longer wishing to run in the municipal election, must file a Withdrawal of Nomination Form in person at the Office of the City Clerk before 2:00 p.m on Nomination Day, being August 19, 2022 if the Candidate was nominated under 33(4) of the MEA or before 2:00 p.m. on August 24, 2022 if the person was nominated under 33(5) of the MEA. **Reference: 36 MEA**
- 9.2 Candidates cannot withdraw after the Nomination Period described in section 9.1 of this Procedure has closed.
- 9.3 If a person is nominated for more than one office, the first nomination is void at the time the second nomination is filed. **Reference: 29(2) MEA**
- 9.4 Candidates who have withdrawn their nomination are still required to file a financial statement. **Reference: 88.24(1).3 88.25(1)(2), MEA**

## **10. Refund of Filing Fees**

- 10.1 A Candidate is entitled to receive a refund of the nomination filing fee if they file the financial statement and auditor report required by 88.25(1) of the MEA prior to 2:00 p.m. on March 31, 2023. **Reference: 34 MEA**

## **11. Examination and Certification of Nominations**

- 11.1 The City Clerk will examine each nomination that has been filed, in accordance with the following timetable:
  - 11.1.1 All nominations filed on or before Nomination Day shall be examined before 4:00 p.m. on August 22, 2022.
  - 11.1.2 Any additional nominations filed under 33(5) of the MEA shall be examined before 4:00 p.m. on August 25, 2022. **Reference: 35(1) MEA**
- 11.2 The City Clerk will certify the nomination by signing the Certification section of the Nomination Paper- Form 1 where they are satisfied that a person is qualified to be nominated and that the nomination complies with the MEA. **Reference: 35(2) MEA**
- 11.3 If not satisfied that a person is qualified to be nominated or that the nomination complies with the MEA, the City Clerk will reject the nomination (ie: will not sign the Certification section of the Nomination Paper- Form 1) and will give notice of that fact to the person who sought to be nominated and to all candidates for the office as soon as possible. **Reference: 35(3)(4) MEA**

- 11.4 The City Clerk's decision to certify or reject a nomination is final. **Reference: 35(5) MEA**
- 11.5 The City Clerk is permitted to rely on information filed by the Candidate under Form 2. **Reference: 33(1.3) MEA**
- 11.6 All candidates certified by the City Clerk will have their names appear on the ballot.

## **12. Acclamations**

- 12.1 If, at 4:00pm on the Monday following Nomination Day, being August 22, 2022 for the 2022 Municipal Election, the number of certified Candidates for an office is the same or less than the number to be elected, the City Clerk will declare the Candidate(s) elected by acclamation. **Reference 37(1) MEA**
- 12.2 If additional nominations have been filed and if, at 4:00pm on the Thursday following Nomination Day, being August 25, 2022 for the 2022 regular Municipal Election, the number of certified Candidates for an office still does not exceed the remaining number of vacancies, the City Clerk will declare the additional Candidate(s) elected by acclamation. **Reference 37(2) MEA**

## **13. Retention of Nomination Records**

- 3.1 Nomination documents will be retained by the City Clerk in a secure location.
- 13.2 Nomination Packages will be made available for public viewing at the office of the City Clerk at a time when the office is open in accordance with the MEA. **Reference: 88(5) and (6)(6.1)(7) MEA.**
- 13.3 All documents and materials related to an election, including documents within the Nomination Package but excluding copies of identification, will be retained for a period of at least 120 days following the declaration of the results of the Election. **Reference: 88(1) MEA**
- 13.4 Copies of identification made to assist the City Clerk in verification of eligibility will be destroyed immediately following the City Clerk's review and certification of Candidates.
- 13.5 Except as provided for in 88(3) and 88(4) of the MEA, following the 120-day retention period, records will be destroyed by Election Officials. **Reference: 88(2),(3),(4) MEA**

#### **14. Related Policies/Procedures/Guidelines/Information**

Policy EO-07-22 Identification Requirements for Candidates  
Policy EO-09-22 Procedure for the Viewing of Election Documents

#### **15. Revision History**

Date	Description
March 2022	Policy Approved