

Municipal 2014 Election



Revised January 2014

MUNICIPAL ELECTION 2014
CANDIDATE'S GUIDE



ELECTION 2014

It is our pleasure to provide this guide as a reference for those interested in seeking office in the October 27th, 2014 Election to serve their community in the 2014-2018 term of office.

This Candidate's Guide has been created with the intention of providing candidates with the necessary information to assist in their campaign. It includes legislative requirements, important dates, procedures for obtaining nominations for office, expenses and qualification requirements for candidates and electors in this election.

For those candidates seeking election to the Council of the Town of Halton Hills, we have included a brief summary of the role, duties and responsibilities when in office. If you wish further information regarding the position of Regional Chair, please refer to Page 8 of this guide or contact the Regional Clerk.

The Halton District School Board and the Halton Catholic District School Board, the Conseil scolaire Viamonde and Conseil scolaire de district du Centre- Sud can provide additional information to candidates, upon request, about their duties and responsibilities. Contact names and numbers for all School Boards and the Region are listed on the last page.

It is important to note that the contents of this guide, is intended only to advise of certain provisions of relevant legislation and does not purport to recite all applicable statutory references. **Prospective candidates must satisfy themselves through their own determination that they have complied with all legal requirements including eligibility and election financing.**

We hope you find the information presented in this guide useful. We also encourage you to visit the Town of Halton Hills web site at www.haltonhills.ca on an ongoing basis for 2014 Municipal Election information. The Clerk's Department staff will be pleased to assist you with any questions you may have concerning the election process, forms, method of voting, voting locations, voters' list or other matters related to the Municipal Election. Please contact our office at one of the numbers listed below, or through e-mail.

ELECTION STAFF CONTACT

Kelly Withers
Election Assistant
905-873-2601 ext. 2330
Email: kellyw@haltonhills.ca

Renee Brown
Election Assistant
905-873-2601 ext. 2333
Email: renee@haltonhills.ca

Town of Halton Hills, Civic Centre Business Hours:
Monday through Friday 8:30 a.m. to 4:30 p.m.

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Section A- Introduction

IMPORTANT DATES

2014

**Monday, January 2, 2014 to
Friday, September 12, 2014**

Nomination Period

Nominations may be filed by candidates prior to nomination day at any time when the Customer Service Counter in Corporate Services is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.).

**Monday, January 2, 2014 to
Wednesday, December 31, 2014**

Campaign Period

The campaign period begins on January 2, 2014 or whenever a candidate files a nomination paper, whichever is later, and ends on December 31, 2014 unless the candidate withdraws the nomination, the Clerk rejects the nomination or the candidate is continuing his or her campaign to erase a deficit.

Tuesday, September 2, 2014

Post Voters' List

The Clerk shall post the voters' list for revisions.

**Tuesday, September 2, 2014 to
Friday, September 12, 2014**

Revision – Application to Remove An Elector's Name

An individual may make an application to remove an elector's name from the voters' list. The Clerk is to determine if the name is to be removed.

**Tuesday, September 2, 2014 to
Monday, October 27, 2014**

Revision Period

Eligible electors whose names are not on the voters' list or whose names were shown incorrectly on the list may be added to the voters' list or have the information on the list amended by filing an application with the Clerk's Division or at the voting place. An elector may also delete his or her own name from the voters' list by filing the application with the Clerk's office or at the voting place.

Friday, September 12, 2014

Nomination Day

Last day for filing nominations. Nominations may be filed only between the hours of 9:00 a.m. to 2:00 p.m.

Monday, September 15, 2014

Certification of Nomination Papers

The Clerk is to certify nomination papers before 4:00 p.m.

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Wednesday, October 15, 2014
10:00 a.m. to 8:00 p.m.

Advance Voting Day (tentative)

Electors may vote at any of the Advance Voting Days

Saturday, October 18, 2014
10:00 a.m. to 5:00 p.m.

Advance Voting Day (tentative)

Electors may vote at any of the Advance Voting Days

Wednesday, October 22, 2014
10:00 a.m. to 8:00 p.m.

Advance Voting Day (tentative)

Electors may vote at any of the Advance Voting Days

Monday, October 27, 2014
10:00 a.m. to 8:00 p.m.

Election Day

Monday, December 1, 2014

Term of Office Commences

Monday, December 1, 2014

Council Inaugural

Note: Refer to the Bulletins that are issued by the Clerk's Division for any changes or new information as it relates to the election. Also available on the Town of Halton Hills website at www.haltonhills.ca

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LIST OF OFFICES

MAYOR (total of 1)

One to be elected at large.

COUNCILLOR – Town Only (total of 8)

Two to be elected for each of the four wards.

COUNCILLOR – Town and Region (total of 2)

One to be elected for Wards 1 and 2

One to be elected for Wards 3 and 4

SCHOOL TRUSTEES:

For the various School Boards:

Halton District School Board – One to be elected by all public school electors of the municipality. **

Halton Catholic District School Board – One to be elected by all separate school electors of the municipality. **

Conseil scolaire de district du Centre Sud – One to be elected at large throughout the defined area to represent French language electors on the French Language Public School Board. **

Conseil scolaire Viamonde – One to be elected at large throughout the defined area to represent French language electors on the French Language Catholic School Board. **

****Note:** **The number of school board trustee(s) to be elected in the municipality to the four School Boards is subject to final determination and distribution of trustees in accordance with the Education Act.**

REGIONAL CHAIR - Regional Municipality of Halton

One to be elected at large within the Regional Municipality of Halton.

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2014 REMUNERATION – As of December 1, 2014

MAYOR

PER YEAR

Town Council	\$ 73,008.00
Regional Council	<u>\$ 45,828.00</u>
	\$118,836.00

COUNCILLOR - Town and Region

Town Council	\$ 29,995.00
Regional Council	<u>\$ 45,828.00</u>
	\$ 75,823.00

COUNCILLOR – Town Only

Town Council	\$ 29,995.00
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CHAIR – Region of Halton

\$ 168,267.00*

* 2013 Remuneration

DUTIES - TOWN COUNCIL

- sit as a member of Council, which meet on Mondays at 6:30 p.m. Meetings are held every other week. Council meets once in July and once in August. If a statutory holiday falls on a Monday the meeting is held on the Tuesday
- sit as a member of Corporate or Community Affairs, which meet once a month at a time to be determined by the Committee
- the Mayor on an as-needed basis can call special meetings of Council
- sit as a member of the Budget Committee, which meet approximately six times per annum
- assume the duties of the Acting Mayor and also act as the Presiding Officer during the General Committee component of a Council meeting on a rotational basis
- serve as a Council appointee to various Boards and Committees at both the local and regional level. In many instances, citizens also serve on these committees. Examples of such appointments include Credit Valley Conservation and Halton Conservation. Examples of local appointments include Heritage Halton Hills, Halton Hills Accessibility Advisory Committee, Town Environmental Advisory Committee, Citizens' Cemetery Advisory Committee, Trails Advisory Committee, Site Alteration Committee, and Town Sustainability Advisory Committee

Please Note: Committee and Council meeting times and dates subject to change effective January 2015

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COUNCIL ROLES

The **Municipal Act, 2001**, Part VI – Practices and Procedures Section 224 and 225 sets out the role of Council.

It is the role of Council:

- to represent the public and to consider the well-being and interests of the municipality
- to develop and evaluate the policies and programs of the municipality
- to ensure that administrative practices and procedures are in place to implement the decisions of council
- to maintain the financial integrity of the municipality; and
- to carry out the duties of council under this or any other Act

It is the role of the Head of Council:

- to act as Chief Executive Officer of the municipality
- to preside over council meetings
- to provide leadership to the council
- to represent the municipality at official functions; and
- to carry out the duties of the Head of Council under this or any other Act

REGIONAL COUNCIL

The Region of Halton utilizes a standing committee system. All meetings are held at the Regional Headquarters Building, 1151 Bronte Road, Oakville. The following is the meeting schedule for the Regional meetings:

Regional Council - Wednesday at 9:30 a.m.

The following Committee meetings are held the week prior to Regional Council:

Health & Social Services - Tuesday at 9:30 a.m.
Planning & Public Works - Wednesday at 9:30 a.m.
Administration & Finance - Wednesday at 1:30 p.m.

These dates and times may be adjusted to co-ordinate with local Committee and Council meetings.

If you require further information about Regional Council representation, please contact Karyn Bennett, Regional Clerk at 1-866-442-5866 x 7254.



TERM OF OFFICE

The term of office is for four (4) years, and commences on December 1st of an election year. The upcoming term is from December 1st, 2014 to November 30th, 2018.

Section B- Qualifications

Member of Council – Eligibility – Local Municipality (Halton Hills) - Section 256 **Municipal Act, 2001**

“256. Every person is qualified to be elected or to hold office as a member of a council of a local municipality,

- (a) who is entitled to be an elector in the local municipality under section 17 of the Municipal Elections Act, 1996; and
- (b) who is not disqualified by this or any other Act from holding the office.”

Member of Council - Eligibility – Upper-tier Municipality (Region of Halton) – Section 257 **Municipal Act, 2001**

“257. Every person is qualified to be elected or to hold office as a member of council of an upper-tier municipality,

- (a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the Municipal Elections Act, 1996; and
- (b) who is not disqualified by this or any other Act from holding the office.”

Ineligibility and Disqualification of a Member of Council – Section 258 **Municipal Act, 2001,**

“258.(1) The following are not eligible to be elected as a member of a council or to hold office as a member of a council:

1. Except in accordance with section (30) of the Municipal Elections Act, 1996, an employee of the municipality or a person who is not an employee of the municipality but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in section 223.11 or an investigator referred to in subsection 239.2 (1) of the municipality or a person who is not an employee of the municipality but who holds any administrative position of the municipality.
2. A judge of any court.
3. A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada.

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4. Except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any regulations made under that part, a public servant within the meaning of that Act.
- (2) A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,
- (a) ceases to be a Canadian citizen;
 - (b) is not a resident, the owner or tenant of land or the spouse or same-sex partner of an owner or tenant of land in the municipality, in the case of a member of council of a local municipality, or in a lower-tier municipality within the upper-tier municipality, in the case of a member of council of an upper-tier municipality; or
 - (c) would be prohibited under this or any other Act from voting in an election for the office of a member of council of the municipality if an election was held at that time.”

Note: A person (candidate) is also disqualified if he/she filed a financial statement in the 2010 Municipal Election that showed a surplus and the surplus was not paid to the Clerk of the Municipality or the person (candidate) exceeded the spending limits.

School Board Trustee

This section applies to those pursuing offices at the:

- (a) Public school board;
- (b) Separate school board;
- (c) French language public school board;
- (d) French language separate school board.

School board candidates must be:

- (a) a resident in the area of jurisdiction of the board;
- (b) a Canadian citizen;
- (c) eligible to be an elector of that school board for which the person is a candidate (e.g. is seeking office for a French-language separate school board, you must be a French-language separate school elector);
- (d) not disqualified by any legislation from holding office; and
- (e) not disqualified under sections 219(4) and (5) of the *Education Act*.

Disqualification of School Board Members

- 219 (4) Despite subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,

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- (a) an employee of a district school board or school authority;
- (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;
- (c) a member of the Assembly or of the Senate or House of Commons of Canada; or
- (d) otherwise ineligible or disqualified under this or any other Act.

Leave of absence

- (5) Despite subsection (4), none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:
 - 1. an employee of a district school board or school authority;
 - 2. the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of a district school board or school authority.
- (5.1) Subsection 30 (2) to (7) to the *Municipal Elections Act, 1996*, apply with necessary modifications to an individual referred to in subsection (5).

In addition, the following should be noted:

- (9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority.
- (10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election.
- (11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that school board or that school authority is vacated.

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Elector Qualifications

Section 17 of the **Municipal Elections Act, 1996, as amended**, states:

Qualification of Electors

- (2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
 - (a) resides in the local municipality or is the owner or tenant of land there, or the spouse or same-sex partner of such owner or tenant;
 - (b) is a Canadian citizen;
 - (c) is at least 18 years old; and
 - (d) is not prohibited from voting under subsection (3) or otherwise by law.

Note: A same-sex partner is not entitled to be a separate school board elector.

Persons Prohibited from Voting

- (3) The following are prohibited from voting:
 - (1) A person who is serving a sentence of imprisonment in a penal or correctional institution.
 - (2) A corporation.
 - (3) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- (4) A person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than four years after voting day in the election in respect of which he or she was convicted.

Note: Section (3)(1) above includes those serving a sentence on weekends or evenings.



DEFINITION OF RESIDENCE

In determining the eligibility of electors one must examine the meaning of residence.

Section 2 of the *Municipal Elections Act, 1996, as amended*, reads as follows:

- “2. (1) For the purposes of this Act, a person’s residence is the permanent lodging place to which, whenever absent, he or she intends to return.
- (2) The following rules apply in determining a person’s residence:
1. A person may only have one residence at a time.
 2. The place where a person’s family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
 3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence.”

“2.1 Exemption, students

Despite paragraph 1 of subsection (2), a person may have residences in two local municipalities at the same time if,

- (a) the person lives in one of the local municipalities in order to attend an educational institution, but not with the intention of changing his or her permanent lodging place; and
- (b) the person’s permanent lodging place is in the other local municipality.”

Section C – Nominations

NOMINATION/REGISTRATION AS A CANDIDATE

Every person who proposes to be a candidate must file nomination papers prior to receiving any campaign contributions and prior to expending any funds on a campaign. A candidate may file papers as of January 2, 2014. Proof of eligibility and payment of the registration fee are required.

Section 33 of the *Municipal Elections Act, 1996, as amended*:

- “33. (1) A person may be nominated for an office by filing a nomination in the Clerk’s Division, in person or by an agent.

Note: That facsimile transmissions (faxes), e-mailed or mailed-in nomination forms **will not be accepted.**

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- (2) The nomination shall,
 - (a) be in the prescribed form;
 - (b) be accompanied by a declaration of qualification, in the prescribed form, signed by the person being nominated; and

Note: That the declaration of qualification must be taken before a Commissioner of Oaths. The Municipal Clerk and/or her delegate can administer this declaration for you.

- (c) be accompanied by the prescribed nomination filing fee.
(\$200.00 Mayor) (\$100.00 Councillors, School Trustees)

Note: That the prescribed filing fee is payable by cash, debit card, certified cheque or money order made payable to the Town of Halton Hills.

- (3) If the person was previously nominated for an office on the same council or local board in the same election and paid the nomination filing fee at that time,
 - (a) clause (2) (c) does not apply; and
 - (b) for the purposes of section 34 (refund) and paragraph 9 of subsection 67 (2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one.

Time for Filing

- (4) The nomination may be filed:
 - (a) on any day in the year of the regular election that is before nomination day, at a time when the Clerk's office is open; or
 - (b) on nomination day between 9:00 a.m. and 2:00 p.m."

Nomination Day is Friday, September 12, 2014 for the 2014 Municipal Election.

There are provisions under the ***Municipal Elections Act, 1996, as amended*** to extend the nomination period if the number of candidates is fewer than the number of positions to be elected.

Refund of Deposit

"34. A candidate is entitled to receive a refund of the nomination filing fee if he or she:

- (a) withdraws the nomination under section 36;
- (b) is elected to the office; or

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- (c) receives more than the prescribed percentage of the votes cast in the election for the office.”

Note: A candidate is entitled to receive a refund of the nomination filing fee if he or she received more than 2% of the votes cast in the election for the office. Please note the regulation establishing the percentage of votes cast may be subject to a change.

Certification of Nomination by Clerk

- “35. (1) The Clerk shall examine each nomination that has been filed, in accordance with the following timetable:
- (i) All nominations filed on or before nomination day shall be examined before 4 p.m. on the Monday following nomination day.
- (2) If satisfied that a person is qualified to be nominated and that the nomination complies with this Act (*Municipal Elections Act, 1996, as amended*) the Clerk shall certify the nomination by signing the nomination paper.
- (3) If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the Clerk shall reject the nomination.
- (4) When the Clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office.
- (5) **The Clerk’s decision to certify or reject a nomination is final.**”

Since it is the responsibility of the candidate to ensure they meet all the qualifications and file proper nomination papers, each candidate should contact an Election Official to ensure that they understand the nomination process and to determine that their nomination papers are in order. Since the Clerk may examine the nomination papers after the nomination period ends and may reject them, a candidate may find that their papers have been rejected and they are too late to file additional information or provide proof to the Clerk of their qualifications. If nomination papers are filed early it will assist the Clerk in certifying the papers before nominations close.

Candidates will be required to provide proof of eligibility and pay the prescribed fee at the time of filing a nomination paper.

INSUFFICIENT NUMBER OF CANDIDATES TO FILL VACANCIES

If there are an insufficient number of candidates to fill all available offices, additional nominations may be filed in the Office of the Town Clerk on **Wednesday, September 17, 2014** between 9:00 a.m. and 2:00 p.m.

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ACCLAMATIONS

If at 4:00 p.m. on **Monday, September 15, 2014**, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation.

(Or on Thursday, September 18, 2014 if additional nominations are filed on Wednesday, September 17, 2014 – see Insufficient Number of Candidates to Fill Vacancies).

LIST OF NOMINATIONS

The Clerk shall establish and maintain in the Clerk's Office a list of the names and residences of every candidate whose nomination has been certified, in the order in which they were certified. A copy of the list is prominently displayed in the Clerk's Division at the Civic Centre and near the Corporate Services Counter. The list shall be completed by 4:00 p.m. on **Monday September 15th, 2014**. In the instance where the Clerk has received additional nominations, the list showing the names of the additional candidates nominated shall be completed and posted by the Clerk by 4:00 p.m. on **Thursday September 18th, 2014**.

A List of Nominations will be posted at the Town of Halton Hills Civic Centre and on the Town of Halton Hills website at www.haltonhills.ca.

Note: THE ONUS IS ON THE PERSON NOMINATED FOR ELECTION TO AN OFFICE TO FILE A BONA FIDE NOMINATION PAPER.

WITHDRAWAL OF NOMINATION

A person nominated as a candidate in an election may withdraw his/her nomination in writing and deliver it to the Town Clerk before 2:00 p.m. on **Friday, September 12th, 2014**.

A person nominated as a candidate under the "Additional Nomination" provision may withdraw his/her nomination in writing and deliver it to the Town Clerk before 2:00 p.m. on **Wednesday, September 17^h, 2014**.

A candidate may register and be nominated for one office only in Ontario.

Section D – Campaign Information

ELECTION CONTRIBUTIONS AND EXPENSES

The *Municipal Elections Act, 1996, as amended*, imposes limitations on the expenses for candidates in municipal elections, and also imposes requirements on the candidate to retain records of contributions and expenses as required by 69 (1) of the Act for the term of office of the Members of Council or local board until their successors are elected and the newly elected council or local board is organized, and to report the contributions received and the funds expended.



Campaign Contributions

What is a campaign contribution?

A contribution means money, goods and services given to and accepted by or on behalf of a person for his or her election campaign and includes the following:

- (a) an amount charged for admission to a fund-raising function;
- (b) if goods and services are sold at a fund-raising function for more than their market value, the difference between the amount paid and market value;
- (c) if goods and services used in a person's election campaign are purchased for less than their market value, the difference between the amount paid and market value; and
- (d) any unpaid but guaranteed balance in respect of a loan, under Section 75 of the Act.

The following amounts are **not** considered contributions:

- (a) the value of services provided by voluntary unpaid labour;
- (b) the value of services provided voluntarily, under the person's direction, by an employee whose compensation from all sources for providing them does not exceed the compensation the employee would normally receive for the period the services are provided;
- (c) an amount of \$10 or less that is donated at a fund-raising function;
- (d) the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if
 - (i) it is provided in accordance with that Act and the regulations and guidelines made under it; and
 - (ii) it is provided equally to all candidates for office on the particular council or local board.
- (e) the amount of a loan, under Section 75 of the Act.

What is the value of goods and services donated as contributions?

The value of goods and services provided as a contribution is the lowest amount that the contributor or a business supplying similar goods and services charges to the public in the same market area at the same time.

When may a candidate conduct fund-raising and incur campaign expenses?

The candidate may incur campaign expenses and may accept donations immediately following the filing of a nomination paper. This is the start of the campaign period.

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The campaign period ends:

- (a) on December 31st in the election year, (December 31, 2014) or;
- (b) on the day the nomination is withdrawn under Section 36 of the Act or deemed to be withdrawn under Section 29 (2) of the Act, or;
- (c) on nomination day, if the nomination is rejected under Section 35 of the Act, or;
- (d) if the candidate has a deficit at the time the election campaign period would otherwise end, and the candidate notifies the Clerk in writing on or before December 31st, the campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of;
 - (i) the following June 30th in the case of a regular election;
 - (ii) the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the deficit was incurred;
 - (iii) the day the candidate notifies the Clerk in writing that he or she will not accept further contributions; and
 - (iv) the day A equals the total of B and C ; where
 - A = any further contributions,
 - B = the expenses incurred during the extension of the election campaign period,
 - C = the amount of the candidate's deficit at the start of the extension of the election campaign period.

In the event of a recount, a candidate's campaign period could be affected. See section 68(1) paragraph 5 of the *Municipal Elections Act, 1996, as amended*, for details.

Note: It is the candidate's responsibility to submit the prescribed form to extend the campaign period on or before December 31st, 2014. The candidate must also take into consideration the closure of the Civic Centre during the holiday season.

What are the responsibilities of the candidate with respect to campaign finances?

It is the responsibility of the candidate to ensure that:

- (a) One or more campaign accounts are opened at a financial institution, **exclusively** for the purposes of the election campaign and in the name of the candidate's election campaign;
- (b) All contributions of money are deposited into the campaign accounts;

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- (c) All payments for expenses, except for a nomination filing fee, are made from the campaign accounts;
- (d) Contributions of goods or services are valued;
- (e) Receipts are issued for every contribution and obtained for every expense;
- (f) Records are kept of:
 - (i) the receipts issued for every contribution;
 - (ii) the value of every contribution;
 - (iii) whether a contribution is in the form of money, goods or services; and
 - (iv) contributor's name and address.
- (g) records are kept of every expense including the receipts obtained for each expense;
- (h) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (i) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$10 or less;
- (j) records are kept of any loan and its terms under Section 75;
- (j.1) the records described in clauses (f), (g), (h), (i), and (j) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (k) financial filings are made in accordance with section 78 and 79.1 of the *Municipal Elections Act*;
- (l) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions on behalf of the candidate;
- (m) a contribution of money made or received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (n) a contribution not returned to the contributor under clause (m) is paid to the Clerk with whom the candidate's nomination was filed; and
- (o) an anonymous contribution is paid to the Clerk with who the candidate's nomination was filed.

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Who can make contributions?

Contributions can only be made to candidates who are nominated and it is illegal to make a contribution to a candidate who is not nominated.

The following may make contributions:

- an individual who is normally resident in Ontario;
- a corporation that carries on business in Ontario;
- a trade union that holds bargaining rights for employees in Ontario;
- the candidate and his/her spouse.

Who cannot make contributions?

1. A federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
3. The Crown in right of Canada or Ontario, a municipality or local board.

What limits are there on contributions?

Contributions \$25 or under may be made in cash. Any contribution over that amount must not be cash. No contributor may contribute in excess of \$750 to any one candidate in an election regardless of the number of offices the candidate is seeking. There are no limits on the amount a candidate or his or her spouse may contribute to the candidate's own campaign.

A contributor shall not make contributions exceeding a total of \$5,000.00 to two or more candidates for office on the same council or local board.

No person shall make contributions of money that does not belong to the contributor with the exception of loans granted by a lending institution, which are permitted under the Act.

What restrictions are there on fund-raising events?

The legislation prohibits fund-raising functions for persons who have not properly filed nomination papers. In addition, fund-raising events can only be held during the candidate's campaign period.

Can I borrow money for my campaign?

The candidate or his/her spouse may borrow money for his/her campaign from any bank or other recognized lending institution in Ontario. The money must be paid into the candidate's election account. No person other than the candidate or his/her spouse or same-sex partner may guarantee the loan.

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CAMPAIGN EXPENSES

Expenses are considered to be costs incurred for goods or services by or on behalf of a person wholly or partly for use in his/her election campaign and, without restricting the generality of the foregoing the following are considered expenses:

- the replacement value of goods retained by the person from any previous election and used in the current election
- the value of contributions of goods and services
- audit and accounting fees
- interest on loans under Section 75 of the Act
- the cost of holding fund-raising functions *
- the cost of holding parties and making other expressions of appreciation after the close of voting
- expenses relating to a recount
- expenses relating to a compliance audit
- expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate
- expenses relating to proceedings of a controverted election (Section 83 of Act)
- the nomination filing fee

Campaign expenses may only be incurred after a candidate is nominated and only be incurred by the candidate or on behalf of the candidate. It is the responsibility of the candidate to ensure that copies of receipts are kept for all expenses.

For greater certainty, the cost of holding fundraising functions does not include costs related to,

- * (a) events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental' or
- (b) promotional materials in which the soliciting of contributions is incidental

What limits are there on campaign spending?

Campaign spending limits are based on a formula set out in the Regulations of the *Municipal Elections Act, 1996, as amended.*

The Clerk will provide to all candidates a certificate of the applicable maximum amount of a person's expenses as of the filing date. A further "final" campaign spending limit will be provided to all candidates by September 22, 2014.

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MAXIMUM AMOUNT OF EXPENSES – Guide Only

The following outlines the allowable expenses used in the 2010 election. These figures will be adjusted accordingly when the preliminary list of electors is received in August 2014.

Mayor

\$41,711.65 (\$7,500 + \$.85 per 40249 Electors)

Regional Councillors

Ward 1 and 2

\$17,802.70 (\$5,000 + \$.85 per 15062 Electors)

Ward 3 and 4

\$26,408.95 (\$5,000 + \$.85 per 25187 Electors)

Ward 1

\$11,465.95 (\$5,000 + \$.85 per 7607 Electors)

Ward 2

\$11,336.75 (\$5,000 + \$.85 per 7455 Electors)

Ward 3

\$15,567.20 (\$5,000 + \$.85 per 12432 Electors)

Ward 4

\$15,841.75 (\$5,000 + \$.85 per 12755 Electors)

Halton District School Board

\$30,919.05 (\$5,000 + \$.85 per 30493 Electors)

Halton Catholic School Board

\$12,428.15 (\$5,000 + \$.85 per 8739 Electors)

The Clerk will provide to all certified candidates a certificate of the maximum amount of expenditures, which may be incurred, on or before September 22nd, 2014.

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Financial Reporting (also refer to Ministry of Municipal Affairs web site at <http://www.mah.gov.on.ca>)

On or before 12 noon on March 27th, 2015 each candidate shall file the necessary financial reports with the Clerk.

Expenses Under \$10,000

If the candidate's campaign expenses and contributions were each equal to or less than \$10,000 he or she must file a financial statement.

Expenses Over \$10,000

If the candidate's expenses and contributions were both over \$10,000 they are required to have their financial statement audited by an auditor licensed under the *Public Accounting Act*. and submit the auditor's report to the clerk along with their financial statement.

Campaign Surpluses

- 79 (4) If a candidate's financial statement or supplementary financial statement shows a surplus and the election campaign period has ended at the time the statement is filed, he or she shall, when the statement is filed, pay the surplus to the clerk with whom the candidate's nomination was filed, reduced by the amount of any refund under subsection (6).
- (5) The clerk shall hold the amount paid under subsection (4) in trust for the candidate.
- (6) If a candidate who has a surplus or his or her spouse has made contributions to the election campaign, the candidate may, after the election campaign period ends but before filing the financial statement or supplementary financial statement, as the case may be, refund to himself or herself or to the spouse, as the case may be, an amount that does not exceed the lesser of,
- (a) the relevant contributions;
 - (b) the surplus.
- (7) If the candidate's election campaign period recommences under rule 5 of subsection 68 (1), the clerk shall pay the amount held in trust to the candidate, with interest.
- (8) The amount becomes the property of the municipality or local board, as the case may be, when all the following conditions are satisfied:
- 1. The campaign period has ended under rule 1,2,3, or 4 of subsection 68 (1).
 - 2. It is no longer possible to recommence the campaign period under rule 5 of subsection 68 (1).
 - 3. No recount or proceeding under section 81 (compliance audit) or section 83 (controverted elections) has been commenced.

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4. The period for commencing a recount or a proceeding under section 81 or 83 has expired.

Campaign Deficits

If a candidate has a deficit in his/her campaign he/she may extend the campaign period beyond December 31st, 2014 to obtain additional contributions in order to eliminate the deficit. The candidate must notify the Clerk in writing in the prescribed form on or before December 31st, 2014. (**Note: Remember to take into account holiday closures**). The campaign may then be extended until;

- (i) the following June 30th in the case of a regular election;
- (ii) the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which the deficit was incurred;
- (iii) the day the candidate notifies the Clerk in writing that he or she will not accept further contributions; and
- (iv) the day A equals the total of B and C; where

A = any further contributions

B = the expenses incurred during the extension of the election campaign period;

C = the amount of the candidate's deficit at the start of the extension of the election campaign period.

Penalties for Non Compliance

Section 80

A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

- (a) if he or she fail to file a document as required under section 78 or 79.1 by the relevant date;
- (b) if a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by subsection 79 (4) to the clerk by the relevant date;
- (c) if a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or
- (d) if a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1 (7) by the relevant date.

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Same

- (2) In the case of a default described in subsection (1),
 - (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 this Act applies.

Notice of Default

- (2.1) In the case of a default described in subsection (1), the clerk shall notify the candidate and the council or board in writing that the default has occurred

Application to court

- (3) The candidate may, before the last day for filing a document under section 78 or 79.1, apply to the Ontario Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension of more than 90 days.

Notice to Clerk

- (3.1) If a candidate makes an application under subsection (3), the candidate shall notify the clerk in writing before 2 pm on the last day for filing a document under section 78 or 79.1 that the application has been made.

Campaign Inventory

Campaign expenses include the value of any goods held by a candidate for use during a campaign period, such as sign stakes, usable literature, signage and other campaign materials.

For candidates who ran in a previous campaign, all materials from the previous campaign that are used for the current campaign should be included in the opening inventory for the 2014 election. For materials from a previous campaign the replacement value should be used. In all instances, proper documentation should be prepared to substantiate any opening inventory value.

The inventory of reusable campaign materials remaining on hand at the end of a campaign becomes the property of the candidate and must be valued and reported as closing inventory on the financial disclosure.

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The candidate should determine the quantity of reusable campaign materials at the end of the campaign and the value of each item. A detailed list of these items and their value should be made. The value should be determined as follows:

- if on hand at the start of the campaign, the value determined at that time; or
- if acquired during the campaign, value at invoice price.

ADVERTISING

Media advertisements (newspaper, Cable TV, etc.) and commercial outdoor advertising (billboards, etc.) promoting a candidate can commence upon registration.

The media may not charge more or less than its normal rates for advertising. If less is charged, the difference is deemed to be a contribution.

Free radio and TV time is not counted as a contribution if all candidates are offered the same free time.

Lawn signs, pamphlets, buttons, etc. may be distributed at any time during the campaign period, after the candidate's registration.

Candidates must remain within his/her authorized campaign spending limit. This pertains to all expenditures, including advertising.

POSTERS AND SIGNS

- The erection of election signs, posters and advertising devices is permitted provided the sign is not erected more than sixty (60) days prior to October 27, 2014
- Therefore an election sign shall not be erected prior to August 27, 2014
- An Election sign on a municipal road allowance is permitted with the exception of the traveled portion, medians, and in locations where the sign is or would be creating a traffic hazard from a pedestrian or driver's point of view as well as any possible obstruction of underground utilities. The permission of the property owner must be obtained before placing any signs on private property or the abutting boulevard. No signs, posters or advertising devices shall be placed on trees, local hydro, street lighting or other utility poles
- Election signs located on the road allowance are to be a minimum distance of 1.0 m (3 feet 3 inches) from the Curb Line or any graded road shoulder and a minimum distance of 3.0 m (9 feet 10 inches) from any traffic signal pole, or stop or yield sign
- Election signs are to be removed from public view within 48 hours following the day upon which the election is held

The co-operation of all candidates regarding the placement of signs, posters or advertising devices is respectfully requested.

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If in doubt as to the placement of a sign, please contact either the Superintendent of Public Works or an Election Assistant for clarification or a ruling.

If the municipality deems it necessary to remove signs, which in its opinion violates the regulations, the signs or posters can be retrieved from the Municipal Works Garage located on Trafalgar Road.

CAMPAIGN ADVERTISING, including signs, is also **strictly prohibited** at any time on:

- municipal and regional buildings and property
- voting place area
- voting place grounds

PROHIBITION OF CANVASSING IN VOTING PLACES

The Clerk is the lessee of the premises used as voting places. As the lessee of such premises, the Clerk does not permit electioneering of any nature in or on the premises used as a voting place on Voting Day. A premise is deemed to include the entire building and the property on which it is located.

Section 48 (2) of the **Municipal Elections Act, 1996**, as amended provides as follows:

“No person shall display a candidate’s election campaign material or literature in a voting place.”

Election Staff is instructed to immediately remove any campaign material or literature of any nature from a voting place.

In view of the substantial number of school buildings used for voting purposes, the attention of candidates is also drawn to the policies of the school boards and provisions of the **Education Act** which provide as follows:

- i) No agent or representative may canvass in the schools, nor exhibit advertising material in the schools or on the school property, without the approval in writing of the Director of Education;
- ii) All visitors to schools must report to the office;
- iii) It is the duty of a principal of a school, in addition to his duties as a teacher, to maintain a visitors’ book in the school when so determined by the Board.

Thus, it should be noted from the foregoing that in connection with municipal elections, only persons attending a school building for the purpose of casting their ballot, duly qualified election officials, candidates or their authorized agents in, or going to or from the voting place, may be present on school premises.



ACCESS TO RENTED PREMISES BY CANDIDATE OR THEIR AUTHORIZED REPRESENTATIVES

Section 22 of the *Tenant Protection Act* provides that:

“No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material.”

This does not permit canvassing in the building if it is being used as a voting location during voting hours.

Note: The Town Clerk will not act or intervene on behalf of any candidate to secure access to any buildings for the purpose of canvassing or distributing election material.

ACCESS TO CONDOMINIUMS BY CANDIDATES OR THEIR AUTHORIZED REPRESENTATIVES

Section 118 of the *Condominium Act* provides as follows:

“No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.”

Note: The Town Clerk will not act or intervene on behalf of any candidate to secure access to any buildings for the purpose of canvassing or distributing election material.

SCRUTINEERS

Note: For the purpose of this section a candidate does not include a candidate who has been declared to be elected by acclamation.

A candidate may appoint in writing any number of scrutineers to represent him/her in a voting place. Only one scrutineer is allowed per candidate for each voting place in a location.

Only one scrutineer OR the candidate himself may be present at a voting place at any one time. The candidate must appoint every scrutineer in writing. The forms are available at the Clerk's Office. A signed appointment form must be presented to the Deputy Returning Officer. Scrutineers must subscribe to an Oath of Secrecy as administered by the Deputy Returning Officer before entering into their duties at each voting location. A scrutineer shall show proof of appointment upon request of any Election Official.

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Every person in attendance at a voting place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting. Scrutineers shall not attempt to influence any elector within the voting place grounds.

Upon entering a voting place, a candidate is considered a scrutineer.

Candidates and Scrutineers have the following rights:

- to be present when ballot boxes and materials related to the advance voting and the ballot boxes and documents are being delivered to the Clerk
- to enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots, and all other election documents but not to delay the opening of the voting place
- to place their own seal on the ballot box before the opening of the voting place
- to place his or her own seal on the ballot box after the close of voting on an advance vote so ballots cannot be withdrawn or deposited without breaking the seal
- to sign the statement of results of an election
- to place his or her own seal on the ballot box after the counting of the votes so that ballots cannot be withdrawn or deposited without breaking the seal

BALLOTS

The names of the candidates will appear on the ballot in the order of their surnames, alphabetically arranged. The candidate may use a nickname or the name under which he/she is commonly known. No identification such as title, honour, decoration or degree shall be included with any candidate's name on the ballot.

PLEASE INDICATE ON THE NOMINATION FORM THE EXACT NAME, WHICH IS TO APPEAR ON THE BALLOT.

The 2014 Municipal Election will provide for a composite ballot, which contains all ballots for every office for which they are entitled to vote. There will be different ballots for public school electors and separate school electors (French/English).

There will be a separate ballot for non-resident electors who are not an owner or tenant of residential property as they are not permitted to vote for school board trustees. This is in accordance with the *Education Act, as amended*.

LIST OF ELECTORS

The Preliminary List of Electors will be available for inspection **as of Tuesday, September 2, 2014**. The List will be available for viewing at the Civic Centre. Candidates are required to request in writing a copy of that portion of the Preliminary List of Electors, which applies to the office for which the candidate is registered.

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The last day for revisions to the list will be **Voting Day**. Revisions to the list may be made in the Clerk's Department, Civic Centre, 1 Halton Hills Drive, during office hours from 8:30 a.m. to 4:30 p.m. from **September 2, 2014 to October 27, 2014** and from 8:30 a.m. until 8:00 p.m. on Voting Day (October 27th).

VOTER NOTIFICATION CARDS

In late September, the Town Clerk will mail one notice to all electors residing at a given address advising them of the location of their voting place and the times of voting, including the advance voting dates.

Each candidate will be provided with a list of all voting locations for the area in which they are seeking elected office, once these locations are confirmed. Candidates will be advised, by mail, of any change in location.

VOTING

Section 52(1)

1. Subject to paragraph 3, the deputy returning officer shall give the person a ballot only if,
 - i. the deputy returning officer is satisfied that the person is entitled to vote at the voting place, and
 - ii. the person presents the prescribed proof of identity and residence or completes and application in the prescribed form, including a statutory declaration that he or she is the elector shown on the voters' list.
2. If the deputy returning officer, a scrutineer or a certified candidate objects to the person voting, the deputy returning officer shall have the fact of the objection and by whom it was made recorded on the voters' list next to the person's name.
3. When an objection has been made as described in paragraph 2, the deputy returning officer shall give the person a ballot if the person takes an oath or affirmation stating that he or she is entitled to be an elector for the voting place and has not already voted in the election.
4. The deputy returning officer may permit an elector who needs assistance in voting to have such assistance as the deputy returning officer considers necessary.
5. An elector is no longer entitled to vote if, after receiving a ballot, he or she leaves the voting place without returning the ballot, or declines to vote and returns the ballot. 1996, c. 32, Sched., s. 52 (1); 2002, c. 17, Sched. D, s. 19 (1).

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VOTER IDENTIFICATION

ALL electors must provide acceptable identification in order to receive a ballot or complete the appropriate application for and statutory declaration as mentioned in Section 52(i)(ii) of the *Municipal Election Act, 2010*.

ELECTORS NOT ON VOTERS' LIST

Persons who qualify and are not on the Voters' List may still vote on Voting Day by attending at the appropriate voting location and requesting an Election Official to add their name to the Voters' List. **Electors must bring appropriate identification that proves their identity and proves their address. Please see attached list of suitable ID, as directed by the Province of Ontario.**

The key is that the person must be a qualified elector.

PROXY VOTING

Any person whose name appears on the voting list for a voting subdivision or who has obtained a certificate from the Town Clerk stating that they are eligible to vote in the election may vote by proxy in the voting subdivision.

This person may appoint as his/her voting proxy any other person who is eligible to be an elector in the municipality. This appointment must be made in writing in the prescribed form, and the forms are available from the Town Clerk's Office.

A voting proxy may only act as a proxy for:

- i) one person who is not a relative; **OR**
- ii) one or more persons who are relatives (parent, grandparent, child, grandchild, brothers, sisters, spouse or same-sex partner).

Proxy Applications are available at the Clerk's Office from 8:30 a.m. to 4:30 p.m. from **September 18th, 2014 until October 27th, 2014.**

A person shall not appoint a voting proxy for an election until the time for the withdrawal of nominations has expired for all offices for which the election is being conducted and the appointment does not remain in effect after voting day of the election.

44 (5) Application for Clerk's certificate – procedure

"A person who has been appointed a voting proxy shall:

- (a) complete an application in the prescribed form, including a statutory declaration that he or she is the person appointed as a voting proxy; and

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- (b) present the application and the appointing document to the Clerk at the Clerk's office or any place designated by the Clerk, in person".

The Clerk up to and including Voting Day will receive applications. Applicants to act as proxies must attend at the Clerk's Office or other place designated by the Clerk and present the prescribed appointment form, which has been signed by the elector. The Clerk will issue a certificate and it must be produced at the Voting Place. The proxy must attend the voting place for the elector for whom they are voting.

ELECTORS ABSENCE FROM WORK

An elector is entitled to have three consecutive hours to vote on Voting Day (October 27th, 2014). If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the voting place, their employer must allow them to be absent and the absence shall be timed to suit the employer's convenience as much as possible.

ADVANCE VOTING

The *Municipal Elections Act, 1996, as amended* requires that at least one (1) Advance Voting Day be held. The date(s), time(s) and location(s) of the Advance Vote(s) for the 2014 Municipal Election are tentatively set for: **Wednesday, October 15, 2014, 10:00 a.m. to 8:00 p.m.**; **Saturday, October 18, 2014, 10:00 a.m. to 5:00 p.m.**; and **Wednesday, October 22, 2014 10:00 a.m. to 8:00 p.m.**

ANY ELECTOR MAY VOTE AT ANY ADVANCE POLL (Acceptable Identification required).

REGULAR VOTING LOCATIONS ON ELECTION DAY

Eligible electors in accordance with the preliminary List of Electors will receive a voter notification card, which indicates the voting place and poll at which they are to attend to cast their ballot. The hours of the regular polls are **Monday, October 27th, 2014 10.00 a.m. to 8:00 p.m.**

ELECTION RESULTS

In 2014 Halton Hills will be using vote tabulation equipment at each poll. The Civic Centre will be Election Headquarters for announcement of the results, which are anticipated to be finalized by 9:00 p.m. The results will also be available on the Town of Halton Hills website at www.haltonhills.ca as they come in after 8:00 p.m. on October 27th, 2014.

The results will be shown only by running totals for each office. The poll-by-poll breakdown of the results will be available from the Returning Officer as soon as possible.

DECLARATION OF OFFICIAL RESULTS

The Official Results of the election will be declared as soon as possible after Voting Day.

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INAUGURAL COUNCIL MEETING

The Inaugural Council Meeting for the local Council will be held on Monday, December 1, 2014. Details will follow.

The Regional Clerk will arrange the Inaugural Council Meeting for Regional Council.

INTERPRETATION

This guide is for information purposes and any wording should be verified with the *Municipal Elections Act, 1996, as amended.*

ELECTION STAFF CONTACT

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Renee Brown
Election Assistant
Phone: 905-873-2601 x 2333
e-mail: rbrown@haltonhills.ca

Town of Halton Hills, Civic Centre, Business Hours:
Monday through Friday 8:30 a.m. to 4:30 p.m.

School Boards and Region of Halton Contacts:

David Euale, Director of Education
Halton District School Board
905-335-3633

Paula Dawson, Director of Education
Halton Catholic District School Board
905-632-6300

Gyslaine Hunter-Perreault, Director of Education
Conseil scolaire Viamonde
416-614-5839

Réjean Sirois, Director of Education
Conseil scolaire de district catholique
Centre-Sud
416-397-6564 ext. 73100

Karyn Bennett, Regional Clerk
Regional Municipality of Halton
1-866-442-5866 ext. 7254