

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-
GENERAL), and CITY OF TORONTO**

Respondents

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4. Notice of Constitutional Question
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6. Affidavit of Li Zhang, sworn August 22nd, 2018.

TAB 1



Court File No.:

ONTARIO

CV-18-00602494-0000

SUPERIOR COURT OF JUSTICE

BETWEEN:



ROCCO ACHAMPONG

Applicant(s)

-and-

ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-GENERAL), and CITY OF TORONTO

Respondent(s)

NOTICE OF APPLICATION

(Pursuant to *Courts of Justice Act, RSO 1990, c C.43*)

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on (day), (date), at (time), at (address of court house).

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not

have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: July 31, 2018

Issued by: 
Local registrar

393 University Avenue, 10th floor
Toronto, ON
M5G 1E6

TO: **Hon. Doug Ford**
Office of the Premier of Ontario
c/o Ministry of the Attorney General of Ontario
720 Bay Street
Toronto, ON M7A 2S9

AND TO: **Ministry of the Attorney General**
Crown Law-Civil
McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9

AND TO: The City of Toronto
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: John Tory, Mayor of Toronto

APPLICATION

THE APPLICATION IS FOR:

1. An Order for the interim preservation of the status quo rules and regulations that govern the City of Toronto 2018 election for councillors;
2. An Order suspending the coming into force of the *Better Local Government Act* (as proposed) until such time as this application can be heard on the merits;
3. An Order mandating the city of Toronto to comply with existing by-laws, rules, and regulations governing its 2018 election until such time as this application can be heard on the merits;
4. And such further Orders as this Honourable Court sees fit and may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

1. The city of Toronto ("Toronto") election period began on May 1st, 2018, at which time a candidate for elected office would be provided with the rules and regulations governing his/her candidacy, thus providing a legal framework for adherence and notice to all councillor candidates.
2. The rules and regulations to which a candidate must adhere is authorized by the *City of Toronto Act, 2006*, S.O. 2006, ("*The Act*"), an act sui generis in nature granting Toronto a status and powers unavailable to any other municipality in the province of Ontario, and effectively administered by the clerk of the city of Toronto. The *Municipal Election Act, 1996*, S.O. 1996, c.32 also governs the elections of candidates to municipal office.

3. The controlling law, rules, and regulations that have been operative since the start of the election cycle have now been by thrust into a state of ambiguity and uncertainty, as the legislature is currently looking to amend and repeal provisions that govern elections to municipal office in the province of Ontario.

4. Due to the unilateral intervention of the Government of Ontario to nullify existing rules for an ongoing election, considerable uncertainty and ambiguity has now resulted, and notice of applicable rules and regulations governing the municipal election in Toronto is unknown.

5. In the government's own explanatory note attached to Bill 5, *An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001, and the Municipal Elections Act, 1996*, ("*Better Local Government Act*") states: "A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated." Thus, making the applicant unsure as to whether one has to re-file nomination papers, the ambiguity and uncertainty is palpable.

6. The proposed *Better Local Government Act* does not repeal Part 1, sections 1 (1)(2)(3)(4), the interpretive portions of *The Act*, which continues in force and effect, and requires the province to adhere and comply with consultation provisions therein codified.

7. The city of Toronto is bound by the legitimate expectation principles that administratively follow in respect of its own processes and by-laws, which gave notice and representations to potential candidates in respect of applicable rules and regulations governing the election of candidates in the year 2018.

8. The applicant has acted compliantly with the city of Toronto's Candidates Rules, Guides, and Forms, a document evincing the legal framework within which conditions precedent for candidacy are delineated, and compliance expectations are provided.

9. The applicant was fully informed of the ward boundaries for which he will be contesting, and his decision to be a candidate was based on the geographical boundaries that were in place when he decided to be a candidate. The government of Ontario has signalled an intention to change the geographical boundaries of the ward within which he is contesting for a council seat, yet the *Better Local Government Act* does not define those boundaries. The applicant has no idea of the ward boundary within which he is contesting for a council seat.

10. Candidates, campaign workers, volunteers, election officials and staff, and the electors of the city of Toronto are all harmed without knowledge of the rules and boundaries for the 2018 Toronto election. Late changes in election rules run the risk of unfairness or, at the very least, the perception of unfairness, and, as such, has the effect of diminishing public confidence in the democratic process in the city of Toronto. The coming into force and effect of the *Better Local Government Act*, 2018, which changes the rules and boundaries in the middle of an ongoing election is not in the public interest.

11. Section 101, *Courts of Justice Act*, RSO 1990, c C.43

12. Rules 14 and 40.01 of the *Rules of Civil Procedure*

13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

DOCUMENTARY EVIDENCE TO BE USED AT THE HEARING OF THE APPLICATION

1. The following documentary evidence will be used at the hearing of the application:
 - a. Affidavit of Rocco K. Achampong, sworn July 31, 2018

July 31, 2018

ROCCO K. ACHAMPONG
Barrister & Solicitor
1 Dundas Street West, Suite 2500
Toronto, ON M5G 1Z3

**Attention: Rocco K. Achampong
(LSO# 57837J)**

**Tel. 416-434-2828
Fax 416-479-8256**

Applicant (Self-represented)



TAB 2



ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant(s)

-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-
GENERAL), and CITY OF TORONTO**

Respondent(s)

AMENDED
NOTICE OF APPLICATION

(Pursuant to *Courts of Justice Act, RSO 1990, c C.43*)

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on (day), (date), at (time), at (address of court house).

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Date: July 31, 2018

Issued by: _____

Local registrar
393 University Avenue, 10th floor
Toronto, ON
M5G 1E6

TO: **Hon. Doug Ford**
Office of the Premier of Ontario
c/o Ministry of the Attorney General of Ontario
720 Bay Street
Toronto, ON M7A 2S9

AND TO: **Ministry of the Attorney General**
Crown Law-Civil
McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9

AND TO: The City of Toronto
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: John Tory, Mayor of Toronto

APPLICATION

THE APPLICATION IS FOR:

1. An Order for the interim preservation of the status quo rules and regulations that govern the City of Toronto 2018 election for councillors;
2. An Order suspending the coming into force of the *Better Local Government Act* (as proposed) until such time as this application can be heard on the merits;
3. An Order mandating the city of Toronto to comply with existing by-laws, rules, and regulations governing its 2018 election until such time as this application can be heard on the merits;
4. And such further Orders as this Honourable Court sees fit and may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

1. The city of Toronto ("Toronto") election period began on May 1st, 2018, at which time a candidate for elected office would be provided with the rules and regulations governing his/her candidacy, thus providing a legal framework for adherence and notice to all councillor candidates.
2. The rules and regulations to which a candidate must adhere is authorized by the *City of Toronto Act, 2006*, S.O. 2006, ("*The Act*"), an act sui generis in nature granting Toronto a status and powers unavailable to any other municipality in the province of Ontario, and effectively administered by the clerk of the city of Toronto. The *Municipal Election Act, 1996*, S.O. 1996, c.32 also governs the elections of candidates to municipal office.

3. The controlling law, rules, and regulations that have been operative since the start of the election cycle have now been by thrust into a state of ambiguity and uncertainty, as the legislature is currently looking to amend and repeal provisions that govern elections to municipal office in the province of Ontario.

4. Due to the unilateral intervention of the Government of Ontario to nullify existing rules for an ongoing election, considerable uncertainty and ambiguity has now resulted, and notice of applicable rules and regulations governing the municipal election in Toronto is unknown.

5. In the government's own explanatory note attached to Bill 5, *An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001, and the Municipal Elections Act, 1996*, ("*Better Local Government Act*") states: "A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated." Thus, making the applicant unsure as to whether one has to re-file nomination papers, the ambiguity and uncertainty is palpable.

6. The proposed *Better Local Government Act* does not repeal Part 1, sections 1 (1)(2)(3)(4), the interpretive portions of *The Act*, which continues in force and effect, and requires the province to adhere and comply with consultation provisions therein codified.

7. The city of Toronto is bound by the legitimate expectation principles that administratively follow in respect of its own processes and by-laws, which gave notice and representations to potential candidates in respect of applicable rules and regulations governing the election of candidates in the year 2018.

8. The applicant has acted compliantly with the city of Toronto's Candidates Rules, Guides, and Forms, a document evincing the legal framework within which conditions precedent for candidacy are delineated, and compliance expectations are provided.

9. The applicant was fully informed of the ward boundaries for which he will be contesting, and his decision to be a candidate was based on the geographical boundaries that were in place when he decided to be a candidate. The government of Ontario has signalled an intention to change the geographical boundaries of the ward within which he is contesting for a council seat, ~~yet the *Better Local Government Act* does not define those boundaries. The applicant has no idea of the ward boundary within which he is contesting for a council seat,~~ yet the ward numbers are unknown, information which is required when one files nomination papers with the city clerk.

10. Candidates, campaign workers, volunteers, election officials and staff, and the electors of the city of Toronto are all harmed without knowledge of the rules and boundaries for the 2018 Toronto election. Late changes in election rules run the risk of unfairness or, at the very least, the perception of unfairness, and, as such, has the effect of diminishing public confidence in the democratic process in the city of Toronto. The coming into force and effect of the *Better Local Government Act*, 2018, which changes the rules and boundaries in the middle of an ongoing election is not in the public interest.

11. Section 101, *Courts of Justice Act*, RSO 1990, c C.43

12. Rules 14 and 40.01 of the *Rules of Civil Procedure*

13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

DOCUMENTARY EVIDENCE TO BE USED AT THE HEARING OF THE APPLICATION

1. The following documentary evidence will be used at the hearing of the application:
 - a. Affidavit of Rocco K. Achampong, sworn July 31, 2018

July 31, 2018

ROCCO K. ACHAMPONG
Barrister & Solicitor
1 Dundas Street West, Suite 2500
Toronto, ON M5G 1Z3

Attention: Rocco K. Achampong
(LSO# 57837J)

Tel. 416-434-2828
Fax 416-479-8256

Applicant (Self-represented)

TAB 3

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant(s)

-and-

ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-GENERAL), and CITY OF TORONTO

Respondent(s)

FURTHER AMENDED NOTICE OF APPLICATION

(Pursuant to *Courts of Justice Act, RSO 1990, c C.43*)

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on (day), (date), at (time), at (address of court house).

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

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serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

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Date: ~~July 31, 2018~~ 22 August 2018

Issued by: _____

Local registrar
393 University Avenue, 10th floor
Toronto, ON
M5G 1E6

TO: **Hon. Doug Ford**
Office of the Premier of Ontario
c/o Ministry of the Attorney General of Ontario
720 Bay Street
Toronto, ON M7A 2S9
Attention: Robin Basu < Robin.Basu@ontario.ca>

AND TO: **Ministry of the Attorney General**
Crown Law-Civil
McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9
Attention: Robin Basu < Robin.Basu@ontario.ca>

AND TO: **The City of Toronto**
City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Glen Chu < Glenn.Chu@toronto.ca>

APPLICATION

THE APPLICATION IS FOR:

1. An Order for the interim preservation of the *status quo* rules and regulations that govern the City of Toronto 2018 election for councillors;
 2. An Order suspending the coming into force of the *Better Local Government Act* ~~(as proposed)~~ until after the 2018 Toronto municipal election ~~such time as this application can be heard on the merits;~~
 3. An Order mandating the city of Toronto to comply with ~~existing~~ the by-laws, rules, and regulations governing its 2018 election that were in force at the commencement of that election in May 2018; ~~until such time as this application can be heard on the merits;~~
 4. An Order suspending the coming into force of the *Better Local Government Act* in respect of all municipal elections in the Province of Ontario
 5. The costs of this Application; and
3. 4. ~~And~~ such further Orders as this Honourable Court sees fit and may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

1. The city of Toronto (“Toronto”) election period began on May 1st, 2018, at which time a each candidate for elected office ~~would be~~ was provided with the rules and regulations governing his/her candidacy, thus providing a legal framework for adherence and notice to all councillor candidates.
2. The rules and regulations to which a candidate must adhere ~~is~~ are authorized by the *City of Toronto Act, 2006*, S.O. 2006, (“*The Act*”), an act *sui generis* in nature granting Toronto a status and powers unavailable to any other municipality in the province of Ontario, and effectively administered by the clerk of the city of Toronto. The *Municipal Election Act, 1996*, S.O. 1996, c.32 also governs the elections of candidates to municipal office. The rules in place from May through August 2018 provided, *inter alia*, for 47 wards, an increase over the previous



45 wards that was recommended and implemented as a result of an extensive consultation process.

3. The controlling law, rules, and regulations that have been operative since the start of the election cycle ~~have now been by~~ were thrust into a state of ambiguity and uncertainty, ~~as the legislature is currently looking to~~ on July 30th when the government of the respondent Premier introduced in the legislature Bill 5 “the Better Local Government Act” (“BLGA”) which purported to retroactively amend and repeal provisions that govern elections to municipal office in the province of Ontario. In particular, three months into Toronto’s municipal campaign the BLGA reduced the number of Wards in the City of Toronto from 47 to 25.

4. Due to the unilateral intervention of the Government of Ontario to nullify existing rules for an ongoing election, considerable uncertainty and ambiguity has now resulted, and notice of applicable rules and regulations governing the municipal election in Toronto is unknown.

5. In the government’s own explanatory note attached to Bill 5 states: “A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated.” ~~Thus, making the applicant unsure as to whether one has to re-file nomination papers, the ambiguity and uncertainty is palpable.~~ This has had the effect of nullifying the Applicant’s nomination, re-opening the nomination period an extending it to a date that was until recently unknown, and requiring the Applicant to re-file nomination papers.

6. The ~~proposed Better Local Government Act~~ BLGA does not repeal Part 1, sections 1 (1)(2)(3)(4), the interpretive portions of *The Act*, which continues in force and effect, and requires the province to adhere and comply with consultation provisions therein codified. The Applicant states that the BLGA as proposed and as passed flagrantly violates these sections.

7. The city of Toronto is bound by the legitimate expectation principles that administratively follow in respect of its own processes and by-laws, which gave notice and representations to potential candidates in respect of applicable rules and regulations governing the election of candidates in the year 2018. The Applicant states that in changing the rules for the election mid-campaign, and retroactively, the BLGA is contrary to basic principles of the rule of



law, and that the respondent City owes the Applicant a duty of procedural fairness in conducting the election in accordance with the rules in place at the commencement of and through the first three months of the election.

8. The applicant ~~has acted compliantly~~ complied with the city of Toronto's Candidates Rules, Guides, and Forms, a document evincing the legal framework within which conditions precedent for candidacy are delineated, and compliance expectations are provided.

9. The applicant was fully informed of the ward boundaries for which he will be contesting, and his decision to be a candidate was based on the geographical boundaries that were in place when he decided to be a candidate. ~~The government of Ontario has signalled an intention to change the geographical boundaries of the ward within which he is contesting for a council seat, yet the *Better Local Government Act* does not define those boundaries. The applicant has no idea of the ward boundary within which he is contesting for a council seat., yet~~ The BLGA purports to change those boundaries to match the federal and provincial electoral districts, but at this time everything from campaign spending limits to the ward numbers remain unknown, information which is required when one files nomination papers with the city clerk by all candidates when determining whether to contest an election and in planning and executing their campaign, and the BLGA therefore breaches the Applicant's Constitutional democratic and due process rights.

10. Candidates, campaign workers, volunteers, election officials and staff, and the electors of the city of Toronto are all harmed without knowledge of the rules of and boundaries for the 2018 Toronto election. Late changes in election rules run the risk of unfairness or, at the very least, the perception of unfairness, and, as such, has the effect of diminishing public confidence in the democratic process in the city of Toronto. The coming into force and effect of the *Better Local Government Act*, 2018, which changes the rules and boundaries in the middle of an ongoing election is not in the public interest, and contrary to the Applicant's and the public's *Charter* and *Constitutional rights*.

11. Section 101, *Courts of Justice Act*, RSO 1990, c C.43.

12. Rules 1, 4, 14, 38, and 40.01 of the *Rules of Civil Procedure*.

13. Sections 2, 3, 7, and 15 of the *Charter of Rights and Freedoms*.

14. The Better Local Government Act, 2018, S.O. 2018 c.11.

~~13.15.~~ Such further and other grounds as counsel may advise and this Honourable Court may permit.

DOCUMENTARY EVIDENCE TO BE USED AT THE HEARING OF THE APPLICATION

1. The following documentary evidence will be used at the hearing of the application:
 - a. Affidavit of Rocco K. Achampong, sworn ~~July 31,~~ August 22nd 2018
 - b. Affidavit of Li Zhang (for the benefit of Mario Racco) sworn August 22nd 2018.

~~July 31, 2018~~ 22 August 2018

Rocco K. Achampong LSO# 57837J
Gavin Magrath LSO 51553A
Selwyn Pieters LSO # 50303Q
~~Barrister & Solicitor~~
1 Dundas Street West, Suite 2500
Toronto, ON M5G 1Z3
Tel. 416-434-2828
Fax 416-479-8256
Email: roccoachampong@gmail.com
Email: gavin@magraths.ca
Email: Selwyn@SelwynPieters.com
Applicant, Counsel to the Applicant

TAB 4

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ROCCO ACHAMPONG

Applicant

- and -

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO
(ATTORNEY-GENERAL), and CITY OF TORONTO**

Respondents

NOTICE OF CONSTITUTIONAL QUESTION

The plaintiff intends to question the constitutional applicability of the *Charter* to the *Better Local Governance Act* and whether the Constitutional principles of Democracy, the Rule of Law, and Procedural Fairness require that Act's coming into force to be delayed until after the conclusion of the ongoing 2018 Toronto municipal elections.

The question is to be argued on 31 August 2018, at 393 University Ave, at 10:00 AM or as soon thereafter as the trial may be scheduled.

The following are the material facts giving rise to the constitutional question:

1. The Applicant is a registered candidate for election to Toronto City Council for what was at the time of his registration Ward 13 Eglinton-Lawrence;
2. The Campaign began on 2 May 2018 and will conclude on 22 October 2018;

3. On about 30 July 2018 the respondents the Premier of Ontario and Government of Ontario introduced in the legislature Bill 5, the Better Local Governance Act, which *inter alia* purports to change the ward structure for the 2018 election during the 2018 election campaign, reducing it to 25 Wards in spite of the years-long public consultation process that led to the expansion of council from 45 to 47 wards. The legislation purports to act both prospectively, in that it instructed City Officials to begin conducting the election as set out in the Bill prior to adoption and royal assent, and retroactively in that it authorizes the Minister to make regulations effective retroactively in order to require the City and elections officials to transition into the new structure.
4. The applicant has and continues to suffer irreparable harm to his ability to stand for election, his ability to properly participate in, campaign in, and donate in the election; his rights to procedural fairness in concluding the election on the rules and procedures agreed at the opening of the election; and is contrary to the basic constitutional principles of democracy and the rule of law;
5. This legislation should not lawfully come into force retroactively or during a contested municipal election but only following the conclusion of the 2018 election and;
6. Such further facts as may be properly before the Court.

The following is the legal basis for the constitutional question:

1. The applicant has a constitutional right to participate in free and fair elections both as a candidate and elector, including under sections 2, 3, and 15 of the *Charter*, which have been compromised by the actions of the Respondents;

2. The applicant is entitled to due process and procedural fairness from government officials in the conduct of the election, in particular, that he and all candidates are entitled to contest that election under known laws that were in place at the time the campaign commenced;
3. The purported prospective application of the Act prior to its adoption as law (and contrary to the existing Act and By-Laws) and its authorization of retroactive Ministerial regulation are contrary to the unwritten constitutional principle of the rule of law;
4. The unilateral change to local governance not only without consultation or consent of the governed but in direct opposition to the results of the City's ongoing consultation process breaches the applicant's basic democratic rights both as candidate and elector;
5. There is no pressing objective requiring urgent coming-into-force of the Act, nor is the Act itself a rational and proportional response to any mischief that could justify these breaches under section 1; and
6. Such further and other grounds as may be properly put before the Court.

16 August 2018

Rocco K. Achampong LSO # 57837J
Gavin Magrath LSO # 51553A
1 Dundas St. West., Suite 2500
Toronto, ON, M5G 1Z3
Tel: 416-434-2828
Fax: 416-479-8256
Email: roccoachampong@gmail.com
Email: gavin@magraths.ca
Applicant, Counsel to the Applicant

To: The Attorney General of Canada (as required by section 109 of the Courts of Justice Act)
Suite 3400, Exchange Tower
Box 36, First Canadian Place

Toronto, Ontario M5X 1K6
fax: (416) 973-3004

And to: The Attorney General of Ontario (as required by section 109 of the CJA)
Constitutional Law Branch

c/o Ministry of the Attorney General of Ontario
720 Bay Street
Toronto, ON M7A 2S9
Attention: Robin Basu <Robin.Basu@ontario.ca>

And to: Hon. Doug Ford
Office of the Premier of Ontario

c/o Ministry of the Attorney General of Ontario
720 Bay Street
Toronto, ON M7A 2S9
Attention: Robin Basu <Robin.Basu@ontario.ca>

And to: Ministry of the Attorney General

McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9
Attention: Robin Basu <Robin.Basu@ontario.ca>

And to: The City of Toronto

City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Glen Chu <Glenn.Chu@toronto.ca>

TAB 5

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-GENERAL), and CITY OF TORONTO

Respondents

AFFIDAVIT OF ROCCO ACHAMPONG

I, ROCCO ACHAMPONG, of the city of Toronto, MAKE OATH AND SAY:

1. I am a resident of and registered candidate for councillor in (former) Ward 13 (Eglinton-Lawrence) and the Applicant in this claim for relief against the applicability of Bill 5, the “Better Local Government Act,” (BLGA) to the 2018 Toronto municipal election and, as such, have knowledge of all matters herein deposed. Where I do not have personal knowledge of the matter, I state the source of such knowledge or information, verily believing it to be true.
2. I registered to participate in the Toronto municipal elections on July 27th, 2018 as a candidate for ward 13, Eglinton-Lawrence. I attested to my compliance with the *Municipal Elections Act*, 1996 (“MEA”), sought signatures of endorsement from electors of the City of Toronto, paid my nomination fee, and I was officially a candidate—or so I thought. **Attached to this my affidavit is the ward 13 candidate list at Tab __.**

Legitimate Expectation

3. Upon registration, every candidate in the Toronto municipal election is provided with a ‘Candidates’ Guide for Ontario Municipal Council and School Board Elections’ (“Candidates’ Guide”), I received the same. The guide provides the legal framework within which a candidate operates and conducts a campaign, as well as critical information to ensure compliance with the rules and an accountability framework governing the election process. The *Candidates Guide* provides information relating to changes to election rules for the year 2018, general information, candidate eligibility, nomination processes and corresponding deadlines, campaigning rules, third party advertising, voting day processes, campaign wrap up processes, campaign finance and record keeping rules, financial contributions and contribution limits, campaign signage, etc., effectively, the rules and regulations of one’s candidacy. **Attached to this my affidavit is the City of Toronto’s Candidates’ Guide for Ontario Municipal Council and School Board Elections at Tab ____.**

4. I was also informed, and believed to be true, that the composition of council had been confirmed by the city in the passage of By-Law 598—2018 on November 8th and 9th, 2016, having been adopted by a margin of 28-13. **Attached to this my affidavit is By-Law 598-2018 and the City of Toronto New Ward Boundaries at Tab ____.**

5. As a result, I was able to make a decision about my candidacy, register as a candidate in a known ward approved overwhelmingly by council following public consultation, and plan my campaign under known rules and expense limits, and I verily believe it is a breach of fundamental standards of justice and procedural fairness to change these boundaries and rules mid-race.

Unilateral Rules Change Without Notice or Consultation

6. On or about the evening of July 26th, 2018, media outlets started reporting that the Honourable, Doug Ford, Premier of Ontario (“Premier”), was without notice to the city and long registered candidates, unilaterally changing the ward composition of city council, reducing it

from 47 to 25 Wards. **Attached to this my affidavit is a Globe and Mail report dated July 26th, 2018 at Tab __**

7. The Premier's office confirmed these rumours by news release and press conference on July 27th, 2018 – nearly three months into the campaign and on the last day for candidate registration. **Attached to this my affidavit is a news release from the Office of the Premier of Ontario at Tab __**

8. On July 30th, 2018, just three days after the press release, the Government of Ontario introduced to the legislature for first reading, Bill 5, short titled the *Better Local Government Act*. Amongst other things, the Bill proposes to retroactively repeal By-Law 598-2018 without reasonable notice or consultation with the city, electors, and registered candidates, whom have been long campaigning, and have expended significant sums to that end. **Attached to this my affidavit is a true copy of Bill 5 at Tab __**

9. On July 31st, 2018, I caused to be issued a Notice of Application at the Superior Court of Justice, seeking amongst other relief, an interlocutory order against the coming into force and effect of the *Better Local Government Act* as it applies to the 2018 Toronto municipal election. The Notice of Application was amended on the same day when an error was noticed, and, on August 7th, 2018, a complete Application Record was served on all parties. **Attached to this my affidavit is a true copy of the Notice of Application issued on July 31st at Tab __**

10. On August 14th, 2018 the BLGA passed second reading, and passed third reading, and was granted royal assent, officially becoming *The Better Local Government Act, 2018*, S.O. 2018, c.11.

11. At paragraph 5, the BLGA amends sections 128-129 of the City of Toronto Act, providing that the 2018 election, already underway, would be governed as though Bill 5 were already in affect, in effect prospectively requiring city and electoral officials to breach the existing by-laws and comply with an Act that had not yet passed. From July 27th to August 14th the law governing the election already underway and in which I was already registered was thrown into complete chaos.

12. That same section of the BLA also purported to give power to the Minister to pass retroactive regulations governing the transition into the new regime, and the BLGA further



requires registered candidates to re-register with the Clerk's office or have their candidacy invalidated. I verily believe it is a breach of my fundamental rights to due process and under the rule of law to be able to participate in this election under known laws, rather than laws that are not only changed mid-stream but which may yet again have its rules and manner of conduct changed, retroactively, by as yet unknown Ministerial decisions.

Serious infringement on democratic participation

13. I had a legitimate expectation that the City of Toronto would maintain its rules, regulations, and by-laws relating to its election process, including the boundaries within which I would be contesting as a candidate, as well as a campaign expense limit—which informed whether or not I can be a viable candidate with the necessary resource to contest effectively.

14. My legitimate expectation that the rules and regulations would remain, as had been promulgated before the start of the nomination period, was informed by the reasonable notice provisions in all election related statutes in Ontario, including the MEA, the *City of Toronto Act*, and the by-laws and regulations in place at the commencement of the campaign and provided to me and all candidates.

15. Changing the ward boundaries changes the number of electors to whom I would have to appeal; that will presumably change the campaign expense limit, a regulation that is as yet unknown and which may be made retroactively by the Minister. Sched.3 s.3 of the BLGA provides that nomination day is now September 14th, meaning I no longer know who else is going to be a candidate contesting this new ward and may not be able to campaign effectively until the final five weeks of the campaign. I do not even know the new ward number I will be contesting. I therefore have or may have lost much of the value I have already invested in planning and running my campaign, and now face a much shorter period in which I will be required to campaign over a much larger area to nearly twice as many constituents. I verily believe that it is not possible to have the public conversation, debate, and evaluation of candidates that our democratic traditions require under this restricted timeframe and under as yet undetermined rules that may continue to change both unpredictably and retroactively if the BLGA is permitted to come into force for the 2018 election.

16. To the extent that Bill 5 materially changes the circumstances, conditions, and the terms which influenced my decision to run, some level of notice and consultation is procedurally and lawfully required; a notice expressly provided for in the *City of Toronto Act* (“*The Act*”), all election related Acts of the legislature of Ontario, and legitimately expected of the city and province in their election related By-Laws and statutes.

17. In particular, the BLGA does not purport to amend or repeal sections 1 and 2 of the Act, which provide that the City exists to provide good government, democratically elected and accountable, working with the province in a relationship based on mutual respect, consultation, and co-operation, and to engage on matters of mutual interest in accordance with an agreement between the Province and the City. I verily believe the surprised and rushed manner and timing of these mid-campaign changes, without notice or consultation and in direct conflict with the consultation process that determined the original rules and structure, is in conflict with and breach of every single purpose of the Act. As a candidate, I am entitled to reasonable notice, and have a legitimate expectation that the substantive changes to the law relating to the electoral process would not be arbitrarily, unilaterally, and retroactively changed without consultation or notice. The province, while not bound by the positions of the primary stakeholder (the City of Toronto), is mandated to consult, and failed to do so, and I verily believe that the delayed coming into force of the BLGA is the only appropriate remedy for this breach.

Irreparable Material Harm

18. The proposed sudden and dramatic changes to the City of Toronto’s 2018 electoral process have had material affects that cannot be easily remedied or ameliorated. Prior to formal registration, I was required to make determinations about my electability as a candidate in Ward 13. This required me to consult with professionals and expend time and resources pertaining to an election strategy, fundraising plan, voter outreach, advertising, budgeting, data management, office location and political calculation to name a few. As a practicing lawyer, I had to make practice management and professional decisions to accommodate the campaign. All of this planning, including the most basic decision as to whether or not to contest the election, has been rendered obsolete. Ward 13, as originally constituted at the outset of the campaign, is the same neighborhood in which I grew up and where I have many of my meaningful contacts and support systems. The sudden, drastic change to the constitution of the Ward changes not only the sheer

number of constituents I must reach but also spreads them over a wider geographic area (in which I do not have historical connections) and a dramatically different demographic make-up means my candidacy may no longer be viable and all of my efforts, my professional sacrifices, my financial sacrifices, and those of my supporters and volunteers will have been wasted. I verily believe this represents a fundamental injustice to me, to my constituents, and to all the electors in the City.

19. The opportunity to contest for Municipal office occurs only once every 4 years. The gross interference in the 2018 election seriously compromises the democratic rights of all candidates, voters, and residents of the City, and if this interference is permitted and authorized by the Courts it will represent a deprivation of basic democratic rights that we will not be able to address again until 2022. Individually, as a citizen and resident who has and continues to want to enter public office and life to better serve my constituents, the invalidity of this election once again throws my professional and practice choices into disarray.

20. The pernicious influence of the BLGA is made worse by the fact that municipal politics relies overwhelmingly on the name and recognition of each individual contestant as opposed to provincial or federal elections where candidates are elected or appointed at the riding level and carry (and rely on) their party affiliation in campaigning. Without a formal party structure there are generally a larger number of candidates, and substantially more time and effort is required to knock on doors, meet, and speak with constituents, as compared to a Provincial or Federal election. The vastly larger wards and sharply truncated campaign period under the BLGA essentially ensure candidates and electors will not have the opportunity for fulsome debate and democratic participation in the 2018 election.

21. Since my registration, I have had to negotiate a lease for my campaign office—informed by the existing geographical boundaries of ward 13. Expenses related to signage, flyers, general literature, and a social media campaign are also being incurred. Any change to the pre-existing rules and regulations governing the election process will result in all the expenses being incurred as costs thrown away. And, if unilateral changes to rules and regulations in the middle of an election are normalized, the harm to candidate and the public interest would be irreparable. I verily believe that rendering officially and legally acceptable this kind of direct interference in

local elections mid—campaign will thrown not only Toronto City electoral politics but *all* municipal politics in this Province into dis-repute and uncertainty.

Election integrity and cost

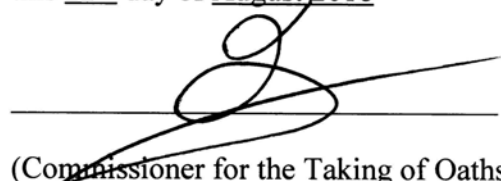
22. The election period for Toronto city council began on May 1st, 2018, almost three months prior to my registration as a candidate. I am informed by other candidates that, like myself, strategic decisions such as where to contest and where one locates a campaign office have already been made and acted upon. And, further, by some other candidates, whom I verily believe, that they have also suspended their campaigns until the chaos and confusion abates.

23. The period in which the campaign was underway under the 47 ward model was almost exactly 3 months. The period of uncertainty and chaos caused by the purportedly prospective introduction of Bill 5 was just over two weeks. As of the swearing of this affidavit, the BLGA has been in force for one week. While there are obviously costs to changing the rules, I verily believe that with 3 months invested in 47 wards and barely 3 weeks in 25 wards, the balance of convenience, the risk, and the cost of change must all favour the 47 ward model. Further, as it is the government that introduced and passed this legislation without notice or consultation on an urgent timeline, throwing the election into disarray, I believe it does not lie with the Crown to complain about the costs of changing the rules of the election if this application is successful: these are costs of changing *back*; the costs and chaos of *changing* resulted *entirely* from their decision to interfere with the election by the urgent, without notice introduction of the BLGA.

24. The election is set to conclude with a vote by the electors of Toronto on October 22nd, 2018. The Premier will remain Premier of Ontario for the foreseeable future and presumably for four more years, with the authority to amend or repeal *The Act* with a governing majority. The authority to amend or repeal the act will remain in force long after the 2018 Toronto election. As such, the granting of the sought Application will not impact on the legislature's authority over municipalities generally, or even its authority to pass this legislation in particular, but will act only to prevent the coming into force of legislated changes to municipal elections *during* a municipal election already underway. The Premier's authority to Act in the future is not prejudiced by requiring this Act to comply with *Charter* and *Constitutional* principles of free speech, democratic participation, non-discrimination, and the Rule of Law.

25. As currently constituted, and having complied with all rules and regulations in the 2018 municipal election, I will not be a candidate unless I refile and adhere to new rules, regulations, and corresponding obligations, and that would be patently unfair in a free and democratic society.

26. I swear this affidavit for the sole purpose of ensuring the integrity of the Toronto 2018 municipal election, Ontario municipal elections, and for no improper purpose.

SWORN BEFORE ME at the City)
of Toronto, in the Province of Ontario,)
this 22nd day of August 2018)
)
_____)
(Commissioner for the Taking of Oaths etc.))
)



ROCCO ACHAMPONG



TAB 6

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-
GENERAL), and CLERK, CITY OF TORONTO**

Respondent(s)

AFFIDAVIT OF LI ZHANG

(Senior Campaign Adviser for the benefit of Mario Racco)

I, **LI ZHANG**, of the city of Mississauga, in the province of Ontario, a senior campaign adviser for the Mario Racco for Chair of York Region campaign, **MAKE OATH AND SAY:**

1. I am a senior campaign adviser to the Mario Racco ("Racco") for York Region Chair Campaign and, as such, have knowledge of all matters herein deposed and, where I do not have personal knowledge of the matter, I state the source of such knowledge or information, verily believing it to be true.

2. I am informed by Mr. Racco, and do verily believe it to be true, that he is a licensed paralegal with the Law Society of Ontario, and also a businessman with five companies; Racco Legal Services, Racco & Associates Ltd., Canada Inc., Elected Inc., and Racco Production Corp.

3. I am further informed, and do verily believe it to be true, that Mr. Racco has been involved in politics since his election to the city council of Vaughan, a municipality in Ontario, in 1982. He remained a city councillor until he was elected to the legislature of Ontario as a member of provincial parliament for the Liberal Party of Ontario in 2003. In 2006, he was appointed by then Premier Dalton McGuinty as a Parliamentary Assistant to the Minister of Labour, but lost his seat in the 2007 Ontario general election.

4. Given his extensive involvement in the growth and politics of York region, Mr. Racco made the decision to run as a candidate for the elected position of Regional Chair and Chief Executive Officer ("Chair"), York Regional Council. His decision was further informed by the fact that the position of Chair was no longer an appointed position, as was the case prior to 2016, but now an elected position, to be chosen by the electors at large.

Reasonable Notice of Rules Governing Candidacy and Election

5. On May 1st, 2018, Mr. Racco was the first candidate to register for the position of Chair, and had the duly informed and legitimate expectation that the position would be elected by the population at large. I am informed by Mr. Racco, and do verily believe, that his decision to run was also partly informed by knowledge of the rules and regulations governing the regional chair elections, and that he had been provided with reasonable notice as provided for in the municipal elections act.

6. I am further informed by Mr. Racco, and do verily believe, that he was aware that Bill 42, *Municipal Amendment Act* (Election of Chair of York Region), 2016 had come into force and effect, and could not be changed in the middle of an ongoing election as that would run afoul of the trite and true democratic principle of providing reasonable notice to electors, candidates, and election workers involved in a free and fair process of elections. Also, he informs me, that changing the rules of an election in the middle of a campaign has never occurred in the history of Canada.

7. I am informed by Mr. Racco, and do verily believe that quite a lot of money was raised for the purpose of his campaign, significant expenses were incurred, and losses of opportunity and chance in his private business was occasioned by his standing as a candidate in the municipal elections of Ontario.
8. As a senior campaign adviser, I assisted in securing campaign space at 50 Leek Crescent, suite 2b, in the town of Richmond Hill. I further incurred expenses on behalf of the campaign in researching the relevant issues that were of common interest to the many townships and cities that make up the Region of York.
9. Expenses related to candidate cards, event banners, literature, and part time staff for communications purposes were all incurred in furtherance of Mr. Racco's candidacy, all of which stand to be costs thrown away, to the extent that constitutionally provided rights to reasonable notice for an election have been violated.

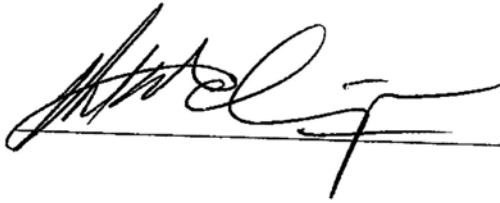
Cancellation of Regional Chair Election

10. On July 27th, 2018, by way of a press release, the Premier of Ontario, the Hon. Doug Ford, announced he was cancelling regional chair elections for the District of Muskoka, the Regional Municipality of Niagara, the Regional Municipality of Peel, and the Regional Municipality of York. As a result, Mr. Racco's right and qualification as a candidate for Chair was unilaterally, arbitrarily, and without reasonable notice terminated.
11. Section 10.2 of the *Better Local Government Act*, (BLGA) 2018 deems a candidate of the affected regional chair elections to have withdrawn without effect to the candidate's right to be a candidate, and to meaningfully participate in the electoral process as provided by law.



12. I swear this affidavit in support of Mr. Racco's right under law to be a candidate, and in support of the relief being sought by Rocco Achampong in his application to suspend the coming into force and effect of the BLGA in respect of the 2018 municipal elections.

SWORN BEFORE ME at the City)
of Toronto, in the Province of Ontario,)
this 22nd day of August 2018)



LI ZHANG

Commissioner for the Taking of Oaths etc.

My commission never expires.

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-GENERAL), and CITY OF TORONTO

Respondents

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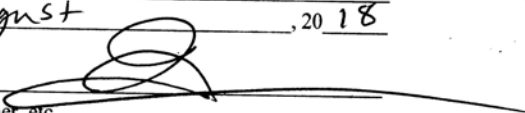
- A. Candidate List for 2018 Municipal Election
- B. 2018 Candidates' Guide for Ontario municipal council and school board election
- C. City of Toronto BY-LAW-598-2018 To confirm the composition of council, Map of the City of Toronto's 47 Electoral Wards
- D. Media Report: The Globe and Mail "Doug Ford throws Ontario elections into turmoil"
- E. Ontario, News Release, Office of the Premier: The Better Local Government Act, July 27, 2018 9:35 A.M.
- F. Bill 5 An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996

TAB A

Candidate List for 2018 Municipal Election

Name	Office	Ward
Achampong, Rocco	Councillor	13
Austin, Renatta	Councillor	13
Bomshteyn, Oleksandr	Councillor	13
Carson, Andrew	Councillor	13
Colle, Mike	Councillor	13
Cristiano, Gianfranco	Councillor	13
Mitchell, Crystal	Councillor	13
Spaans, Kyle	Councillor	13
Tassi, Marta	Councillor	13
Torrone, Enzo	Councillor	13
Vilde, Robyn	Councillor	13

This is Exhibit A referred to in the
affidavit of Rocco Achampong
sworn before me, this 22
day of August, 20 18


A Commissioner, etc.

TAB B

2018

Candidates' guide

for Ontario municipal council and school board elections

This is Exhibit B referred to in the
affidavit of Rollo Achampong
sworn before me, this 22
day of August, 2018

A Commissioner, etc.



2018 Candidates' guide for Ontario municipal council and school board elections

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

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

Municipal Act, 2001

City of Toronto Act, 2006

Education Act

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Changes to election rules in 2018

Changes to the Municipal Elections Act, 1996 were made in 2016 and 2017. Those who were familiar with the rules for the 2014 municipal council and school board elections should be aware of the following changes:

- Candidates for municipal council in municipalities with more than 4000 electors must collect 25 signatures endorsing their nominations.
- Nominations may be filed beginning May 1, 2018. Nominations may be filed until 2 p.m. on nomination day (Friday, July 27, 2018).
- Candidates must open a bank account before incurring any expenses or accepting any contributions of money (including a contribution from themselves or their spouse). A candidate who does not spend any money or accept any contributions does not have to open a campaign bank account. The campaign bank account must be used exclusively for campaign purposes, but the previous requirement that the account be opened “in the name of the campaign” has been removed.
- There is now a limit for contributions that a candidate for municipal council and their spouse can make to the candidate’s own campaign. This limit does not apply to school board trustee candidates.
- The limit for campaign contributions to one candidate is now \$1,200, increased from \$750. Corporations and trade unions are not permitted to make contributions to candidates.
- There is a separate spending limit for expenses related to parties and expressions of appreciation after the close of voting.
- Expenses related to an auditor’s report accompanying the financial statement can be incurred after the campaign period has ended on December 31. These expenses should be included in the financial statement.
- There are now rules for third party advertising. Campaigning for a “yes” or “no” answer to a question on the ballot is now considered to be third party advertising. For detailed information about third party advertising, see the [2018 Guide for Third Party Advertisers](#).
- Municipal clerks are now required to review contributions that are reported by candidates and third party advertisers to see if any contributors have given more than is permitted.
- The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Quick links

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

Ontario Central Forms Repository – links to election forms:

www.forms.ssb.gov.on.ca (type “municipal election” in Quick Search box)

Ministry of Municipal Affairs – resources for municipal elections:

www.ontario.ca/municipalelections

Ministry of Municipal Affairs – election email address:

mea.info@ontario.ca

General information

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

The Province of Ontario sets out common rules that all 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.

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. The clerk’s office is where forms, such as the nomination form and campaign financial statements, must be filed. 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 town hall for more information.

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 page 3 of the [2018 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 wish to run for office on that municipality's council, you must take a leave of absence before you file your nomination form. If you are elected, you must resign from your job.

If you are an employee of a municipality and you wish to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you may wish to 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 page 4 of the [2018 Voters' Guide](#).

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 wish to run for a trustee position on any school board in the province, you must take an unpaid leave of absence before you file your nomination form. 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 July 27, 2018). 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 signature forms (Form 2).**

**If you are running for municipal council and your municipality has more than 4000 electors, you must submit 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 4000 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.

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.

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 hand in 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 signatures endorsing your nomination.

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 choose 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.

If you submit 25 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.

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

Deadline to file your nomination

You can file your nomination beginning on May 1, 2018. The last day to file a nomination is Friday, July 27, 2018.

Note: The deadline to file or withdraw a nomination is now in July rather than September.

The clerk has until 4 p.m. on Monday, July 30, 2018 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 Peel Region would file their nomination with the clerk of Peel Region rather than the clerk of Mississauga, Brampton or Caledon.

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. July 27, 2018).

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 (i.e. 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 7, 2018. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2018.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 7 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).
- Your campaign for mayor is deemed to have started on May 7.
- 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 7 until December 31, 2018.
- 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 7, 2018. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2018.

- 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 must file a campaign financial statement covering your campaign for mayor (May 7 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 finance statement covering your campaign for ward councillor (June 29 to December 31) – 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.

Example:

You file your nomination to run for councillor on May 7. During the summer you decide to run for school trustee instead, and file your second nomination form on June 29, 2018.

- Your first nomination for ward councillor is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for school trustee.
- Your campaign for ward councillor ends. You may not transfer any contributions or expenses from your ward councillor campaign to your trustee campaign.
- You must file a campaign financial statement covering your campaign for ward councillor (May 7 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 finance statement covering your campaign for school trustee (June 29 to December 31) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Endorsement signatures

If you were required to submit 25 endorsement signatures when you filed your first nomination for municipal council, you do not have to submit new endorsement signatures if you withdraw and file a nomination for a different office on the same municipal council.

School board trustee candidates are not required to submit endorsement signatures. If your first nomination was to run for school board trustee and you decide to run for a

municipal council office instead, contact the municipal clerk to find out if council candidates are required to submit 25 endorsement signatures.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, July 30, 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 1, 2018. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 2, 2018.

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.

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 an additional 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 could 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 pages 16-27.

Third party advertising

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

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

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

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

Eligible third party advertisers

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

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

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

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

What is not considered to be third party advertising?

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

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

For more information about third party advertising rules, including spending limits and enforcement, please see the [2018 Guide for Third Party Advertisers](#).

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.

Who can stay 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, one 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 December 31, 2017. 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 22, 2018 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.

Please 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

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.

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 persuade a judge to 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.

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.

Your campaign must end on December 31, 2018 unless you have a deficit and inform the clerk in writing that you are going to extend your campaign (see Extended campaigns on page 26). 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 29, 2019.

Start of term of office

The term of office for the new council or school board begins on December 1, 2018. The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Campaign finance

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. Please see page 37 for links to forms.

You are required to keep all of your campaign financial records until November 15, 2022 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.

What is my campaign period?

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign begins on the day you file your nomination.

In most cases, your campaign will end on December 31, 2018. 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 (July 27, 2018)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before December 31.

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, 2019.

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. If you do not spend any money and do not receive any contributions of money, you do not have to open a campaign bank account. 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.

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 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 sell tickets to a fundraising event, the cost of the ticket 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 (i.e. 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 normally resident in Ontario. Corporations and trade unions are no longer permitted to make contributions to candidates.

If your spouse is not normally a resident in 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:

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 (i.e. running for the same council or 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 cheque from a joint personal account, the receipt must be issued only to the person who signed the cheque. The contribution can only come from one 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 act 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 (e.g. 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.

Refunding 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

Contributions to municipal council and school board campaigns are not tax deductible. Your municipality may have a contribution rebate program. Contact your clerk for more information.

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.

If your ticket price is more than \$100, you must include these contributions in Table 1 on your campaign financial statement (Form 4). If your ticket price is less than \$100 and a person who buys a ticket makes other contributions totalling more than \$100 (including the cost of the ticket), you must record these contributions – including the cost of the ticket – in Table 1.

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, and not a contribution.

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 campaign income on your financial statement.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution, but must still be recorded on your campaign financial statement as campaign income.

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. The nomination fee is a personal expense. It is not considered to be a campaign expense and 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. See page 27 for information about when an auditor's report is required.

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.

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.

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, 2018 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.

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 ten percent of the amount of your general spending limit.

Example:

Your general spending limit is \$25,000. Your spending limit for throwing a party on voting night and making expressions of appreciation such as giving gifts to the members of your campaign team would be \$2,500. These expenses do not count toward your \$25,000 general spending limit.

The clerk will provide you with your spending limit for expenses related to parties and other expressions of appreciation after the close of voting on or before September 25, 2018.

Types of expenses

Most of your expenses will be subject to the spending limit.

The following expenses are not subject to the spending limit:

- 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 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.

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.

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 wish 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.

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 29, 2019**).

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 by a method such as fax or email 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 29, 2019. 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 at the same time.

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 29, 2019** 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, April 29, 2019. 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, you will forfeit your elected office (if you won the election) and you will be ineligible to run for office or be appointed to fill a vacancy until after the 2022 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. Please see "Changing your mind – running for a different office" on page 7.

Extended campaigns

Your campaign period ends on Monday, December 31, 2018. 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 Monday, December 31, 2018 using the Notice of Extension of Campaign form (Form 6). Please see page 37 for links to forms.

Your campaign may be extended until June 30, 2019.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until December 31 (due March 29, 2019)
- 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 27, 2019.

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. Starting with the 2018 election, candidates may no longer carry forward a deficit to their next campaign.

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.

Auditor's report

You must have an auditor review your financial statement and provide a report if:

- your campaign expenses exceed \$10,000, or
- the contributions you received (including contributions from yourself) exceed a total of \$10,000, or
- 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 December 31. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

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 29, 2019 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 2022 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 2018 election must be commenced before November 15, 2022.

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

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 any 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 29, 2019)**.

Supplementary financial statements must be submitted to the clerk **by 2 p.m. on the last Friday in September (September 27, 2019)**.

A-Z tips for completing form 4

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (e.g. 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.

If the anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. If the anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 1 (listing "anonymous" as the name of the contributor). You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions.

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.

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 ran for office on the same council or school board in the previous election, and that campaign also had a deficit, you may include this amount to arrive at the total deficit for your campaign.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to December 31, 2018.

Campaign period

Your campaign period begins on the date you file your nomination paper with the clerk.

In most cases, the end date will be December 31, 2018. Exceptions are:

- if you withdrew your nomination, the date you withdrew is the end date
- if you were not certified as a candidate, nomination day (July 27, 2018) is the end date.

Note: if you have extended your campaign in order to fundraise to eliminate a deficit, you must file an initial statement reflecting your campaign finances as of December 31, and a supplementary statement which includes any contributions or expenses incurred after December 31.

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; or
- June 30, 2019.

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.

If you ran for office on the same council or school board in the previous election, and that campaign had a deficit, you may subtract this amount from your surplus.

You are entitled to recoup 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.

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 recouped by you and your spouse if the campaign ends with a surplus.

Contributions totalling more than \$100

If a contributor makes one 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.

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.

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 2 because the total exceeds \$100.

Corporations

Corporations are not permitted to make contributions to candidates. If you have accepted a contribution from a corporation, you must return it.

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.

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.

Fundraising events/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 (e.g. 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.

The fundraising event may also generate income 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 (e.g. if a \$100 item is sold for \$175, \$100 is income)
- if goods or services are offered for sale for \$25 or less, the money paid is campaign income.

Goods and services

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.

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 fund-raising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Ineligible contributions

Only individuals normally resident in Ontario may contribute to your campaign.

Trade unions, corporations, other businesses and groups are not permitted to make contributions to candidates.

Spouses are not permitted to make a joint contribution. If a contribution comes from a joint account, you must determine which individual is actually making the contribution.

A contributor is only permitted to contribute up to \$1,200 to your campaign in total (\$2,500 if you are running for mayor in Toronto). This includes the value of goods and services. If a contributor has made a number of separate contributions to your campaign, ensure that the total does not exceed the limit.

Only contributions of \$25 or less may be made in cash.

You must return an ineligible contribution as soon as you become aware that it is not permitted under the Municipal Elections Act, 1996. If you are not able to return it to the contributor, you must turn it over to the clerk.

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 2014 and use them again, you must calculate how much it would cost to purchase those same signs in 2018) and record it in Table 1. This inventory must also be recorded as a campaign expense.

Loan

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.

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 in Box C.

Spending limit

The clerk is required to issue you two spending limit estimates – one when you file your nomination, and one in September. The higher of the two is your final spending limit.

Trade unions

Trade unions are not allowed to make contributions to candidates. If you have accepted a contribution from a trade union, you must return it.

Volunteers

The value of services provided by volunteers is generally not considered to be a contribution. If a professional (e.g. accountant, lawyer, etc.) volunteers to provide services for which they would normally be paid, the market value of the service must be recorded as a contribution by the volunteer, and as a campaign expense.

Forms for municipal candidates

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

[Direct link to all forms](#)

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

[Endorsement of Nomination \(Form 2\)](#)

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

[Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)

[Financial Statement – Subsequent Expenses \(Form 5\)](#)

[Notice of Extension of Campaign Period \(Form 6\)](#)

[Notice of Registration – Third Party \(Form 7\)](#)

[Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

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

Contact us

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

You can also contact your regional Municipal Services Office:

Central Municipal Services Office

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

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

Eastern Municipal Services Office

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

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

Northern Municipal Services Office (Sudbury)

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

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

Northern Municipal Services Office (Thunder Bay)

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

Districts (Kenora, Rainy River and Thunder Bay)

Western Municipal Services Office

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

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

Ministry of Municipal Affairs

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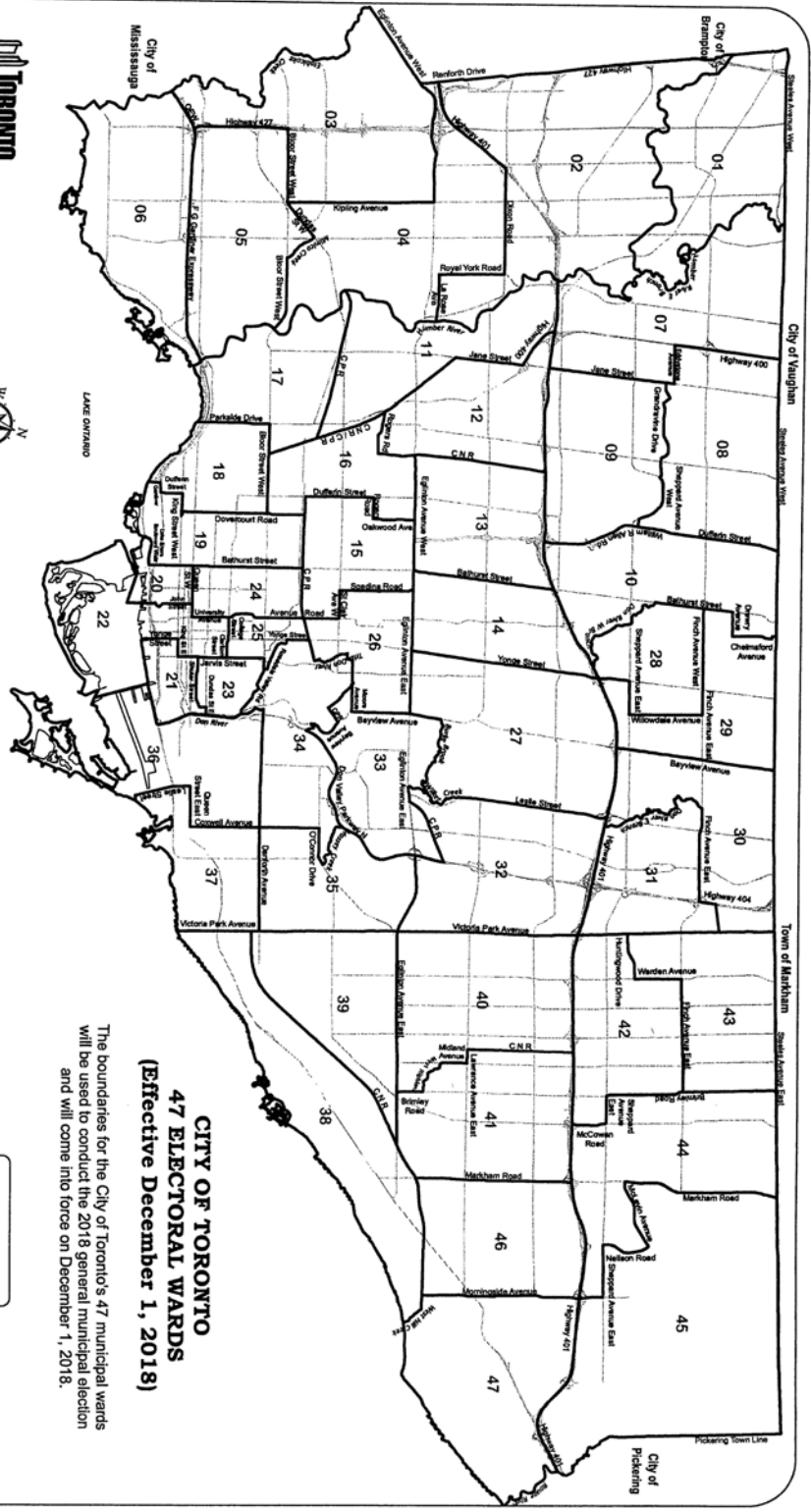
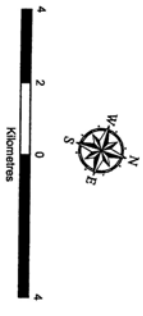
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Disponible en français

TAB C



Toronto
 Map Produced by:
 Geospatial Competency Centre
 Information & Technology Division
 Email: gcc@toronto.ca
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 Print Date: January 2018



**CITY OF TORONTO
 47 ELECTORAL WARDS
 (Effective December 1, 2018)**

The boundaries for the City of Toronto's 47 municipal wards will be used to conduct the 2018 general municipal election and will come into force on December 1, 2018.

LEGEND

- Ward Boundary
- Road
- Major Shoreline

TAB D



Doug Ford throws Ontario elections into turmoil

ANN HUI >, OLIVER MOORE > AND JILL MAHONEY >

PUBLISHED JULY 26, 2018

UPDATED 2 DAYS AGO



Toronto Mayor John Tory, left, and Ontario Premier Doug Ford meet inside the Premier's office at Queen's Park in Toronto on July 9.

TIJANA MARTIN/THE CANADIAN PRESS

Ontario Premier Doug Ford's sudden decision to rewrite the rules for an election already under

This is Exhibit D referred to in the affidavit of Rocco Achampong sworn before me, this 22 day of August, 2018

[Signature]
A Commissioner, etc.

Within hours of the announcement, two new candidates entered Toronto-area mayoral races: ousted Progressive Conservative leader Patrick Brown in Brampton, and former chief planner Jennifer Keesmaat in Toronto.

STORY CONTINUES BELOW ADVERTISEMENT

Mr. Ford said on Friday his proposed changes, which must be approved in a vote in the Legislature, are meant to “dramatically improve the decision-making process” for local governments. Mr. Ford was a Toronto councillor from 2010 until 2014, and said that during his term, he witnessed the gridlock caused by a large local government. His plan would reduce city council seats to 25 from 47, with the newly drawn wards to mirror provincial and federal electoral boundaries. The plan, he said, could save the province up to \$25-million over four years.

Friday’s announcement set off a level of turbulence at Toronto’s City Hall not seen since Mr. Ford’s tumultuous time on council, when he served alongside his late brother, then-mayor Rob Ford.



THE CANADIAN PRESS

Registrations for the election opened in May, and many candidates had begun fundraising and door-knocking.

On Friday morning, the usually sedate Mayor John Tory, who told reporters he learned details of the decision from media reports the night before, and had a “lengthy and animated” conversation with Mr. Ford.

“You don’t change the rules in the middle of the game. That’s not right and that’s not fair,” he said in a news conference on Friday. “Mr. Ford promised to be a government for the people. Be true to your words. If you are truly a government for the people, let them decide.” He’s asked the province to delay the change and have a referendum on it.

And while a number of councillors – many of them from suburban wards or former allies of Mr. Ford – supported the Premier’s plan on Friday, others accused him of using his new role to settle grudges against them for previous clashes.

“This is Doug Ford taking revenge out on Toronto and just throwing a stick of dynamite at council and saying: Figure it out,” long-time councillor Joe Mihevc said. Under the proposal, many incumbent councillors would be pitted against one another, a move Mr. Mihevc described as an attempt to rid the city of progressive politicians.

STORY CONTINUES BELOW ADVERTISEMENT



CHEVROLET

THE 2018 SILVERADO

20% OF MSRP CASH PURCHASE CREDIT

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(BASED ON 20% OF MSRP OF \$75,000)

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BUILT-IN WI-FI
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Shop Now

“This is not about thoughtful decision making.”

Councillor Kristyn Wong-Tam called the Premier’s proposal “extremely anti-democratic,” and “an affront to our democracy.”

By Friday afternoon, the news appeared to motivate at least one new entrant into the mayoral race – the first real challenger to Mr. Tory since he registered in May.

Less than an hour before the 2 p.m. deadline, Ms. Keesmaat, the high-profile former City of Toronto chief planner, arrived at City Hall to register her run for mayor.

Ms. Keesmaat did not answer directly when asked whether the provincial plan had prompted her to run. But she acknowledged it was a last-minute choice.

“It was a very impromptu decision, but one that comes deeply from my heart and passion for

Hundreds of protesters descended on City Hall in the afternoon, filling the council chamber to capacity and chanting "shame, shame, shame" as a debate over Mr. Ford's plan wrapped up inconclusively, to resume on Monday.

The effects of the Premier's announcement reverberated far beyond Toronto, particularly the decision to cancel elections for the regional positions in Peel, York, Niagara and Muskoka. The proposal would reverse the decision to fill the positions by election rather than appointment, as was done in the past.

Mr. Brown had been registered to run for the Peel chair. But by Friday afternoon, he decided to enter the race for mayor in Brampton.

Mr. Brown was ousted as PC leader after a CTV News report on sexual-misconduct allegations against him. Mr. Brown denies the allegations and has launched legal action against the network.

Mr. Brown said he was "shocked" by the plan to change municipal governance mid-campaign without consultations.

"You can't look backwards, you can only look forwards," he said. "I want to make sure Peel Region is treated properly. I want to make sure we create prosperity in Peel Region and in Brampton, and so that's my task now."

Mr. Brown, who has represented ridings in Barrie federally and provincially, told The Globe and Mail last month that he moved to a rented home in Mississauga with his fiancée a few months ago. The address he provided when he registered to run for chair of Peel Region earlier this month was a sprawling house on Mississauga's waterfront.

On Friday, Mr. Brown said the couple have also been renting a house in Brampton, and that

“The province has the constitutional authority to change the rules,” he said. “They can create municipalities, they can change municipalities, and they can do away with municipalities.”

He cited as an example the provincial government’s decision under premier Mike Harris in the mid-1990s to amalgamate the City of Toronto against fierce opposition.

Still, he questioned the timing of the proposal, and the manner in which it was announced – in a campaign period, and on the cut-off date for registering to run. That deadline will be pushed back to September.

“While I said that the province has the authority to do it, I think the question is going to be: ‘Are they doing it correctly?’”

On Friday evening, a weary-looking Ulli Watkiss, Toronto’s city clerk, who administers city elections, answered questions in the council chamber from councillors about the proposal.

She cited a long list of preparations that would need to be re-done, from testing equipment to printing ballots to revising voting locations. Vote tabulators would have to be re-calibrated, she explained, which may not be done in time. And if necessary, clerks might have count by hand.

“We cannot run an election with a nomination [period] that ends on Sept. 14 and be ready to have an advance vote on Oct. 6,” she told them. “I can’t even print ballots in three weeks.”



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How Toronto's new structure stacks up against other Canadian cities

APPROXIMATE POPULATION PER COUNCILLOR

Toronto (25 councillors)



Toronto (47 councillors)



Calgary (14 councillors)





[REDACTED]
Ottawa (23 councillors)

[REDACTED] 41,000

Montreal (46 councillors*)

[REDACTED] 37,000

Hamilton (15 councillors)

[REDACTED] 36,000

Halifax (16 councillors)

[REDACTED] 25,000

Saskatoon (10 councillors)

[REDACTED] 25,000

Note: Mayors not included

*Montreal has an additional 18 borough mayors that sit on city council.

The 46 councillors represent districts within these boroughs. There is a total of 64 elected officials in Montreal's city council, excluding the mayor.

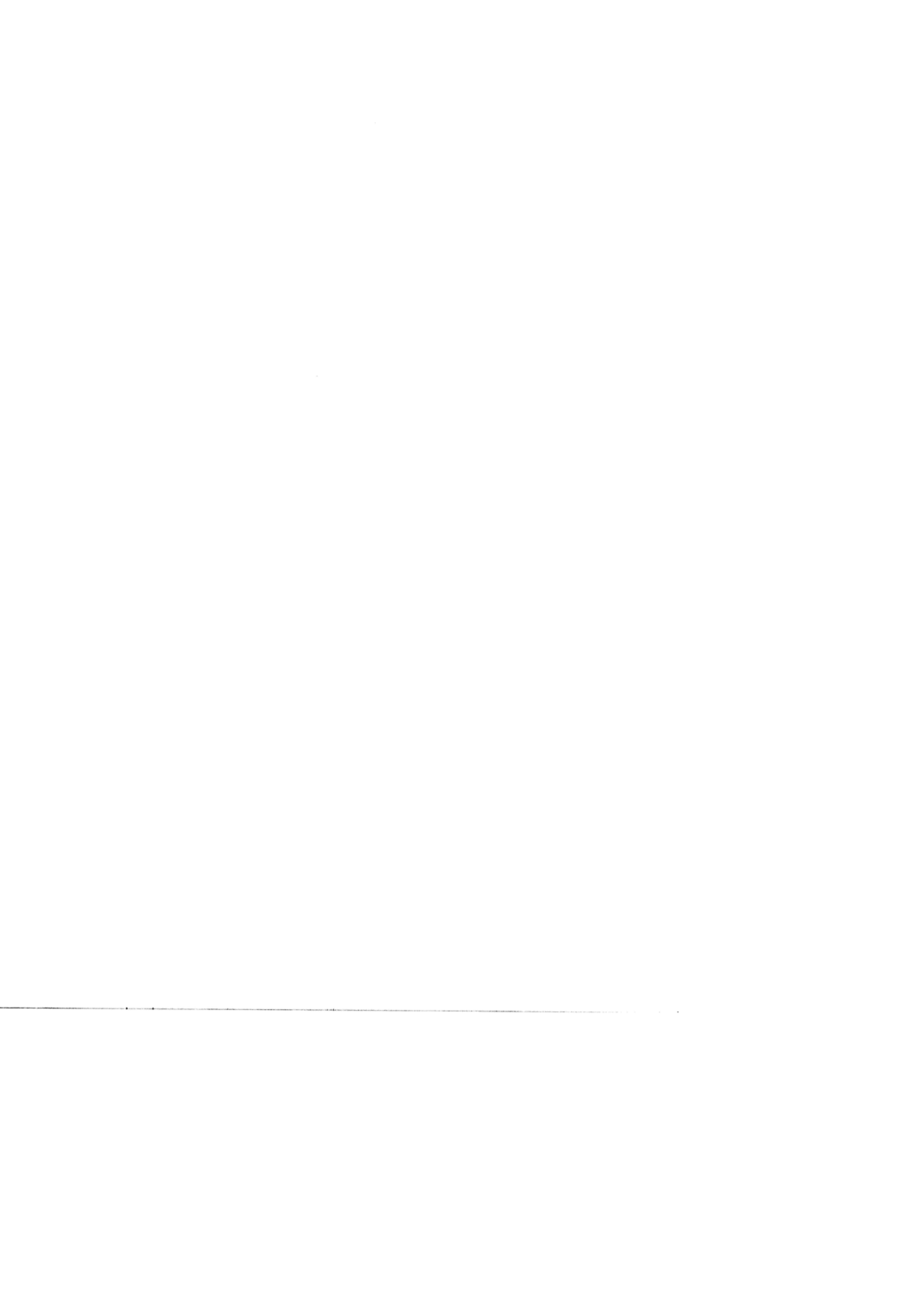
TRISH McALASTER / THE GLOBE AND MAIL

SOURCE: CITY WEBSITES, POPULATION DATA IS FROM 2016 CENSUS

FOLLOW ANN HUI, OLIVER MOORE AND JILL MAHONEY ON TWITTER

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351 King Street East, Suite 1600, Toronto, ON Canada, M5A 0N1
Phillip Crawley, Publisher



T A B E



This is Exhibit E referred to in the
affidavit of Rocco Achanpong **NEWS**
sworn before me, this 27
day of August, 2018 Office of the Premier

A Commissioner, etc.
The Better Local Government Act
July 27, 2018 9:35 A.M.

So what is happening to Toronto City Council?

The Better Local Government Act would, if passed, amend the City of Toronto Act to reduce the number of councillors and wards in the city from 47 to 25 with boundaries aligning with current federal and provincial electoral boundaries with all changes in place in time for the October 22, 2018 municipal election.

The act would also remove the City of Toronto's ability to establish, divide or dissolve wards or the composition of council.

Why is the Government changing the size of Toronto City Council?

At 44 seats, growing to 47 seats, Toronto City Council has become increasingly dysfunctional and inefficient through a combination of entrenched incumbency and established special interests. A streamlined Toronto City Council would empower Toronto's mayor and help ensure that Toronto taxpayers can count on an efficient and effective municipal government. This change is estimated to save Toronto taxpayers over \$25.5 million over four years.

What will happen to individuals nominated to run for existing Toronto municipal boundaries?

The Better Local Government Act would, if passed, amend the Municipal Elections Act to extend the nomination period for candidates for Toronto council and school boards for 2018 only. The nomination period would close on September 14, 2018.

Do any of these changes impact the powers of the Mayor of Toronto or the Mayoral campaign?

No. The deadline for nominations for Mayor would remain July 27, 2018 and the powers of the Mayor's Office would remain unchanged under the act.

How will the Better Local Government Act impact the races for Toronto area School Board Trustees?



School Board trustees are elected under the Education Act. There are no changes to the Education Act and the number of school board trustees will remain unchanged. The nomination deadline would be extended to September 14, 2018. Ontario Regulation 412/00 under the Education Act would be amended to ensure that Toronto school board trustee seats are aligned to the revised Toronto ward boundaries.

What is happening to Regional Chair Elections?

In 2016, the previous Government changed the Municipal Act, without consultation, to require all regional municipalities (with the exception of Oxford County) to select their regional chair by direct election. Previously, regional municipalities could decide to select their regional chair by election or appointment.

The Better Local Government Act would, if passed, effectively reintroduce the ability for a municipality to determine how their regional chair is selected in 2022 and thereafter.

Why are you halting direct election for regional chairs in these regions?

The imposed decision to add a fourth level of elected government in these regions invited dysfunction and discord. This additional level of government competes with local municipalities, who are already responsible for delivering key municipal services.

Previously, regional municipalities could decide to select their regional chair by election or appointment.

The Better Local Government Act would, if passed, effectively reintroduce the ability for a municipality to determine how their regional chair is selected in 2022 and thereafter.

What will happen to the Regions of Waterloo, Durham and Halton and Oxford County?

There would be no changes to the powers or, methods of selection, for chairs in these areas under the Better Local Government Act.

What is the long-term plan for regional governance?

The Minister of Municipal Affairs and Housing will be conducting a review of regional governance across Ontario. This review will include consultations with municipal partners starting with consultations at the upcoming Association of Municipalities of Ontario (AMO) conference from August 19-22, 2018.

News Release

Ontario's Government for the People Announces Reforms to Deliver Better Local Government

Legislation would reduce the size of Toronto City Council to align with current federal and provincial boundaries and restore municipal decision-making on how York, Peel, Niagara and Muskoka Regions select their regional chairs

July 27, 2018 9:35 A.M. | Office of the Premier

TORONTO — Ontario voters can be more confident in their municipal governments, should the Ontario legislature pass the Better Local Government Act, a series of local government reforms proposed by Ontario Premier Doug Ford and Minister of Municipal Affairs and Housing Steve Clark today.

"We ran on a commitment to restore accountability and trust, to reduce the size and cost of government, including an end to the culture of waste and mismanagement," Ford said. "Because one thing every politician at every level and in every region needs to remember, is that we all share the same boss. We all work for the people."

The Better Local Government Act is intended to institute a series of reforms to municipal governments in the City of Toronto as well as the York, Peel, Niagara and Muskoka regions.

The proposed reforms include:

- Align the City of Toronto's municipal wards and the number of councillors with the number and configuration of the current 25 provincial and federal electoral districts
- Allow for the redistribution of Toronto-area school board trustees to align with the proposed new ward boundaries, while maintaining the existing number of trustees
- Extend the nomination deadline for some council candidates and school board trustees from July 27 to September 14, 2018, with additional regulations to help previously nominated candidates transition to the new riding ward boundaries
- Amend the Municipal Act and the Municipal Elections Act to reverse changes, introduced in 2016, that mandate the election of new regional chairs in York, Peel, Niagara and Muskoka Regions and return the system that was in place prior to 2016. Other regional chair elections will remain unchanged

These changes would be in effect for the upcoming October 22, 2018 municipal elections and the election date would remain unchanged. Changes to Toronto's municipal election timelines would only apply to city council and school board trustee elections and would only apply for the current election cycle. Reducing the size of Toronto City Council is estimated to save Toronto taxpayers more than \$25.5 million over four years.

"What you see time and time again is that the municipal level of government is often closest to the day-to-day lives of most people," said Clark. "This is another example of the province getting out of the way and making local government work harder, smarter and more efficiently to make life better for everyone."

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TAB F



1ST SESSION, 42ND LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 5

An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996

The Hon. S. Clark
Minister of Municipal Affairs and Housing

Government Bill

1st Reading July 30, 2018
2nd Reading
3rd Reading
Royal Assent

This is Exhibit ● F referred to in the
affidavit of Rocco Achampong
sworn before me, this 22
day of August, 2018

A handwritten signature in black ink, appearing to be 'R. Achampong', written over a horizontal line.





EXPLANATORY NOTE

The Bill amends various Acts. The major elements of the Bill are described below.

SCHEDULE 1 CITY OF TORONTO ACT, 2006

Section 127 of the *City of Toronto Act, 2006* currently sets out the division of the City of Toronto into wards. The section is amended to provide that the current division of the City into wards no longer applies after city council is organized following the 2018 regular election.

Currently, section 128 of the Act sets out rules regarding the City's authority to divide or redivide the City into wards or to dissolve existing wards. The section is re-enacted to set out rules that provide that the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City, commencing on the day city council is organized following the 2018 regular election.

Section 129 of the Act, which governs petitions asking city council for changes to City wards, is repealed.

Section 130 of the Act sets out the current composition of city council. The section is amended to provide that the current composition no longer applies after city council is organized following the 2018 regular election.

Section 135 currently sets out rules regarding the City's authority to change the composition of city council. The section is re-enacted to set out rules regarding the composition of city council commencing on the day city council is organized following the 2018 regular election.

The 2018 regular election for the City will be conducted as if the division of the City into wards and the composition of city council, as described above, were already in effect.

Amendments are also made to provisions in the Act that refer to the City's powers with respect to determining the governance structure of the City (see sections 2 and 8 of the Act). Other amendments are made to remove references to the City's power to establish, change or dissolve wards and to change the composition of city council (see subsections 4 (3) and 151 (2) of the Act).

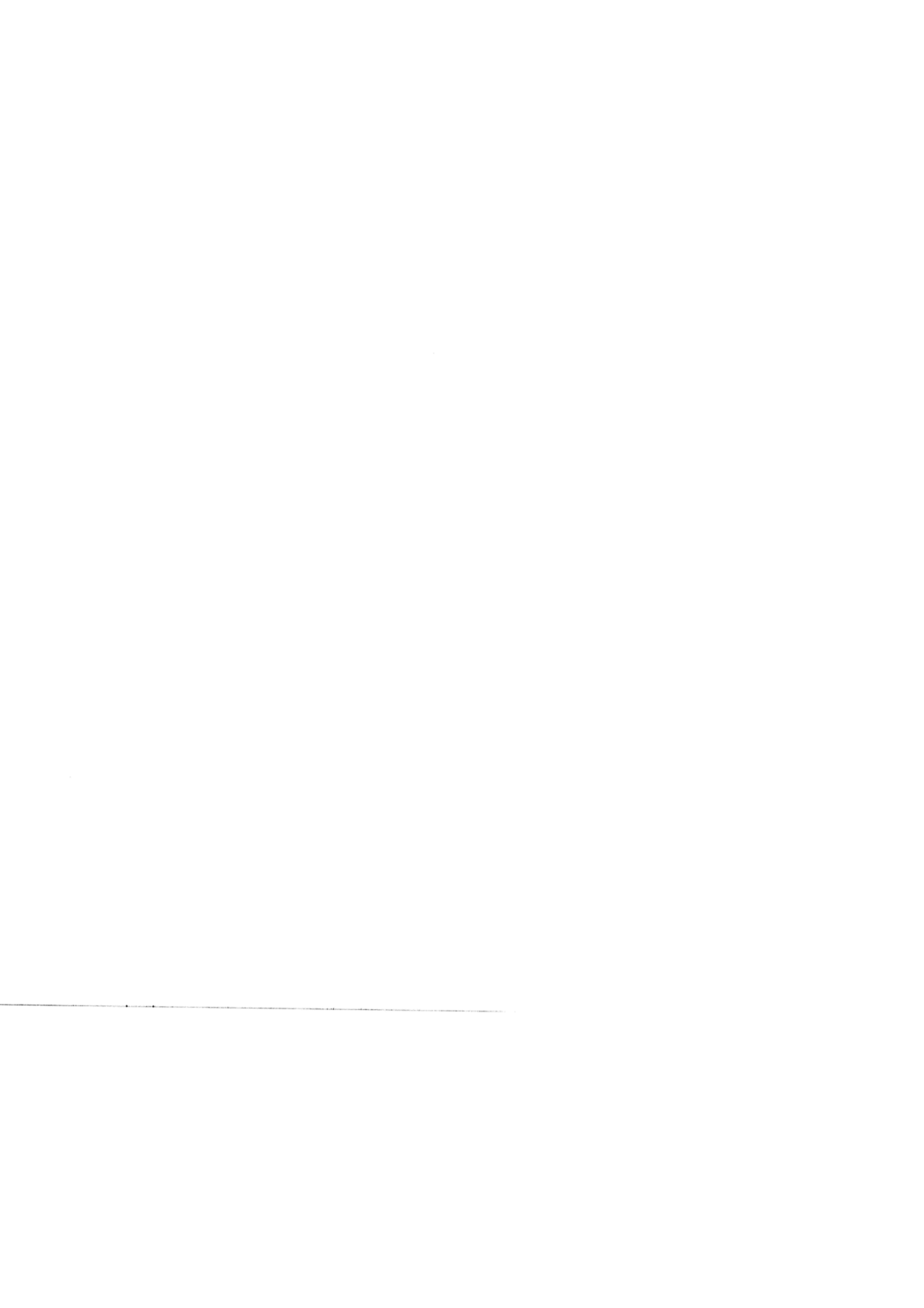
SCHEDULE 2 MUNICIPAL ACT, 2001

Currently, section 218.1 of the *Municipal Act, 2001* provides that for the 2018 regular election the head of council of certain regional municipalities shall be elected by general vote. The section is re-enacted to provide that for the regular election in 2018, the head of council for certain regional municipalities shall be elected by a general vote and that the head of council for certain other regional municipalities shall be selected by appointment. Related regulation making authority is provided. Paragraph 2.1 of subsection 218 (1), which provides that the head of council of certain regional municipalities shall be elected by general vote for a regular election after 2018, is repealed. A new section 218.2 provides that a regional municipality referred to in section 218.1 is not prevented from changing the method for selecting its head of council for any regular election after 2018.

SCHEDULE 3 MUNICIPAL ELECTIONS ACT, 1996

The *Municipal Elections Act, 1996* is amended by adding special rules regarding the 2018 regular election in the City of Toronto. Except for the head of council, the nomination day for this election is September 14, 2018, and the nomination day as set out in section 31 of the Act is deemed not to have occurred. A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated. Regulation making authority with respect to related and transitional issues is provided.

The Act is also amended to deem nominations for the office of head of council of a municipality referred to in subsection 218.1 (1) of the *Municipal Act, 2001* to have been withdrawn. Regulation making authority with respect to carrying out the 2018 regular election in these municipalities is provided.



**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001
and the Municipal Elections Act, 1996**

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Schedule 1	City of Toronto Act, 2006
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Schedule 3	Municipal Elections Act, 1996

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

Short title

3 The short title of this Act is the *Better Local Government Act, 2018*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 Paragraph 3 of section 2 of the *City of Toronto Act, 2006* is repealed and the following substituted:

3. Determine the appropriate structure for governing the City other than with respect to the composition of city council and the division of the City into wards.

2 Paragraphs 2 and 3 of subsection 4 (3) of the Act are repealed.

3 Paragraph 1 of subsection 8 (2) of the Act is repealed and the following substituted:

1. Governance structure of the City and its local boards (restricted definition) other than with respect to the composition of city council and the division of the City into wards.

4 Section 127 of the Act is amended by adding the following subsection:

Application

- (2) This section does not apply after city council is organized following the 2018 regular election.

5 Sections 128 and 129 of the Act are repealed and the following substituted:

Division of wards after 2018 regular election

128 (1) On the day city council is organized following the 2018 regular election, the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City.

Same

- (2) For the purposes of subsection (1), the electoral districts for Ontario are those determined under the *Representation Act, 2015* as it read on the day the *Better Local Government Act, 2018* received Royal Assent.

Conduct of 2018 regular election

- (3) The 2018 regular election shall be conducted as if the division of the City into wards, as determined under subsections (1) and (2), was already in effect.

Regulations

- (4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

- (5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

- (6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

- (7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

By-law not passed

129 A by-law passed under section 128, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed.

6 Section 130 of the Act is amended by adding the following subsection:

Application

- (2) This section does not apply after city council is organized following the 2018 regular election.

7 Section 135 of the Act is repealed and the following substituted:

City council following 2018 regular election

135 (1) Commencing with the city council that is organized following the 2018 regular election, city council shall be composed of,

- (a) the head of council; and
- (b) other members, the number of which equals the number of wards as determined under section 128.

Rules re composition of city council

(2) The following rules apply to the composition of city council:

1. The members of city council shall be elected in accordance with the *Municipal Elections Act, 1996*.
2. The head of council shall be elected by general vote.
3. One member of council shall be elected for each of the wards determined under section 128.

Conduct of 2018 regular election

(3) The 2018 regular election shall be conducted as if the composition of city council, as determined under subsections (1) and (2), was already in effect.

Regulations

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

Rules re previously passed by-law changing city council

135.1 (1) A by-law passed under section 135, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed.

Exception re s. 83 (1) of the *Municipal Elections Act, 1996*

(2) An order shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before a by-law passed under section 135 of this Act, as it read immediately before the *Better Local Government Act, 2018* received Royal Assent, in relation to the conduct of the 2018 regular election,

- (a) as if the by-law were not already in effect; or
- (b) as if the by-law were already in effect.

8 Paragraphs 3 and 4 of subsection 151 (2) of the Act are repealed.

Commencement

9 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 2
MUNICIPAL ACT, 2001**

1 (1) Paragraph 2 of subsection 218 (1) of the *Municipal Act, 2001* is amended by striking out “Subject to paragraph 2.1” at the beginning.

(2) Paragraph 2.1 of subsection 218 (1) of the Act is repealed.

2 Section 218.1 of the Act is repealed and the following substituted:

Head of regional council

Appointment

218.1 (1) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be appointed by the members of council:

1. The District Municipality of Muskoka.
2. The Regional Municipality of Niagara.
3. The Regional Municipality of Peel.
4. The Regional Municipality of York.

General vote

(2) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be elected by general vote in accordance with the *Municipal Elections Act, 1996*:

1. The Regional Municipality of Durham.
2. The Regional Municipality of Halton.
3. The Regional Municipality of Waterloo.

Conduct of 2018 regular election

(3) The regular election in 2018 shall be conducted as if the method of selecting the head of council described in subsection (1) or (2), as applicable, was already in effect.

Regulations

(4) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for implementing the purposes of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any provision of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(6) In the event of a conflict between a regulation made under subsection (4) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (4) prevails.

Power to change method for selecting head of council

218.2 Nothing in section 218.1 limits the power of a municipality referred to in subsection 218.1 (1) or (2) to change the method of selecting its head of council under section 218 for any regular election after 2018.

Commencement

3 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 3
MUNICIPAL ELECTIONS ACT, 1996**

1 The *Municipal Elections Act, 1996* is amended by adding the following sections before the heading "Election Officials":

2018 regular election, City of Toronto

10.1 (1) Except as otherwise provided, this section applies with respect to the 2018 regular election within the City of Toronto.

Exception, head of council

(2) Subsections (3) to (9) do not apply to a nomination for the office of head of council.

New nomination day

(3) Despite section 31, nomination day is September 14, 2018 and the following rules apply:

1. Nomination day as set out in section 31 is deemed not to have occurred.
2. The period for filing a nomination is deemed to have run continuously from May 1, 2018 until September 14, 2018.

Notifying the clerk re office on the council

(4) If a person has filed a nomination under section 33 for an office on the council and wishes to continue to be a candidate in the election, the person shall notify the clerk in writing before 2 p.m. on September 14, 2018 of the office on the council, other than the office of head of council, for which the person wishes to be nominated.

Notifying clerk re office on a school board

(5) If a person has filed a nomination under section 33 for an office on a school board and wishes to continue to be a candidate in the 2018 regular election, the person shall notify the clerk in writing before 2 p.m. on September 14, 2018 of the office on the same school board for which the person wishes to be nominated.

Same, not a new nomination

(6) The giving of notice to the clerk under subsection (4) or (5) does not constitute a new nomination.

Same, not multiple campaigns

(7) For the purposes of subsection 88.24 (3), a person who has notified the clerk under subsection (4) or (5) shall not be considered to be a candidate for more than one office on the same council or school board, as the case may be.

Deemed withdrawal of nomination

(8) A person who has filed a nomination is deemed to have withdrawn his or her nomination if he or she has not notified the clerk under subsection (4) or (5).

Notice by clerk

(9) As soon as possible after the day the *Better Local Government Act, 2018* receives Royal Assent, the clerk shall notify in writing each person who filed a nomination under section 33 for an office on the council, other than the office of head of council, or for an office on a school board and the notice shall include the following:

1. A statement that if the person wishes to continue to be a candidate in the 2018 regular election, the person must notify the clerk under subsection (4) or (5), as applicable.
2. A statement that if the person does not notify the clerk under subsection (4) or (5), the person will be deemed to have withdrawn his or her nomination.
3. Any other information as may be prescribed.

Regulations

(10) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) prescribing anything that is referred to, in this section, as prescribed;
- (b) varying the operation of any of the provisions of this Act for the purposes of the 2018 regular election; and
- (c) with respect to this Act, governing transitional matters that arise out of the implementation of this section, including any such transitional matters that may arise for the 2022 regular election or any by-election that takes place before the 2022 regular election.

Same

(11) A regulation made under subsection (10) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election.

Retroactivity

(12) A regulation made under subsection (10) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(13) In the event of a conflict between a regulation made under subsection (10) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (10) prevails.

2018 regular election, certain regional municipalities**Deemed withdrawal of nominations**

10.2 (1) A person who has filed a nomination for the office of head of council of a municipality referred to in subsection 218.1 (1) of the *Municipal Act, 2001* in the 2018 regular election is deemed to have withdrawn his or her nomination under section 36 of this Act immediately before the applicable deadline set out in that section.

Regulations

(2) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for the purposes of carrying out the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001* and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any of the provisions of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of section 218.1 of the *Municipal Act, 2001*.

Same

(3) A regulation made under subsection (2) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001*.

Retroactivity

(4) A regulation made under subsection (2) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(5) In the event of a conflict between a regulation made under subsection (2) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (2) prevails.

Commencement

2 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.
