

# Nomination Conditions

*Municipal World Form 1427, Register - list of candidates*

**Restructured municipalities - transitional matters - nomination filing fee** - For rules affecting a nomination filing fee filed for an "old office", which is deemed to be the fee for the new office, see Appendix 'C' - O. Reg. 4/00, s. 4. Refer also to specific Acts, regulations and/or orders made for regulating nomination fees.

*Municipal World Form 1210, Form I, Nomination paper; Municipal World Formule 1210F, Formule I, Declaration de candidature*

**Nomination of candidate** - It is essential that the provisions of sections 29 to 33 of the Municipal Elections Act, 1996 be followed explicitly. In particular, that the candidate has filed, and the clerk has accepted the nomination in the prescribed form; and that the nomination paper is complete in every respect. See M.E., s. 14.

The prescribed form specifies that "a nomination paper may only be filed in person or by an agent." It may not be faxed or emailed.

### 33 (3) Filing fee - exception

If the person was previously nominated for an office on the same council or local board in the same election and paid the nomination filing fee at that time,

- (a) clause (2) (c) does not apply; and
- (b) for the purposes of section 34 (refund) and paragraph 9 of subsection 67 (2) (expenses), the fee paid at the time of the earlier nomination shall be deemed to have been paid in connection with the later one. 1996, c. 32, Sch., s. 33 (3).

### 33 (4) Nomination - time for filing

The nomination may be filed,

- (a) on any day in the year of the regular election that is before nomination day, at a time when the clerk's office is open; or
- (b) on nomination day, between 9 a.m. and 5 p.m. 1996, c. 32, Sch., s. 33 (4).

*Nomination day - Friday, September 29.*

**City of Toronto** - The Minister may, by regulation ... provide that the first date for filing nominations in an election under the Municipal Elections Act, 1996, is the date specified in the regulation instead of the date provided for under that Act. 1999, c. 14, Sch. F, s. 1 (9).

### 33 (5) Additional nominations - Wednesday, October 4

If the number of nominations filed for an office and certified under section 35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9 a.m. and 5 p.m. on the Wednesday following nomination day. 1996, c. 32, Sch., s. 33 (5).

**Where number of candidates nominated insufficient** - Where the number of certified candidates by 5 p.m. on Thursday, October 5, 2006, is not sufficient to fill the vacancies to which candidates may be elected, subsections 37 (2) to 38 (5) of Municipal Elections Act, 1996 apply.

### 33.1 Campaign finances - penalties - notice by clerk

The clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 80 (2) and 92 (5) related to election campaign finances. 2002, c. 17, Sch. D, s. 12.

*Municipal World Form 1439, Notice of Penalties*

### 34. Filing fee - refund

A candidate is entitled to receive a refund of the nomination filing fee if he or she,

- (a) withdraws the nomination under section 36;
- (b) is elected to the office; or
- (c) receives more than the prescribed percentage of the votes cast in the election for the office. 1996, c. 32, Sch., s. 34.

**Prescribed percentage of votes cast** - For the purpose of clause 34 (c), a candidate is entitled to receive a refund of the nomination filing fee if he or she receives more than 2% of the votes cast in the election for the office. See Appendix 'A' - O. Reg. 101/97, s. 2.

### 35 (1) Examination by clerk

The clerk shall examine each nomination that has been filed, in accordance with the following timetable:

1. All nominations filed on or before nomination day shall be examined before 4 p.m. on the Monday following nomination day.

*Monday following nomination day - Monday, October 2.*

2. Any additional nominations filed under subsection 33 (5) shall be examined before 4 p.m. on the Thursday following nomination day. 1996, c. 32, Sch., s. 35 (1).

**Case reference** - See Appendix 'E' - *Nunziata v. Toronto (City)* (2000).