30 (3.1) Employee - entitled to vacation -overtime - pay Despite subsection (1), an employee of a municipality or local board is entitled to be paid out any vacation pay or overtime pay owing to the employee during the period of the unpaid leave of absence and the fact that these payments may be paid on a weekly or other regular basis does not affect the unpaid leave status of the employee. 2002, c.17, Sch. D, s. 9 (3).

30 (4) Employee-municipality-local board-elected-resigned If the employee is elected to the office, he or she shall be deemed to have resigned from the employment immediately before making the declaration of office referred to in subsection 232 (1) of the Municipal Act, 2001 or section 209 of the Education Act, as the case may be. 2002, c.17, Sch. F, table.

Municipal World Form 1304 (bilingual), Declaration of elected office-municipal; Municipal World Form 1305 (bilingual), Declaration of elected member of school board: oath or affirmation of allegiance

30 (5) Employee - upper-tier - local board - elected - resigned Subsection (4) also applies to an employee of a municipality or local board who by being elected to the council of another municipality or to another local board also becomes a member of the council or local board that is the employer. 1996, c. 32, Sch., s. 30 (5).

30 (6) Employee-municipality-local board-continuous service If an employee who takes a leave of absence under subsection (1) is not elected, the leave shall not be counted in determining the length of his or her service for any purpose, and the service before and after the leave shall be deemed to be continuous for all purposes. 1996, c. 32, Sch., s. 30 (6).

30 (7) Volunteer firefighter - not an employee A person shall not be considered an employee of a municipality or local board for the purposes of this section by reason only of being a volunteer firefighter as defined in the Fire Departments Act. 1996, c. 32, Sch., s. 30 (7).

Fire Departments Act repealed by 1997, c. 4, s. 88 (1). Replaced by the Fire Protection and Prevention Act, 1997.

32

30 (8) Employee - persons not - section 30 applies
This section applies with necessary modifications to a person who is
not an employee to whom paragraph 1 of subsection 258 (1) of the Municipal Act, 2001 applies, 2002, c. 17, Sch. F, table,

31. Nomination day - Friday, September 29 Nomination day for a regular election is Friday, the 45th day before voting day, 2002, c. 17, Sch. D, s. 10.

32. Notice - offices - procedure
The clerk shall give notice of the offices for which persons may be nominated and of the nomination procedure under this Act. 1996, c. 32, Sch., s. 32.

Municipal World Form 1212, Nominations - notice to municipal electors

33 (1) Nomination - filing
A person may be nominated for an office by filing a nomination in the clerk's office, in person or by an agent. 1996, c. 32, Sch., s. 33 (1).

Municipal World Item 1426, Binder - list of candidates; Municipal World Form 1427, Register of candidates, loose-leaf form

Nomination - school board member - Regulation 412/00 made under the Education Act establishes representation on district school boards, nomi-nation and election procedures. See Appendix 'D' - O. Reg. 412/00.

33 (2) Nomination - form - consent - filing fee The nomination shall.

(a) be in the prescribed form;

(b) be accompanied by a declaration of qualification in the pre-scribed form, signed by the person being nominated; and

(e) be accompanied by the prescribed nomination filing fee. 1996, c. 32, Sch., s. 33 (2); 2002, c.17, Sch. D, s. 11. Prescribed nomination fee - For the purpose of clause 33 (2) (e), the pre-scribed nomination filing fee is \$100, except for the office of head of coun-cil of a municipality, in which case the filing fee is \$200. The fee shall be paid in cash or by certified cheque or money order made payable to the municipality. See Appendix 'A' - O. Reg. 101/97, s. 1.

Nomination Conditions

33 (5)

MUNICIPAL ELECTION LAW 2006 MUNICIPAL ELECTION LAW 2005 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; Municip World Formule 1210F, Formule I, Declaration de candidature Nomination of candidate-11 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 couneil or local board in the same election and paid the nomination filing
fee at that time.

(b) for the purposes of section 34 (refund) and paragraph 9 of subsection 67 (2) (expenses), the fee paid at the time of the carlier 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

(a) clause (2) (c) does not apply; and

(b) on nomination day, between 9 a.m. and 5 p.m. 1996, c. 32, Sch., s. 33 (4). nination 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 Election Act, 1996, is the date specified in the regulation instead of the date provided for under that Act, 1999, c. 14, Seh. E. s. 1 (9).

34

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, Seh., 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, e. 17, Seh. 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 the receives more than 2% of the votes cast in the election for the office. See Appendix 'A'-O. Reg. 101979. 3. 2.

35 (1) Examination by clerk
The clerk shall examine each nomination that has been filed, in accordance with the following timetable:

 All nominations filed on or before nomination day shall be examined before 4 p.m. on the Monday following nomina-tion day. tion day. Monday following nomination day - Monday, October 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. Toros

e the time specified in subsect lock on Monday following non ns. See M.E., s. 36 (a) and (b).

Rejection Notice

ACCLAMATION

35 (3) Re'retion - by clerk

If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the clerk shall reject the nomination. 1996, c. 32, Sch., s. 35 (3).

Case reference: See M.E., s. 35 (1), par. 2. 35 (4) Rejection - notice
When the clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. 1996, c. 32, Sch., s.35 (4).

Municipal World Form 1211, Notice of rejection of nomination for the of-fice of (name of office).

MUNICIPAL ELECTION LAW 2006

35 (2) Certification - by clerk
If satisfied that a person is qualified to be nominated and that the non
nation complies with this Act, the clerk shall certify the nomination
signing the nomination paper. 1996, c. 32, Sch., s. 35 (2).

Thursday following nomination day - Thursday, October 5.

35 (5) Clerk's decision final The clerk's decision to certify or reject a nomination is final. 1996, c. 32, Sch., s. 35 (5). Withdrawal of nomination
 A person may withdraw his or her nomination by filing a written withdrawal in the clerk's office,

Monday following nomination day - Monday, October 2. (b) before 5 p.m. on the Thursday following nomination day, if the person was nominated under subsection 33 (5), 1996, e. 32, Sch., s. 36.

(a) before 5 p.m. on the Monday following nomination day, if the person was nominated on or before nomination day;

Municipal World Form 1218, Withdravael of nonination and affidavit of candidates: Municipal World Form 1213, List of certified candidates, municipal Glices; Municipal World Form 1215, List of certified candidates school

Thursday following nomination day - Thursday, October 5.

Inflatory Note: A Nomination Paper may only be filed in person or by an agent; it may not be faxed or emailed. It is the responsibility of the person being nominated to file a complete and accurate nomination paper

Trustee, Toronto District School Box Trustee, Toronto Catholic District School Board Conseiller, Conseil scolaire de district du Centre-Sud-Ouest 37 (2) Clerk to declare - additi

37(1) Clerk to declare - Monday, October 2

If, at 5 p.m. on the Monday following nomination day, the number of certified candidates for an office is the same as or less than the number to be elected, the clerk shall immediately declare the candidate or candidates elected by acclamation, 1996, c. 32, Sch., s. 37 (1). Declare candidate duly elected - This declaration should not be made be-fore the time specified in subsection 37 (1) as candidates have until 5 o'clock on Monday following nomination day to withdraw their nomina-

37 (2). Clerk to declare - additional - Thursday, October 5 If additional nominations have been filed under subsection 35 (5) and if, at 5 p.m. on the Thursday following nomination day, the number of certified candidates still does not exceed the remaining number of vacancies, the clerk shall immediately declare the additional candidate or candidates elected by acclamation. 1996, c. 32, Sch., s. 37 (2), VACANCY

37 (1) MUNICIPAL ELECTION LAW 2006 37 (4)

37 (3) School board

If an office remains vacant on a school board after the declaration of
the election of candidates by acclamation under this section and the
declaration of the election of candidates following the conduct of the
election for offices on the board, the following rules apply: If the number of candidates declared elected is insufficient to fill the majority of positions on the board, a by-election shall be held.

If the number of candidates declared elected is sufficient to fill the majority of positions on the board, section 38 applies. If it is not possible to fill the vacancies under that section, a by-election shall be held. 1996, c. 32, Sch., s. 37 (3);1997, c. 31, s. 157 (3-5), 2002, c.17, Sch. D, s. 13 (1). 37 (3.1) By-election restricted to geographic area A by-election required under subsection (3) shall be held only in the geographic area in which the number of candidates declared elected is insufficient. 2002, c.18, Sch. Cs. s. 13.

37 (4) Other offices If an office remains va-If an office remains vacant on any other body after the declaration of the election of candidates by acclamation under this section and the declaration of the election of candidates following the conduct of the election for offices on the body, the following rules apply:

NOMINATION PAPER Municipal Elections Act, 1996 (Sections 33 & 35)

DAVID MILLER Last Name ominated for the office of: (check one) Mayor First Name Ward Number (if any) Councillor City Ward Numbers (For school trustee candidates only)

Conseiller, Conseil scolaire de district catholique Centre-Sud

ominee's full qualifying address within municipality or address of residence within the school board jurisdiction

This form must be filed:

- at the Clerk's Office, City Hall, 1" Floor, West Tower, 100 Queen Street West, Toronto

- during the period beginning January 3, 2006 and ending on Nomination Day, September 29, 2006

- weekdays between the hours of 8:30 a.m. and 4:30 p.m.

- on Nomination Day, the Clerk's Office will be open from 9:00 a.m. to 5:00 p.m. to accept nominations

David Miller 's Nomination Form

		Postal	Code: MSP 2-V	3
		Email Addres	ss (update when availab	le)
Mailing address (if different): Postal Code:		Eman Addres	N/A	
		Campaign Office Telephone: (update when available)		
		N/A		
Residence Telephone:	x No.	Business Tel	ephone:	A A. Co
WWW.		PW -		KIVI
Initial – Nominee:	hat it is of the same forc	e and effect as if made	under oath.	2006 insa, City of Toronto,
I, the undersigned clerk of this municipality, do here an satisfied that the nominee is qualified to be nom- nature of Clerk or Designate.	mated and material action	amined the nomination	n paper of the aforesaid or ne Act	munice filed with me and
Personal information on this form is collected under the a	此於一般是新的	STATE OF THE PARTY OF		d will be used for the
nommanns process for orders in the include and con- nect municipal electrics. Questions about this collection or Street West? 1* floor, North, Toronto, ON MSH 2N2, 416	f personal information shot- 392-8019.	ald be directed to the Dire	lariites	y Services, 100 Queen
MUNICIPAL ELECTION LAW 2006	83 (7)	84 (1)	MUNICIPAL ELEC	Contract of the second
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f an election is not valid or a person's election to valid, whether a by-election should be held. ich., s. 83 (1); 2002, e. 17, Sch. D. s. 34 (1).	an office is , 1996, c. 32,	3. Non-ction, I	re to have a voting place me. compliance with a pro- by-law, resolution or p tunder this Act, dealing	rision of this Act or of a regul
fan election is not valid or a person's election to valid, whether a by-election should be held. ich., s. 83 (1); 2002, e. 17, Sch. D, s. 34 (1). board seat - See the Education Act. s. 218 re an ay the office of a member of a school board vacant. Application on or before Monday, Februan pilication shall be commenced within 90 days a	o an office is , 1996, c. 32, pplication to de-	3. Non-tion, I lished or tim	re to have a voting place me. compliance with a pro- by-law, resolution or p tunder this Act, dealing te requirements.	e open at the appointed location
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83 (5) Compensation - order by court If the court orders that a by-election be held, it may make such order as it considers just against a person whose act or omission unlawfully affected the result of the election, for the compensation of candidates at that election. 1996, c. 32, Sch., s. 83 (5). Disclaimer - after application in writing delivered sclaimer shall be made in writing and delivered to, 83 (6) Procedural irregularities - election not invalid The court shall not determine an election to be invalid if, (b) the applicant or his or her lawyer; and (c) the clerk who conducted the election. 1996, c. 32, Sch., s. 84 (4).

An irregularity on the part of the clerk or in any of the procedures before voting day.

Sa (3.1) Application - applicant to provide copy
The applicant shall serve a copy of the application on the clerk or secretary of the municipality or local board to which the application relates within 5 days after the day the application was made under this section. 2002, c. 17, Sch. D, s. 34 (2).

83 (4) Application - only method to determine

13 (4) Application - only method to determine a matter described in clause (1) (a), (b), (c)

(a) an irregularity described in subsection (7) occurred at the election but did not affect the result of the election; and

(b) the election was conducted in accordance with the principles of this Act. 1996, c. 32, Sch., s. 83 (6). 83 (7) Procedural irregularities - not affecting results Clause (6) (a) applies to the following irregularities:

83 (2) (d) if

83 (2)

90 days day, Fei

MUNICIPAL ELECTION LAW 2006 90 (1)

(m) attempts to do something described in clauses (a) to (1), 1996.e. 32, Sch., s. 89. Municipal World Form 1244, Statutory provisions for preven rupt practices and other offences 90 (1) Offences - committed knowingly - corrupt practice
If, when a person is convicted of an offence under section 89, the pre
siding judge finds that the offence was committed knowingly, the of
fence also constitutes a corrupt practice and the person is liable, in
addition to any other penalty, for imprisonment for a term of not mon
than six months, 1996, c. 32, Sch., s. 90 (1).

90 (2) Bribery - corrupt practice
An offence described in subsection (3) constitutes a corrupt practice
and a person who commist is liable, on conviction, to a fine of not
more than \$5,000, or to imprisonment for not more than six months, or
to both, and is disqualified from voting at an election until the fourth
anniversary of voting day. 1996, c. 32, Sch., s. 90 (2). 90 (3) Bribery - prohibited No person shall, directly or indirectly, (a) offer, give, lend, or promise or agree to give or lend any va able consideration, in connection with the exercise non-exercise of an elector's vote;

(e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy, 1996, c. 32, Sch., s. 90 (3).

(e) give, procure or promise or agree to procure an office or ployment in connection with the exercise or non-exercise an elector's vote;

(b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or know-ing that it will be used to repay money used in that way;

(d) apply for, accept or agree to accept any valuable con ation or office or employment in connection with the ex or non-exercise of an elector's vote;

90 (4)

84 (6) Disclaimer - resignation The disclaimer operates as a resignation and takes effect when the clerk receives it. 1996, c. 32, Sch., s. 84 (6).

84 (5) Disclaimer - duty of clerk
When the clerk receives a disclaimer under subsection (1) or (3), he
shall immediately communicate it to the council or to the secret
of the local board, as the case may be. 1996, c. 32, Sch., s. 84 (5).

Municipal World Form 1442, Disclaimer of right to office

90 days after voting day - Sunday, February 11, 2007. Extended to Monday, February 12, 2007. See M.E., s. 10 (1). 84 (2) Disclaimer - in writing - delivered to clerk
The disclaimer shall be made in writing and delivered to the clerk who
conducted the election, 1996, c. 32, Sch., s. 84 (2).

84 (3) Disclaimer - after application to court A person whose election is questioned in an application under clas 33 (1) (b) may, within seven days after being served with the appli-tion, disclaim all right to the office. 1996, c. 32, Sch., s. 84 (3).

Neglect of Duty

90 (4) Election official - miscounting votes - corrupt practice. A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice and liable, on conviction, to a fine of not more than \$5,000, or to imprisonment for not more than six months, or to both. 1996, c. 32, Sch., s. 90 (4)

MUNICIPAL FLECTION LAW 2005

90 (5) Election official - false ballot - corrupt practice
A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice and liable, on conviction, to a fine of not more than \$5,000, or to imprisonment for not more than six months, or to both. 1996, c. 32, Sch., s. 90 (5)

(6) Election official - neglect of duty - corrupt practice Actor or other election official who wilfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice and label, on conviction, to a fine of not more than \$5,000, or to imprisonment for not more than six months, or to both, 1996, c. 32, 91 (1) Ineligibility - bribery or corrupt practice by candidate if a candidate is convicted of a corrupt practice under this Act, or of an offence under the Criminal Code (Canada) in connection with an act or omission that relates to an election to which this Act applies,

(a) any office to which he or she was elected is forfeited and be-comes vacant; and (b) he or she is ineligible to be nominated for or elected or appointed to any office until the sixth anniversary of voting day 1996, c. 32, Sch., s. 91 (1). 91(2) Ineligibility - exception However, if the presiding judge finds that the candidate committed the corrupt practice without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply, 1996, c. 32, 5ch., s. 91 (2).

92 (1) Campaign finance offence - corporation - trade union Acopporation or trade union that contravenes any of sections 70 to 76 isguilty of an offence and, on conviction, is liable to a fine of not more than \$25,000, 1996, c. 32, Sch., s. 92 (1). Municipal World Form 1244, Subsection 90 (3) - Statutory provisions for prevention of corrupt practices and other offences into comptfullow