

Document 2 - Bill 254 - Summary of changes to the *Municipal Elections Act, 1996*

1. Section 14 of the *Municipal Elections Act, 1996* is amended by adding the following subsection:

Exception — electronic filing

(2) Subsection (1) does not apply if the clerk has provided for electronic filing of the document.

2. (1) Subsection 33 (1) of the Act is repealed and the following substituted:

~~Filing of nomination~~

~~33 (1) 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, Sched., s. 33 (1).~~

Filing of nomination

(1) A person may be nominated for an office by filing a nomination,

(a) in the clerk's office, in person or by an agent; or

(b) if the clerk has provided for electronic filing under subsection (6), electronically.

2. (2) Section 33 of the Act is amended by adding the following subsections:

Same

(1.2.1) For greater certainty, endorsements of a nomination under subsection (1.1) shall be collected as original signatures even if the clerk has provided for electronic filing.

Same

(1.2.2) A person who electronically files a nomination for an office on a council that must be endorsed by at least 25 persons shall retain the copy of the document bearing the original endorsement signatures.

Electronic filing

(6) The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

3. Subsection 33.0.1 (1) of the Act is amended by striking out “Upon” at the beginning and substituting “As soon as practicable upon”.

Certificate, permitted amount of candidate’s expenses

33.0.1 (1) ~~Upon~~ **As soon as practicable upon** the filing of a person’s nomination, the clerk shall calculate the applicable maximum amount of the person’s expenses for the purposes of subsection 88.20 (6), as of the filing date, using the number of electors referred to in paragraph 1 of subsection 88.20 (11), and shall give the person, or the agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date. 2016, c. 15, s. 24.

4. Subsection 33.0.2 (1) of the Act is amended by striking out “Upon” at the beginning and substituting “As soon as practicable upon”.

Certificate, permitted amount of contributions to a candidate’s own campaign

33.0.2 (1) ~~Upon~~ **As soon as practicable upon** the filing of a person’s nomination, the clerk shall calculate the applicable maximum amount for the purposes of subsection 88.9.1 (1), as of the filing date, using the number of electors referred to in paragraph 1 of subsection 88.9.1 (2), and shall give the person, or the agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date. 2017, c. 10, Sched. 4, s. 8 (7).

5. (1) Subsection 88.6 (1) of the Act is amended by striking out “may, in person or by an agent, file” and substituting “may, in accordance with subsection (1.1), file”.

Notice of registration

88.6 (1) An individual, corporation or trade union ~~may, in person or by an agent, file~~ **may, in accordance with subsection (1.1), file** with the clerk of the municipality responsible for conducting an election a notice of registration to be a registered third party for the election, and the notice must be filed in the prescribed form and must include a declaration of qualification signed by the

individual or by a representative of the corporation or trade union, as the case may be. 2016, c. 15, s. 49.

5. (2) Section 88.6 of the Act is amended by adding the following subsections:

Same

(1.1) A notice of registration may be filed,

(a) in person or by an agent; or

(b) if the clerk has provided for electronic filing under subsection (12.1), electronically.

Electronic filing

(12.1) The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

5. (3) Subsection 88.6 (13) of the Act is amended by adding “as soon as practicable” before “upon filing” in the portion before paragraph 1.

Certification

(13) The clerk shall examine each notice of registration that has been filed and do one of the following **as soon as practicable** upon filing:

1. If satisfied that the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with this Act, certify the notice of registration by signing it.

2. If not satisfied that the individual, corporation or trade union is qualified to be registered or that the notice of registration complies with this Act, reject the notice of registration. 2016, c. 15, s. 49.

5. (4) Section 88.6 of the Act is amended by adding the following subsections:

Withdrawal of registration

(15) A registered third party may withdraw their registration by filing a written withdrawal in the clerk’s office during the time for filing a notice of registration set out in subsection (7).

Same

(16) If a registered third party files a nomination under section 33, the party's registration is deemed to have been withdrawn at the time the nomination is filed.

6. Paragraph 1 of subsection 88.24 (1) of the Act is amended by striking out "the day on which he or she files a nomination for the office" and substituting "the day on which the clerk receives his or her nomination for the office".

Election campaign period for candidates

88.24 (1) For the purposes of this Act, a candidate's election campaign period for an office shall be determined in accordance with the following rules:

1. The election campaign period begins on ~~the day on which he or she files a nomination for the office~~ **the day on which the clerk receives his or her nomination for the office** under section 33.

7. Section 88.28 of the Act is amended by adding the following paragraph:

2.1 Despite paragraph 2, the campaign period ends,

i. on the day the third party's registration is withdrawn under subsection 88.6 (15) or deemed to be withdrawn under subsection 88.6 (16), or

ii. on the day the third party advertiser files the documents under section 88.29, as long as the documents are filed after voting day and before December 31 in the year of a regular election.

8. Section 88.29 of the Act is amended by adding the following subsection:

Same

(1.1) If a third party's campaign period ends as described in paragraph 2.1 of section 88.28, the financial statement and auditor's report must reflect the third party's campaign finances as of the day the campaign period ended.