



# **TOWNSHIP OF WILMOT**

  

## **POLICIES & PROCEDURES MANUAL**

**2018 MUNICIPAL ELECTION  
OCTOBER 22, 2018**

**FOR ASSISTANCE, PLEASE CONTACT  
ONE OF THE FOLLOWING:**

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**Updated on: Tuesday September 25, 2018  
All information in this manual is accurate at the time it was prepared but is subject  
to change.**

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**1. MUNICIPAL ELECTIONS ACT**

The Municipal Elections Act (“the Act”) applies to and governs all elections in the Township of Wilmot and is based on the following principles:

- fair and consistent treatment of electors and candidates
- certainty that election results truly reflect electorate vote
- secrecy, confidentiality and privacy of voters is paramount
- the intention of voter in marking the ballot should be the primary consideration in any counting decision
- voter accessibility, convenience, integrity and scrutiny of the election process should take priority over administrative convenience and efficiency

This manual has been prepared to identify issues addressed and processes undertaken to conduct the 2018 municipal election in the Township of Wilmot in accordance with the above principles. This manual is subject to change by the Municipal Clerk as Provincial Legislation comes in to effect and policies or municipal (Regional and Township) by-laws are approved.

**2. KEY DATES**

Nomination Period	from to 2:00 p.m.	Tuesday, May 1, 2018 Friday, July 27, 2018
Qualification Period (for electors)	from to 8:00 p.m.	Tuesday, September 2, 2018 Monday, October 27, 2018
Nomination Certification	by 4:00 p.m.	Monday, September 15, 2018
Campaign Period	from to	Filing of Nomination Paper December 31, 2018
Expense Limit Notice		At time of Nomination filing And again on Tuesday, September 25, 2018
Advanced Polls	From 10:00 a.m. to 6:00 p.m. From 10:00 a.m. to 8:00 p.m.	October 6, 2018 October 10, 2018
Voting Day	From 10:00 a.m. to 8:00 p.m.	Monday, October 22, 2018
Filing Deadline - Financial Reports		Friday, March 29, 2019 *unless candidate has applied for court ordered extension or within 30 days following March 29, 2019 with the payment of a \$500.00 penalty.

3. **OFFICES**

Qualified electors may vote:

(a) for the following members of Wilmot Township Council:

- (i) one Mayor
- (ii) Ward Councillor(s)

(b) for the following members of the Council of the Regional Municipality of Waterloo:

- (i) one Chair

(c) if a resident or owner of residential property in the Region of Waterloo, for candidates for one of the following district school boards:

- (i) Waterloo Region District School
- (ii) Waterloo Catholic District School
- (iii) French Language Public School
- (iv) French Language Separate School

**(Non-Resident owners of commercial/industrial property are NOT entitled to vote for school board candidates.)**

4. **NOTICES TO CANDIDATES**

Any correspondence or information required to be provided to candidates, relating to the 2018 Municipal Election, will be sent by **prepaid ordinary mail** to the candidate's address as shown on the Nomination Paper. Extra copies of any information or correspondence will be available and may be picked up by candidates at the Clerk's Office, Township of Wilmot Office, 60 Snyder's Road West, Baden, Ontario.

## 5. **BALLOTS**

Composite ballots will be used and electors will vote for the candidate of their choice by filling in the oval on the ballot, within the space designated for the marking of the ballot to the right of the name of the candidate.

The Township of Wilmot uses up to five different ballots:

- (a) to be used by English Public School electors
- (b) to be used by English Separate School electors
- (c) to be used by French Public School electors
- (d) to be used by French Separate School electors
- (e) to be used by Commercial/Industrial Non-Resident electors who are not entitled to vote for school board candidates – no school board is shown on this ballot

**Note:** In the event of acclamations in one or more of the School Board races, the applicable ballot will be eliminated and those electors will receive the same as a Commercial/Industrial Non-Resident elector. The colour of the individual ballots will be confirmed with our Ballot Printer.

An elector must be a resident or an owner of residential property, or the spouse or same sex partner of a resident or owner of residential property in the Township of Wilmot to be eligible to vote for school board candidates.

Each ballot will contain, where applicable, the list of candidates for Mayor, the appropriate Ward Councillor, Chair of the Region of Waterloo, and the applicable School Board. (Please note if there are acclamations to particular races the list of races will be adjusted.)

## 6. **HOW OFTEN ELECTORS MAY VOTE**

A qualified elector is entitled:

- (a) to vote only once and in only one voting place in the Township of Wilmot
- (b) vote for as many candidates for an office as there are members to be elected, but only once for each candidate
- (c) vote only once on any by-law or question included on the ballot

**Note:** An elector in the Township of Wilmot is entitled to ONE BALLOT ONLY regardless of the number of properties he or she may own in separate wards. (They shall vote in the Ward in which they reside.)

**Note:** A person who has been appointed a voting proxy is still entitled to vote in his/her own right in the municipality, notwithstanding that he/she has voted as a voting proxy for another elector.

**7. VOTERS' LISTS**

Preliminary and supplementary voters' lists may be inspected at the Clerk's Office. No person shall use the information obtained from these lists except for election purposes. The use or sale of these lists for commercial purposes is prohibited.

**(a) Preliminary Voters' List**

The Preliminary Voters' List, based on the data collected during the 2018 enumeration period, is available to candidates after September 4, 2018. Candidates will be provided with one printed copy of the Preliminary Voters' List at no charge.

**Note:** If a candidate wishes an electronic copy of the voters' list, one may be provided to them by CD. The candidate will only be provided with the specific ward, unless they are a candidate for Mayor or School Board. They may not use this information for commercial purposes.

**(b) Understanding the Codes in the Voters' List**

The letters shown immediately to the right of the voter's name on the voters' list indicate the voter's qualification (as shown below):

NAME OF ELECTOR	COLUMN		
	#1	#2	#3
	S	N	O
	B		S
<hr/>			
ADAMS, JOHN	EP		O
ADAMSON, SUSAN	ES		T
ARKELL, MARY	FS		B
BAUMAN, ADAM	FP		O
BAUMAN, BRUCE	EP	N	S
COOKE, DEBRA		N	O

**COLUMN #1 - EDUCATION VOTING RIGHTS**

- "EP" English Language Public School Voting Rights
- "ES" English Language Separate School Voting Rights
- "FP" French Language Public School Voting Rights
- "FS" French Language Separate School Voting Rights
- Blank No Education Voting Rights

COLUMN #2 - RESIDENCY

“N” Non-Resident  
Blank Resident

COLUMN #3 - OCCUPANCY STATUS

“O” OWNER  
“S” SPOUSE  
“T” TENANT  
“B” OTHERS (BORDER)

**8. ADDITIONS AND AMENDMENTS TO THE VOTERS’ LIST**

Advertisements will be placed in the New Hamburg Independent and other papers within Waterloo Region to advise electors that the Preliminary Voters’ List is available for inspection in the Clerk’s Office and that the necessary forms for additions or amendments are available through the Clerk’s Office.

(a) **Revision Period – Tuesday, September 4 to Monday, October 22, 2018**

Persons who are not on the Preliminary Voters’ List may complete a form “Application to amend the Voters List”, at the Township Office to have their names added to the List. Persons who complete the appropriate form on or before October 15, 2018 will be added to the Supplementary Voters’ List. Persons who complete the appropriate form after October 15, 2018 will be provided with a certified copy of the form to be presented at the voting place to enable the elector to vote.

(b) **Additions/Revisions at the Voting Place**

A person who presents him/herself to be an elector, who applies at the voting place for a ballot, who does not have a Form 15 signed by the Clerk and whose name does not appear on the Voters’ List is entitled to vote if he/she establishes his or her identity to the satisfaction of the Deputy Returning Officer and completes and signs an “Application to Amend Voters’ List” (Form EL 15).

**Note:** Electors are now permitted to change their school support on Voting Day by completing an Application to Amend Voters’ List. (completing this form will not redirect school taxes) In order to vote for the Separate School Board an elector **must** be Roman Catholic and indicate it as such on the form.

## **9. VOTING PLACES**

The Township of Wilmot has been divided into twenty six (26) voting subdivisions (polls) based on an estimated electoral population of 15,200 electors. Where a poll is well in excess of 500 voters, a sub poll will be established within that poll. At the Voting Place each sub poll will have its own table with a DRO and Election Assistant assigned to it. Voting or polling places have been established for each voting subdivisions, based on public facilities available, accessibility, size and convenience for electors. A complete list of polling locations is attached as schedule A on pages 25 and 26.

### **Special Polls**

Legislation requires that there be polls in institutions over a certain number of beds. The only nursing home facility at this time is Nithview Nursing Home which has operated as a voting location for a number of elections. In the event that the auditorium at Nithview is unavailable due to the closure of the facility to the public (pandemic etc.) an alternate site on the Nithview property will be made available. Voting for the Nursing Home residents will be administered via proxy or the DRO may attend the Nursing Home in a manner that complies with the Nursing Home administration's policies and procedures. The election workers will seal and deliver the ballots to the MDRO to be fed into the tabulator.

## **10. NOTICE OF VOTING PLACES**

In mid to late September a Voters' Notification Card (VNC) will be mailed to each elector whose name appears on the Preliminary List of Voters, advising of the location of his or her voting place. Electors who have had their names added to the list or who change their qualifying address after September 19, 2018 will be advised where to vote at the time of their application for revision or may call the Clerk's Office for information.

## **11. ADVANCE VOTES**

For the convenience of electors, advance votes will be held on the following days:

- (1) Saturday, October 6 & 13      10:00 am – 6:00 pm  
Wilmot Recreation Complex, 1291 Nafziger Rd, Baden
  
- (2) Wednesday, October 10      10:00 am – 8:00 pm  
Municipal Office, 60 Snyder's Rd. W., Baden

Election teams will be working at these polls and at the close of voting on each day, the ballot boxes will be sealed by the Returning Officer, or designate, and Deputy Returning Officer and securely stored by the Clerk. The ballots will not be counted and results tabulated until after 8:00 p.m. on Election Night.



## **12. APPOINTMENT OF VOTING PROXY**

Any person who is entitled to be an elector in the Township of Wilmot may vote by proxy. The person appointed must also be entitled to be an elector in the Township of Wilmot. Appointment of Voting Proxy forms will be available after 4:00 p.m. Monday, July 30, 2018 which is the date a candidate can ask to have their Nomination Paper withdrawn. (This will also be after the determination is made on whether an office has been acclaimed.)

NOTE: In the event that additional Nominations are required the date for Proxy Forms shall be after 2:00 p.m. on Wednesday, August 1, 2018.

A person appointed as a proxy may only act for one person who is not a relative or may act for any number of family members, specifically spouses, siblings, parents, children, grandparents and/or grandchildren.

The “**Elector Making the Appointment**” must:

- (a) complete Box A; and
- (b) sign the Statement located at the bottom of the first page in Box C in the presence of a witness who must also sign the form. The witness cannot be the person appointed as the voting proxy known as the “Elector Appointed”.

**Prior to Election Day**, the “Elector Appointed” in Box B:

- (a) must present both copies of the form, in person, to the Clerk or designate during normal office hours (Monday to Friday, 8:30 a.m. to 4:30 p.m.) or on Advance Voting Days (see Schedule attached) and
- (b) will be required to swear the Declaration on the second page in Box D.

The Clerk or designate, if satisfied as to the qualification of the person who appointed the voting proxy and the person so appointed, shall certify the form and return the original to the person appointed.

**On Election Day or on the day of an Advance Vote**, the “Elector Appointed”:

- (a) must take the Appointment of Voting Proxy to the voting place;
- (b) will be required to swear or affirm the Oral Oath shown on the second page of the form; and
- (c) will be issued a ballot to mark on behalf of the “Elector Making the Appointment”.

## **13. ELECTION OFFICIALS**

### **13.1. Township Clerk**

The Clerk of the Township of Wilmot is the Returning Officer who is responsible for preparing and conducting the election and maintaining peace and order in connection with the election. The Clerk may appoint such election officials as she considers necessary to assist with the election, shall make such appointments in writing and shall require all election officials to take an oath to protect the secrecy of the voting process and all related matters.

Candidates, their spouses and children are not eligible to be appointed as election officials in any capacity.

The Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election, including the power to establish forms and the power to require their use.

**The Clerk may delegate such powers and duties to other election officials as she deems advisable, but shall retain and may continue to exercise any and all of the powers delegated to such election officials.**

### **13.2. Election Officer**

The Clerk appoints necessary staff within the Clerk's Office to be designated as "Election Officers" to assist in preparing for and conducting the election. The Clerk delegates to those Election Officers the power and duty to:

- accept **but not certify** Nomination Papers (Form 1)
- accept and certify Applications to Amend Voters' List (Form EL 15) including Application to Remove Own Name (Form EI 15)
- accept **but not certify** Applications for Removal of Another's Name from Voters' List (Form EL 16)
- accept and certify Appointments of Voting Proxy (Form 3)
- correct any obvious errors in the preliminary list of electors
- prepare an interim list of changes to the preliminary list
- establish the location of voting places

The foregoing may be expanded to include such further and other duties and powers as the Clerk may from time to time delegate.

### **13.3. Managing Deputy Returning Officer**

The Clerk appoints a Township staff member as Managing Deputy Returning Officer for each voting location on Election Day. Where an insufficient number of Township staff are available for the Election, then members of the public who have applied for other Election positions will be selected. Members of the public will not be applying for the MDRO position directly. The Clerk delegates to Managing Deputy Returning Officers the power and duty to:

- supervise voting procedures as set out in the Municipal Elections Act
- supervise other election workers at the assigned voting place, including Deputy Returning Officers, Election Assistants, Revision Assistants and other location staff deemed necessary such as Greeters or Elevator Operators
- issue ballots to electors when necessary
- require an elector to swear an oath or affirm, either verbally or in writing, as to his or her identity or qualifications to be an elector and administer the appropriate oath when necessary
- accept and certify Applications to Amend Voters' List (Form EL 15) if necessary
- accept Appointments of Proxy (Form 3)
- complete and certify all forms required to account for all ballots and validate the votes cast at the assigned voting place
- deliver the record of results to the Clerk after the voting place closes on Election Day

**This delegation shall also include all duties and responsibilities set out in the manuals and checklists provided by the Clerk and such further and other duties as the Clerk may from time to time determine. A Managing Deputy Returning Officer retains all the powers and duties of a Deputy Returning Officer.**

### **13.4. Deputy Returning Officer**

The Clerk appoints several Deputy Returning Officers for each voting location to assist the Managing Deputy Returning Officer on Election Day and delegates to those Deputy Returning Officers the power and duty to:

- require an elector to swear an oath or affirm, either verbally or in writing, as to his or her identity or qualifications to be an elector
- issue ballots to electors
- provide instructions on how to vote, if necessary
- accept and certify Applications to Amend Voters' List (Form EL 15)
- accept Appointments of Proxy (Form 3)
- complete and certify all forms required to account for all ballots and validate the votes cast at the assigned voting place
- assist the Managing Deputy Returning Officer as and when required

**This delegation shall also include all duties and responsibilities set out in the Deputy Returning Officer's Handbook provided by the Clerk and such further and other duties as the Clerk may from time to time determine. A Deputy Returning Officer is obligated to provide assistance to the Managing Deputy Returning Officer where it is within their power to do so.**

### **13.5. Election Assistant**

The Clerk appoints Election Assistants (previously termed as Poll Clerks) for each voting location to assist the Deputy Returning Officers on Election Day and delegates to those Election Assistants the duty to:

- confirm that an elector's name is included on the Voters' List
- strike an elector's name from the Voters' List when the elector is issued a ballot by the Deputy Returning Officer and make notations on the Voting List as instructed by the Deputy Returning Officer
- record the number of electors processed
- assist the Deputy Returning Officer to complete and certify all forms required to account for all ballots and validate the votes cast at the assigned voting place
- assist the Managing Deputy Returning Officer and the Deputy Returning Officer as and when required
- assist the electorate on the procedures of marking the ballot

### **13.6. Revision Assistant**

The Clerk may appoint a Revision Officer for each voting location on Election Day and delegate to those Revision Officers the duty to:

- assist the voter in completing an "Application to Amend the Voters' List Form" for each elector who wishes to make a change
- certify the "Application to Amend the Voters' List Form" and provide each elector with a duplicate copy and direct them to the poll clerk.
- assist the Managing Deputy Returning Officer and other election workers as and when required

### **13.7 Greeters, Elevator Operator, etc.**

The Clerk may appoint a Greeter, Elevator Operator or other election staff deemed desirable for a voting location on Election Day and delegate to those positions the duty to:

- assist the elector in determining which DRO and Election Assistant they should obtain a ballot from
- assist the elector in determining if they need to speak with the Revision Assistant or Clerk to have a specific question answered or form certified
- assist any elector who requires the use of an elevator, chair or other device, due to a disability or due to fatigue, or provide other assistance that will enable them to attend the voting location
- assist the Managing Deputy Returning Officer and other election workers as and when required

**14. CANDIDATES/SCRUTINEERS**

A candidate may appoint scrutineers to represent him or her during the voting and at the counting of the votes, including during a recount, if required.

Candidates are permitted to appoint one scrutineer for each ballot box. Candidates who enter the voting place are considered to be scrutineers and the number of scrutineers who may be present is reduced by one while the candidate is present in the voting place.

Each scrutineer or candidate upon arriving at the voting place must present to the MDRO a signed Appointment of Scrutineer by Candidate (Form EL 12 A) and take the Oath of Secrecy (Form EL 12 B)

The rights of a scrutineer in a Voting Place has been legislated in the Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32.

**Rights of candidates and scrutineers**

47.(5) The persons described in clauses (1) (b), (c), (d) and (e) are each entitled,

- (a) to be present when materials and documents related to the election are delivered to the clerk under subclause 43 (5) (b) (ii) and clause 55 (1) (d);
- (b) to enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other papers, forms and documents relating to the vote (but not so as to delay the timely opening of the voting place);
- (c) to place his or her own seal on the ballot box, immediately before the opening of the voting place, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal;
- (d) to place his or her own seal on the ballot box immediately after the close of voting on each day of an advance vote under section 43, so that ballots cannot be deposited or withdrawn without breaking the seal;
- (e) to examine each ballot as the votes are being counted by the deputy returning officer under section 54 (but not to touch the ballot);
- (f) to object to a ballot or to the counting of votes in a ballot under subsection 54 (3);
- (g) to sign the statement of the results of the election prepared by the deputy returning officer under clause 55 (1) (a); and
- (h) to place his or her own seal on the ballot box after the counting of the votes, when the deputy returning officer seals the box under clause 55 (1) (c), so that ballots cannot be deposited or withdrawn without breaking the seal. 1996, c. 32, Sched., s. 47 (5).

Scrutineers **MAY NOT**:

- (a) speak to electors or interfere with the voting process;
- (b) wear or display any campaign material inside the voting place, e.g. buttons, flyers, etc.
- (c) display any campaign literature, signs or material on the property of the
  - i. voting place.
- (d) use a cell phone to receive or make calls within the voting places.

To protect the secrecy of the vote, **SCRUTINEERS MAY NOT EXAMINE THE BALLOTS** or object to ballots or the counting of votes in a ballot as provided for in clauses 47(5)(e) and 47(5)(f) and Subsection 54(3) of the Act

**15. SECRECY**

All election officials, candidates, scrutineers or other persons authorized to be in the voting place during voting hours are required to take the Oath of Secrecy in the form required and provided by the Clerk.

Every person who is present in the voting place or at the counting of the votes shall help to maintain the secrecy of the voting.

No person shall:

- (a) interfere with an elector or attempt to interfere with an elector who is marking a ballot;
- (b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or
- (c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.

No elector shall show his or her marked ballot to any person so as to reveal how he or she voted, except when receiving assistance to vote.

No person other than the voter shall be allowed to enter the voting compartment while a voter is voting or be in any position to see how a voter marks a ballot unless a voter requires assistance, in which case the voter and his designated assistant shall swear the appropriate oral oaths.

**16. CERTIFICATION OF NOMINATION PAPERS**

On or before the first business day following Nomination Day (Monday, July 30, 2018), the Clerk shall examine each Nomination Paper filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify the Nomination Paper. If not satisfied, the Clerk shall reject the nomination and shall notify the person who sought to be nominated and all other candidates for that office by regular mail.

**The authority to certify Nomination Papers shall remain solely with the Clerk and shall not be delegated to any other election official.**

**17. CAMPAIGN MATERIAL WITHIN VOTING PLACE**

No campaign material or literature of any nature relating to any candidate in the election shall be displayed within a voting place or on the property of a voting place. This material includes campaign buttons or any other advertising material.

**For the purposes of a municipal election, any location designated as a voting place shall include the entire property on which the premises are located and any municipal property abutting the voting place.**

**18. PERSONS AUTHORIZED TO REMAIN IN THE VOTING PLACE**

The following persons are entitled to remain in the voting place during the time the voting place is open or to be there for the counting of the votes.

- (a) the Clerk, the Deputy Clerk, Managing Deputy Returning Officer, Deputy Returning Officers, Election Assistant and any other election officials appointed by the Clerk for the voting place;
- (b) a certified candidate;
- (c) scrutineers properly appointed in accordance with the provisions of Section 15 herein.

**19. ELECTION PROCEDURE MANUALS**

The Clerk's Office will be producing English-language manuals and procuring Deputy Returning Officer Handbooks for use by election workers providing detailed information and instructions relating to Election Day procedures.

Copies of these manuals will be provided to any candidate on request.

**20. DISPLAY AND DECLARATION OF RESULTS**

As Memory Packs are downloaded to a computer at the Township Office on Election Night, unofficial results will be displayed and continuously updated on a screen in Council Chambers and on the Township Website (members of the media will likely be monitoring the results in Council Chambers or online). Final results will be made available when all the necessary information has been received and verified.

The Township Clerk will make an official declaration of election results as soon as possible after Election Day.

**21. FORMS**

The Clerk has established a number of forms to facilitate the conduct of municipal elections. These forms are available for review in the Clerk's Office.

**22. ADVERTISING**

All advertisements relating to notices or information required to be published pursuant to the Municipal Elections Act will be published in the New Hamburg Independent and posted on the Township website. Supplementary advertisements may also be published in The Record, Ayr News and the Baden Outlook at the discretion of the Clerk.

**23. ELECTION SIGNS**

The Township Sign By-law does not allow any election signs on Township property or Township of Wilmot road right-of ways. (By-law reference 2002-68)

The Region of Waterloo Sign By-law shall also apply where the sign is to be placed along a Regional Road within the Township. The following is taken from the Regional Sign By-law and any questions concerning the regulations should be referred to the Region.

**Part I - Definitions**

1. In this By-law:

- (a) "Commissioner" means the Commissioner of Transportation and Environmental Services for the Region or any successor position, or his or her designate;
- (b) "copy" means the wording, letters, numerals, symbols and artwork on a sign;
- (c) "grade" means the elevation of the ground directly beneath a sign or the elevation of the nearest edge of the roadway, whichever is higher;
- (d) "ground-mounted sign" means a sign upheld by no more than two wooden supports constructed on or driven into the ground where each wooden support is no greater than 10 centimetres by 10 centimetres in cross-section (a 4-inch by 4-inch post), or a sign upheld by no more than two metal supports constructed on or driven into the ground where each metal support can be bent by hand, or a sign upheld by a support located on private property such that the sign and support encroach into the road allowance no more than 1.0 metre;



- (e) “intersecting road” means a road under the jurisdiction of the Region or a local municipality that intersects a Regional road;
- (f) “local municipality” means any of The Corporation of the City of Cambridge, The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Corporation of the Township of North Dumfries, The Corporation of the Township of Wellesley, The Corporation of the Township of Wilmot, or The Corporation of the Township of Woolwich; 1228471
- (g) “moveable sign” means a rigid, portable, self-supporting sign that is erected on but not permanently anchored in the ground or affixed in any way and constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid and includes, but is not limited to, signs commonly referred to as A-frame, T-frame, sandwich board, menu board and sidewalk signs;
- (h) “municipal law enforcement officer” means a by-law enforcement officer appointed by the Region or a local municipality;
- (i) “official sign” means a sign placed:
  - (i) by or under the jurisdiction of the Commissioner; or
  - (ii) under the authority of a statute, by-law, or provincial or federal guideline to regulate or prohibit the movement of pedestrians or vehicles or to warn or guide pedestrians or the drivers of vehicles;
- (i) “owner” means any person described on the sign, or whose name or address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, and for the purposes of this By-law there may be more than one owner of a sign;
- (k) “person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (l) “place” when used as a verb means to attach, install, erect, build, construct, reconstruct, move, display or affix;
- (m) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor legislation;
- (n) “poster sleeve” means a covering designed for posters to be placed on it, which has been fitted to a utility pole on a Regional road;
- (o) “Region” means The Regional Municipality of Waterloo;
- (p) “Regional road” means a road under the jurisdiction of the Region;
- (q) “road” includes, but is not limited to, a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof and the parts of which may include a:
  - (i) “boulevard” which means that part of a road from the edge of the roadway to the nearest lateral property line, but does not include a shoulder or a median;
  - (ii) “driveway” which means that part of a boulevard that provides vehicular access to and from the roadway and an adjacent property;
  - (iii) “median” which means that part of a road that divides the roadway, including any channelizing islands and the central islands of any roundabouts;

- (iv) “roadway” which means that part of a road that is improved, designed or ordinarily used for vehicular traffic including lanes and curb and gutter but does not include the shoulder;
- (v) “shoulder” which means that part of a road lying adjacent to the roadway that is improved with granular or paved surface and is not intended for the passage of motor vehicles or pedestrians; and
- (vi) “sidewalk” which means that part of a boulevard with a surface improved with asphalt, concrete or gravel for the use of pedestrians and includes a multi-use trail;
- (r) “sign” means any device, object or thing that creates a design or conveys a message, or that is designed to convey a message and that is placed for the purposes of advertising, announcing, directing or promoting any idea, event, activity, product, service or facility, identifying a business or enterprise, or conveying any other type of message and, without limiting the generality of the foregoing, this definition includes:
  - (i) a “business accessory sign” which means a sign advertising any activity, product, service or facility produced, manufactured or provided by a business or enterprise;
  - (ii) an “election sign” which means a sign advertising any person or political party participating in an election for public office or a sign advertising a position on a plebiscite or municipal question;
  - (iii) an “event sign” which means a sign advertising or providing directions to a community-sponsored event including, but not limited to, a parade, procession, ceremony, dance, car show, farmers’ market, festival, or carnival;
  - (iv) a “farm accessory sign” which means a sign advertising or providing directions to the on-farm sale of any activity, product or service produced, manufactured or provided predominately on the farm in compliance with the applicable local zoning by-law including, but not limited to, pick-your-own operations, agri-tourism activities, and the small-scale retailing of local farm produce and related goods;
  - (v) a “new home builder sign” which means a sign providing directions to a new home development constructed by the new home builder at a location other than where the sign is located;
  - (vi) an “open house sign” which means a sign providing directions to an open house for the re-sale or lease of a residence taking place at a location other than where the sign is located;
  - (vii) a “poster sign” which means a non-rigid sign that is made entirely of paper; and
  - (viii) a “rural property accessory sign” which means a sign identifying resident name, civic address, the provider of a newspaper, or an affiliation to a farm organization including, but not limited to, the

Ontario Federation of Agriculture, the National Farmers Union of Ontario, the Christian Farmers Federation of Ontario, and the Environmental Farm Plan;

- (s) “sign height” means the vertical height of a sign from the finished grade to the top of the sign including any frame, border or ornamental feature; and
- (t) “wire-mounted sign” means a sign upheld by no more than two supports constructed on or driven into the ground, where each support is made of metal wire.

## **Part II – General Provisions**

2. No person shall place, or cause or permit to be placed, a sign, or any part of a sign, on a Regional road other than an official sign or a sign permitted under Parts III, IV, V, VI, VII, VIII, IX or X of this By-law.

3. The Region and its authorized agents shall not be liable for any loss, costs, damages, charges or expenses that may be incurred by a person with respect to a sign permitted by this By-law.

4. No person shall place, or cause or permit to be placed, a sign, or any part of a sign, under Parts III, IV, V, VI, VII, VIII, IX or X of this By-law on a Regional road that:

(a) has any part of the sign located within:

- (i) 3.0 metres of any fire hydrant;
- (ii) 15.0 metres of a traffic control signal, crosswalk, bus stop sign or school bus loading zone; or
- (iii) 30.0 metres of a roundabout as measured from the outer edge of any crosswalk at the roundabout and away from the roundabout;

(b) has any part of the sign located within a roadway, shoulder, median or planting bed;

(c) may obstruct the flow of water in a drain, ditch or watercourse;

(d) impacts the function of the road by:

- (i) creating a safety hazard;
- (ii) impeding or obstructing municipal maintenance or construction operations;
- (iii) impeding access to or obstructing a fire hydrant;
- (iv) impeding or obstructing the passage of pedestrians where they are reasonably expected to walk;
- (v) impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing; or

- (vi) obscuring or detracting from the visibility or effectiveness of an official sign or a traffic control signal;
- (e) resembles an official sign or a traffic control signal or device in colour, shape, wording, content or location;
- (f) is manufactured so that it:
- (i) is illuminated internally or externally;
  - (ii) has a variable, animated, video or electronic message sign face or generates a beacon;
  - (iii) is inflatable;
  - (iv) has more than two sign faces or sides;
  - (v) has any visible moving part or visible mechanical movement;
  - (vi) contains any device that creates noise;
  - (vii) is made of cloth or a similar lightweight non-rigid material, except for a poster sign made of paper;
  - (viii) uses retro-reflective or micro-prismatic materials;
  - (ix) uses fluorescent material; or
  - (x) is created through the use of plants or landscaping materials;
- (g) is painted onto, affixed by glue, self-adhesive backing, tape or wire onto, or affixed by excavating, digging, drilling, driving or cutting into:
- (i) a tree, shrub, stone or any other natural object;
  - (ii) asphalt, concrete, brick or any other hard improved surface;
  - (iii) a utility box, traffic signal control box, transit equipment, bridge, guiderail or any other road structure;
  - (iv) a utility pole where a poster sleeve is provided within 200 metres;
  - (v) a waste receptacle, bench, transit shelter, bicycle rack, fence, railing, retaining wall, planter, tree support, Canada Post box or any other street furniture;
  - (vi) an official sign;
  - (vii) the support of an ornamental luminaire;
  - (viii) the support of any transit equipment; or
  - (ix) the support of an official sign or any other traffic control device;

- (h) is not securely fastened to its support;
- (i) is not maintained in a proper state of repair so that the sign becomes unsafe or unsightly;
- (j) is for an unlawful activity;
- (k) contains profanity or obscenity;
- (l) promotes discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability; or
- (m) is obsolete and advertises an event that is over, a business or enterprise that is no longer conducted, or an activity, product, service or facility that is not in season or is no longer provided.

5. No person shall place a ground-mounted or wire-mounted sign on a Regional road without first informing themselves as to the existence and location of all underground utilities at or adjacent to the sign location.

6. No person shall place accessory or decorative materials adjacent to a sign on a Regional road.

7. No person shall place a sign on a Regional road that fails to comply with any applicable by-law of the local municipality in which the sign is located.

#### Part IV – Election Signs

9. No person shall place or permit to be placed on a Regional road any election sign except for an election sign that:

- (a) is a ground-mounted, moveable or wire-mounted sign;
- (b) has dimensions that are not more than 1.2 metre in sign width (side to side) and not more than 0.8 metres in sign length (top to bottom);
- (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
- (d) has no part of the sign within:
  - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
  - (ii) 0.5 metres of a shoulder;
  - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
  - (iv) 0.5 metres of a sidewalk;
  - (v) 5.0 metres of a driveway, measured from the nearest edge of the driveway; or
  - (vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
- (e) is one of not more than two permitted election signs advertising the same person or their political party or position on a plebiscite or municipal question, for each side of a Regional road between two consecutive intersecting roads;
- (f) is placed:

- (i) less than 45 days before the voting day of a referendum, a municipal question or a municipal or school board election; or
- (ii) after the issuance of the writ for an election or by-election; and
- (iii) is removed within 72 hours following the voting day.

#### **Part XI – Removal**

16. Any person who places or permits to be placed a sign that does not comply with this By-law is required to modify the sign to comply with the By-law or remove the sign forthwith and restore the sign location to a condition satisfactory to the Commissioner.

17. Any person who places or permits to be placed accessory or decorative materials adjacent to a sign in contravention of this By-law is required to remove the materials forthwith and restore the sign location to a condition satisfactory to the Commissioner.

18. The Commissioner, a municipal law enforcement officer or a police officer may immediately remove and dispose of any sign that does not comply with this By-law, without notice or compensation and without regard to damages done to such sign during removal.

19. The Commissioner, a municipal law enforcement officer or a police officer may immediately remove and dispose of accessory or decorative materials adjacent to a sign that does not comply with this By-law, without notice or compensation and without regard to damages done to such materials during removal.

20. If a person required to restore a sign location under section 16 or 17 of this By-law fails to do so, then the Commissioner may restore the location.

21. The Region and a local municipality may recover the expense for the removal, transportation and disposal of a sign or accessory or decorative materials and for restoration of the sign location from the owner under sections 18, 19 and 20 of this By-law by court action or in like manner as municipal taxes.

#### **Part XII – Penalty**

24. Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

(Please refer to Region of Waterloo By-law Number 10-030 for the exact numbering and formatting of this by-law)

#### **24. TRAINING**

Staff will be providing training to election workers on Voting Procedures in the Township Office in late September. The workers will be given a copy of the appropriate manual or handbook and the election workers will be provided an opportunity to ask questions.

**25. TOWNSHIP WEBSITE**

The Township of Wilmot has a website where election information including election qualifications, list of candidates and application forms for workers will be posted. Information on this website is updated on a regular basis as new candidates submit their Nomination Papers. Candidates are not permitted to link their personal websites, or submit campaign material for inclusion on the Township of Wilmot website.

**26. CORPORATE PROPERTY AND RESOURCES**

No candidate shall use municipal facilities, services, or property for his or her election campaign use unless in accordance with township procedures and fee schedules. Township intellectual property and copywrited or trademarked materials cannot be used for campaign purposes.

No candidate shall use the services of municipal employees for his or her election campaign, during hours in which the employees are in the paid employment of the municipality.

**27. FINANCIAL INFORMATION**

(a) Maximum Campaign Expenses

The Clerk is required to calculate the maximum amount a candidate can spend on their campaign and the maximum amount a candidate may contribute to their own campaign. Upon filing Nomination papers, the Clerk will base these calculation as prescribed in Sections 33.0.1 and 33.0.2 and shall give the candidate or agent a draft certificate of the applicable maximum amounts as of the filing date (based on the number of electors in a Ward or electoral area in the case of a Mayor or School Trustee). On or before September 25, 2018 the Clerk will again calculate the maximum amounts as per Section 88.20 (13) and provide a certificate specifying those amounts (this certificate will be sent by September 25, 2018). Where the amount on the draft certificate and the final certificate differ, the higher of the two amounts shall prevail.

(b) Financial Statements

Each candidate that submitted a Nomination Paper must submit a Financial Statement to the Clerk. Candidates spending or raising more than \$10,000 for their campaign must also submit an audited report with their financial statement. The Clerk will give notice of the filing dates to each candidate a minimum of 30 days prior to the filing date. (This notice will be sent on or before February 27 with a March 29, 2019 deadline)

(c) Non-compliance

The Municipal Election Act specifies penalties for non-compliance to the legislation. A Joint Municipal Election Compliance Committee has been established as per statutory requirements under MEA. The mandate of the committee is to review any audit applications of any candidate who ran for election (regular or by-election) for the Township of Wilmot Council and determine whether the audit application should be granted or rejected within the required legislative timeframe. Where an application is granted, the Committee shall appoint a licenced auditor under the *Public Accounting Act, 2004* or other prescribed person to conduct a compliance auditor of the candidate's election campaign finances.

**28. SCHEDULE A**

**ADVANCE POLLS (SUBJECT TO CHANGE)**

- (1) Saturday, October 6                      10:00 am – 6:00 pm  
Wilmot Recreation Complex  
1291 Nafziger Road, Baden
- (2) Wednesday, October 10                10:00 am – 8:00 pm  
Township of Wilmot Municipal Office  
60 Snyder's Rd. W., Baden

**REGULAR POLLS – OCTOBER 22, 2018:**

<b><u>WARD</u></b>	<b><u>POLL</u></b>	<b><u>LOCATION</u></b>	<b><u>TIME</u></b>
<b>WARD 1</b>	POLL 1	HAYSVILLE COMMUNITY CENTRE 3433 HURON ROAD, R.R. #2 NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM
	POLL 2, 3, 4	NEW DUNDEE COMMUNITY CENTRE 1028 QUEEN STREET NEW DUNDEE, ONTARIO	10:00 AM TO 8:00 PM
	POLL 5, 6	MANNHEIM MENNONITE CHURCH 1494 BLEAMS ROAD EAST MANNHEIM, ONTARIO	10:00 AM TO 8:00 PM
<b>WARD 2</b>	POLL 1, 2, 3, 4	ST AGATHA COMMUNITY CENTRE 1793 ERB'S ROAD ST AGATHA, ONTARIO	10:00 AM TO 8:00 PM
	POLL 5, 6	FOXBORO COMMUNITY CENTRE 95 FOXBORO DRIVE BADEN, ONTARIO	10:00 AM TO 8:00 PM
<b>WARD 3</b>	POLL 1, 2(A-L), 2 (M-Z), 3, 4 (A-H), 4 (I-P), 4 (Q-Z)	WILMOT RECREATION COMPLEX 1291 NAFZIGER ROAD BADEN, ONTARIO	10:00 AM TO 8:00 PM
<b>WARD 4</b>	POLL 1	MORNINGSIDE VILLAGE THE SHED 10 HOMESTEAD PLACE NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM
	POLL 3, 10	NEW HAMBURG COMMUNITY CENTRE 251 JACOB STREET NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM
	POLL 2 (A-L), 2 (M-Z)	STONECROFT RECREATION CENTRE 156 STONCROFT WAY NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM
	POLL 4, 6	NEW HAMBURG LEGION	10:00 AM TO



	65 BOULEE STREET NEW HAMBURG, ONTARIO	8:00 PM
POLL 5, 7, 8 (A-L), 8 (M-Z)	FOREST GLEN PUBLIC SCHOOL 437 WATERLOO STREET NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM
POLL 9	NITHVIEW HOME 200 BOULLEE STREET NEW HAMBURG, ONTARIO	10:00 AM TO 8:00 PM