



# **Nomination Procedures**

Debbie Shields, City Clerk/Returning Officer



## **Nomination Procedures**

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The following is the procedure to be followed by the Clerk's Office, City of Pickering, when accepting nomination papers for the 2010 Municipal Elections.

### **Nomination papers:**

- must be completed in full and filed in person by the candidate or an agent of the candidate. The nomination may not be faxed to the Clerk's office;
- will not be accepted without identification or the nomination fee (see below for fees);
- can only be accepted by the City Clerk or Coordinator, Records & Elections; and
- can only be filed in the municipality that the candidate is running in and can only file for one position at a time.

### **Completing the Nomination Paper and Declaration of Qualifications**

Hand the candidate a Nomination Paper and Declaration of Qualifications to complete. Explain to them that they are not to sign the forms until a commissioner is present. If already signed, have the signature witnessed again.

If an agent is filing on behalf of a candidate, both forms must already be commissioned. If the forms are not previously commissioned, do not accept the forms.

### **Verification of Eligibility**

Once the forms have been completed, ask to see the candidate's identification and check to see if the candidate is on the disqualification list.

All candidates must provide election officials with suitable proof of identity and qualifying address within the municipality when filing a nomination. If an agent is filing on behalf of a candidate, the agent must provide a copy of the candidate's identification as well as their own.

Staff must ensure that the surname on the identification and the surname on the nomination form are the same. However, some flexibility may be given for first names (i.e. Tony for Anthony, etc.). Do not accept the nomination if the person fails to produce acceptable identification, which includes the following:

- any government issued ID that contains the name and qualifying address;
- utility bill;
- hospital card;
- bank statement;

- mortgage, rental or lease agreement;
- insurance policy; and
- current employer record (pay stub).

If a candidate has no permanent address, the *Municipal Elections Act, 1996*, provides for the opportunity for the candidate to take an affidavit to swear that their place of residence is the location to which they return most often to sleep. This affidavit will be conclusive proof of their qualifying address. The declaration on the nomination, together with the "Declaration of Qualification", can serve as the affidavit.

Employees of the municipality and employees of a school board must be on a leave of absence before filing nomination papers. City employees must provide the original leave of absence letter and a copy of the "Voluntary Leave of Absence Application". Employees of the school board must provide proof of approval for a leave of absence. If their letter does not include such acknowledgement, the school board must be contacted. The above does not apply to incumbents.

If staff know that the candidate is not eligible to be elected, they may refuse to accept the nomination.

**Disqualification List (2010 Elections) – Can be viewed in the Clerk's Office**

**Nomination Paper Verification**

Check the Nomination Paper to ensure all sections have been completed as follows:

Nominee: Confirm the name as it is to appear on the ballot. The candidate may change their name as it will appear on the ballot, but will be subject to the agreement of the Clerk. Under no circumstances can a candidate use a title or occupation on the ballot (i.e. Dr.). Make sure the name is legible and verify with identification. Do not accept the nomination if the person fails to produce acceptable identification.

Nominated for the Office of: Ensure the complete office titles are clearly stated. The following titles should be used in this area:

Mayor  
Regional Councillor – Ward 1  
Regional Councillor – Ward 2  
Regional Councillor – Ward 3

City Councillor – Ward 1  
City Councillor – Ward 2  
City Councillor – Ward 3  
Trustee – Durham District School Board  
Trustee – Durham Catholic District School Board  
Trustee – French-Language School Board

(If a nominee appears to run for the Conseil Scolaire de District Centre-sud-ouest, you must direct them to the City of Oshawa as they are responsible for accepting nominations for this office).

Ensure the candidate has entered the ward number (mayoral candidates do not have to complete this section). For Trustees, ensure that the school board name is entered. Confirm with the candidate that this is the office they want to run in.

**Qualifying Address:** Make sure the address is eligible. Check the qualifying address against the address provided on the candidate's identification. A candidate only needs to be qualified within the area of jurisdiction; there is no ward residency requirement. In the case of the school trustee, the address must be within the school board jurisdiction. Reinforce that all correspondence will be mailed to this address.

**Email Address:** If an email address is not available at the time of filing, the candidate can update it when they have an email address.

Every effort must be made to ensure that at least one telephone number is received from the candidate.

### **Declaration and Commission**

If the nomination is filed by the candidate, the declaration can be commissioned by a Commissioner of Oaths prior to filing their nomination paper or they can take their declaration when filing the nomination and it will be commissioned by an authorized staff member.

If the nomination is filed by an agent, the candidate's declaration must be completed and commissioned prior to filing. If the form is not previously commissioned, do not accept the nomination. Ensure that the time and date of filing are completed.

**Filing Fee:** This fee must be paid for by cash, interact, or certified cheque (\$200 for the office of Mayor and \$100 for all other offices).



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**Initial:** Have the candidate or agent initial this section. If an agent files on behalf of the candidate, have them sign and place their address on the nomination paper in the designated area.

**Sign:** The staff member must sign the "Signature of Clerk or Designate" line to verify the date and time. Only the City Clerk or Coordinator, Records & Elections may sign. This signature does not have to be the same as the staff member who commissioned the form.

**Certificate:** This field is left blank. The City Clerk will certify nominations by 4:00 pm on September 13, 2010.

If any information is added or changed after the initial filing, have the candidate initial and date the change.

### **Verification of the Declaration of Qualifications**

At the time of filing the nomination, candidates must also complete the "Declaration of Qualifications" confirming the status of their qualifications. Do not accept the nomination if the person fails to provide this declaration. Ask the candidate if they are legally qualified pursuant to the *Municipal Elections Act* to be elected and to hold the office.

Point out to the candidate the highlighted sections of the declaration. This will help ensure that the candidate reads all of the declaration before signing it in front of a commissioner. The candidate or agent may have a copy of the declaration if they wish.

### **Documentation**

Make a copy of the nomination paper. Give the candidate or agent their copy and keep the original in the file. Also make a copy of the candidate's identification. If an agent is representing the candidate, make a copy of their identification as well and keep the copies in the file.

Also attached to the Nomination Paper is an FOI Release. Let the nominee know that their name, address, office they are running for, day filed and time filed information will be placed on the City's website. If they sign this form, they have agreed to place this information on the website. Ask the nominee if they have a telephone number that can also be given out to residents.

**Change of Office**

If a person who has been nominated for an office is nominated for another office to which the *Municipal Elections Act* applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A candidate may only be nominated for one office at a time.

Prior to accepting a new nomination paper, the candidate must file a withdrawal form (see Withdrawal Procedure below).

1. Changing from Councillor to Mayor – the candidate must complete a Nomination Paper and Declaration of Qualifications for the new office. The candidate must pay the difference (\$100) in the filing fee.
2. Changing from Mayor to Councillor – the candidate must complete a Nomination Paper and Declaration of Qualifications for the new office. The refund (\$100) to the candidate will be issued within 6 weeks.
3. Changing from School Trustee to Councillor or Mayor or changing from Councillor or Mayor to School Trustee – the candidate must complete a Nomination Paper and Declaration of Qualifications for the new office. The nomination fee is not transferable and they must pay an additional fee (\$100).

**Withdrawal Procedure**

The candidate must submit a letter or form withdrawing their candidacy, in person, by 2:00 pm on September 10, 2010. Any withdrawals submitted by fax or mail will not be accepted.

An agent may file the letter with the Clerk's Office. If an agent is filing the withdrawal letter, the candidate must provide the agent with a letter stating that the agent has the authority to file the withdrawal letter on their behalf.

The candidate or agent who is submitting the withdrawal must produce identification. Keep a copy of all identification and note if an agent presented the withdrawal.

1. Verify the candidate's signature on the nomination form and the letter of withdrawal.
2. The nomination filing fee will be refunded if the candidate withdraws their nomination by 2:00 pm on September 10, 2010, and will be refunded within 6 weeks.

# 2010 Municipal Elections

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### Acclamations

If at 2:00 pm on September 10, 2010, the number of certified Candidates for an office is the same as or less than the number to be elected, the City Clerk shall immediately declare the candidate's elected by acclamation.

### Declaration

In accordance with Section 12(1) of the *Municipal Elections Act, 1996*, I hereby certify that the attached nomination procedures shall be followed in conducting the 2010 Municipal Elections in the City of Pickering.

D. Shields  
Debbie Shields  
City Clerk/Returning Officer

Jan. 3, 2010  
Date