

1982

c 37 Municipal Elections Amendment Act, 1982 (No. 2)

Ontario

© Queen's Printer for Ontario, 1982

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

Municipal Elections Amendment Act, 1982 (No. 2), SO 1982, c 37

Repository Citation

Ontario (1982) "c 37 Municipal Elections Amendment Act, 1982 (No. 2)," *Ontario: Annual Statutes*: Vol. 1982, Article 39.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1982/iss1/39

CHAPTER 37

An Act to amend the Municipal Elections Act

Assented to July 7th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 18 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
 18. "Minister" means the Minister of Municipal Affairs and Housing.
- 2.—(1) Subsection 4 (4) of the said Act is repealed and the following substituted therefor:
 - (4) If a deputy returning officer or a poll clerk through illness or for any other reason becomes unable to perform his duties on polling day, the clerk shall appoint another person to act in his place.
- (2) Section 4 of the said Act is amended by adding thereto the following subsection:
 - (10) No person shall be appointed under this section who has not attained the age of eighteen years.
3. Subsection 8 (1) of the said Act is amended by adding at the end thereof "and all costs shall be paid on certification of the clerk".
4. Section 16 of the said Act is repealed and the following substituted therefor:
 16. Every person entitled to be an elector in a municipality is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality.
5. Section 36 of the said Act is amended by adding thereto the following subsections:
 - Who may vote on money by-laws

What address to be shown

(1a) The address referred to in clauses (1) (b) and (c) shall be the address within the municipality of the person nominated or the elector signing the nomination paper, as the case may be.

Determination of whether public or separate school elector

(8) For the purposes of this section, the determination as to whether an elector is a public school elector or a separate school elector shall be in accordance with the support indicated on the list of electors delivered to the clerk under section 22, as revised up to the time the nomination paper is filed.

s. 41 (2), re-enacted

6. Subsection 41 (2) of the said Act is repealed and the following substituted therefor:

Notice of poll

(2) Notice of the time, and the date for the holding of the poll in an election, including the advance poll, and notice of the last day for making application to the clerk for a certificate to vote by proxy, shall be given by the clerk forthwith after it has been determined that a poll is required, by posting the notice in at least two conspicuous places in the municipality, and, where there is a newspaper having general circulation in the municipality, by publishing the notice in such newspaper.

s. 42 (4), amended

7. Subsection 42 (4) of the said Act is amended by striking out "the municipality shall comply with the provisions of the order" in the fifth and sixth lines and inserting in lieu thereof "the provisions of the order shall be complied with".

s. 43 (4), re-enacted

8. Subsection 43 (4) of the said Act is repealed and the following substituted therefor:

Where addresses to be shown

(4) Where there are two or more candidates for election to an office whose given and surnames are identical or so nearly identical as to create the possibility of confusion, the address, being the qualifying address within the municipality, of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate.

s. 46 (7, 8), re-enacted; s. 46 (9-11), enacted

9. Subsections 46 (7) and (8) of the said Act are repealed and the following substituted therefor:

Notice of date and time of polling and of location of polling place

(7) In municipalities having more than 5,000 electors, the clerk shall advise each elector of the date and time of polling including advance polls and the location of the polling place in which the elector is to vote,

(a) in the case of a resident elector, by mailing or causing to be delivered to the elector a notice of the date and time of polling and of the location of such polling place; and

(b) in the case of a non-resident elector, by mailing to the elector a notice of the date and time of polling and of the location of such polling place.

(8) Notwithstanding clause (7) (a), the council of a municipal- ^{Idem}ity having more than 5,000 electors may, by by-law passed not later than the 1st day of September in an election year, provide that the clerk shall advise each resident elector of the date and time of polling, including advance polls, and of the location of the polling place at which that elector is to vote by mailing or causing to be delivered to the address of the elector a notice of the date and time of polling and of the location of such polling place, which notice shall be directed to all the electors at that address.

(9) In municipalities having not more than 5,000 electors, the ^{Idem} clerk shall post a notice in two conspicuous places within the municipality and, where there is a newspaper having general circulation in the municipality, publish a notice once in the newspaper, advising the date and time of polling including advance polls and the location of the polling places.

(10) A by-law passed under subsection (8) shall remain in ^{Repeal of by-law} effect until repealed but shall not be repealed in an election year later than the 1st day of September.

(11) Where, by reason of a disruption in mail delivery service, ^{Where postal service disrupted} it is not possible to comply with subsection (7) or (8), the clerk shall publish a notice at least once in a newspaper having general circulation in the municipality advising the date and time of polling, including advance polls, and the location of the polling place in which each elector is to vote.

10. Section 49 of the said Act is amended by adding thereto the following subsection: ^{s. 49, amended}

(4) For the purposes of this section, the determination as to whether an elector is a public school elector or a separate school ^{Determination of whether public or separate school elector} elector shall be in accordance with the support indicated on the list certified under section 31.

11. Section 57 of the said Act is amended by adding at the end thereof ^{s. 57, amended} “and the deputy returning officer shall enter or cause to be entered on the polling list maintained by the poll clerk the name and address of such elector”.

12.—(1) Clause 78 (1) (d) of the said Act is repealed. ^{s. 78 (1) (d), repealed}

(2) Subsection 78 (2) of the said Act is repealed and the following ^{s. 78 (2), re-enacted} substituted therefor:

Box to be locked, etc.

(2) The deputy returning officer shall then lock and seal the ballot box and, except where otherwise directed by the clerk, forthwith deliver it and the documents enumerated in subsection (1) personally to the clerk.

s. 78 (4), amended

(3) Subsection 78 (4) of the said Act is amended by inserting after "shall" in the eleventh line "except where otherwise directed by the clerk".

s. 80 (2), re-enacted

13. Subsection 80 (2) of the said Act is repealed and the following substituted therefor:

Opening box when documents omitted from or placed in box in error, etc.

(2) Where the documents specified in subsection 78 (1) are in error omitted from or placed in the ballot box, or where the clerk considers it necessary to ascertain the meaning of a statement, the clerk may open such ballot box or boxes in the presence of the deputy returning officer concerned, and having corrected the error or after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.

s. 83, amended

14. Section 83 of the said Act is amended by adding thereto the following subsection:

Determination by judge of ballot boxes to be opened

(2a) Where an application is made under subsection (2), the judge may determine which ballot boxes shall be opened for the purpose of the recount.

s. 96, amended

15. Section 96 of the said Act is amended by striking out "\$1,000" in the eighth line and inserting in lieu thereof "\$2,000".

s. 97, amended

16. Section 97 of the said Act is amended by striking out "\$1,000" in the thirteenth line and inserting in lieu thereof "\$2,000".

s. 98, amended

17. Section 98 of the said Act is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$2,000".

s. 99, amended

18. Section 99 of the said Act is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$2,000".

s. 100, amended

19. Section 100 of the said Act is amended by striking out "\$1,000" in the twentieth line and inserting in lieu thereof "\$2,000".

s. 101, amended

20. Section 101 of the said Act is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$2,000".

s. 102, amended

21. Section 102 of the said Act is amended by striking out "\$1,000" in the seventh line and inserting in lieu thereof "\$2,000".

22. Subsection 103 (1) of the said Act is amended by striking out all that part of the subsection immediately following clause (i) and inserting in lieu thereof “is guilty of bribery, and on conviction is liable to a fine of \$2,000, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years”.

s. 103 (1),
amended

23. Section 104 of the said Act is repealed and the following substituted therefor:

s. 104,
re-enacted

104. Every person who contravenes any of the provisions of this Act for which contravention no penalty is otherwise provided, or who contravenes an order of the Minister made under section 42, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

General
offence

24.—(1) Subsection 106 (2) of the said Act is amended by adding at the end thereof “and section 121”.

s. 106 (2),
amended

(2) Section 106 of the said Act is amended by adding thereto the following subsection:

s. 106,
amended

(5) Notwithstanding subsection (4), an action may be commenced as to whether or not any person is guilty of a corrupt practice in respect of the contravention of a by-law passed under section 121, not later than the expiration of 180 days following the date of the election referred to in subsection (1).

Idem

25. Section 121 of the said Act is repealed and the following substituted therefor:

s. 121,
re-enacted

121.—(1) In this section,

Interpre-
tation

- (a) “candidate” does not include a candidate nominated for election to office as a member of a local board or as a trustee of a police village;
- (b) “contributions” do not include any goods produced by voluntary unpaid labour or any services performed by an individual voluntarily for a candidate without compensation from any source;
- (c) “municipality”, in addition to the meaning set out in section 1, includes The Regional Municipality of Niagara;
- (d) “person” includes a trade union, a corporation and an association;
- (e) “spouse” means either of a man and woman who,

- (i) are married to each other, or
- (ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or
- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year, or
- (iv) not being married to each other have cohabited,
 - (A) continuously for a period of not less than five years, or
 - (B) in a relationship of some permanence where there is a child born of whom they are the natural parents,
 and have so cohabited within the preceding year.

(2) The council of a municipality may pass a by-law regulating election contributions and requiring the reporting of expenses and contributions and, where a by-law is passed under this section, the by-law shall,

- (a) prohibit any person from making contributions in excess of \$500 in the form of money, goods or services to any candidate in any calendar year;
- (b) prohibit any candidate from accepting contributions in the form of money, goods or services in excess of \$500 from any person in any calendar year;
- (c) require a candidate or his representative to issue a receipt for all money contributions received by him;
- (d) require a candidate to keep a record of all expenses incurred by him in respect of his candidacy;
- (e) require a candidate to keep a record of all contributions received by him in respect of his candidacy, whether in the form of money, goods or services;
- (f) require candidates to file with the clerk of the municipality within ninety days of the date of the election a report which shall contain,

By-law
regulating
election
contributions,
etc.

- (i) a statement of the total amount of money contributions received by the candidate in respect of his candidacy up to the date of such report,
 - (ii) a list of contributions in the form of goods or services and the value thereof received by the candidate in respect of his candidacy up to the date of such report,
 - (iii) the name, address and contribution of each person who, up to the date of such report, made a contribution whether in the form of money, goods or services of more than \$100, and
 - (iv) an itemized list of all expenses incurred by the candidate in respect of his candidacy up to the date of such report;
- (g) direct the clerk to submit to the council the information received by him pursuant to a by-law passed under this section; and
- (h) empower the clerk to prescribe forms for the purposes of a by-law passed under this section.

(3) Any moneys to be used for an election campaign by a candidate out of his own funds or out of the funds of the spouse of the candidate shall be deemed not to be a contribution for the purposes of a by-law passed under this section. Candidate's funds deemed not contribution

(4) A contribution made to a representative of a candidate shall be deemed to be a contribution to the candidate. Contributions to candidate's representative

(5) Every person who contravenes the provisions of a by-law passed under this section is guilty of a corrupt practice and is liable to a fine of not more than \$2,000. Contravention of by-law

26. This Act comes into force on the day it receives Royal Assent. Commencement

27. The short title of this Act is the *Municipal Elections Amendment Act, 1982*. Short title

