

## Municipal Elections Act, 1996

### ONTARIO REGULATION 101/97

#### GENERAL

**Consolidation Period:** From April 3, 2018 to the [e-Laws currency date](#).

Last amendment: 150/18.

Legislative History: 426/00, 383/02, 431/02, 341/03, 499/09, 303/13, 326/16, 150/18.

*This is the English version of a bilingual regulation.*

1. For the purposes of subsection 33 (1.4) of the Act, the prescribed number of electors is 4,000. O. Reg. 150/18, s. 1.
2. (1) For the purpose of clause 33 (2) (c) of the Act, the prescribed nomination filing fee is \$100 except for the office of head of council of a municipality, in which case the filing fee is \$200. O. Reg. 150/18, s. 1.
  - (2) The nomination filing fee shall be paid,
    - (a) in cash;
    - (b) by certified cheque or money order made payable to the municipality; or
    - (c) by an electronic method of payment that the clerk specifies. O. Reg. 150/18, s. 1.
3. (1) The rules set out in subsection (2) are prescribed for the purpose of section 54 of the Act (rejection of ballots). O. Reg. 326/16, s. 2.
  - (2) The deputy returning officer shall reject from the count,
    - (a) all votes in a ballot, if the ballot,
      - (i) was not supplied by the deputy returning officer, or
      - (ii) contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
    - (b) all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
    - (c) all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
    - (d) all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
    - (e) any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot. O. Reg. 101/97, s. 3.
4. The following rules are prescribed for the purpose of subsection 60 (2) of the Act:
  1. The clerk shall give notice of the recount to:
    - i. every certified candidate for an office that is the subject of the recount,
    - ii. in the case of a recount requested under subsection 57 (1) of the Act, the council, local board or Minister, as the case may be,
    - iii. in the case of a recount ordered under section 58 of the Act, the applicant, and
    - iv. in the case of a recount concerning an office, question or by-law in respect of which electors of another municipality are entitled to vote, the clerk who was responsible for the conduct of the vote in that other municipality.
  2. The clerk shall open the ballot boxes and count,
    - i. in the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56, 57, 58 or 59 of the Act,
    - ii. in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed, and
    - iii. in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question.
  3. The clerk shall reject from the count all ballots and votes in a ballot that do not comply with the rules set out in subsection 3 (2).

4. The clerk may conduct the recount by adding the votes from the statements of results prepared by the deputy returning officers under subsection 55 (1) of the Act, rather than by following rules 2 and 3, if a recount under those rules is waived by,
  - i. each candidate subject to the recount under section 56, 57, 58 or 59 of the Act who is present, in the case of a recount in an election for office,
  - ii. the council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law,
  - iii. the Minister, council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question, and
  - iv. the applicant, if he or she is present, in the case of a recount ordered under section 58 of the Act. O. Reg. 101/97, s. 4.

5. The following formulas are prescribed for the purpose of subsection 88.20 (6) of the Act (maximum amount):

1. In the case of a candidate for the office of head of council of a municipality, the amount shall be calculated by adding together \$7,500 plus 85 cents for each elector entitled to vote for the office.
2. In the case of a candidate for another office, the amount shall be calculated by adding together \$5,000 plus 85 cents for each elector entitled to vote for the office.
3. REVOKED: O. Reg. 326/16, s. 3 (2).

O. Reg. 101/97, s. 5; O. Reg. 426/00, s. 1; O. Reg. 383/02, s. 2; O. Reg. 499/09, s. 1; O. Reg. 326/16, s. 3.

5.1 REVOKED: O. Reg. 150/18, s. 2.

6. The following formulas are prescribed for the purpose of subsection 88.20 (9) of the Act (maximum amount for parties, etc., after voting day):

1. In the case of a candidate for the office of head of council of a municipality, the amount shall be calculated as 10 per cent of the amount calculated under paragraph 1 of section 5.
2. In the case of a candidate for another office, the amount shall be calculated as 10 per cent of the amount calculated under paragraph 2 of section 5. O. Reg. 150/18, s. 2.

7. The formula prescribed for the purpose of subsection 88.21 (6) of the Act (registered third parties' expenses — maximum amount) is the amount that is calculated by adding together \$5,000 plus five cents for each elector entitled to vote for the office, to a maximum of \$25,000. O. Reg. 150/18, s. 2.

8. The formula prescribed for the purpose of subsection 88.21 (9) of the Act (registered third parties' expenses — maximum amount for parties, etc., after voting day) is the amount that is calculated as ten percent of the amount calculated under section 7, to a maximum of \$2,500. O. Reg. 150/18, s. 2.

9. For the purpose of clause 88 (11) (b) of the Act, the following methods of making a voters' list prepared under the Act available to the public are prescribed:

1. Posting on an Internet website.
2. Any other print or electronic medium of mass communication. O. Reg. 150/18, s. 2.

10. (1) The forms set out in Table 1 are prescribed as required forms for the purposes indicated in that Table. O. Reg. 150/18, s. 2.

(2) The forms prescribed by subsection (1) are the forms that are available on the website of the Government of Ontario Central Forms Repository under the listing for the Ministry of Municipal Affairs. O. Reg. 150/18, s. 2.

TABLE 1  
FORMS

Column 1 Form	Column 2 Title	Column 3 Date	Column 4 Purpose for which form is used
1	Nomination Paper	2018/04	a nomination under sections 33 and 35 of the Act
2	Endorsement of Nomination	2018/04	an endorsement of a nomination under section 33 of the Act
3	Appointment for Voting Proxy	2018/04	an appointment of a voting proxy, declaration of voting proxy, clerk's certificate and oath of voting proxy under section 44 of the Act
4	Financial Statement — Auditor's Report — Candidate	2018/04	a consolidated financial statement and auditor's report under section 88.25 of the Act
5	Financial Statement — Subsequent Expenses	2018/04	a financial statement under section 88.32 of the Act for subsequent expenses after the return of a surplus
6	Notice of Extension of Campaign Period	2018/04	a notice of extension of campaign period under sections 88.24 and 88.28 of the Act
7	Notice of Registration — Third Party	2018/04	a notice of registration filed under section 88.6 of the Act by a third

			party advertiser
8	Financial Statement — Auditor's Report — Third Party	2018/04	a consolidated financial statement and auditor's report under section 88.29 of the Act
9	Declaration of Identity	2018/04	an application and statutory declaration under paragraph 1 of subsection 52 (1) of the Act

O. Reg. 150/18, s. 2.

**11.** REVOKED: O. Reg. 499/09, s. 2.

**11.1-11.4** REVOKED: O. Reg. 341/03, s. 1.

**12.-15.** REVOKED: O. Reg. 499/09, s. 2.

FORMS 1-9 REVOKED: O. Reg. 341/03, s. 2.

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