

## Running for Council

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This guide will assist residents of Northern Affairs communities who may be interested in running for a position on council.

The guide provides a general overview of local government and takes readers through the election process from nomination to election day, highlights the roles and responsibilities of council members and outlines the qualifications and disqualifications of candidates.

Your main source of information on the election process is the appointed community election officials which include both a senior election official and an assistant senior election official. A copy of The Northern Affairs Act and the Community Councils Election regulation will be posted in the council office during the election process.

This guide is located on the Manitoba government website at <https://www.gov.mb.ca/inr/resources/community-docs.html>. You can also access the prescribed community election forms, ex. nomination papers, on the website contained within the appendix section of the Election Official's Handbook and searchable individually on the Forms and Policies portal at <https://residents.gov.mb.ca/forms.html>.

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## **Brief History of Local Government**

### **Role of Municipal Government**

The Constitution Act assigns responsibility for municipal government to the provinces. Provincial governments, in turn, have granted authority and decision-making powers to the government closest to the people – local government.

The purpose of a community council is to:

- provide good government
- provide and maintain local services, facilities or other things, in the opinion of the council, are necessary or desirable for all or a part of the community
- develop and maintain safe and viable communities

A council is responsible for:

- advising the minister on behalf of the community
- developing and evaluating the policies and programs of the community
- ensuring its powers, duties and functions are appropriately carried out
- exercising the powers, duties and functions given to the council under The Northern Affairs Act or any other act, or by the minister

The act sets out the duties of each member of council to:

- consider and bring to the council’s attention anything that would promote the well-being and interests of the community
- participate in meetings of the council and of council committees and other bodies to which the council appoints the member
- keep in confidence matters discussed at meetings closed to the public
- participate generally in developing and evaluating the policies and programs of the community
- perform any other duty or function delegated to the member by the council, The Northern Affairs Act and any other act

In addition to performing a member’s duties, the mayor has a duty to:

- preside over council meetings, except when the procedures bylaw or legislation otherwise provides
- provide leadership and direction to the council
- perform any other duty or function assigned to a mayor by the council or legislation

Council is a continuing body. Proceedings begun by one community council may be carried on by its successors.

Legislation provides a council may act only by resolution or bylaw. A bylaw is a law-making action at the community level. It is the equivalent of provincial or federal legislative action. Bylaws are the formal enactment of rules and regulations under the authority of the minister of Manitoba Indigenous Reconciliation and Northern Relations (the department). Resolutions express a decision of council in the form of a motion that is moved, seconded and adopted by a majority vote. A resolution is not as formal as a bylaw, but it is just as binding on the community. For unincorporated communities, the minister may at any time disallow a bylaw or resolution filed in whole or in part, by giving written notice to council. Upon disallowance, the disallowed part will cease to have effect and is deemed to be repealed.

A community council acts **collectively as a body**, not with any member acting individually, **unless** authority to do so is expressly given that member by a council resolution.

Citizens have the right to expect their council will act in a fair, open and transparent manner. Councils have an obligation to govern fairly and equitably. Councils govern under the authority of The Northern Affairs Act and other legislation including the Conflict of Interest regulation, The Municipal Council Conflict of Interest Act, The Freedom of Information and Protection of Privacy Act and the Criminal Code (Canada). Council members act primarily in a law-making or policy-making capacity and ensure all community policies and procedures are fair and fairly applied by staff. Fairness starts at the top.

## **Development of Local Government Structure**

In 1956, the Manitoba Legislature passed a resolution calling for a study of the living conditions of the people in the North. The report was submitted to government in 1959. It recommended the establishment of a community development program to help people solve their own problems. As a result, the program was established in 1961.

Under the first Northern Manitoba Affairs Act (1966), the Manitoba government assumed responsibility for providing municipal services to designated northern communities. The legislation created the Northern Affairs Commission.

In 1969, the commission began to assist in the election and establishment of community councils. Elections were held annually, holding councils accountable to their local constituents. In 1970, amendments made to the act indicated a major shift in the government's orientation to the North. They emphasized the need to help communities provide their own services, rather than government providing them directly.

By 1979, there were 23 communities with an elected community council, administering their own funds, and 24 communities had local committees appointed by the minister.

## **What is Expected of Council Members?**

### **Your Commitment to Council**

You should review or learn about the components of a local government system, their roles and inter-relationships. How much time will be required for council business? If you wish to be an active council member, you may be faced with many demands on your time. You should have strong reasons for seeking election, such as promoting and improving the quality of life and encouraging development of the community.

Most councils hold regular meetings twice a month, but some meet only once a month. In addition to regular meetings, you will have to attend special meetings of council, committee and board meetings and various public meetings. You may be asked to represent council on boards and committees, requiring both preparation and meeting time. If you intend to be an informed participant, you will have to spend time in research and learning about the issues. You will be asked to assist in presenting new initiatives to the community and to meet with government officials to discuss community projects and issues. You will be asked to attend community gatherings to hear what people are saying and show your interest in the community.

You should also be prepared for phone calls and visits from residents in the community. You will be expected to follow-up on their concerns. An important part of being an effective member of council is learning how to manage your time, so you can adequately handle both your personal and public life.

The Northern Association of Community Councils (NACC) works to improve conditions and legislation for member communities. You may be asked to attend the annual general meetings held by this association or become involved in its affairs.

### **Term of Office**

Under The Northern Affairs Act, the term of office for a mayor and councillor is four years. By-elections to fill vacancies can be held at any time. In a regular election, the term of office of a mayor and councillor begins 14 days after their respective election day and expires 14 days after the next regular election that completes the term. Therefore, members wishing to serve another term in the same position do not have to resign their position before being nominated. A person filling a vacancy (by-election) on a council takes office immediately after election day and holds office for the rest of the vacant position's term.

Within 30 days of being elected, a person elected as a member must make an oath in *Form 25 – Oath of Office for Members of Council* (prescribed form) before entering on the duties of a member. This form must be filed with the community administrative officer (CAO). Failure to comply with this condition will result in the position being deemed vacant under the act and a by-election will be held to fill the vacancy.

## **Remuneration**

Members of council will receive a monthly honorarium in recognition of their time and energy devoted to the community. This rate is set by regulation for unincorporated communities and by bylaw for incorporated communities.

## **Conflict of Interest**

A member of council must be able to represent the interests of the community, any person in the community, as well as the member's own personal interest, except where this would result in a personal benefit to the member or a member's dependant. Where a personal benefit exists, there may be a conflict of interest.

Conflict of interest means any situation in which a member of a local committee, community council or incorporated community council:

- may benefit directly or indirectly, to the exclusion of others, as the result of information or action taken in council
- may reasonably be perceived as receiving such a benefit

The Conflict of Interest regulation and The Municipal Council Conflict of Interest Act sets out guidelines for council members to identify when a conflict of interest exists and a procedure for handling these situations. Items not creating a conflict of interest are also listed. Copies of disclosure forms and the duties of the CAO in handling these disclosures is provided by department policy.

Upon election to council, members must complete a statement of assets and interests in accordance with the Conflict of Interest regulation and The Municipal Council Conflict of Interest Act before entering on the duties of a member and file it with the CAO. The member indicates any direct interest they or their dependants may have in any business, corporation or other organization in the community and direct interest in any real estate in Manitoba (other than their principal residence) they or any dependants living with them own, lease or permit. These statements are available for public inspection.

Members cannot vote or participate in discussing any item where they or a dependant has a direct or indirect financial interest. During the discussion and voting, they must withdraw from the meeting or that part of the meeting, by leaving the room where the meeting is taking place. A member cannot attempt to influence another member in such a matter.

Whenever there is material change in a member's circumstances, the member must immediately advise the CAO of such changes, by filing an amended statement of assets and interests. A copy of any statement or amendment filed with the CAO will be forwarded to the appropriate regional office of the department.

## **Problem Solving**

Help is available from many sources to assist council in solving problems in the community. Council members with previous experience may be of assistance. Remember the old adage – those who do not learn from the lessons of history are condemned to relive them. The CAO is experienced with the operation of the community, The Northern Affairs Act and other laws relevant to community operations and is the principal advisor to council. Department regional staff can also assist with your concerns.

The CAO will conduct a council orientation for members of council, usually held following a regular election. This orientation provides a basic understanding of council's role, responsibilities and an overview of operations.

## **Being a Member of Council**

The voters of the community have elected **you** to look after the public good of the whole community. They have put their faith and trust in your fair sense and ability. Keep in mind whatever benefits the community as a whole, benefits your area as well. Your own special interests should not interfere with or dominate council business. You are **part of a team**.

As stated earlier, council carries out its business by resolutions and bylaws. The procedures, agenda and general rules governing the council and its meetings are outlined in the procedures bylaw. Under The Northern Affairs Act, every incorporated community must adopt such a bylaw. Unincorporated communities must adopt rules of procedures. It is designed to help council conduct its business in an orderly and efficient manner. A council must review the bylaw and/or adopted procedures at least once every four years.

A procedures bylaw must provide for:

- regular council meetings, and the day, time and place of the meetings
- the type and amount of notice to be given for regular meetings
- the procedure to be followed and the type and amount of notice to be given to change day, time or place of a regular meeting
- the type and amount of notice to be given for a special meeting
- rules for the conduct of council meetings
- rules for public participation at council meetings
- a procedure for appointing a member to act as mayor if the mayor and deputy mayor are unable to act or the offices are vacant
- the time within which a special meeting must be called by the mayor and take place

For incorporated communities, the council must establish an organizational structure for council operations through a bylaw, which must be reviewed at least once during its term of office. It is recommended that unincorporated communities do the same, without the requirement to pass a bylaw.

An organizational bylaw must provide for the:

- establishment of council committees and their duties and functions
- appointment of a deputy mayor to act when the mayor is unable to carry out their powers, duties and functions
- manner of appointing persons to council committees and other bodies

As a potential member of council, you may wish to review these bylaws to ensure you understand how council meetings are to be conducted.

### **Working with the Administration**

The community employs a CAO and in most cases, depending on the size of the community, other administrative staff. Their responsibilities are summarized as follows:

The CAO:

- follows council's personnel policy concerning council employees
- ensures all pertinent correspondence, financial information and items of council business are presented at the council meeting, answered properly and filed in an acceptable filing system
- ensures proper agendas and minutes of council meetings are prepared and distributed
- ensures all funds received are deposited and all expenditures processed are in accordance with council and department policy
- ensures all financial records of council are completed and up-to-date in accordance with council and department policy
- ensures budgets, capital projects and other applications are prepared and submitted to the appropriate authorities in sufficient detail and on time
- ensures the proper collection of property taxes and other fees as directed
- ensures the terms and conditions of funding agreements are followed
- ensures all government legislation, regulations and council bylaws are followed
- participates in training sessions
- manages and supervises all community employees
- trains community administrative support staff, when required
- reports any unlawful use of funds to council and where necessary to the minister
- assists council through research and advice on:
  - budgeting process
  - application of policies
  - financing, organizing, planning, analyzing, interpreting and evaluating the community needs relating to infrastructure
  - general community growth respecting the development and establishment of local services as defined in The Northern Affairs Act
  - liaison between council and government agencies to ensure maximum benefit to the community and adequate reporting to government departments
  - understanding responsibilities on procedures, resolutions, bylaws, project development and management, election procedures and alternatives and implications

The assistant CAO:

- maintains all the financial records of council and council committees (ex: recreation and wellness committee)
- prepares and presents all financial records at month-end
- processes all council expenditures
- receives and deposits all council funds
- reconciles and closes off all financial records at month-end
- handles all funds and administrative details of council projects
- assists in preparing and distributing meeting agendas, resolutions and bylaws
- assists in interpreting laws and incoming correspondence
- receives, records and ensures proper handling of correspondence
- responds to correspondence per council's direction
- acts as receptionist in the community office
- may take minutes at regular and special meetings
- represents council at meetings with other agencies at council direction
- discloses approved information to the public
- participates in applicable training programs at council's direction
- maintains the filing system in the office

Where the community has no assistant CAO, those duties become part of the CAO's duties. Where a community has a CAO and one or more administrative staff, the council may direct a different division of duties.

It is a generally accepted principle that council sets policy and the CAO and staff carry it out. The CAO and staff are employed to provide effective and efficient administration based on their training and experience. Neither council nor the CAO can do an effective job if they do not clearly understand each other's duties and responsibilities. However, there is often no clear line between a policy decision and an administrative action.

Keep in mind tensions can arise when council thinks the CAO has strayed into their area of authority or when staff feel council is interfering with their responsibilities. Therefore, it is very important to develop a good working relationship, including an understanding of each point of view, in order to have mutual trust and respect.

To ensure effective and efficient administration, there should be provision for adequate training for staff to enable them to carry out their duties. They must have the opportunity to learn about new developments in municipal management and administrative practice. With well-trained and informed staff, council can be assured of receiving accurate information on which to base its decisions. The administration is a valuable resource to council in its work.

### **Who is Doing the Job?**

The person elected as mayor, becomes the head of council. The mayor is expected to lead the affairs of the community by presiding at all council meetings when in attendance, regular and

special. The mayor maintains order, proper conduct and decorum at all council meetings and decides questions of order. The mayor is a member of all council committees, unless council provides otherwise in its organizational bylaw.

The mayor must always be vigilant and active to ensure the law of governing the community is duly executed and put into force. The mayor usually acts as a spokesperson for the community at special community functions, with the news media and when meeting with other agencies. The Northern Affairs Act allows a deputy mayor to act when the mayor is absent. The deputy then has all the powers of the mayor for that period of time.

Council members are expected to attend all council meetings and take part in debate and discussion on community business. They work together as a team to decide upon the overall direction of the community. They determine the objectives, goals, programs and general operating rules the council and administration will follow during the year.

At council meetings, every member present has one vote each time a vote is held. Members are required to vote every time a vote is called, except when in conflict of interest, in which case affected members are excused from voting.

Willingness by all members of council to reason and discuss issues cooperatively leads to the development of a positively oriented council. The result is a more informed and higher-quality level of decision-making. Lack of team spirit in council quickly leads to divisiveness, development of highly competitive and destructive action and a general negative spirit among members that can influence the community. Community elected officials are charged with most important responsibilities. They should seek to represent what they feel is in the best interest of the residents and the community.

It is the duty of the CAO to attend all council meetings and record, without note or comment, the resolutions and proceedings. The CAO must be familiar with the proper conduct of meetings, the procedures bylaw and the provisions and procedures of The Northern Affairs Act. A well-informed CAO can better assist the elected officials in conducting the business of the community.

## **Summary of the Election Process**

### **Qualifications of Candidates**

**Do you qualify as a candidate?** In order to be eligible for election to a community council, you must fulfill certain legal qualifications. To qualify for council office, you must be:

- a Canadian citizen
- at least 18 years of age on the day of the election
- a voter of the community
- not subject to any disqualification under The Northern Affairs Act or any other act

## **Disqualifications of Candidates**

Persons who are Canadian citizens, 18 years of age and a voter of the community may still not qualify. The Northern Affairs Act sets out a number of occupations and situations that disqualify a person from running for election or remaining a member of council. None of the following persons are qualified to be nominated for, being elected to and from membership on a council:

- a judge of the Court of Queen's Bench or the Court of Appeal
- a provincial judge or justice of the peace
- a member of the Legislative Assembly of Manitoba or the Senate or House of Commons of Canada or of a band council
- an employee of the community or an affiliated body of the community (this does not include a person who volunteers whether or not that person receives reasonable compensation)

A person who ceases to be a voter is disqualified. Anyone convicted of an offence under an act who has not paid the fine imposed within the time set by law or the courts is disqualified. There are certain restrictions of eligibility where convictions and judgments are made under the Criminal Code (Canada).

A community employee, other than the CAO, who wishes to run for council must apply for a leave of absence during the time of the election. All such requests must be granted. An employee may ask council for a longer leave of absence if successfully elected. Candidates should review eligibility requirements and disqualifications with the senior election official (SEO) who is the main contact for election inquiries.

As well, no person can be elected to or is eligible to be nominated for more than one office. A current member must resign at least 21 days before the election day to run in an election for a different office.

## **Items that do not Disqualify Candidates**

There are things that may seem to be grounds for disqualification, but do not disqualify a candidate. Under the Conflict of Interest regulation there are a number of contracts, which do not affect the eligibility of a person's membership on a council such as a:

- (a) contract awarded by public tender, if the member does not participate in discussion affecting the contract
- (b) contract for goods made in an emergency
- (c) mortgage on land to the council or a purchase or lease of land from the council provided
  - (i) the mortgage, purchase agreement or lease existed before the person was elected
  - (ii) there are no arrears on the mortgage, agreement or lease
- (d) lease or tenancy agreement with the council or an extension or renewal of a lease or tenancy agreement according to its terms, provided the person first entered into it before being elected

As a candidate, you should be confident in your reasons for seeking election to public office. You should consider the office you are seeking and the demands of the position as a mayor or councillor. Most important, you must like working with people, even those with a differing point of view. Local government is a people business.

## **Election Officials**

The Northern Affairs Act and the Community Councils Election regulation, detail the procedures for election officials to follow in conducting elections for members of council. The community council must appoint both a SEO and an assistant SEO by bylaw for the community. The minister appoints a principal electoral officer (PEO) who has overall responsibility for the coordination of election matters in Northern Affairs communities. The PEO provides an annual report of all elections and any other related matters to the minister.

The SEO:

- ensures the community election process is carried out in accordance with the regulation
- supervises the other election officials and is responsible to both the council and the PEO for ensuring the election is conducted properly
- calls upon the PEO for direction in interpreting and applying the regulation provisions
- prepares and maintains a current voters list for the community on an annual basis

The assistant SEO:

- assists the SEO with the election process as directed
- in the absence of the SEO, acts in their place

The voting official:

- assists the SEO at the voting place and is appointed by the SEO
- functions as an interpreter, if so qualified
- assists in counting the votes when the voting has closed

## **Voters List**

The voters list must only contain the names of persons who are eligible to vote in an election, along with their residential address and mailing address, if different. In order to run as a candidate in an election, your name must be on the voters list. In order to qualify as a voter you must be a:

- Canadian citizen who is 18 years of age or older
- resident of the community, and has been for at least six months before election day

For the purpose of community elections the designated community boundary is used. The SEO will determine from a map of the community to ensure all persons who are eligible to vote are added to the voters list. A notice of voters list/personal security protection will be posted prior to election day for persons wishing to have their name added, information about themselves changed or for personal security requests.

Residency is determined based on the following three rules:

1. A person is a resident of the place where they have their ordinary residence and to which they intend to return when away from it.
2. A person may be a resident of only one place at a time.
3. A person does not change residence until they have a new residence.

Persons who reside in the community, however are away for temporary reasons such as to attend school, serve a jail sentence or for work purposes are considered residents. A person will lose their ordinary residence in a place if they travel to another place to live and work indefinitely even if they intend ultimately to return to the prior home.

A non-resident homeowner is not considered a community resident for the purpose of community elections. For example, this applies to a person who maintains a home in the community, however resides elsewhere.

The SEO can require every eligible voter to establish their identity. A person asked to establish their identity by an election official must furnish proof in the form of government issued identification containing the person's name, residential address and photo or at least two other documents satisfactory to the SEO.

## **Nominations**

At least seven, but not more than 21 days before nomination period begins, the SEO posts a notice of nominations, stating when and where completed nomination papers will be received. In a regular election year, the SEO must receive the nomination papers on a day or days during nomination period. Nominations are received between the hours of 1 p.m. and 9 p.m. at a convenient public place in the community. A candidate can request nomination papers from the SEO anytime after the posting of the notice or obtain these papers online.

To be valid, a nomination in *Form 7 – Candidate Nomination* must be accompanied by a declaration in *Form 8 – Declaration of Candidate*, stating the candidate is eligible to run for office. The declaration must be signed in the presence of a person authorized to administer oaths, such as an election official or a person listed under subsection 62(1) of The Manitoba Evidence Act (which include a RCMP member, postmaster, commissioner for oaths). Nomination papers must be supported by at least two qualified voters of the community. It is the responsibility of the prospective candidate to file proper nomination papers.

Nomination papers not properly completed will be rejected by the SEO. A reason will be provided as to why they are being rejected, so the candidate has the opportunity to resubmit in proper form. You do not have to file it in person. If the papers have been completed properly, someone else may file it for you or by mail or fax. Nomination papers are available for public inspection from the time they are received until disposed of, on request, during regular office hours. Your name as it is provided on your nomination papers is how it will appear on the ballot. This may include a nickname, first name with a nickname in brackets, abbreviations and usual names that most clearly identify you; as opposed to strictly your

legal name. Additional name information must not include an occupation, degree, title, honour or decoration.

Following close of nominations, the SEO will declare all nominees running as candidates in the election. You may withdraw your name up until 2 p.m. the day after nomination period ends and only where enough candidates remain to fill the offices. Where the same number of nominations are received as there are offices, those candidates will be elected by acclamation. Where the number of candidates exceeds the positions to be filled and the period for withdrawals has expired, the SEO will give public notice of election.

## **The Campaign**

After filing your nomination papers, you will decide what type of a campaign you wish to run. For example, go door to door to meet people, hand out brochures promoting yourself and what you want to see happen in the community or hold information meetings. You can put up posters and participate in debates. For the purpose of soliciting contributions and campaigning (communicating with voters during the election) only, you are entitled to a copy of the voters list. This list can be obtained by request to the SEO. A voters list may not be used for a purpose other than an election.

During your campaign, check with the SEO to ensure your campaign activities are within regulation guidelines. You may appoint, in writing using *Form 10 – Scrutineer Appointment*, up to two scrutineers (including yourself) at any time after your nomination and before the closing of the voting place to act on your behalf. Provide the written appointment to the scrutineer, who will need to show it to the SEO before acting as a scrutineer in a voting place. The SEO will provide an information sheet for scrutineers which explains their role.

## **Voting Place**

The SEO establishes a voting place. It cannot be established in premises in which a candidate has an estate or interest or in a licensed premise under The Liquor, Gaming and Cannabis Control Act. It must be accessible for persons with physical disabilities, where practical, and in a convenient location for a majority of voters served by it. The SEO must ensure the voting place has compartments in which voters can mark their ballots in private. You need to know what political activities are not permitted at the voting place, ex. you cannot within 50 metres distribute, wear or post items referring to the election or a candidate. Scrutineers can wear the candidates color, but name or initials cannot be displayed.

## **Advance Voting**

At least one advance voting opportunity (open between 5 p.m. and 9 p.m.) must be held before the regular voting to give voters an opportunity to vote prior to election day. Scrutineers can be present during an advance voting opportunity. Holding additional advance voting opportunities is at the discretion of the SEO who will determine the days and hours to be open as deemed appropriate and give public notice.

## **Voting by Sealed Envelope**

Sealed envelope ballots are allowed to voters who cannot come to an advance or regular voting due to a physical disability, caring for someone confined to their home or expect to be away from the community. Persons who applied and were given a personal security certificate can only vote by sealed envelope. An application for a sealed envelope ballot must be made to the SEO. The SEO will mail or deliver the package to the voter, who must ensure it is returned to the SEO for deposit in the ballot box before 8 p.m. on election day.

## **Conduct at the Voting Place**

Any scrutineer or election official can challenge a person wishing to vote if it is believed that person is ineligible. The challenge must be made before the voter is given a ballot. Any voter who is challenged must complete Form 16 – Oath of Voter and establish their identity. A ballot can then be given. The voting record will note the voter was challenged and oath signed. If the voter refuses to sign the oath and/or provide suitable identification, a ballot can not be given. The SEO may require all voters to establish their identity prior to receiving a ballot.

## **After the Voting Closes – Election Results**

The way the election results are handled and announced will vary, depending upon the size of the community. Any information or results are unofficial until declared by the SEO. When the voting closes, the SEO counts the ballots in the presence of the voting official(s), candidates and/or scrutineers. The voting official records the number of spoiled and unused ballots and the number of ballots counted, then checks the count against the voting record to ensure numbers balance and reports the results to the SEO. The SEO and voting official then count the ballots cast for each candidate and record the results, including any objections to accept or reject a ballot. The ballots and all election materials are placed into sealed packets and kept in the ballot box. The SEO will keep in a secure place. The SEO will announce the official results to those present, provide a copy if requested by those present and make a copy publically available.

## **Recount**

A recount is a process that allows independent verification of the SEO's count of the ballots either due to a tie or counting errors. A recount must be requested in the event of a tie, which would result in more candidates elected than positions to be filled, and only where an objection was made to a decision made by an election official to accept or reject a ballot. The SEO would apply to the PEO for a recount. Where there were no objections made to the count for a tie vote, the SEO would proceed with a by-election to fill the vacant office. A candidate or voter in the community may apply for a recount on one or more of the following grounds: ballots were not correctly counted, the statement of the vote does not accurately record the number of valid votes for a candidate or the statement of official results did not correctly tabulate the total number of valid votes for a candidate.

Following receipt of an application for a recount, the PEO sets a date, time and location for the recount and informs all parties. The PEO also advises the SEO, so the ballot box with the material from the election can be made available for the recount. Only authorized persons may be present during the recount. The ballot box containing election material is produced, opened and ballot envelopes opened. The PEO recounts the ballots, using the same procedures as the SEO. Each ballot is examined in the same manner and tallied.

The PEO certifies the result to the SEO and the ballots are resealed in their packets. The results may be:

- declaration of candidates elected
- a by-election to be held

On completion of the recount, the PEO arranges for the ballot box and materials to be held for the time required by law and then destroyed. A candidate who feels the recount is not correct or disputes the validity of a ballot may within 14 days after the SEO announces the results appeal to a judge.

## **Election Offences**

As a candidate, you should be aware of the activities that are not permitted. A person who is found guilty of a serious election offence can be fined up to \$10,000 or imprisonment for a term of not more than one year. A detailed list of these offences can be found in The Municipal Councils and School Boards Election Act (Part 8) and include:

- offering a bribe to a voter, election official or another candidate
- accepting a bribe or soliciting a bribe
- interfering or disrupting the proceedings of a voting place
- using the voters list for a purpose other than for campaigning
- making a false or misleading statement or declaration

A person who completes and signs nomination papers is making a declaration they meet the qualifications of a candidate. A person who knowingly makes a false declaration is guilty of a serious election offence. A person who is found guilty of other election offences under the act are liable on a summary conviction to one or more of the following penalties: a fine of not more than \$2,000 or imprisonment for a term of not more than two months.

## **Benefits to You**

### **Compensation**

**Will you be paid?** Regulations under The Northern Affairs Act establish and set the rates of council honorariums and per diems. Other government policies set the rates and conditions of payments for such items as reimbursement for expenses incurred while on council business.

**Personal Satisfaction!** Most community voters know a good member of council and are willing to re-elect that person for good performance. In addition, you may have the satisfaction of achieving something of benefit for the community.

## **Recognition – Now You Are Elected**

**Congratulations!** The election is over and has made you a public figure. Your private life will probably be the subject of a lot more public conversation now, whether you like it or not. What you now say and do become important news in the community. Even your private life will become very public. Your public comments may be distorted, magnified, criticized and perhaps taken out of context. You should be prepared to realize a lot of this type of conversation will be based on rumour and treat it as such.

Newly elected council members may become disheartened or frustrated by their inability to change the system. They may feel unnecessary restraints have been placed upon the powers of council. The beginning of this guide explained the process that gives authority to the provinces and the local government level. Provincial law governs the activities of a community council and a local committee. It also permits a community to incorporate and take on greater responsibility for its own actions.

## **Frequently Asked Questions**

### **Can you change your mind?**

Anytime up until 2 p.m. after nomination period ends, you may submit your withdrawal by filing a signed declaration in *Form 9 – Candidate Withdrawal* with the SEO. The SEO must accept your withdrawal, if enough candidates remain to fill the office.

### **Is an election required in all cases?**

If the number of candidates and the number of offices to be filled are equal, the SEO will declare the candidate(s) duly elected. They are elected by acclamation. If there are more candidates than are required to fill the offices, the SEO posts the names of the candidates after the time for withdrawals has passed. The dates, times and locations of the voting places are also posted. This starts the election process.

### **What if there are irregularities in the election process?**

Prior to election day, if for any reason it is impossible to close nominations or hold an election in a community the PEO may by written order specify a new closing day for nominations and/or a new election day. Any order made by the PEO is binding on the election officials, candidates and the council.

After election day, if you feel the right of an elected candidate to take office are in question or the validity of an election are in question, you may as a candidate file an application with the court within 60 days after the result of an election is officially declared.

### **What if an elected member becomes disqualified?**

A member of council who is disqualified under the act must resign immediately. If you feel an elected member is disqualified to hold office, council or four or more voters can make an application for a declaration to the court anytime during the elected member's term of office. After hearing an application the court may declare the member to be disqualified and the council member's position to be vacant or dismiss the application.

### **Can a regular election and a by-election be held at the same time?**

Where there is a vacancy on council prior to the regular election for a term not expiring in that year, a by-election can be held in conjunction with the regular election. Your nomination papers must state for which term you are seeking nomination, whether the regular term or by-election term. The SEO will prepare separate ballots for each term.

### **Candidate's Checklist**

- ✓ Decide which office you wish to represent (mayor or councillor).
- ✓ Ensure you have the statutory citizenship, residency qualifications and are not disqualified from holding office (occupation, residency, etc.). It is your responsibility to file proper nomination papers.
- ✓ Note the application times, dates and places for:
  - *Filing nomination* – on a date or dates during nomination period, between 1 p.m. and 9 p.m., at a convenient place in the community decided by the SEO
  - *Advance Voting* – prior to the regular voting between 5 p.m. and 9 p.m.
  - *Election Day* – fourth Wednesday in October (voting place is open between 8 a.m. and 8 p.m.)
- ✓ Note the name and office location of the SEO and obtain nomination papers (or access these forms online).
- ✓ Complete the nomination portion of the nomination papers and determine the qualifications required for voters who are eligible to nominate you for election to council.
- ✓ Obtain the required number of signatures of qualified voters as nominators on your nomination papers.
- ✓ Sign the declaration of candidate portion of the nomination papers in the presence of a person authorized to administer oaths, such as an election official.
- ✓ File your completed nomination papers with the SEO at the date(s) and time provided in the notice of nominations.

- ✓ After you have been nominated, you may appoint persons in writing (including yourself) as your official scrutineer(s) throughout the election. The SEO must be provided the appointment in writing.
- ✓ As a candidate, you may request a copy of the voters list from the SEO for soliciting contributions and campaigning purposes only during the election.
- ✓ On election day – DO NOT FORGET TO VOTE!

## **Election Process – Sequence of Events**

### September

- voters list prepared (enumeration is optional) and notice posted by SEO
- notice of nominations posted (at least seven days, but not more than 21 days before nomination period begins)

### October

- nomination period (begins on the 21<sup>st</sup> day before election day and ends on the 14<sup>th</sup> day before election day)
- nomination day (must be held on a date or dates during nomination period during the hours of 1 p.m. to 9 p.m.)
- last date to request revisions to voters list (no revisions will be accepted after the 14<sup>th</sup> day before election day), except for adding voters at the time of voting or providing a sealed envelope package
- candidate withdrawal (up until 2 p.m. the day after nomination period ends)
- notice of election posted (within two days after period for withdrawals expires) or acclamation
- advance voting (held anytime after ballots prepared and no later than 48 hours before election day between 5 p.m. and 9 p.m.)
- election day (fourth Wednesday during the hours of 8 a.m. to 8 p.m.)
- results announced (day after election)

### November

- elected persons:
  - term of office starts 14 days after the day of the election
  - must make and file with the CAO an oath of office and the necessary conflict of interest forms prior to entering on the duties of a council member
- first meeting of council must be held within 30 days after a regular election
- the CAO will conduct a council orientation to members of council