



Candidate Guide to Municipal Election

By-election 2019

Town of Paradise

Municipal Elections

In Newfoundland and Labrador, general municipal elections are held every four years on the last Tuesday in September. The last municipal election was in September 2017.

When a council position becomes vacant and there is more than 12 months before the next municipal election, a by-election is to be held to fill the vacancy. The Town of Paradise is holding a by-election for a Councillor position. The position became vacant when a sitting Councillor was elected as a Member of the House of Assembly.

The by-election will be held on Thursday, May 9 with the Advanced Polling day scheduled for Saturday, May 4.

Administration of Municipal Election

Returning Officer

The Returning Officer is responsible for administering the municipal election. For the Town of Paradise, this individual is Terrilynn Smith, CPA, Director of Corporate Services and Town Clerk. In addition to the Returning Officer, an alternate Returning Officer is appointed to perform the duties of the Returning Officer in the event that individual cannot perform the required duties. The Alternate Returning Officer for the 2019 municipal by-election is Lisa Niblock, Chief Administrative Officer.

Polls

The Town of Paradise does not have a ward system (i.e. a geographic area that an elected councillor would represent) but rather council members are elected at large. Paradise is divided into 30 polls which are assigned to specific polling stations. On election day there are two mobile polling stations which go to the two personal care homes in Paradise (Karwood Retirement Retreat and Meadow Creek Retirement Centre). For the advance poll day there are four polling stations.

Poll Officials

The Returning Officer appoints a Deputy Returning Officer and a Poll Clerk for each poll.

The deputy returning officer is responsible for the overall administration of the polling division on voting day. The poll clerk is responsible for keeping the written records of the voting.

Becoming a Candidate for Council

Qualifications of Candidates

In order to run for council, an individual must:

- ❖ be eligible to vote in the municipal election;
- ❖ not be in arrears of taxes or other charges payable to the Town of Paradise; and
- ❖ be ordinarily resident for a period of 30 days before the commencement of nomination day

An individual is not qualified to be nominated as a candidate for council:

- ❖ he / she is the Clerk, Manager or a paid Department Head of that council;
- ❖ he / she is a member of the House of Commons, the Senate of Canada, or House of Assembly;
- ❖ he / she is a judge of the Supreme Court or the Provincial Court of the province;
- ❖ he / she was individually dismissed or was a member of council that was dismissed by the Minister, in accordance with the *Municipalities Act, 1999*; and
- ❖ his / her seat was vacated in accordance with applicable legislation.

Other employees of council, including Volunteer Department Heads (excluding the Clerk, Manager or a Paid Department Head) can be nominated as a candidate for council once a leave of absence is granted. If that employee is subsequently elected, he or she must resign his or her position with the council prior to taking the Oath of Office.

Requirements to Pay Taxes & Liens

To qualify for nomination to council, all municipal charges, taxes and liens that are due must be fully paid prior to nomination day. Please note that taxes and liens being paid through payment plans, including preauthorized debit, post-dated cheques, and others do not qualify as payment in full.

Nomination Process

A candidate shall be nominated by persons eligible to vote in the Town of Paradise. The nomination shall be in writing and in the required form. It must be signed by the proposer and seconder, both of whom shall be present together with the candidate who shall also sign signifying his or her acceptance. *(MEF-02 Nomination Form and Declaration of Qualifications by Candidate)*

If a candidate is unable to attend his or her nomination, the Returning Officer may accept, in the required form, a declaration to that effect from one of the candidate's nominators together with a declaration from the nominator that the candidate possesses the qualifications required by the Municipal Elections Act and accepts the nomination. *(MEF-03 Nomination Form for Candidates Unable to be Present on Nomination Day)*

A fee, in the amount of \$10, is required at the time of nomination and is not refundable.

As soon as the nomination paper is filed, the information about an individual's candidacy becomes public information.

Withdrawing Nomination

A person who has been nominated may withdraw his or her nomination by filing with the Returning Officer a written withdrawal and the nomination fee is forfeited.

The List of Electors

Electors (Voters)

A Canadian citizen who is 18 years of age or older is qualified to vote at an election where he or she has been ordinarily resident for the 30 days immediately before election day.

Copy of List of Electors

Once nomination papers are filed, the Returning Officer will provide candidates with an electronic copy of the list of electors. To ensure the privacy of the voters list the electronic copy of the list is password protected. Candidates may contact the Returning Officer for the Town of Paradise, Terrilynn Smith, CA, to obtain an access password. (The Returning Officer can be reached at 709.782.1400 or elections@paradise.ca)

Responsibilities with the List of Electors

The list of electors can be used for electoral purposes only. This means that it can be only used for campaigning for election, used by persons working on a candidate's campaign, and by candidate's agents in the polling stations.

While the list of electors is in the possession of a candidate, it cannot be open for inspection (except for an electoral purpose), disposed of or sold.

Omissions on the List of Electors

Individuals who have moved within Paradise since the last election may be on the List of Electors under a previous address. Individuals must complete the *Application for Inclusion or Change to the Voters List* to update information. The application is available on the Town of Paradise website (paradise.ca/elections) or by calling 709.782.1400

Individuals who have moved to the Town of Paradise, and / or have recently turned 18 years of age since the last election, will not appear on the List of Electors. Individuals must complete the *Application for Inclusion or Change to the Voters List*. The application is available on the Town of Paradise website (paradise.ca/elections) or by calling 709.782.1400

A person whose name has been omitted from the list of voters and is qualified to vote, may vote on election day upon taking an oath or affirmation in the required form.

Election Campaigns

Individuals can begin campaigning at any time. Candidates can campaign on election day, however, a candidate or his or her agents cannot campaign or distribute campaign materials (physically or electronically, i.e. social media) at the polling station or within 30 metres of the entrance to the polling station and must remain respectful to all voters, the electoral process, the Returning Officer and all other election officials. This includes not distributing election results until the results are officially declared by the Returning Officer.

Signage

Election signs shall be subject to the following conditions:

1. The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighboring properties.
2. The erection of election signs shall be permitted on vacant land owned by the Council, provided the signs do not cause an obstruction to the traveling public or the work of the Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
3. Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.
4. Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
5. If the Candidate fails to remove his or her election signs within 36 hours after the polls close on Election Day, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.
6. No permit fee shall be required for election signs of any candidate or political party during a federal, provincial, municipal or regional school board election; however, if a portable sign is used for the purpose of election signage, permits shall be required as outlined by the portable sign regulations.
7. Election signage cannot be placed at any polling station or within 30 metres of the entrance to any polling station.

Candidates are also advised to respect the requirements of both NF Power and the Newfoundland and Labrador English School District (NLESD) on the placement of the election signs.

NF Power issued a statement on election signage and advised that "signs or other obstructions or hazards are not allowed on or in close proximity to poles upon which workers are required to work." The full notice is available on the Town of Paradise website (paradise.ca/elections).

NLESD advises that election signage cannot be placed on schools grounds and that "any signs placed on school properties in contravention of this request will be immediately removed and disposed of."

Town of Paradise Logo

In accordance with Town of Paradise Brand Standards, use of the Town of Paradise logo(s) is reserved only for official Town business. The current Brand Standards Guidelines were adopted at an October 2015 public meeting of council. These Guidelines ensure the proper use of the Town logo and other properties. This is limited to Town of Paradise branded materials and official Town business; it is not permitted to be used in any candidate's materials, including signage, brochures, online, social media (e.g. Facebook, twitter, etc.), or print mediums.

Campaign Contributions & Disclosure

In accordance with the *Municipal Elections Act*, within 90 days of their election, elected candidates in a municipal election must file with the Returning Officer, either:

- ❖ *MEF-19A - Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Exceeded \$100.00; or*
- ❖ *MEF-19B- Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Did Not Exceed \$100.00.*

All contributions of money, goods or services received by a candidate with a value of over \$100 must be declared and counted by a candidate when reporting on campaign contributions received.

Any goods or services contributed to a campaign in-kind, such as printing, signage, office space and advertising needs to be included by candidates when reporting on campaign contributions, depending on their total value. To value any goods or services received, one must use the equivalent lowest market value of the goods or services received as if they were sold. Note that personal time and services donated are not meant to be captured.

A candidate's campaign contributions disclosure statement details the:

- ❖ Total amount of contributions made to his/her election campaign;
- ❖ Individual contributions in excess of the value of \$100.00 and the names of the contributors of amounts exceeding the value of \$100.00; or
- ❖ Total amount of contributions received if no one contribution exceeded the value of \$100.00.

Once filed, the disclosure statements become an official record of the municipality, and must be made available for public inspection upon request.

Voting Procedures

Who Can Be At The Polls?

- ❖ Election Officials
- ❖ Candidates
- ❖ Agents (authorized in writing, not exceeding one agent for each candidate)
- ❖ Voter (actually engaged in voting)

Voting Days & Times

Advance polling for the 2019 Municipal By-election is Saturday, May 4, 2019 from 8:00 a.m. to 8:00 p.m. at the Paradise Double Ice Complex, 1 Sarah Davis Way.

Municipal By-election Day is Thursday, May 9, 2019 from 8:00 am to 8:00 pm, at three polling stations in the Town of Paradise:

1. Paradise Double Ice Complex, 1 Sarah Davis Way
2. St. Thomas Community Centre, 2 Neary Road
3. Elizabeth Park Elementary, 80 Ellesmere Avenue

Information on polling stations is available on the Town of Paradise website at paradise.ca/elections.

What If An Elector Cannot Vote On Any Of The Polling Days?

A voter who cannot vote at the Advance Poll or on Voting Day can authorize another person who is a qualified voter to vote on his or her behalf. An application must be made to the Returning Officer in the required form no later than 4:00 pm on Wednesday, May 8, 2019. A proxy vote cannot be used at an advance poll, it can only be used on election day. The Proxy Certificate can only be given to either the impeditive voter (that is the individual who cannot vote at advance poll or election day) or proxy voter in person by the Returning Officer.

Candidate's Agents

Agents who represent candidates in an election shall be authorized by the Returning Officer before the date of the election. Application (in person) must be made to the Returning Officer prior to 4:00 pm, Wednesday, May 8, 2019.

Election Results

The election results will be issued by the Town of Paradise on its website at paradise.ca/elections. Results will be available as counted and tabulated. Ballots cannot be counted until polls close at 8:00 p.m. on Thursday, May 11, 2019.

The official results will be declared by the Returning Officer no later than 12:00 noon of the following day, giving the names of the elected candidates in descending order from the largest number of votes received. This public notice will also indicate the number of votes received by all candidates in the election.

Challenge Election Results

Where a candidate in an election is defeated by 10 votes or less, the Returning Officer must upon the request of any candidate conduct a recount of the ballots cast. The cost of this recount is borne by the municipality. A request for such a recount must be made by a candidate to the Returning Officer within three days after the date of the election and be commenced by the Returning Officer within three days of the receipt of the request.

Post-Election Responsibilities

Campaign Contributions & Disclosure

In accordance with the *Municipal Elections Act*, within 90 days of their election, elected candidates in a municipal election must file with the Returning Officer, either:

- ❖ *MEF-19A - Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Exceeded \$100.00; or*
- ❖ *MEF-19B- Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Did Not Exceed \$100.00.*

A candidate's campaign contributions disclosure statement details the:

- ❖ Total amount of contributions made to his/her election campaign;
- ❖ Individual contributions in excess of the value of \$100.00 and the names of the contributors of amounts exceeding the value of \$100.00; or
- ❖ Total amount of contributions received if no one contribution exceeded the value of \$100.00.

Once filed, the disclosure statements become an official record of the municipality, and must be made available for public inspection upon request.

Signage

Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.

Swearing-in

The successful candidate for the 2019 By-Election will be sworn in as a Councillor for the Town of Paradise at the May 21, 2019 Public Council Meeting. The swearing in will take place at the start of the meeting at 6:00 p.m.

Summary of Key Dates

Event	Date
Nomination Day:	Thursday, April 11, 2019
Advance Poll Day:	Saturday, May 4, 2019
By-election Day:	Thursday, May 9, 2019
Proxy Vote Application Deadline:	Wednesday, May 8, 2019; 4:00 p.m. NST
Candidate Agent Application Deadline:	Wednesday, May 8, 2019; 4:00 p.m. NST
Swearing in for Councillor-elect:	Tuesday, May 21, 2019
First Council Meeting post By-election:	Tuesday, May 21, 2019
Campaign Contributions Disclosure	Up to 90 Days after by-election

Returning Officer

Returning Officer for the Town of Paradise, Terrilynn Smith, CA, is available to provide any additional information or answer any questions on Municipal By-election 2019. The Returning Officer can be reached at 709.782.1400 or elections@paradise.ca