



CANDIDATE'S GUIDE

TO 2018 ELECTIONS IN YUKON MUNICIPALITIES & LOCAL ADVISORY AREAS

FOREWORD

In Yukon, Thursday, October 18, 2018 is Polling (Election) Day for all municipalities and local advisory areas (LACs).*

This pamphlet is intended to inform prospective candidates on qualifications required, disqualification criteria, nomination process, election procedures, and some of the basic duties, obligations, and responsibilities of an elected councillor.

For additional information, all prospective candidates should refer directly to the Municipal Election website at

http://www.community.gov.yk.ca/community_affairs/municipal_elections.html

and the Yukon Municipal Act at

http://www.gov.yk.ca/legislation/acts/municipal_c.pdf.

* LACs in Yukon have some flexibility to customize their election arrangements to suit their area, and they may or may not follow the same election criteria or schedule as municipalities.

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KEY DATES – 2018 Yukon Municipal and LAC Elections

NOMINATION FORMS AVAILABLE

⇒ Thursday, September 20, 2018 (forms have to be made available by this date, some municipalities make them available earlier)

NOMINATION DAY– DEADLINE FOR HANDING IN COMPLETED NOMINATION FORM

⇒ Thursday, September 27, 2018 (12:00 noon)

REVISED LIST OF ELECTORS AVAILABLE TO VIEW

⇒ Thursday, October 4, 2018

ADVANCE POLL

⇒ Thursday, October 11, 2018

POLLING (ELECTION) DAY

⇒ Thursday, October 18, 2018 (polls open for at least 12 consecutive hours, between 8:00 a.m. and 8:00 p.m.)

RECOUNT

⇒ If a recount is necessary, it must be held within 24 hours of the close of the poll on election day.

LAST DAY TO FILE AFFIDAVIT FOR JUDICIAL RECOUNT

⇒ Four days after proclamation of election results: no later than Monday, October 29, 2018.

QUALIFICATIONS

AGE, CITIZENSHIP, RESIDENCY

To be eligible for election as mayor or councillor you must be a qualified voter per s.48 of the *Yukon Municipal Act*. This means you must be a Canadian citizen on the day of your nomination, and be at least 18 years of age on polling (election) day. In addition, you must have lived for at least one year preceding polling day in the municipality or local advisory area, and in the ward, if any, in which you are seeking elected office. These requirements may vary slightly in local advisory areas.

PERSONS DISQUALIFIED

A number of situations or occupations disqualify a person from holding municipal or LAC office. These include:

- an employee or salaried officer of the municipality who has not obtained a leave of absence without pay to run for office;
- having been convicted of an election offence under subsection 51(7) or s.160 to 163 of the *Yukon Municipal Act* in the previous four (4) years;
- having been convicted of an offence under s.254 of the *Yukon Municipal Act* within the previous five years;
- if they are a judge, including a judge of the Territorial Court
- if they are indebted to the municipality for an overdue debt exceeding \$500, other than a debt for current year taxes, or a debt for provision of a basic service under a program that meets the requirements set out in subsection 252(2.02) of the *Yukon Municipal Act*;
- if they are currently under sentence for an indictable offence;
- if they cease, before election day, to be entitled under s.48 of the *Yukon Municipal Act*; or
- if they are a member of the Yukon Legislative Assembly, a member of Parliament, or a chief or councillor of a Yukon First Nation.

NOTE:

Notwithstanding the previous, persons who may be in doubt of their qualifications to seek municipal or other elected office are advised to contact their solicitor who can provide the necessary legal interpretation and advice.

DISQUALIFICATION TO BE COUNCILLOR OR MAYOR

Municipal and LAC officials are expected to place public interest before their own private advantage.

The *Municipal Act* requires any member of a municipal or LAC who has a financial interest in any matter coming before council, to declare that interest, to withdraw from any discussions of it, and to not vote on the matter.

If the meeting is closed, the member should leave the room where the meeting is being held. If the meeting is open, the member should withdraw and leave the room or sit in the public gallery. The member is thus disqualified from dealing with the particular matter in which he or she has an interest, but not from sitting on council.

In general, any qualified person with a potential conflicting interest is free to seek municipal or LAC elected office. The only requirement is that, once elected, the incumbent must comply with the principle of disclosure and withdrawal whenever there is potential for their financial interest to be affected by an action of council.

NOMINATIONS

NOMINATION DAY

Thursday, September 27, 2018 is Nomination Day for local elections throughout the Yukon. Your nomination paper must be filed with the returning officer, no later than 12:00 noon.

If September 27th is not convenient, you may arrange with the returning officer to file your nomination paper any time after the posting of the Notice of Nomination Day (September 20), and before 12:00 noon on September 27th.

ADVERTISEMENT

Details regarding the date, time, and place of nomination will be posted at the office of the municipality in a location that is accessible to the public and three other places within the municipality or local advisory area by the returning officer. These notices will be published at least seven days prior to nomination day.

PROCEDURE

The first step to take after you decide to run for elected office is to obtain a blank nomination paper from your returning officer.

Your nomination paper must be signed by at least ten qualified voters. It is advisable to have more than the minimum required in case some of your nominators are not qualified voters.

The nomination paper includes a section requiring your disclosure of any convictions within the preceding 10 years for indictable offences under the *Criminal Code* for which you have not received a pardon.

Once your nomination paper has been signed by the required number of qualified voters, you must complete and sign the “oath and consent” portion of your nomination paper.

ACCEPTANCE OF NOMINATION

Once you have filed your nomination paper and the returning officer is satisfied that you have complied with the necessary requirements, you are officially nominated.

ACCLAMATION

Where only one candidate is nominated, or exactly the number of candidates required for the number of seats are nominated, the returning officer will declare the candidate or candidates concerned elected once the time for a challenge has expired (s. 82(2) of *Yukon Municipal Act*).

GRANT OF POLL

If there are several people competing for the same office, the returning officer will call the election and publish the names of candidates, the dates and times of the advance and regular polls, and the location of polling stations in your community.

ELECTION PROCEDURES

ADVANCE POLL

The Advance Poll is intended to permit electors to vote if they are unable to vote on regular polling day for one of the following reasons: the person will be absent from the municipality on election day; by matters of conscience; by circumstances beyond the person's control; by reason of physical disability; or by reason of the person's work as an election official or a candidate or a worker for a candidate.

There may be one or more advance polls held on Thursday, October 11, 2018. The advance polls shall be open for at least twelve consecutive hours between eight o'clock in the forenoon and eight o'clock in the afternoon. Notice of the advance poll will be posted and the notice will include the name of each candidate, the times, and the places at which the polls will be open.

ELECTION DAY

Elections for all mayors and councillors will all take place on Thursday, October 18, 2018.

Polls will be open for a minimum of twelve consecutive hours between 8:00 a.m. and 8:00 p.m. Only election officers conducting the election, candidates, agents of candidates, a voter actually voting, and a witness to assist a disabled voter are entitled to be present in the polling place at any one time. Everyone in attendance is to maintain the secrecy of the voting.

SPECIAL BALLOTS

A special ballot option is available to voters who, for certain reasons, cannot attend either the Advance Poll or the regular poll on Election Day. The returning officer can advise you of the criteria and who qualifies to use this method of voting.

COUNTING THE VOTES

Immediately after the close of the poll, the deputy returning officer with the assistance of the poll clerk and in the presence of the candidates and their agents, will open the ballot boxes. The deputy returning officer will examine the ballot papers and proceed to count the votes. At the completion of the counting of the votes, each candidate or agent present may on request, receive a statement of the result of the poll from the deputy returning officer.

RECOUNT BY THE RETURNING OFFICER

A recount of the votes, if necessary, is done by the returning officer and must be held within 24 hours of the close of the polls on polling day. This is done by examining written statements of the poll or by counting the votes given to each candidate.

Any candidate or their agent may attend and, if necessary, the returning officer may summon any person to bring all relevant documents and examine witnesses to help ascertain the result of the poll.

BREAKING OF TIE VOTE

If the votes cast in respect of two or more candidates are equal in number, the returning officer shall, in the presence of at least one other election official and any candidate or agent present at the time, write the name of each candidate on an identical sheet of paper, fold each sheet in an identical manner, deposit each sheet into a non-transparent receptacle, and withdraw the number of sheets that are equal to the number of candidates required to be elected.

The returning officer shall declare each candidate whose name appears on a withdrawn sheet of paper to be elected.

PROCLAMATION OF ELECTION RESULTS

The returning officer will publish unofficial results of the voting as they are received from polling places on election day. However, the official results of the election will be proclaimed on the 4th day following polling day (October 23, 2018).

A statement in the prescribed form will be issued by the returning officer showing the number of votes cast for each of the candidates.

JUDICIAL RECOUNT

At any time within four days after the proclamation of the results of the election (October 29, 2018), and where on the affidavit of a credible witness, it appears the returning officer or deputy returning officer, in counting the votes, has incorrectly counted the number of votes cast or incorrectly accepted or rejected a ballot, a judicial recount may be ordered by the Supreme Court. The judicial recount must then be conducted within eight days of the order of the Supreme

Court. The Supreme Court will then certify the results to the returning officer, who will then proclaim the results of the recount by the Supreme Court.

CONTROVERTED ELECTION PROCEDURE

A candidate, or any four or more qualified electors, may present a petition verified by affidavit to the Supreme Court reporting the invalidation or disqualification of the election of a member of a Council.

DECISION OF THE COURT

Upon completion of the hearings the Supreme Court will make a declaration that the election is valid or invalid or that a member of the Council is qualified or disqualified to hold office.

IF YOU ARE ELECTED, THEN WHAT?

Before taking their seat on council, every person who is elected must take the oaths of office and allegiance. The term of office is three years, commencing upon swearing-in and expiring on the swearing-in of a successor after the next election.

Very soon after the election, the designated municipal officer (CAO) of your municipality, or the secretary for the local advisory area, will be in contact with you to provide you with information and details as to when and where the swearing-in and first meetings of council are to be held.

BASIC DUTIES AND RESPONSIBILITIES

OATH OF OFFICE

I, _____, Mayor-elect or Councillor-elect, for the municipality of _____ do swear/or affirm,

That I am a Canadian citizen;

That I am not in any way disqualified from holding office of Mayor/or Councillor;

That I have not, nor will I have while holding office, any interest, directly or indirectly, in any contract or services connected with the said municipality, except such as I may lawfully have under the provisions of the Municipal Act;

That I have not, by myself or any other person, knowingly employed any bribery, corruption or intimidation to gain election;

That I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of my office; and,

That I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

“So help me God” (deleted in case of affirmation)

The previous words are from the “Oath of Office” taken by each mayor and councillor before the first meeting of the Council after the election. The words place a heavy burden on the elected official to accept and discharge, in a conscientious and forthright manner, the duties, obligations and responsibilities of office.

PERSONAL RESPONSIBILITIES

If elected, it is important to remember that you have requested and received the trust of the electorate. It will be your duty to keep the electors informed as to how you are discharging the trust and confidence they placed in you.

It will also be your duty as an elected official to act for the whole municipality or local advisory area, not just the district from which you were elected. You will have a duty to strive to improve the finances, health, security and quality of life in your municipality or local advisory area as a whole.

You will have a personal responsibility to fulfill the obligations of the office with impartiality and integrity to the best of your ability. To do this:

- Become informed about the problems which face your municipality or LAC today;
- Become informed about your council’s legal powers and limitations to solve these problems;
- Make decisions without fear, favour or evasion - and always in the best interest of the whole municipality or local advisory area;
- Resist the pressures of groups of your electors organized for selfish purposes;

- Be prepared to serve on committees of council and accept other duties as assigned by Council or LAC;
- Share information which you may receive from outside agencies, at conference, training sessions or meetings, with other members of council;
- Be prepared to accept responsibility for majority decisions of council - even though it may mean supporting a decision that you did not vote for;
- Try to create an informed interest in community and public affairs in your municipality or local advisory area.

COUNCIL COMPOSITION

A Municipal Council is composed of elected officials. The City of Whitehorse typically has had a mayor and six councillors, but they have the option to increase to eight councillors. Towns (which includes Villages) normally elect a mayor and four councillors, but have an option to increase to six councillors. Towns also have an option to elect five or seven councillors and designate a Mayor from among the elected councillors. Local Advisory Areas typically have a five-member council, with one of the members designated as the chairperson.

The mayor (or the chairperson in the case of LACs), is the head of council. They preside at all council meetings, and maintain order, proper conduct and decorum at these meetings. They may act as spokesperson for the community at special functions and with the news media.

It is interesting to note that in the decision making process all councillors including the mayor or chairperson are equal - they each have one vote. By virtue of their office, the mayor or chairperson may be able to persuade other councillors to follow their lead but in the final result neither the mayor nor the chairperson has any more power in council than any other member.

COUNCIL MEETINGS

It is the duty, obligation and responsibility of every councillor to attend all meetings of council and take part in debates, discussions, and decisions on municipal or LAC business. In all these meetings it is important to be prepared to listen to other members of council, and to collectively reach decisions which are in the best interest of the municipality or local advisory area.

If you have a personal or monetary interest in a matter under consideration by council, then you must not take part in the discussion or vote on such a matter. In a closed meeting, you should leave the room until the question has been dealt with. If the meeting is open, you may simply leave the table and sit in the public gallery.

BYLAWS AND RESOLUTIONS

Municipal Council decisions are expressed in the form of either a bylaw or resolution. Bylaws are the formal enactment, under the seal of the municipality, of rules and regulations adopted by council to regulate and manage the affairs of the municipality. They are binding once adopted by Council and may be viewed as the municipal equivalent of territorial or federal legislation.

Resolutions are less formal. A resolution expresses the decision of council on a particular matter submitted to it in the form of a motion, as moved and seconded, and adopted by a majority vote. Although not as formal as a bylaw, a resolution, once adopted by council, will normally be as binding as a bylaw, until it is reversed or amended.

LACs do not have bylaw-making authority. Their decisions are formalized through council resolutions (motions) recorded in the minutes of Council meetings.

RULES OF PROCEDURE

The procedure, agenda and general rules governing council and its meetings are outlined in the municipality's procedure bylaw. LACs are not obligated to adopt a procedural policy, but it is encouraged. These procedural rules are established to assist council in conducting its business in an efficient and orderly manner. You can contact your municipal office to obtain a copy of the procedure bylaw.

COMMITTEES OF COUNCIL

If elected, you will be asked to serve on a number of the various standing and special committees of council. It is at the committee level that many matters are given detailed scrutiny before formal consideration by council.

Standing committees of a municipal council generally relate to such matters as fire protection, public health, streets, public works, finance, bylaw amendments,

libraries, planning and development. Special committees are also appointed in relation to special tasks or projects.

COUNCIL AND ADMINISTRATION

Ideally, council formulates policy and makes decisions while staff implement these policies and decisions.

You should avoid the temptation to become a quasi-administrator. You should leave day-to-day administrative matters to the staff, and concentrate on your role in providing them with clear and concise policy direction.

Council ↔ Administration relations should be based on respect and mutual trust.

You will find it helpful to familiarize yourself with the various services provided by your municipality. This can be easily done by consulting your chief administrative officer or the appropriate department head. In addition, you should familiarize yourself with the organizational chart of the municipal unit so that you have a clear picture of the personnel responsible for specific services and any staffing requirements.

HELP FOR NEWLY ELECTED COUNCILLORS

Help is available from many sources:

1. Council members who have had previous experience can put you on the right track.
2. Your Chief Administrative Officer or municipal clerk (or secretary in a local advisory area) is experienced with the inner workings of your community and will be able to answer many of your questions.
3. Outside of your municipality or local advisory area, do not forget the Association of Yukon Communities (AYC), and the Community Affairs Branch, Department of Community Services, Government of Yukon.
4. A wonderful new resource, tailor made for Yukon is called **“The Joy of Governing”**.



(your how-to guide
to optimal governance)

This guide is available electronically on the AYC website (<http://www.ayc-yk.ca/>). Copies of the guide can also be found at your local municipal office and at the Community Affairs office in Whitehorse (4th floor Lynn building).

A workshop for newly elected officials hosted by the Association of Yukon Communities (AYC) will be held in November 2018. For more information, please visit the AYC office located at 140 – 2237-2nd Avenue, Whitehorse or contact AYC at:

phone: (867) 668-4388

fax: (867) 668-7574

e-mail: ayc@northwestel.net

website : <http://www.ayc-yk.ca/>

For any questions regarding municipal or LAC elections feel free to contact the Community Affairs Branch of Yukon Government at 867-667-8334.

CANDIDATE'S CHECKLIST

- Decide which office (mayor or councillor) you wish to be nominated for.
- Check to establish that you are qualified for such office (age, citizenship, residency, etc.).
- Ensure that you are not disqualified from holding such office (by occupation, conviction on an election offence, overdue debts with the municipality, etc.). The onus is on the person nominated for election to file a bona fide nomination paper.
- Note the Key Dates provided for quick reference.
- Note the name and office location of the returning officer for the election.
- Obtain a nomination paper from the returning officer or from your municipal office.
- Complete the nomination section of the nomination paper and determine the qualifications required for the electors who are eligible to nominate you for election to council.
- Obtain the required numbers of signatures of qualified electors as nominators on your nomination paper. (A nomination paper must be signed by at least ten qualified electors.)
- Complete the section of the nomination paper that requires disclosure of convictions within the past 10 years for indictable offences under the *Criminal Code* for which you have not received a pardon.
- Complete and sign the "Oath and Consent" portion of the nomination paper.
- File your nomination paper with the returning officer before 12:00 noon on Nomination Day, or by appointment during the week preceding Nomination Day.
- After you are nominated, you may appoint in writing, a person to act as your official agent.
- You or your official agent may also appoint other agents or scrutineers to represent you at the polls on election day. Only one agent may represent you at a polling station.
- Remove signs, posters and other election advertising after the election.
- On Polling (Election) Day ...

**GOOD LUCK, AND
DON'T FORGET TO VOTE!**

