

2026 Municipal Elections: Candidate and Third-Party Advertiser Information Session

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Disclaimer

- **This presentation is prepared for information purposes only and is not meant to replace legislation or provide any definitive interpretation.**
- It provides an overview of the relevant legislation, being the *Municipal Act, 2001*, and the *Municipal Elections Act, 1996*, as well as the related statutes, regulations, forms, municipal by-laws, policies and procedures.
- Reference should always be made to the actual legislation, by-laws and policies.
- This is not financial advice. Call your accountant!
- This is not legal advice. Call your lawyer!

Disclaimer – Cont'd

“Attending the event does not constitute filing nomination papers or confirm eligibility to run for office.”

**City of Brantford to Host Candidate Education Session Ahead of 2026
Municipal Election**

Brant Blog
(Feb. 19, 2026)

Presentation Overview

1. *Municipal Act, 2001*
2. *Municipal Elections Act, 1996*
3. Purposes, By-laws & Roles

Overview – Cont'd

“My entire time in office, I’ve always tried to encourage people to run for office,” [Mayor] Bradley said. “Because what you really elect is judgment,” he said, adding that what’s vital for members of council is the ability to listen and consider the merits of different arguments. **The job isn’t easy,** he said, and it’s been “**harder and harder**” to inspire people to run.

Sarnia’s Mayor Encourages People to Consider Politics

Sarnia Observer (Jan. 7, 2026)

Municipal Act, 2001
and
Municipal Elections Act, 1996

Municipal Act, 2001 (MA)

- *Municipal Act, 2001*, was passed on December 12, 2001, and came into effect on January 1, 2003 – giving all 444 municipalities and innumerable local boards enough time to read and implement it.
- It is the provincial statute which sets out most the powers and duties that may be undertaken to govern a municipality and its local boards.
- It has been amended on a number of occasions and it's latest, pending changes – one Code of Conduct for all and the removal of Councillors by a unanimous Council vote – will likely occur with the new Councils coming in November 2026.

MA – Cont'd

The role of the Clerk is set out in Section 228

- (1) A municipality shall appoint a clerk whose duty it is,
 - (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
 - (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

MA – Cont'd

(c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;

(d) to perform the other duties required under this Act or under any other Act; and

(e) to perform such other duties as are assigned by the municipality.

Municipal Elections Act, 1996 (MEA)

- Governs the conduct of municipal and school board elections in Ontario.
- In addition to establishing rules for Candidates, Third-Party Advertisers and electors, it also sets out obligations for administering elections.
- It is the responsibility of each Candidate and Third-Party Advertiser to ensure compliance with all legislative provisions relevant to the municipal elections process.

MEA – Cont'd

Section 11 – Duties of Clerk

- (1) The clerk of a local municipality is responsible for conducting elections within that municipality
- (2) Responsibility for conducting and election includes responsibility for

MEA – Cont'd

- (a) Preparing for the election;
- (b) Preparing for and conducting a recount in the election;
- (c) Maintaining peace and order in connection with the election; and
- (d) In a regular election, preparing and submitting the report regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

MEA – Cont'd

Section 12(1) Powers of Clerk

A clerk who is responsible for conducting an election may provide for any matter or procedure that,

(a) is not otherwise provided for in an Act or regulation; and

(b) in the clerk's opinion, is necessary or desirable for conducting the election.

MEA – Cont'd

Section 12(2) – Powers to Establish Forms

Section 12(3) – Powers to Require Proof of Identification

Section 12.1 – Powers re Electors/Candidates with Disabilities/Plan

Section 13(1) – Powers re Notice/Information

Section 15(1) – Powers re Appointing DRO/Election Officials

Section 53 – Powers to Declare Emergency

MEA Principles – Cont'd

1. The secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and non-biased;
3. The election shall be accessible to Voters;
4. The integrity of the voting process shall be maintained;
5. There is to be certainty that the results of the election reflect the votes cast;
6. Voters and Candidates shall be treated fairly and consistently; and
7. The proper majority vote governs by ensuring that valid votes be counted, and invalid votes be rejected so far as is reasonably possible.

MEA – Cont'd

In light of all of their various duties, obligations and powers under the *Municipal Act, 2001*, the *Municipal Elections Act, 1996*, other statutes, and a host of forms and policies, the Clerk, as the municipality's 'Chief Electoral Officer' is unable to interpret the legislation or provide advice to, or answer election-related questions posed by, Candidates or Third-Party Advertisers.

MEA – Cont'd

That would be like a Referee or an Umpire providing answers to a player or coach's questions on the rules of a game already in progress

So *please* understand when the Clerk or Municipal Election Official says they can't answer your question or they suggest that you go review the MEA, the Regulations, forms or the Provincial Guidelines

MEA – Cont’d

Section 88.18 of the MEA mandates that municipalities “shall establish rules and procedures with respect to the use of [municipal resources] during the election campaign period”.

“The purpose of this policy is to ensure compliance with the *Municipal Elections Act*, the *Election Finances Act* and the *Canada Elections Act*, by clarifying for candidates, current members of City Council, registered third parties and City staff the legislative requirements relating to campaign finances.

Use of Corporate Resources During an Election

(Nov. 22, 2021)

Election Signs

- For more information about election sign rules and regulations, including placement requirements and restrictions, please refer to the municipality's Election Sign By-law.
- Candidates and Third-Party Advertisers' are encouraged to familiarize themselves with these types of by-laws.
- It is the responsibility of each Candidate and Third-Party Advertiser to ensure compliance with all by-laws and legislative provisions relevant to the municipal elections process.

So What Does a Member of Council Do?

There is no uniform, consistent, mutually-agreed upon “*job description*” for the positions of Municipal Councillor or Head of Council in Ontario. However, . . .

Purposes, By-laws & Roles – *Municipal Act, 2001*

1. Purposes & By-laws

2. Role of Council

3. Role of Head of Council & Chief Executive Officer

4. Strong Mayor Powers

5. Municipal Administration: CAO, Officers & Employees

Purposes, By-laws & Roles – Cont'd

6. Conduct of Council Members

7. Procedure By-law

8. Incivility

9. Other Acts

Council & Staff Roles

S. 2 – Purposes

Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters.

“Municipalities are entirely creatures of provincial statutes. Accordingly, they can exercise only those powers which are explicitly conferred upon them by a provincial statute.”



R. v. Greenbaum

1993 CanLII 166 (SCC)

Council & Staff Roles

S. 5 – Powers Exercised by Council

- (1) The powers of a municipality shall be exercised by its council.
- (3) A municipal power ... shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise.
- (4) Subsections (1) to (3) apply to all municipal powers whether conferred by this Act or otherwise.

Council & Staff Roles

S. 224. Role of Council

It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) determine which services the municipality provides;

Role of Council - Section 224

(d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

(d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

(e) to maintain the financial integrity of the municipality; and

(f) to carry out the duties of council under this or any other Act”.

Role of Head of Council - Section 225

S. 225. It is the role of the head of council,

(a) to act as chief executive officer of the municipality;

(b) preside over council meetings so that its business can be carried out efficiently and effectively;

(c) to provide leadership to the council;

Role of Head of Council - Section 225

(c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council in ensuring administrative and controllership policies, practices and procedures are in place to implement the decisions of council and ensuring the accountability and transparency of the operations of the municipality including senior management;

(d) represent the municipality at official functions; and

(e) carry out the duties of the head of council under this or any other Act.

Role of Head of Council as CEO – S. 226.1

226.1 As chief executive officer of a municipality, the head of council **shall**,

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;

CEO - Cont'd

(c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and

(d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

CEO – Cont'd

“But the Act is very clear that acting as CEO includes only behaviour that has been described as being a **cheerleader** or **champion** for the municipality, and it does **not** assign any operational responsibility to a Mayor or other Head of Council.”

The Powers of a Municipality Shall be Exercised by its Council

Integrity Commissioner, Brighton (2014)

Strong Mayor Powers – Origin Story



Role of Head of Council – Strong Mayor Powers – Part VI.1

- Toronto and Ottawa were the first to receive Strong Mayor Powers in fall of 2022 as they were “shovel-ready”
- July 1, 2023, 26 additional municipalities (including Guelph) were granted these powers as they had populations of 100,000 residents or more
- 216 Strong Mayors in Ontario

Strong Mayors – Cont'd

- Appoint and Dismiss the Chief Administrative Officer (CAO)
- Hire/Dismiss Department Heads & Reorganize Departments (with exceptions)
- Establish/Discontinue Committees of Council
- Appoint/Remove Chairs and Vice-Chairs
- Propose the annual Budget, subject to Council amendments, a Mayoral Veto and 2/3 Council override vote (this power cannot be delegated)

Strong Mayors – Cont'd

- Vetoing certain by-laws if the Mayor is of the opinion that all or part of the by-law could potentially interfere with a provincial priority
- Bringing forward matters for Council's consideration if the Mayor is of the opinion that considering the matter could potentially advance a provincial priority
- Direct municipal staff in writing
- Mayor may choose to delegate these powers to Council/CAO

Strong Mayors – Cont'd

The Strong Mayor Power to determine the organizational structure of the municipality do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to the following persons:

1. The Clerk or Deputy Clerk.
2. A Treasurer or Deputy Treasurer.
3. An Integrity Commissioner.

Strong Mayors – Cont'd

4. An Ombudsman.
5. An Auditor General.
6. A Lobbyist Registrar, as described in Section 223.11.
7. A Chief Building Official, as defined in the *Building Code Act, 1992*.
8. A Chief of Police, as defined in the *Police Services Act*.
9. A Fire Chief, as defined in the *Fire Protection and Prevention Act, 1997*.

Strong Mayors – Cont'd

10. Medical Officer of Health, as defined in the *Health Protection and Promotion Act*.
11. Other officers or heads of divisions required to be appointed under this or any other Act.
12. Any other prescribed persons.

Strong Mayors – Cont’d

“These are pretty enticing powers that give you the ability to make wholesale, violent changes to the organization you want to be the leader of.”

‘Violent Changes’: North Simcoe Councils Raise Concerns Over Strong Mayor Powers

Midland Today (May 15, 2025)

Strong Mayors – Cont’d

“The Head of Council’s strong mayor budget powers do not include the power to limit police service board budget increases or veto estimates submitted by police services boards,” Solicitor General Michael Kerzner and Municipal Affairs Minister Rob Flack wrote in their January 12 [2026] letter.”

Province Tells Ont. Mayors They Can’t Use ‘Strong Powers’ on Police Budgets

CBC News (Feb. 18, 2026)

Strong Mayors – Cont'd

As councillors' opportunity to weigh in on the tax-supported budget gets started in earnest on Friday, going for about the next month, [Coun.] Cooper says he will use his experience to guide his decision. If the process mirrors his experience with the water budget, "it's not going to work for me," he said. "I'm trying to keep an open mind and be collaborative," he said, "but the way this is set up right now, **if you want to make seismic change in a community like Hamilton, there's only one way to do it – through being the Mayor.**"

Majority of Hamilton Council Planning to Run for Re-election this Year

CBC News (Jan. 23, 2026)

Strong Mayors – Cont'd

Hamilton's Ward 8 Councillor Rob Cooper announced Sunday his **candidacy as the City's Mayor**, after winning his seat on Council last September in a by-election. In a statement, Cooper's mayoral platform will focus on keeping taxes affordable, tackling violent crime, confronting the housing crisis, and repairing and rebuilding infrastructure.

Hamilton Councillor Rob Cooper Throws Hat into the Ring For Mayor Position

CHCH News (Mar. 2, 2026)

Municipal Administration – Section 227

It is the role of officers and employees of the municipality to:

(a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

(b) undertake research and provide advice to council on the policies and programs of the municipality; and

(c) carry out other duties required under this or any Act and other duties assigned by the municipality.

Roles of Clerk

S. 228. A municipality shall appoint a **clerk** whose responsibilities are found in various statutes:

Municipal Act, 2001 they are mandated to record, without note or comment, all resolutions, decisions and other proceedings of the council, as well as maintaining and safeguarding council records

Shall fulfill the duties under the ***Municipal Elections Act, 1996*** to conduct elections within a municipality

May carry out a municipality's statutory duties under the ***Municipal Freedom of Information and Protection of Privacy Act***

Treasurer's Role – Section 286

A municipality **shall** appoint a **treasurer** who is responsible for handling the financial affairs of the municipality, including:

- Collecting money payable to the municipality and issuing receipts;
- Depositing money into financial institutions designated by the municipality;
- Paying all debts and expenditures of the municipality;
- **Maintaining accurate records and accounts;**
- **Providing council with information with respect to the financial affairs of the municipality;** and
- Ensuring investments of the municipality are made in compliance with regulations

Treasurer – Cont'd

- Under the *Development Charges Act, 1997*, the Treasurer has a number of responsibilities and duties
- As of March 31, 2026, the Province of Ontario, in partnership with the Federal Government, cut development charges in half for three years to lower housing costs and increase supply
- Municipalities that lowered or agreed to lower development charges by 50% will be prioritized for accessing funding

Chief Administrative Officer (CAO) Role – Section 229

S. 229. A municipality may appoint a Chief Administrative Officer [CAO] who shall be responsible for,

(a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and

CAO – Cont'd

(b) performing such other duties as are assigned by the municipality.

Theses may include:

- Planning, execution, conduct and administration of the municipality in accordance with council by-laws and policies
- Leads/oversees strategic planning initiatives
- Makes recommendations on the operation and cost of municipal activities (e.g., budget), negotiates and/or supervises contracts, and advises on development and maintenance of municipal infrastructure, facilities and property

Other Statutory Positions

Integrity Commissioner, Lobbyist Registrar, Ombudsman & Auditor General

- s.223.3, 223.11, 223.13 and 223.19 of the *Municipal Act, 2001*

Closed Meeting Investigator – s.239.2 of the *Municipal Act, 2001*

Chief Building Official – appointed by council of each municipality and such inspectors as necessary for the enforcement of the *Building Code Act, 1992* in the municipality

Fire Chief - Council shall appoint a fire chief (*Fire Protection and Prevention Act, 1997*)

Municipal Decision Making

Unique Features of Local Government:

No Ministerial Authority – Head of Council cannot take individual action unless within the *Municipal Act, 2001* and/or the Strong Mayor Powers permit it

Transparent, Accountable & Open – Motions & resolutions not perfected behind closed doors *prior* to tabling at Council

Members' allegiance is to their residents, not the Head of council; there are no municipal political parties and no party leader status

Decision Making – Cont'd

- CAO and Staff prepare reports (with key stakeholders and public consultation along with advanced notice) for Committee and Council to consider
- Head of Council presides at Council meetings
- Council, representing their residents, votes to enact a by-law based on the report (unless disqualified from voting)
- CAO and Staff implement Council's decision

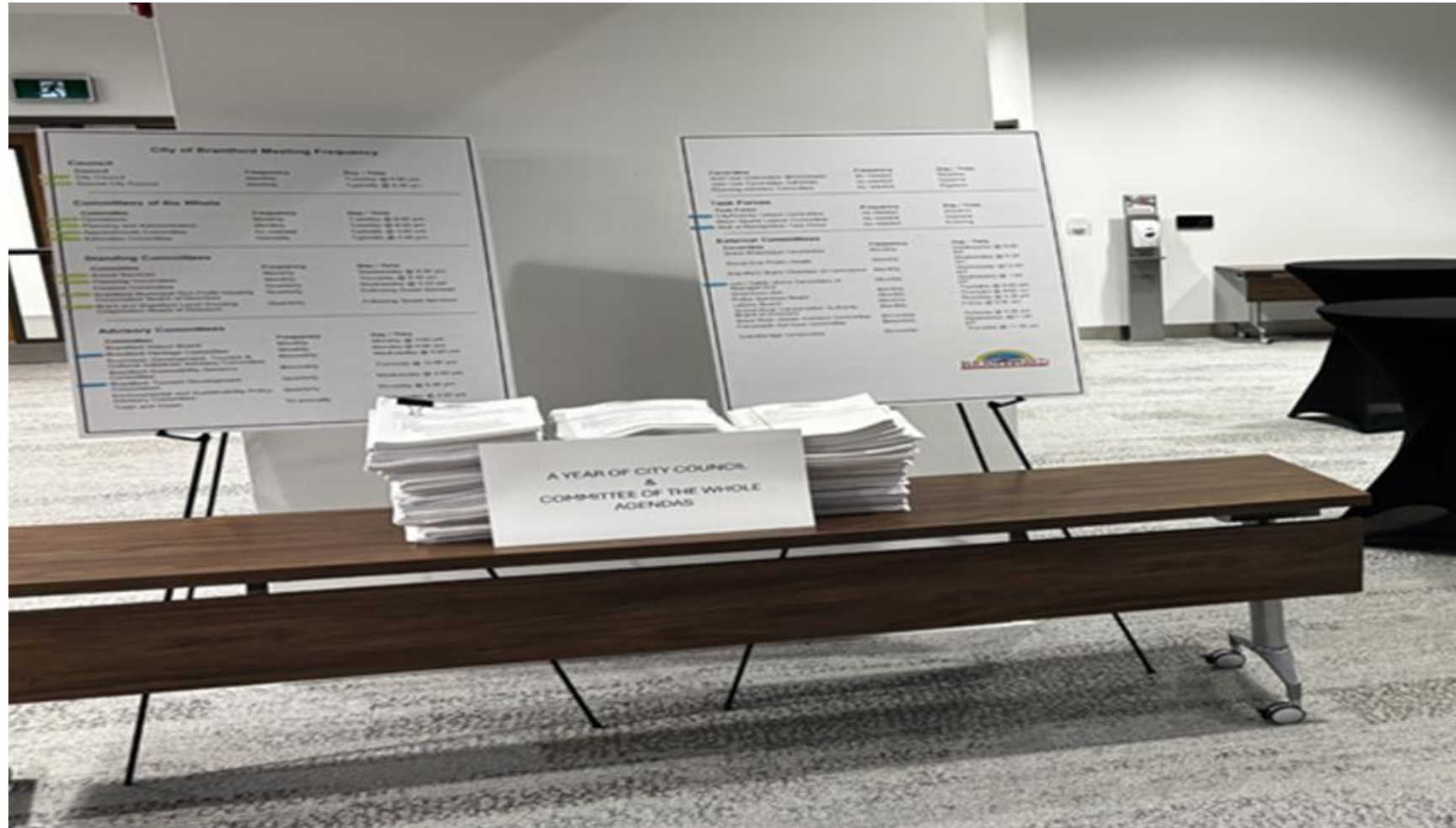
Decision Making – Cont'd

- Staff are experienced professionals who present to Council their best, objective and neutral advice, “*without fear or favour*”
- Council, in addressing any staff report may accept, revise or reject the recommendation, having considered the well-being and interests of the municipality

Decision Making – Cont’d

- Council collectively directs Staff to act
- Individual Members of Council have no inherent authority to direct staff
- Council/Members have no management role
- Staff will often “report out” on any such directions from Council

Decision Making – Cont'd



Decision Making – Cont'd

Section 270 – Mandatory Policies

1. Sale and disposition of land
2. Hiring of employees
 - 2.1. Council-staff relations
3. Procurement
4. Notice to the public

Decision Making – Cont'd

Section 270 – Mandatory Policies – Cont'd

5. Accountability and transparency to the public
6. Delegation of its powers and duties
7. Tree canopy and natural vegetation
8. Members' parental leave

Conduct of Council Members

- *Municipal Conflict of Interest Act*
- Code of Conduct for Members of Council/Local Boards
- *Municipal Accountability Act, 2025 (Bill 9)*
- Procedure By-law

Conduct – Cont'd

- Human Rights Code (Ontario)
- *Occupational Health and Safety Act*
- *Criminal Code of Canada* (Federal)
- Council-Staff Relations Policy

Conduct – Cont'd

- Purpose of the ***Municipal Conflict of Interest Act (MCIA)*** is to prevent Members from any involvement or consideration of any matter in which they have a direct, indirect and deemed “pecuniary interest”
- Should a Member be found to have breached the MCIA, the Member may be reprimanded; have their pay suspended for up to 90 days; or be removed from Council via Court order

Conduct – Cont'd

- Mandated by the *Municipal Act, 2001*, every **Code of Conduct** must include these four topics:
- Gifts, benefits and hospitality;
- Respectful conduct;
- Confidential information; and
- Use of municipal property

Conduct – Cont'd

- *Municipal Act, 2001* also requires every municipality to appoint an **Integrity Commissioner (IC)**
- IC provides both advice to Members about the Code or other ethical matters and investigates complaints
- IC may recommend to Council either a reprimand, or a suspension of the Member's pay for up to 90 days

Conduct – Cont'd

Municipal Accountability Act, 2025 – Bill 9

- Standardized, province-wide Code of Conduct
- Mandatory Training for Members
- Provincial & Municipal Integrity Commissioners
- Removal/Disqualification of Members
- Unanimous Council vote to remove Member

Procedure By-law

- Section 238 of the *Municipal Act, 2001*, mandates that every council shall enact a Procedure By-law (PBL) for governing the calling, place and proceedings of council and committee meetings including the conduct of Members as well as residents/delegations
- The PBL must provide public notice of these meetings
- The PBL may also provide for electronic meetings to the extent and in the manner set out therein

PBL – Cont'd

“Meeting” means any regular, special or other meeting of a council or committee where:

- (a) A quorum is present (50% plus 1 Members); and
- (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council or committee

PBL – Cont'd

Section 239 states that “all meetings shall be open to the public”

It also sets out more than a dozen discretionary exceptions including *“sale/disposition of land,” “personal matters about an identifiable individual, including municipal employees,”* and *“labour relations or employee negotiations”*

There are also a number of mandatory closed meetings regarding education/training and various investigations

Incivility

“Sometimes that incivility and harassment is something that is prompted, not necessarily by anything that is going on at council, but public figures are an easy target for the challenges people are dealing with”.

**Nastiness, Yelling, Threats: Municipal Politicians Face Anger and Fed-Up
Constituents: Ont. Politicians Say They & Their Families are Attacked Over
Minor Issues**

CBC News (Dec. 29, 2025)



Take the Elect Respect Pledge.

Join the growing movement of leaders and citizens who are committed to respectful discourse.

Incivility – Cont’d

“Elect Respect” is a pledge to foster respect, inclusivity and safety in public life.

Today, democracy is under pressure. Public distrust is rising, and personal attacks, harassment, and inappropriate conduct in political spaces are becoming more common. Together, we can elect to create meaningful change.

Incivility – Cont’d

Guelph City Council “elected respect” Tuesday night in an effort to discourage the abuse and harassment of public officials. Coun. Carly Klassen brought forward a motion to support the Elect Respect pledge, a campaign started by a group of women in Halton, who came together to share their experiences with abuse and harassment in public life.

Guelph City Council Votes to Elect Respect

[Guelph Today](#) (Oct. 29, 2025)

Other Acts

- *Ombudsman Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Safe Drinking Water Act, 2002*
- *Clean Water Act, 2006*

Ontario Ombudsman Act

Ontario Ombudsman

- Closed Meetings Investigator for over 200 municipalities
- May investigate municipalities upon a complaint or their own initiative
- May review complaints about municipal Integrity Commissioners
- May make recommendations for councils to consider

Municipal Freedom of Information and Protection of Privacy Act

- Oversight provided by the provincial Information & Privacy Commissioner
- MFIPPA balances the right to access government records with the right to protect confidential information
- Municipal by-laws also establish record-keeping requirements for Councillors and Staff
- **CONFIDENTIALITY** of “personal information” is paramount

Safe Drinking Water Act, 2002 & Clean Water Act, 2006



Clean Water – Cont'd

- These two statutes were enacted to implement some of the 121 Recommendations from the **Walkerton Inquiry** (2000-2002) undertaken by Justice Dennis O'Connor
- The purposes of the SDWA are:
 1. To recognize that the people of Ontario are entitled to expect their drinking water to be safe.

Clean Water – Cont'd

2. To provide for the protection of human health and the prevention of drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

- Under Section 19 of the SWDA, Members of Council are personally liable for ensuring the safe drinking water of their municipality
- The *Clean Water Act, 2006*, works with the SWDA to protect water at its source.

Final Observations

- Speak to your family and friends about the time, energy, effort and commitment that a Councillor faces (i.e., preparatory work, lots of reading, public meetings)
- Ask yourself, “*Why am I running for public office?*” Are there other ways to help your community?
- Ask Councillors what it’s really like (especially those not running this October!)
- Nights and weekend events may become demanding (including being on various local boards, agencies and commissions)

Observations – Cont'd

- Can you collaborate and work with Councillors who you may not agree with or share your view?
- Be prepared for Community and media scrutiny
- Unrelenting impact of negative Social Media
- Complaints to the Integrity Commissioner under the Council Code of Conduct, the Council-Staff Relations Policy or the *Municipal Conflict of Interest Act*

Reference Material

Legislation: <https://www.Ontario.ca/laws>

- [*Municipal Elections Act, 1996*](#)
- [*Municipal Act, 2001*](#)
- [*Education Act*](#)
- [*Accessibility for Ontarians with Disabilities Act, 2005*](#)

Reference Material - Con't

Provincial Guides:

1. <https://www.ontario.ca/document/2026-candidates-guide-ontario-municipal-council-and-school-board-elections>
2. <https://www.ontario.ca/document/2026-third-party-advertisers-guide>

Reference Material – Cont'd

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