

2022 Report on the Elections Office

BACKGROUND

On behalf of the City Clerk, the Elections Office prepares for and administers municipal elections, by-elections, and appointment processes to fill City Council vacancies that occur during a Term of Council. The City Clerk and the Elections Office ensure that the municipal elections, by-elections, and appointment processes fully comply with the responsibilities, requirements, and principles set out in the [Municipal Act, 2001](#) and the [Municipal Elections Act, 1996](#) (the MEA). More specifically, Subsection 11(2) of the MEA provides that the City Clerk's responsibility for conducting an election includes the following:

Duties of Clerk

- (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 described in Subsection 12.1(2) [relating to the identification, removal and prevention of barriers that affect electors and candidates with disabilities].

The City Clerk also has a duty to administer elections in a manner consistent with the principles of the statute as determined by the courts. These principles include but are not limited to:

- The secrecy and confidentiality of the voting process
- To be accessible to all voters
- To be undertaken in a fair and non-biased fashion
- Maintaining integrity of the process throughout an election

In addition to preparing for and administering municipal elections, by-elections, and appointment processes, the Elections Office is also responsible for conducting election-related legislative reviews on behalf of the City Clerk, and implementing any changes required for future elections.

DISCUSSION

The 2022 Municipal Elections took place on Monday, October 24, 2022 and were conducted in accordance with the *Municipal Elections Act, 1996* (the MEA) and the staff report titled “[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)”, which was considered and approved on March 23, 2022.

The following recommendations were carried as part of this above-noted report:

- Receive the update on the 2022 Municipal Elections for information;
- Approve and enact a *By-Law to Authorize the Use of an Alternative Voting Method*, attached as Document 1, to permit the use of a special mail-in ballot that does not require electors to attend at a voting place in order to vote in accordance with Section 42 of the *Municipal Election Act, 1996*, for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council, as described in this report;
- Approve amendments to election-related by-laws and policies as described in this report, including:
 - The Contribution Rebate Program By-law (By-law No. 2018-33), as attached in Document 6; and
 - The Election-Related Resources Policy, including establishment of the Election-Related Blackout Period Procedures, as described in this report and set out in Documents 7 and 8.
- Approve the establishment of the 2022-2026 Election Compliance Audit Committee, as described in this report and including:
 - The Terms of Reference for the Election Compliance Audit Committee as outlined in Document 9;
 - Delegating the authority to appoint the members of the Committee to the City Clerk, the Auditor General and the Integrity Commissioner; and
 - Exempting the Election Compliance Audit Committee from Section 2.6 of the Appointment Policy for citizen members of City advisory committees, boards, task forces, external boards, commissions, and authorities.

The following section provides an overview of the 2022 Municipal Elections; administered in compliance with the MEA and Council approved changes to election-related by-laws, policies, and procedures.

Overview of the 2022 Municipal Elections

The 2022 Municipal Elections took place on Monday, October 24, 2022, where one Mayor, 24 City Councillors, and 37 School Board Trustees were elected to office. In total, 316,254 of 722,227 eligible electors cast their ballot for a voter turnout of 43.79 per cent.

Voting opportunities in the 2022 Municipal Elections

Electors had the opportunity to cast their ballot in one of three ways: in-person voting; voting by special mail-in ballot; and voting by proxy. Each option is described below in more detail.

1. In-person voting

As set out in the report titled, "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)", and in accordance with the MEA, municipal elections are required to be conducted with at least one Advance Vote Day in addition to Voting Day.

Because of the status of COVID-19 during the planning of the election schedule, Ottawa Public Health (OPH) recommended that the City Clerk increase the number of in-person voting opportunities in an attempt to spread out voter turnout to minimize the risks of having large crowds and long lineups at voting places. As such, the City Clerk established an election schedule with Special Advance Vote Days, Advance Vote Days and Voting Day. This provided electors with three separate in-person voting opportunities with a total of seven voting days for electors to cast their ballot.

(1) Special Advance Vote Days

Special Advance Vote Days took place at the following nine locations from Saturday, September 24 to Tuesday, September 27, 2022, from 10 am to 8 pm:

- François Dupuis Recreation Centre, 2263 Portobello Boulevard
- St-Laurent Complex, 525 Côté Street
- City Hall, 110 Laurier Avenue West
- Greenboro Community Centre, 363 Lorry Greenberg Drive
- Minto Recreation Complex – Barrhaven, 3500 Cambrian Road
- Nepean Sportsplex, 1701 Woodroffe Avenue
- Michele Heights Community Centre, 2955 Michèle Drive

- Richcraft Recreation Complex – Kanata, 4101 Innovation Drive
- CARDELREC Recreation Complex Goulbourn, 1500 Shea Road

During this voting event, voting places offered “anywhere voting”, which allowed electors to attend any voting place, regardless of their address, to cast their ballot. Staff determined that City facilities were best suited as voting places on these Special Advance Vote Days due to existing City network access, they are typically landmarks in the community, fully accessible, offer multiple services to residents and have high foot traffic in their day-to-day operations.

The Elections Office also piloted a Voters in Training event during the Special Advance Vote Days at all nine voting places. This event provided children in the City of Ottawa with the opportunity to visit a voting place and cast their own ballot, as further described in the “Communications and Outreach for the 2022 Municipal Elections” section of this report.

(2) Advance Vote Days

Advance Vote Days took place from 10 am to 8 pm on Friday, October 7 and Friday, October 14, 2022. On these voting days, electors had the opportunity to vote in their wards.

There were 140 voting places on Advance Day 1 and on Advance Day 2.

(3) Voting Day

Voting Day took place on Monday, October 24, 2022. Electors once again had the opportunity to vote in their wards, from 10 am to 8 pm, with the exception of some long-term care and retirement homes that had reduced hours in accordance with the MEA.

There were 362 voting places on Voting Day, 114 of which were located in long-term care and retirement homes.

2. Alternative method of voting – special mail-in ballot

On Wednesday, March 23, 2022, City Council approved and enacted By-law No. 2022-75, being “A by-law of the City of Ottawa to authorize the use of an alternative voting method for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council,” in accordance with Subsection 42(1)(b) of the MEA. This Subsection provides that a municipal council may pass by-laws “authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote.”

Voting by special mail-in ballot was first piloted in Ottawa during the 2020 Ward 19 Cumberland By-election in response to COVID-19. In preparation for the 2022 Municipal Elections and following discussions with OPH regarding the ongoing impacts of COVID-19, staff recommended that a special mail-in ballot process be implemented for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council.

This process allowed any eligible elector to apply to the Elections Office to receive a special ballot by mail. Following the close of the two-week application period, the Elections Office mailed out 10,179 Special Ballot Voter Kits. The kits included instructions on how to vote, a voter declaration form, a ballot, a secrecy envelope, and a prepaid return envelope. Electors were required to mail or deliver their sealed return envelope to the Elections Office or to the City's Client Service Centres by 4:30 pm on Voting Day, Monday, October 24, 2022. 8,685 return envelopes were received in advance of the deadline.

There were four special mail-in ballot processing events for the 2022 Municipal Elections and unofficial results from the special mail-in ballot processing events were stored in a secure location until they were uploaded to the results server in the presence of external auditors after the close of voting on Monday, October 24, 2022.

Of the 8,685 return envelopes received, 135 were rejected in accordance with the Procedures for Special Ballot Voting as follows:

- 122 return envelopes did not include a voter declaration form;
- 10 voter declaration forms were not signed; and
- three return envelopes did not contain a special mail-in ballot.

In total, 8,549 special mail-in ballots were successfully cast, and one special mail-in ballot was rejected in accordance with the Procedures for Special Ballot Voting.

3. Voting by proxy

Electors who were unable to get to a voting place on voting days, or who felt uncomfortable going to a voting place to cast their ballot, were able to appoint a proxy to vote on their behalf in accordance with the MEA. A proxy must be an eligible elector and can still cast their own ballot. A proxy can vote for only one other person unless they are representing members of their own family.

To appoint a proxy, the elector and the person they wanted to appoint were required to fill out two copies of an Appointment for Voting Proxy – Form 3. The individual that was appointed was required to take the completed forms to the Elections Office, City Hall, or any Client Service Centre (excluding Walter Baker Sports Centre) from Thursday, September 1, 2022, until Monday, October 24, 2022, during regular business hours to have it certified by City staff. Once certified, the proxy was required to take the form to the voting place in order to receive a ballot.

A total of 364 proxy forms were certified in the 2022 Municipal Elections.

Voting in long-term care and retirement homes

Subsection 45(7) of the MEA states that, on Voting Day, a voting place shall be provided in the premises of institutions in which 20 or more beds are occupied by persons who are disabled, chronically ill or infirm and a retirement home in which 50 or more beds are occupied. In accordance with the MEA, voting took place in 114 long term care facilities during the 2022 Municipal Elections.

To help mitigate the risks surrounding COVID-19 for both residents, staff, and election workers at long-term care and retirement homes, staff worked with OPH to implement safety measures to provide residents with the opportunity to vote.

In addition to election worker training provided by the Elections Office, election workers in these facilities were also required to watch a training video - provided by OPH - regarding general infection prevention and control and personal protective equipment.

Voter turnout

Following the revision period which ended on Friday, September 16, there were 722,227 eligible electors in the City of Ottawa's 2022 Municipal Elections. A total of 316,254 electors cast their ballot for a voter turnout of 43.79 per cent. This is slightly higher than the 2018 Municipal Elections where 269,772 ballots were cast for a voter turnout of 42.55 per cent.

Generally speaking, voter turnout for municipal elections is routinely low in comparison to elections at the Federal and Provincial levels of government. In the last two General Federal Elections, the average voter turnout was over 60 per cent. At the provincial level, the average turnout for the last two General Elections in Ontario was 50 per cent.

Low voter turnout at the municipal level remains true when looking at turnout percentages for municipalities across the province in the 2022 Municipal Elections.

According to [data](#) released by the Association of Municipalities of Ontario (AMO), the average voter turnout for the 2022 Municipal Elections across Ontario was 36.30 per cent, down slightly from the average of 38.29 per cent in 2018.

While Ottawa's voter turnout was higher than Ontario's average, the Elections Office will continue to identify and evaluate outreach opportunities to increase voter engagement. In addition, and as further described in this report, staff will undertake an upcoming review of voting methods that will include a public consultation process. During the consultation process, residents will have the opportunity to provide feedback on various voting options for future elections.

Accessibility plan and report

In line with past practice, staff worked in consultation with the City's Accessibility Advisory Committee and Accessibility Office to ensure that the election process was accessible to electors and candidates as required by Subsection 12.1(1) of the MEA.

In accordance with Subsection 12.1(2) of the MEA, the City Clerk is required to develop a plan on the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make it available to the public before Voting Day. To meet this requirement, the [2022 Municipal Elections Accessibility Plan \(detailed version\)](#) and the [2022 Municipal Elections Accessibility Plan \(abridged version\)](#) were published to ottawa.ca/vote on Friday, September 23, 2022.

Further, Subsection 12.1(3) of the MEA requires that the City Clerk prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and must make the report available to the public within 90 days after Voting Day. To meet this requirement, staff reviewed the implementation of the above-noted accessibility plan and accessibility-related feedback received during the 2022 Municipal Elections and prepared the [2022 Municipal Elections Accessibility Report](#). This report was published to ottawa.ca/vote on Friday, January 20, 2023, and identifies the accessibility achievements of the 2022 Municipal Elections. The report further outlines how the Elections Office will continue to improve the accessibility of future municipal elections in Ottawa to ensure all electors can exercise their democratic right to vote.

Communications and outreach for the 2022 Municipal Elections

To raise awareness about the voting options available during the election, and in addition to statutory advertisement requirements, in partnership with Public Information

and Media Relations (PIMR), the Elections Office created and mailed a bilingual brochure to every eligible elector on the Voters' List in August of 2022. This brochure provided information on how, where, and when an elector could vote as well as information about how electors could find their ward name and number, and a list of candidates running in their ward.

Further, staff executed a thorough social media campaign to communicate with electors, candidates and third party advertisers throughout the election cycle. Videos, infographics and photos were posted to the Elections Office's [Twitter](#) and [Facebook](#) pages in both English and French, and covered a variety of topics related to the 2022 Municipal Elections including:

- The nomination and registration periods for candidates and third party advertisers;
- Ward boundary changes;
- The recruitment and hiring of election workers;
- Web-based tools for residents;
- Voting dates and times and the option to vote by special mail-in ballot; and
- Accessibility tools available to electors.

As detailed in the report titled "[Update on the 2022 Municipal Elections and Amendments to Election-related By-laws and Policies](#)", the Elections Office also issued several communications related to the ward boundary changes and becoming a candidate. This included Public Service Announcements, newspaper advertisements, and social media posts. Residents could also use the "Who is running in my ward?" web application on ottawa.ca/vote to determine their ward name and number and a list of candidates running in their ward.

As the Elections Office recognizes the importance of encouraging diversity and inclusion on City Council, staff worked with internal stakeholders, including staff in Gender and Race Equity, Inclusion, Indigenous Relations, and Social Development Services, French Language Services, and the Accessibility Office, and various community groups and organizations, in an effort to provide more information about how to become a candidate in the 2022 Municipal Elections. Further, staff developed a "Becoming a candidate for the office of Mayor or City Councillor in the City of Ottawa's 2022 Municipal Elections" guide and held a virtual information session on this subject. The guide and information sessions slides were posted to ottawa.ca/vote and shared with stakeholders who passed them onto their networks.

Staff also created guides for prospective School Board Trustees and third party advertisers titled “Becoming a candidate for the office of School Board Trustee in the City of Ottawa’s 2022 Municipal Elections”, and “Becoming a registered third party advertiser in the City of Ottawa’s 2022 Municipal Elections”. These guides were also posted to ottawa.ca/vote and shared with stakeholders.

The Elections Office participated in several outreach opportunities to provide information to residents about voting opportunities and how to apply to work in the 2022 Municipal Elections. These outreach events included booths at various community events, schools, and City facilities. Virtual presentations were also given through the United Way EARN and the Good Companions Seniors Without Walls community groups.

In addition, the Elections Office launched an online “[Kids’ Corner](#)” for the 2022 Municipal Elections, which aims to provide educational tools targeted at Ottawa’s future voters. Staff created a variety of bilingual activities for kids to do at home or school, including printable colouring sheets, puzzles, and games.

In an effort to engage future voters, the Elections Office also piloted a [Voters in Training](#) event during Special Advance Vote Days. During this event, children could come to any voting place and cast their own “Voters in Training” ballot. Results of the Voters in Training event were shared on ottawa.ca/vote and to the Elections Office’s social media platforms on Twitter and Facebook. A total of 615 Voters in Training ballots were cast. Information packages regarding Kids’ Corner and the Voters in Training event were shared with the four school boards in the City of Ottawa.

Staff is also reviewing opportunities to expand the Kids’ Corner initiative and the Voters in Training program. The expansion includes creating additional educational material for parents, guardians, after school programs and educators, and increasing the target audience of the Voters in Training program to focus on new or future eligible electors.

The Elections Office will also continue to work with internal and external stakeholders to expand outreach initiatives in an effort to provide more information to residents and electors about municipal elections during election and non-election years. Staff is currently reviewing and planning outreach strategies to target a variety of groups, including but not limited to, diversity, equity, and inclusion groups, students, hospitals, prisons, new Canadians, and the homeless population in Ottawa.

Campaigning during a pandemic

While the City Clerk is not responsible for administering, providing guidance or overseeing campaign activities, the City Clerk requested that OPH provide guidance to candidates and third party advertisers regarding campaign activities during the COVID-19 pandemic. This information was included in nomination packages, candidate and third party updates and was posted to ottawa.ca/vote.

Cost of the 2022 Municipal Elections

As described in the report titled, "[Update on the 2022 Municipal Elections and Amendments to Election-related By-laws and Policies](#)" the estimated cost of the 2022 Municipal Elections was \$9,160,459. This estimate included potential COVID-19 related expenses should staff have been required to implement adaptations and/or safety measures to the in-person voting process, the cost to implement a special mail-in ballot process, an additional advance vote day, increased communications and outreach efforts, and inflation.

The total cost of the 2022 Municipal Elections was \$8,084,300 approximately \$1.1 million less than the estimated budget set out in the above-noted report. Staff reviewed the variance in cost and note that the largest difference occurred in relation to COVID-19 impacts. Other cost variances of note were related to the special mail-in ballot process, and communications and outreach as further described below.

In consultation with Ottawa Public Health, and in accordance with COVID-19 public health guidelines in the fall of 2022, it was determined that stringent health and safety measures originally planned for were not required to administer and prepare for voting events, resulting in savings from the original estimated budget.

Further variance was found in the cost of administering the special mail-in ballot process. As described in the above-noted report, preliminary budget estimates indicated that implementing the special mail-in ballot on a city-wide scale in the 2022 Municipal Elections would cost approximately \$653,642. This cost was based on an estimate that 50,000 electors would apply to receive a ballot, which represented approximately 8.7 per cent of eligible electors in Ottawa. Although the City of Ottawa had never implemented an alternative voting method on a city-wide scale, these estimates were in line with those in other jurisdictions. Following the two-week application period in the 2022 Municipal Elections, staff processed the applications received and 10,179 Special Ballot Voter Kits were sent to electors.

In addition, due to lower than anticipated costs relating to communications and outreach, there was a variance in cost despite the increase in initiatives in these areas. Staff were also able to utilize supplies and resources from previous elections which also resulted in additional savings.

Funding for municipal elections comes from the Tax Stabilization Reserve, which is the primary fund for elections. A detailed budget table for the 2022 Municipal Elections is provided below.

Table 1 - Budget table for the 2022 Municipal Elections

Category	Budget	Actual	Variance	Per cent Variance
Staffing	\$3,307,000	\$3,183,746	\$123,254	3.7%
Election events	\$4,167,205	\$4,013,240	\$153,965	3.7%
Legislative requirements, communications, and outreach	\$291,950	\$217,258	\$74,692	25.6%
Special mail-in ballot process	\$653,642	\$502,164	\$151,478	23.2%
COVID-19 impacts	\$655,662	\$76,615	\$579,047	88.3%
Elections audit	\$85,000	\$91,277	-\$6,277	-7.4%
Total	\$9,160,459	\$8,084,300	\$1,076,159	11.7%

Deliverables remaining for the 2022 Municipal Elections

The Elections Office will continue to execute the remaining deliverables required to close out the 2022 Municipal Elections including accepting financial statements for candidates that file during the 30-day grace period and that have extended their campaigns, providing support to the Election Compliance Audit Committee, completing the City Clerk’s review of contributions as required by the MEA, and administering the Contribution Rebate Program as described below.

Financial statements

In accordance with the MEA, candidates were responsible for filing their initial financial statement with the Elections Office by Friday, March 31, 2023, at 2 pm. Candidates who missed this deadline can still submit their statement up to 30 days later (by Monday, May 1, 2023) provided that they pay a \$500 late filing fee.

Candidates who extended their campaign due to a deficit have until 2 pm on Friday, September 29, 2023, to file their supplementary financial statements. Candidates who miss this deadline can still submit their statement up to 30 days later (by Monday, October 30, 2023) provided that they pay a \$500 late filing fee.

Once the above-noted deadlines have passed, the Elections Office is responsible for making the financial statement documents available for public viewing as soon as possible after they are filed in accordance with Subsection 88(9.1) of the MEA. Financial statements received will be available for public viewing on ottawa.ca/vote and at the Elections Office by appointment.

Election Compliance Audit Committee

The Election Compliance Audit Committee (ECAC) is responsible for reviewing and making decisions on applications for municipal election campaign finance compliance audits, and on reports from the City Clerk regarding apparent contraventions of contribution limits prescribed by the MEA, as described below.

As contained in documentation listed as [Information Previously Distributed](#) on the Tuesday, November 1, 2022, [Finance and Economic Development Committee Agenda](#), the 2022-2026 ECAC is comprised of the following members:

1. Nahie Bassett;
2. Catherine Bergeron;
3. Timothy Cullen;
4. Imad Eldahr; and
5. Michael McGoldrick.

In accordance with the MEA, any eligible elector who believes that a candidate or registered third party advertiser has contravened the campaign finance rules in the act may apply for a compliance audit even if the candidate or third party advertiser has not

filed a financial statement. Applications for compliance audit must be made within 90 days after the latest of the following dates:

1. The initial financial statement filing date;
2. The date the candidate or third party advertiser filed an initial financial statement, if the statement was filed within 30 days after the applicable filing date;
3. The candidate or third party advertiser's supplementary filing date, if any; or
4. The date on which the candidate's extension, if any, expires.

For the purposes of the 2022 Municipal Elections, the following application periods apply, subject to a candidate or third party advertiser filing their initial or supplementary financial statements during the 30-day grace period, or any filing extensions granted by the Superior Court of Justice:

Initial financial statements:

- The 90-day application period for an elector to apply for a compliance audit of a candidate or third party advertiser's initial campaign finances began on Monday, April 3, 2023, and will end on Thursday, June 29, 2023.
 - Any candidate or third party advertiser who files their supplementary statement during the 30-day "grace period" will have a specific 90-day application period set based on the date that they filed.
 - If a candidate or third party advertiser received a filing extension from the Superior Court of Justice, the 90-day period to apply for a compliance audit begins the day after the candidate or third party advertiser's extension expires.

Supplementary financial statements:

- The 90-day application period for an elector to apply for a compliance audit of a candidate or third party advertiser's supplementary campaign finances will begin on Monday, October 2, 2023, and will end on Thursday, December 28, 2023.

- Any candidate or third party advertiser who files their supplementary statement during the 30-day “grace period” will have a specific 90-day application period set based on the date that they filed.
- If a candidate or third party advertiser received a filing extension from the Superior Court of Justice, the 90-day period to apply for a compliance audit begins the day after the candidate or third party advertiser’s extension expires. These dates will be posted on ottawa.ca/vote as required.

The Elections Office will post the relevant application deadlines for candidates and third party advertisers on ottawa.ca/vote.

In addition, and in accordance with Sections 88.34 and 88.36 of the MEA, the City Clerk is required to review financial statements submitted by candidates and third party advertisers in an election to determine whether contributors appear to have exceeded any of the contribution limits established by the MEA and report this to the ECAC. As in previous elections and by-elections, the City Clerk will retain the services of a licensed external auditor to complete this review.

Following the external auditor’s review, and if there are apparent contraventions, the City Clerk will report this to the ECAC, who will consider whether or not to commence legal proceedings against the contributor within 30 days after receiving the report in accordance with the MEA.

The Elections Office will provide administrative support to the City Clerk, external auditor, ECAC, and Committee Coordinator as required throughout their mandate and the 2022-2026 Term of Council.

Cost of the 2022-2026 ECAC

As described in the report titled “[Update on the 2022 Municipal Elections and Amendments to Election-related By-laws and Policies](#)”, the 2022-2026 ECAC members are paid the same honorarium and *per diem* as have been in place for the three previous ECACs:

- A \$600 annual retainer; and
- \$175 an hour, up to a maximum of \$1,250 a day.

In addition to costs associated with ECAC Members, the City also pays for external legal counsel assigned to the committee to assist Members in carrying out their quasi-judicial duties, the services of an independent auditor to conduct the compliance audits, and an independent prosecutor to review the case and decide whether to proceed with prosecution, as required.

At this time, staff cannot anticipate the costs associated with the ECAC due to several factors including:

- An unknown number of applications and resulting compliance audits; and
- An unknown number of reports that may need to be considered as a result of the City Clerk's mandatory review of contributions in regular elections and any potential by-elections.

The cost of the 2018-2022 ECAC to date is \$372,865. This cost is subject to change, as one of the prosecutions stemming from a compliance audit of a candidate in the 2018 Municipal Elections remains before the Provincial Offences Court.

Contribution Rebate Program

Section 88.11 of the MEA provides that a municipality may pass a by-law to allow for the payment of rebates to individuals who contribute to candidates for the Office of Mayor or City Councillor and may establish conditions under which such a rebate is paid.

City Council first established the Contribution Rebate Program for the 2003 Municipal Elections, and the City's [Contribution Rebate Program By-law](#) (No. 2022-76) remains in effect for any regular election or by-election that might occur in the City of Ottawa. By-law No. 2022-76 authorizes the payment of rebates to individuals who make contributions to candidates running for municipal City Council who participate in the program.

Campaign contributions from individuals are only eligible for a rebate if both the contributor and participating candidate meet the requirements of By-law No. 2022-76. Individuals must also submit their rebate applications by 2 pm on Tuesday, November 28, 2023, in order to receive their rebate.

The Elections Office will review the rebate applications to ensure that the contributor and candidate are compliant with the requirements of the program. It is anticipated that

rebates will be issued to eligible contributors in February 2024 once all compliance audit deadlines have passed and any ECAC proceedings or prosecutions have ended.

At this time, staff is unable to estimate the cost of the Contribution Rebate Program for the 2022 Municipal Elections due to several factors including:

- An unknown number of campaign contributions that are eligible for rebate; and
- An unknown number of compliant rebate applications from contributors.

For reference, the cost of the Contribution Rebate Program for the 2018 Municipal Elections was \$119,101. Funding for the Contribution Rebate Program comes from the Tax Stabilization Reserve which is the primary fund for elections.

Changes to Provincial legislation impacting municipal elections

Municipal elections in Ontario, including those in the City of Ottawa, are governed by the MEA and *Municipal Act, 2001*. The Province routinely reviews election-related legislation after each regular municipal election and makes amendments as required. Staff will monitor any legislative reviews that take place and will report back to City Council on these matters as required.

In recent years, the Province has passed various amendments to the above-noted legislation which have an effect on future municipal elections and by-elections. Recent or upcoming changes include the following:

Bill 3, Strong Mayors, Building Homes Act, 2022

On Thursday, September 8, 2022, Bill 3, *Strong Mayors, Building Homes Act, 2022*, received Royal Assent, making changes to several Acts, including the following changes to the *Municipal Act, 2001*, with respect to vacancies in the Office of the Mayor (“office of head of council”):

- If a vacancy occurs in the office of head of council, the City shall require a by-election to be held, in accordance with the MEA and any regulations, to fill the vacancy.
- Subject to Subsection (3) and the regulations, if any, the following rules apply to filling vacancies in the office of head of council:
 - Within 60 days after the day the office is declared vacant, the City shall pass a by-law requiring a by-election to be held to fill the vacancy.

- If a court declares the office of head of council to be vacant, the City shall act within 60 days after the court makes its declaration.
- If a vacancy occurs within 90 days before voting day of a regular election, the City is not required to fill the vacancy.
- Subject to the regulations, if any, if a vacancy in the office of head of council occurs after March 31 in the year of a regular election, within 60 days after the day a declaration of vacancy is made, the City shall fill the vacancy by appointing a person who has consented to accept the office if appointed.

The above-noted amendments were proclaimed into force on Wednesday, November 23, 2022, and apply to any future by-elections and regular elections in Ontario.

Bill 204, Helping Tenants and Small Businesses Act, 2020

As set out in the report to Council titled "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)", Bill 204, *Helping Tenants and Small Businesses Act, 2020*, received Royal Assent on Thursday, October 1, 2020. The Bill, in part, provides that beginning in 2024, the Province's Chief Electoral Officer will be responsible for preparing the Preliminary List of Electors (PLE) for municipal elections as well as establishing and maintaining a permanent register of electors rather than the Municipal Property Assessment Corporation (MPAC). Bill 204 makes the following revisions to several Acts:

- The MEA is amended to move the responsibility for preparing the Preliminary List of Electors in municipal elections from MPAC to the Province's Chief Electoral Officer, beginning in 2024.
- The responsibilities of the City Clerk with regard to updating the Voters' List are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits.
- The *Municipal Property Assessment Corporation Act, 1997* is amended to require the Corporation to provide information to the Chief Electoral Officer free of charge, for the purposes of establishing and maintaining a permanent register of electors.

Currently, the Elections Office receives the PLE from MPAC. Following receipt, staff, in accordance with Subsection 22(1) of the MEA, review the data to identify any obvious errors, duplicates, and decedents on the list. After this review, the PLE becomes the Voters' List, and eligible electors can add, amend, or remove their information in accordance with the MEA. For the 2022 Municipal Elections, staff processed a total of

123,534 changes to the Voters' List. 60,166 names were added, 44,300 names were removed, and 19,068 amendments were made to elector information.

Staff is currently engaging with Elections Ontario to identify common issues with the PLEs previously received from MPAC in an effort to address some of the challenges regarding data accuracy. Where MPAC's PLE data was gathered from property assessment information, Elections Ontario intends to use multiple data sources to maintain the PLE moving forward. Staff is optimistic that these changes will be helpful in improving the quality and accuracy of the Voters' List.

Staff will continue to engage in discussions with Elections Ontario and implement changes required for future elections beginning in 2024.

Bill 254, Protecting Ontario Elections Act, 2021

As noted in the report to City Council titled "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)", Bill 254, *Protecting Ontario Elections Act, 2021* received Royal Assent on Thursday, April 19, 2021, and made changes to the MEA that permit City Clerks to put conditions in place that would allow candidates and third party advertisers to submit their nomination and registration forms electronically.

Staff, in consultation with Information Technology Services, reviewed the feasibility of implementing an electronic filing system and determined that this was not operationally feasible for the 2022 Municipal Elections. However, staff will continue to monitor electronic filing systems and strategies in other jurisdictions in Ontario and consult with ITS to determine if such a system could be introduced in future municipal elections in the City of Ottawa.

Preparations for future municipal elections and by-elections

In the City of Ottawa, preparations and planning for general municipal elections begin years in advance because of the City's vast geographic area – Ottawa is 4.4 times larger than Toronto – and large population, with over 722,000 eligible electors in 2022. Moreover, Ottawa provides bilingual and accessible services throughout the election process and at all voting places.

As part of the planning process for the 2026 Municipal Elections, staff will address the upcoming expiry of the contract with the City's current vote tabulation system. As noted in the report to City Council titled "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)", the existing contract is in place

for any by-elections that may occur during the 2022-2026 Term of Council; however, the contract expires in advance of the next general municipal election which is scheduled to take place on Monday, October 26, 2026, as described below.

Automated Vote Counting equipment

Subsection 42(1) of the MEA permits municipalities to pass a by-law authorizing the use of vote-counting equipment in municipal elections. Ottawa has used automated vote tabulation since 1997, with the City of Ottawa authorizing the use of vote-counting equipment by way of By-law No. 2003-275, A by-law of the City of Ottawa to authorize the use of vote-counting equipment for municipal elections. This by-law is in place for any future elections and by-elections in the City of Ottawa.

Through the 2011-2014 Strategic Planning process, City Council directed the City Clerk to secure the hardware (vote tabulators) and software necessary to deliver the 2014 Municipal Elections. After an open and thorough procurement process, the City of Ottawa selected Dominion Voting Systems (Dominion) as its vendor for both the 2014 and 2018 Municipal Elections, with the option to renew for 2022. The contract with Dominion was renewed on Monday, December 2, 2019, and is in effect for any by-elections that may occur during the 2022-2026 Term of Council.

As the current contract with Dominion expires at the end of the 2022-2026 Term of Council, the Elections Office will work with the City's Procurement branch to source a vote tabulation system for future municipal elections. This process will include a review of voting methods that are available, feedback from other municipalities and jurisdictions, as well as a public consultation process on voting methods as further described below.

Review of voting method options and public consultation

In advance of the 2026 Municipal Elections, staff will review voting method options for future municipal elections as well as the success of methods used in other municipalities. Staff will also work with internal stakeholders to review the feasibility of implementing these methods, including internet and telephone voting, in the City of Ottawa.

As set out in the "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)" report, staff reviewed the option to implement internet and telephone voting as an alternative voting method for the 2022 Municipal Elections and determined that they were not viable options. At the time, staff identified a number of

concerns with these voting methods, which included but were not limited to the following:

Telephone voting

- Following the 2018 Municipal Elections, Dominion removed their telephone voting component. As such, the telephone voting component that would be required to implement this voting option in Ottawa was not available with the City's existing vendor.
- Based on discussions with other municipalities, staff determined that voting by telephone has not been an efficient or effective method of voting. Furthermore, voting by telephone is not considered to be an accessible voting option as lengthy ballots prove difficult to navigate through the telephone system and take too long to complete, resulting in possible voter frustration.

Internet voting

- The security of internet voting systems was an on-going concern.
- There were no national technical standards that exist for certifying online voting systems, auditing, or verifying the results that are produced. Furthermore, as far as staff was aware, none of the current internet voting systems could produce an accompanying physical paper trail. As such, conducting a recount would not be possible as a paper ballot does not exist.
- Staff were concerned that the quality of the Voters' List would directly impact staff's ability to administer an election effectively and efficiently with an internet voting method. The accuracy of the Voters' List could also become a barrier to some as electors are mailed a voter notification letter with their personal identification numbers (PIN). Out-dated, incorrect and/or missing data on the Voters' List could lead to the voter notification letters not being delivered, delivered with errors, or even delivered to the wrong address, and the latter could lead to fraud.
- Moving to an internet voting system could create barriers and disenfranchise electors that do not have access to a computer and/or internet at home. The Canadian Radio-television and Telecommunications Commission's "[Communications Monitoring Report](#)" indicates that as of 2019, eight per cent of Canadian households do not have internet access at home. For those that do have connections, there are significant disparities between the speeds that rural and urban households receive. Staff note that this could have significant implications for electors in the City of Ottawa's three rural wards.

- Staff also determined that moving to internet voting could exacerbate the digital divide – the gap between individuals, households, businesses, and geographic areas at different socio-economic levels with regard to both their opportunities to access information and communication technologies (ICTs) and to their use of the internet for a wide variety of activities – as well as increase barriers and disenfranchise those who do not have access or do not feel comfortable using technology.
- In addition, staff estimated the preliminary costs to implement telephone or internet voting in the 2022 Municipal Elections at approximately \$3.3 million for either method. However, it is important to note that these costs could only be confirmed by going to market. This would have been a significant undertaking and staff was not able to complete the procurement process, test, audit, and implement telephone or internet voting in time for the 2022 Municipal Elections.

As part of the review of voting methods available, staff will determine whether the concerns previously identified in telephone and internet remain true. They will also complete a review of the special mail-in ballot process that was used in the 2022 Municipal Elections and will report back to City Council in advance of the 2026 Municipal Elections on the viability of implementing alternate methods of voting in future municipal elections.

In addition, staff will engage in a thorough public consultation process to seek information from residents on a number of election-related matters including preferred voting methods and options. They will also continue to work with municipal partners and election working groups to seek feedback from other municipalities and jurisdictions.

Review of voting method options in other Ontario municipalities

At this time, various Ontario municipalities, who are subject to the same Provincial legislation as the City of Ottawa, are also conducting similar reviews for future elections as follows:

- **City of Waterloo** – In a report to City Council titled [2022 Municipal Election - Overview](#), City staff noted that they are regularly conducting scans of online voting best practices as well as other municipalities experiences with online voting, and will review the possibility of implementing online voting as an alternate voting method for City Council consideration.
- **City of Guelph** – In a recent presentation to the City’s Accessibility Advisory committee, City staff noted that both voting by mail and voting online would be considered as potential accessible voting options for future elections. Staff also

indicated that they were reviewing the selection of in-person voting places to better improve accessibility.

- **City of Cornwall** – In a report to City Council titled [2022 Municipal Election Analysis](#), City staff committed to reviewing electronic voting options for implementation in the 2026 Municipal Elections. In addition, staff is reviewing ways to improve in-person voting for electors.
- **City of Oshawa** – In 2020, Oshawa’s Corporate Services Committee directed staff to investigate risk mitigation strategies associated with internet and phone voting. Public consultation conducted following the 2022 Municipal Elections indicated that voters would like to see online voting in future elections. Staff is expected to report back to Oshawa’s City Council on these matters in Q4 of 2024.
- **Norfolk County** – In Norfolk County’s [2022 Municipal and School Board Election Accessibility Report](#), staff discussed improvements that can be made to their election processes and note that they will review various voting methods in advance of the 2026 Municipal Elections.

In addition to the above-noted Ontario municipalities, [Élections Québec](#) undertook a review of [remote voting methods](#) in 2019 and are currently in the preliminary stages of introducing internet voting pilot projects in Quebec beginning with the 2025 Municipal elections. Élections Québec notes multiple pilot projects will precede the implementation of a proven digital solution.

Staff will continue to monitor voting method reviews and their outcomes across the province and will engage in discussions with other municipalities throughout the review process. They will report back to City Council on the outcome of this review in advance of the 2026 Municipal Elections.