

Election compliance audit application form

Instructions

Under the [Municipal Elections Act, 1996](#) (the “MEA”), any eligible elector who believes that a candidate or registered third party advertiser has contravened the campaign finance rules in the statute may apply for a compliance audit of that party’s election campaign finances.

To apply for a compliance audit of a candidate for the office of Mayor or City Councillor, or a registered third-party advertiser:

1. Complete this form and the required fields marked with an asterisk (*).
2. Submit this form and any supporting documents in person at the City of Ottawa’s [Elections Office](#) during regular business hours (Monday to Friday from 8:30 am to 4:30 pm).

The Elections Office must receive this form by the deadline(s) prescribed in Subsection 88.33(3) or Subsection 88.35(3) of the MEA.

All applications will be submitted to the Election Compliance Audit Committee for review in accordance with the MEA.

Applicant information*

First name: Edward ~~W~~

Last name: Phillips

Full qualifying address (qualifying address in the City of Ottawa):
Redacted

Mailing address (if different than qualifying address):

Redacted
Telephone: _

Email: _ **Redacted**

Candidate or registered third party advertiser details*

Election compliance audit of the campaign finances of:

Candidate's name: Shawn Menard

Registered third party advertiser's name: _____

Reasons for compliance audit*

Indicate the reasons you believe that the candidate or registered third party has contravened the provisions of the MEA related to campaign finances. If known, identify what section(s) of the MEA you believe has been contravened. Additional documents may be attached to this application.

Please see attached rationale, observations and summary.

Declaration*

The definition of an “eligible elector” under Subsection 17(2) of the *Municipal Elections Act, 1996* is as follows:

A person is entitled to be an elector at an election held in a local municipality if, on voting day, they

- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- (b) are a Canadian citizen;
- (c) are at least 18 years old; and

(d) are not prohibited from voting under Subsection 17(3) or otherwise by law.

Accordingly, the following must be declared by the Applicant:

I, EDWARD PHILLIPS, being an eligible elector in the City of Ottawa, **HEREBY DECLARE** that I have reasonable grounds to believe that the candidate or registered third party referenced in this application has contravened a provision of the *Municipal Elections Act, 1996*, relating to election campaign finances, and I have ~~se~~**Redacted** belief in this application.

—
Si

June 28 / 23

Date (yyyy/mm/dd)

For office use only

Received by: Rhiannon Power

Date received: June 28, 2023

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, SO 1996, c 32, Schedule, sections 88.33(2) and/or 88.35(2). Personal information will be used by the City of Ottawa for the purposes of the application submitted for a compliance audit of the election campaign finances of a candidate or third party advertiser. Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, documents and materials filed with or prepared by the City Clerk or any other election official are public records and may be inspected by any person at the City Clerk's Office pursuant to Section 88(5) of the *Municipal Elections Act, 1996*, SO 1996, c 32, Schedule. Questions about this collection and use of your personal information may be directed to the Elections Office at 613-580-2660 or elections@ottawa.ca.

Shawn MENARD- Form 4

Spending limit for Capital Ward 2022 Municipal Election: \$29508.90

Declared expenses for Shawn MENARD's 2022 campaign: \$27199.10

Campaign declared it underspent by \$2309.80 from allotted maximum

The MENARD campaign claimed a 2022 expense of \$2576.55 for signs (including sign deposit)

As per the Municipal Elections Act of Ontario, 1996;

"If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense."

Schedule 1 of Form 4 Financial Statement Auditor's Report Candidate—declares the results of Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign

The MENARD campaign declares \$2190.50 as the value of the below items carried over from a previous campaign:

600 H-Frames for signs (2018 election), total value \$678.00 (\$1.13/unit)

250 small signs (2018 election), total value \$1412.50 (\$5.65/unit)

Sign Material (screws and zip ties) (2018 election), total value \$100

On SEP 07 2022 the Twitter account twitter.com/ShawnMenard1 posted the following text with an accompanying picture of an election sign that had printed on it- Shawn Menard Fight for your city. Capital-Councillor (bilingual)

Alright friends living in #CapitalWard. We have lawn signs going up on Friday, September 9th. Do you want change at city hall? Add one of these beauty's on your lawn or in your window. Go here to "sign"up for one:menard2022.ca/sign #Ottawa

<https://twitter.com/ShawnMenard1/status/1567596978887954434?cxt=HHwWhMC82bLJnMErAAA>

On SEP 09 2022 the Twitter account twitter.com/ShawnMenard1 posted the following text and Retweeted an account of a bicycle with Shawn Menard election signs on it- the original poster (twitter.com/GillianDaws claiming to have delivered 52 signs)

Our team was out late last night delivering hundreds of signs. Wow #CapitalWard! Thank you for showing your support! Black and Yellow everywhere :)

<https://twitter.com/ShawnMenard1/status/1568227156064362497?cxt=HHwWgoCzxcSSu8MrAAA>

On SEP 30 2022 at 3:22 pm the Twitter account twitter.com/ShawnMenard1 posted a video of election signs with his name being produced with the text:

We have lawn signs everywhere #CapitalWard! Want your very own? Request one here: [Menard2022.ca/sign](https://menard2022.ca/sign)

These signs contain only the candidates name, are multi coloured, black/yellow with a white background

These signs do not contain any picture or photos

<https://twitter.com/ShawnMenard1/status/1572305334751952898?cxt=HHwWhIC8xePX-dErAAAA>

On OCT 07 2022 twitter.com/ShawnMenard1 will post the following text;

Thank you for your support over the past 4 years #CapitalWard. You've put up over 500 of our lawn signs and have been so thoughtful at the door. Make sure to get out to vote today from 10am to 8pm at 260 Sunnyside (Old Ottawa South Firehall). #Ottvote #Ottnews #Ottcity #Ottawa

<https://twitter.com/ShawnMenard1/status/1578381836182585346?cxt=HHwWhIC8mdv6xOcrAAA>

On SEP 01 2022 the Twitter account twitter.com/ShawnMenard1 posted the following text

Very excited to announce that the @moonfruitsmusic will be playing at our campaign launch on Tuesday Sept 6th from 6-9pm at @overflowbrewing in Heron Park #CapitalWard. Join in to hear about how we can build a better city. <https://menard2022.ca/campaignlaunch> #Ottawa #Ottnews

<https://twitter.com/ShawnMenard1/status/1565330603905515520>

On Sep 06 2022 the Twitter account twitter.com/ShawnMenard1 posted the following text with a video of the event

<https://twitter.com/ShawnMenard1/status/1567344680316145665?cxt=HHwWgsC87dfrqcArAA>
AA

In this video between 0:08-0:13 two large election signs with the candidates face along with similar colours to the candidates signs previously noted can be observed. For context of the size of these signs, 2 concrete "deck blocks" can be seen partially holding one of the signs up. Approximately 2-3 more would be needed to cover the entire length of these signs.

Observations:

The candidate claims on OCT 07 2022 to have over 500 signs up throughout the Ward. The candidate declared 250 signs from a previous election were used in his 2022 campaign. The candidate declared the use of 600 "H-Frames for signs" from a previous election were used in his 2022 campaign.

The candidate posted a video of new small signs being made on SEP 30, 2022.

By declaring the carry-forwarded of 600 H-Frames and his claim of over 500 signs "up throughout the Ward" a reasonable person could come to the conclusion that the candidate's campaign ordered 350 new small signs for use (or at a minimum 251 new signs, given the above comment).

If the campaign purchased at a minimum only 251 new signs at \$5.65/ each this would total \$1418.15.

The candidate's campaign displayed larger signs with the candidates face at the campaign "kick-off" on SEP 06, 2022.

These larger signs were also observed by the public on public property throughout the campaign.

It is unreasonable to believe that these larger signs only cost the campaign \$1158.40 (declared value of signs of \$2576.55 minus the liberal cost of \$1418.15 for 251 new smaller signs).

The candidate declared a carry-over value of sign material (screws and zip ties) from the 2018 election of \$100.00.

The larger signs previously mentioned require a stable base such as wood or plastic for display. The candidate does not appear to have accounted for the materials needed to display these larger signs which were placed on public property during the election period.

SUMMARY:

Shawn Menard's campaign did not adequately account for all his new sign expenditures for the 2022 Ottawa Municipal Election. Mr. Menard himself acknowledged that he put over double (500 plus) the amount of lawn signs he claimed as a carry-forward from the 2018 campaign. In addition, Mr. Menard's campaign had larger signs on display at events and on public property in the 2022 campaign. These were not listed as being carried forward from 2018 and therefore would be new expenditures for his 2022 campaign.

A reasonable person would come to the conclusion that to purchase an additional 250+ lawn signs, new larger signs and the subsequent hardware needed to erect these signs would cost more than the declared 2022 expenditure of \$2576.55 listed on Shawn Menard's Financial Statement- Auditor's Report Candidate- Form 4.



Shawn Menard
@ShawnMenard1



Alright friends living in [#CapitalWard](#). We have lawn signs going up on Friday, September 9th. Do you want change at city hall? Add one of these beauty's on your lawn or in your window. Go here to "sign" up for one: menard2022.ca/sign
[#Ottawa](#)



3:33 PM · Sep 7, 2022

12 Retweets 2 Quotes 72 Likes



Shawn Menard
@ShawnMenard1



Our team was out late last night delivering hundreds of signs. Wow #CapitalWard! Thank you for showing your support! Black and Yellow everywhere :)



Gillian @GillianDaws · Sep 9, 2022

Supporting team @ShawnMenard1 for campaign sign day! Shawn has worked so hard for #CapitalWard, and it is such a pleasure to stand by him in the #ottcity election (or in this case, deliver 52 signs by bike! 😊). Go Shawn! #ThisIsHowWeRoll



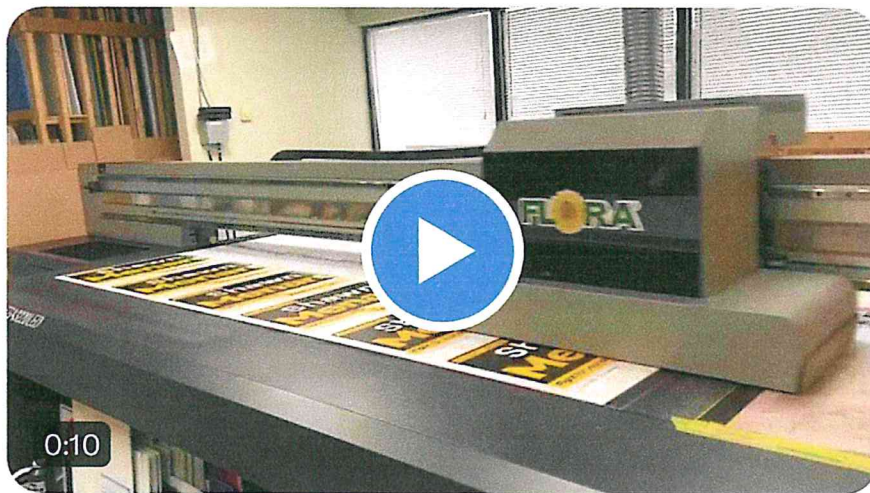
9:17 AM · Sep 9, 2022



Shawn Menard
@ShawnMenard1



We have lawn signs everywhere [#CapitalWard!](#)
Want your very own? Request one here:
Menard2022.ca/sign



3:22 PM · Sep 20, 2022

5 Retweets 35 Likes



Shawn Menard

@ShawnMenard1

...

Thank you for your support over the past 4 years [#CapitalWard](#). You've put up over 500 of our lawn signs and have been so thoughtful at the door. Make sure to get out to vote today from 10am to 8pm at 260 Sunnyside (Old Ottawa South FireHall). [#Ottvote](#) [#Ottnews](#) [#Ottcity](#) [#Ottawa](#)

9:48 AM · Oct 7, 2022

18 Retweets **141** Likes