

Document 4 - Additional Information Relating to the Ward 19 By-election

Nomination Process for Candidates

The Nomination Period for the by-election would open on July 23, 2020. Accordingly, candidates could begin filing their nomination papers as of 8:30 a.m. on July 23, 2020. Nominations for the by-election close at 2 p.m. on August 21, 2020 (“Nomination Day”).

To be eligible to hold office, a person must be:

1. 18 years of age or older,
2. a Canadian citizen,
3. a resident of the City of Ottawa, or an owner or tenant of land in the City or the spouse of such an owner or tenant, and
4. not be prohibited from holding municipal office or from voting under the *Municipal Elections Act, 1996* (MEA) or otherwise by law.

All nomination papers (Form 1 and Form 2) must be filed by the candidate, or by an agent acting on the candidate’s behalf, in person, at the Elections Office at 1221-B Cyrville Road during regular office hours. Appointments will be encouraged.

Registration Process for Third Party Advertisers

On June 9, 2016, Bill 181, the *Municipal Elections Modernization Act, 2016*, received Royal Assent. On December 14, 2016, Council received an information report (ACS2016-CMR-CCB0051) that summarized the key changes introduced by Bill 181. Among Bill 181’s major changes were the introduction of a framework for third party advertising, which took effect for the 2018 regular election and remains in effect for a by-election.

A third party advertisement refers to an advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate in the election, (or, a "yes" or "no" answer to a question on the ballot). Ontario residents, corporations and trade unions that will incur expenses for such advertisements must register as a third party advertiser with the Clerk before they can begin advertising.

Under the MEA, the following persons and entities are eligible to file a notice of registration:

1. An individual who is normally a resident in Ontario.

2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.

The MEA also states the following persons and entities are not eligible to file a notice of registration:

1. A candidate whose nomination has been filed under Section 33.
2. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
3. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
4. The Crown in right of Canada or Ontario, a municipality or local board.

The registration period for third party advertisers would begin on July 23, 2020, and would conclude on October 2, 2020, at 4:30 p.m., in accordance with the MEA.

All notices of registration would be required to be filed by the individual or by a representative of the corporation or trade union, in person, at the Elections Office at 1221-B Cyrville Road, during regular office hours. Appointments will be encouraged.

Voters' List for a By-election

As with a regular election under the MEA, the Municipal Property Assessment Corporation (MPAC) is required to provide the Clerk with a preliminary list of electors, which the Clerk uses to create the voters' list. Under the legislation, the Clerk is also permitted to make revisions to this list based on information in the City's custody or control. As such, staff is operating on the assumption that they would receive the preliminary list of electors from MPAC in accordance with the legislation.

The MEA requires the Clerk to make the voters' list available to the public for a "Revision Period." In the case of any by-election at the current time, the Revision Period would take place from September 5, 2020, to September 13, 2020 at 5:00 p.m. Similar to the 2018 Municipal Elections and the 2019 Rideau-Rockcliffe By-election, the Revision Period provides electors with the opportunity to add, amend or remove their name from the voters' list both online and by a paper application form. Electors may also make these changes at the voting place.

Use of Vote Tabulators

Section 42 of the MEA provides municipalities with the option of passing a by-law to authorize the use of vote counting equipment. The City of Ottawa has relied upon automated vote tabulators to count votes in all municipal elections since 1997, including the 2006 Orléans By-election and the 2019 Rideau-Rockcliffe By-election. This equipment ensures the consistent and accurate counting of votes and the timely production of unofficial election results. The City's By-law No. 2003-275, which authorizes the use of vote-counting equipment continues to be in effect for any by-election at the current time.

The City of Ottawa has an existing contract with Dominion Voting Systems Corporation (Dominion) for both hardware (i.e. vote tabulators) and software (i.e. vote counting software). Through the 2011-2014 Strategic Planning process, Council directed the City Clerk to secure the hardware and software necessary to deliver the 2014 Municipal Elections. After an open procurement process, Dominion was selected in October 2013 as the City's Vendor of Record for both the 2014 and 2018 Municipal Elections, with an option to renew for 2022. The contract was extended until the end of the 2022-2026 term, with provisions for any by-elections.

With the City's existing processes and procedures being designed based on automated vote tabulation, along with the above-noted legislative and contractual obligations, staff is of the view that this vote counting method is appropriate, effective and mandatory for a by-election.

Contribution Rebate Program in Effect

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 councillor, and may establish conditions under which such a rebate is paid.

Council first established the City of Ottawa's Contribution Rebate Program for the 2003 Municipal Elections and has made various amendments to the program over time. The program allows for the payment of rebates to individuals residing in Ontario who contribute to participating candidates running for municipal council, including both regular elections and by-elections. Registered third parties and school board trustees are not eligible to participate in the Contribution Rebate Program. The program's current by-law, By-law No. 2018-33, remains in effect for any by-election at this time.

The original intent of the program was to affect a greater balance between corporate and individual contributions. Although corporate contributions to candidates were banned in 2016 by Bill 181, the same legislation also introduced a new framework through which corporations could formally participate in municipal elections as third party advertisers and as contributors to third party advertisers.

On that basis, staff previously noted that the original purpose of encouraging individuals to participate in elections remained relevant and recommended the continuation of the Program. More information about the program's history, including its original purpose and revisions to the rebate formula, can be found in a 2017 staff report to Council (ACS2017-CCS-GEN-0027).

Voting Subdivisions and Voting Places

Under Section 45 of the MEA, the Clerk has the statutory duty to establish the number and location of voting places for an election as he or she "considers most convenient for the electors". Under this same provision, the Clerk is also mandated to ensure that voting places are accessible to electors with disabilities.

Despite its large geographic size, 70% of Ward 19 (Cumberland) population is in the suburban area of the ward. 24 voting places are expected to be used in a by-election, including 10 advance voting places. This includes five (5) multi-residential facilities that provide care that do not meet the "bed count" threshold set out in the legislation, but have been historically used as voting places in municipal elections. The Clerk will consult OPH and the administrators of the multi-residential facilities to ensure appropriate measures are in place in consideration of COVID-19.

Candidates will be provided with a complete list of voting places after Nomination Day (August 21, 2020).