

4. **Update on the 2022 Municipal Elections and Amendments to Election-related By-laws and Policies**
- Compte-rendu sur élections municipales de 2022 et modifications aux règlements et aux politiques liés aux élections**

COMMITTEE RECOMMENDATIONS

That City Council:

1. **Receive the update on the 2022 Municipal Elections for information;**
2. **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;**
3. **Approve amendments to election-related by-laws and policies as described in this report, including:**
 - a. **The *Contribution Rebate Program By-law* (By-law No. 2018-33), as attached in Document 6; and**
 - b. **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.**
4. **Approve the establishment of the 2022-2026 Election Compliance Audit Committee, as described in this report and including:**
 - a. **The Terms of Reference for the Election Compliance Audit Committee as outlined in Document 9;**

- b. **Delegating the authority to appoint the members of the Committee to the City Clerk, the Auditor General and the Integrity Commissioner; and**
- c. **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.**

RECOMMANDATIONS DU COMITÉ

Que le Conseil municipal :

- 1. **Prenne acte à titre informatif du compte-rendu sur les élections municipales de 2022;**
- 2. **Approuve et promulgue le *Règlement pour autoriser l'utilisation d'un mode de scrutin de remplacement*, annexé en tant que document 1, afin d'autoriser l'utilisation du vote spécial par la poste de manière à éviter aux électeurs d'avoir à se rendre en personne dans un bureau de vote pour exercer leur droit de vote, conformément à l'article 42 de la *Loi de 1996 sur les élections municipales*, pour les élections municipales de 2022 et pour toute élection partielle qui pourrait se dérouler durant le mandat 2022-2026 du Conseil municipal, comme il est décrit dans le présent rapport;**
- 3. **Approuve les modifications aux règlements et aux politiques liés aux élections décrites dans le présent rapport, incluant :**
 - a. **Le *Règlement du programme de remises de contributions* (règlement n° 2018-33), annexé en tant que document 6; et**
 - b. **La Politique sur les ressources liées aux élections, incluant la mise en place des procédures liées aux élections durant la période d'interdiction, comme il est décrit dans le présent rapport et défini dans les documents 7 et 8.**

- 4. Approuve la mise sur pied du Comité de vérification de conformité des élections de 2022-2026, comme il est décrit dans le présent rapport, comprenant l'approbation :**
 - a. du mandat du Comité de vérification de conformité des élections défini dans le document 9;**
 - b. de la délégation au greffier municipal, à la vérificatrice générale et à la commissaire à l'intégrité du pouvoir de nommer les membres du Comité;**
 - c. de l'exemption du Comité des modalités de l'article 2.6 de la Politique de nomination des citoyens membres de comités consultatifs et de conseils de la Ville, de groupes de travail, de conseils externes, de commissions et d'instances officielles.**

DOCUMENTATION/DOCUMENTATION

1. M. Rick O'Connor, City Clerk, dated February 17, 2022, (ACS2022-OCC-GEN-0003)
M. Rick O'Connor, greffier municipal, daté le 17 février 2022, (ACS2022-OCC-GEN-0003)
2. Extract of draft Minutes, Finance and Economic Development Committee, March 1, 2022
Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 1 mars 2022

**SUBJECT: Update on the 2022 Municipal Elections and Amendments to
Election-related By-laws and Policies**

File Number: ACS2022-OCC-GEN-0003

**Report to Finance and Economic Development Committee on 1 March 2022
and Council 9 March 2022**

Submitted on February 17, 2022 by M. Rick O'Connor, City Clerk

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Ward: City-wide

**Objet : Compte-rendu sur élections municipales de 2022 et modifications aux
règlements et aux politiques liés aux élections**

Dossier : ACS2022-OCC-GEN-0003

**Rapport au Comité des finances et du développement économique
le 1er mars 2022**

et au Conseil le 9 mars 2022

Soumis le 17 février 2022 par M. Rick O'Connor, Greffier municipal

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATIONS

**That the Finance and Economic Development Committee recommend that City
Council:**

1. Receive the update on the 2022 Municipal Elections for information;
2. 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;
3. Approve amendments to election-related by-laws and policies as described in this report, including:
 - a) The *Contribution Rebate Program By-law* (By-law No. 2018-33), as attached in Document 6; and
 - b) 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.
4. Approve the establishment of the 2022-2026 Election Compliance Audit Committee, as described in this report and including:
 - a) The Terms of Reference for the Election Compliance Audit Committee as outlined in Document 9;
 - b) Delegating the authority to appoint the members of the Committee to the City Clerk, the Auditor General and the Integrity Commissioner; and
 - c) 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.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des finances et du développement économique recommande ce qui suit au Conseil municipal :

1. Prendre acte à titre informatif du compte-rendu sur les élections municipales de 2022;

2. Approuver et promulguer le *Règlement pour autoriser l'utilisation d'un mode de scrutin de remplacement*, annexé en tant que document 1, afin d'autoriser l'utilisation du vote spécial par la poste de manière à éviter aux électeurs d'avoir à se rendre en personne dans un bureau de vote pour exercer leur droit de vote, conformément à l'article 42 de la *Loi de 1996 sur les élections municipales*, pour les élections municipales de 2022 et pour toute élection partielle qui pourrait se dérouler durant le mandat 2022-2026 du Conseil municipal, comme il est décrit dans le présent rapport;
3. Approuver les modifications aux règlements et aux politiques liés aux élections décrites dans le présent rapport, incluant :
 - a) Le *Règlement du programme de remises de contributions* (règlement n° 2018-33), annexé en tant que document 6; et
 - b) La Politique sur les ressources liées aux élections, incluant la mise en place des procédures liées aux élections durant la période d'interdiction, comme il est décrit dans le présent rapport et défini dans les documents 7 et 8.
4. Approuver la mise sur pied du Comité de vérification de conformité des élections de 2022-2026, comme il est décrit dans le présent rapport, comprenant l'approbation :
 - a) du mandat du Comité de vérification de conformité des élections défini dans le document 9;
 - b) de la délégation au greffier municipal, à la vérificatrice générale et à la commissaire à l'intégrité du pouvoir de nommer les membres du Comité;
 - c) de l'exemption du Comité des modalités de l'article 2.6 de la Politique de nomination des citoyens membres de comités consultatifs et de conseils de la Ville, de groupes de travail, de conseils externes, de commissions et d'instances officielles.

EXECUTIVE SUMMARY

All municipal elections in Ontario, including the City of Ottawa's, are governed by the [Municipal Elections Act, 1996](#) (the MEA). The MEA provides rules for the administration

of elections, addressing areas such as voter and candidate eligibility, rules surrounding third party advertising, methods of voting, campaign and campaign finance rules, questions on the ballot and legislative dates in the election cycle, including the length of the campaign period and Voting Day. The MEA also sets out the roles and responsibilities of City Council, the City Clerk, school boards, electors, candidates and third party advertisers, and provides provisions with respect to compliance, enforcement, and penalties.

Municipalities are required under the MEA to conduct both municipal council and school board elections, at no cost to school boards, every four years. The next municipal elections to elect a Mayor, City Councillors and School Board Trustees will take place on Monday, October 24, 2022. The 2022-2026 Term of Council will begin on Tuesday, November 15, 2022, and end on Saturday, November 14, 2026.

The MEA provides that the City Clerk is responsible for the preparation and conduct of municipal elections. In addition to adhering to provisions of the MEA, the City Clerk has a duty to prepare for and conduct the election in a manner consistent with the principles of the legislation. While not defined in the MEA, the courts have established these principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;
5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted, and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently.

While the MEA is generally prescriptive, it includes provisions that allow the City Clerk to amend the statutory timelines in the case of an emergency, further to the City Clerk's duties under Section 11 of the MEA with respect to preparing for the election and maintaining peace and order in connection with the election.

Section 12 of the MEA allows the City Clerk to provide for any matter or procedure that is not otherwise provided for in an Act or regulation, and that is, in the City Clerk's opinion, "necessary or desirable" for conducting the election.

Additionally, Section 53 of the MEA authorizes the City Clerk to declare an emergency when circumstances have arisen that are likely to prevent the election from being conducted in accordance with the MEA, and further allows the City Clerk to make arrangements that he considers advisable for conduct of the election.

On Wednesday, May 26, 2021, City Council considered the ["Office of the City Clerk 2020 Annual Report"](#), which noted that the Office of the City Clerk would bring forward a report to City Council to address various election-related by-laws, policies and procedures in advance of the 2022 Municipal Elections.

As such, Section 1 of this report provides a review of the 2020 Cumberland By-election and an update regarding the 2022 Municipal Elections for City Council's information, including a recommendation to approve and enact a *By-Law to Authorize the Use of an Alternative Voting Method* to permit the use of a special mail-in ballot that does not require electors to attend a voting place in order to vote, in accordance with Section 42 of the MEA, for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council.

As is usual practice for election preparations, staff review election-related by-laws, policies, and procedures prior to a general election to assess whether any changes are required. As such, this report recommends the following additional election-related matters in advance of the 2022 Municipal Elections:

- Section 2: Amendments to the *Contribution Rebate By-law* to align with legislative changes, to provide additional clarity to contributors and candidates who participate in the program, and to improve the administration of the program;
- Section 3: Amendments to the Election-Related Resources Policy, and the establishment of the Election-Related Blackout Period Procedures; and
- Section 4: The establishment of the City's Election Compliance Audit Committee for the 2022-2026 Term of Council, in accordance with Subsection 88.37(1) of the MEA.

Highlights of this report and recommendations are provided below.

Section 1: Review of the 2020 Cumberland By-election and an update on the 2022 Municipal Elections

In the City of Ottawa, general municipal elections require considerable planning, coordination, and resources because of the City's vast geographic area – Ottawa is 4.4 times larger than Toronto – and large population, with more than 633,000 eligible voters in 2018. Moreover, Ottawa provides bilingual and accessible services throughout the election process and at all voting places.

Due to the ongoing COVID-19 pandemic, staff has been in contact with Ottawa Public Health (OPH) to review the implications that the pandemic has on election preparations, as well as the election processes that were successfully implemented in the 2020 Cumberland By-election and as described in the Discussion section of this report, to determine if and how these processes could be implemented in the 2022 Municipal Elections, including the possibility of implementing an alternative method of voting on a city-wide scale.

Following discussions with OPH and election officials in municipalities across the province, and in light of the easing of public health regulations as well as a rise in vaccination rates in Ottawa, staff is of the opinion that it is possible to safely conduct the 2022 Municipal Elections in accordance with provincial legislation (i.e., the *Municipal Act, 2001* and the MEA) as well as the public health recommendations, as further described in this report.

As such, staff is preparing to conduct the 2022 Municipal Elections in the traditional manner with in-person voting.

In addition, and in response to the COVID-19 pandemic, staff is recommending 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 will allow electors the opportunity to vote without having to attend a voting place in-person.

It is important to note that this hybrid election approach does not replace traditional in-person voting. Electors will still have the opportunity to vote in-person or by proxy should they choose to do so.

In addition, should City Council approve staff's recommendation to implement the special mail-in ballot, this process may be used as a contingency plan to facilitate voting

in long-term care centres and retirement homes should it be required in response to potential COVID-19 restrictions that may be in place in the fall.

The above-noted approach, in staff's opinion, allows the Elections Office to safely plan for and administer the 2022 Municipal Elections. As the safety of electors, candidates, third party advertisers, and staff remains a top priority, communications with OPH and election officials across the province will continue in order to monitor election processes and public health recommendations.

If required, and as occurred in the 2020 Cumberland By-election, the City Clerk is prepared to use his statutory authority and emergency powers under the MEA (i.e., Sections 12 and 53) at any point throughout the election cycle to protect the integrity of the election as well as to ensure public safety. Should any significant changes to the election process described in this report be required, staff will notify City Council and members of the public accordingly.

Election schedule for the 2022 Municipal Elections

In accordance with the MEA, the City Clerk has established the following election schedule for the 2022 Municipal Elections:

2022	Election Event
Monday, May 2	Nomination and registration periods begin
Friday, August 19	Nomination Day (last day to submit or withdraw a nomination)
Saturday, September 24 to Tuesday, September 27	Special Advance Vote Days
Friday, October 7	Advance Vote Day 1
Friday, October 14	Advance Vote Day 2
Friday, October 21	Final day to register as a third party advertiser
Monday, October 24	Voting Day
Friday, October 28	Expected declaration of results

Statutory requirements for voting places

When choosing voting places for an election, Section 45 of the MEA prescribes that the City 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 City Clerk is also mandated to ensure that voting places are accessible to electors with disabilities.

Subsection 45(7) of the MEA mandates that on Voting Day, a voting place be provided on the premise of:

1. An institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
2. An institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm; and
3. A retirement home in which, on September 1, 50 or more beds are occupied.

In addition to the provisions of the MEA, the Elections Office considers Ottawa’s diverse geography (urban, suburban, and rural) as well as the social and economical makeup of the population to ensure that there is equitable access to all electors in every ward and that no undue hardship is experienced when participating in the democratic process of electing their representatives.

In accordance with the above-noted provisions, staff has currently identified approximately 681 voting places for the 2022 Municipal Elections. This includes 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 previous municipal elections.

In order to staff the voting places required in the 2022 Municipal Elections, it is anticipated that approximately 5,660 election worker positions will be required. This is an increase from staffing levels in 2018, which required approximately 4,840 election worker positions, due to growth and a new ward, an additional Advance Vote Day, and provisions for the potential impacts of COVID-19 at voting places.

In the spring of 2022, the Elections Office will begin recruiting and hiring both City staff and members of the public as election workers. At this time, and in accordance with the

City's [Vaccination Policy](#), staff anticipates that all election workers will be required to be fully vaccinated.

In-person voting opportunities

Based on the above-noted election schedule, the statutory requirements for voting places, and to ensure that staff is able to administer the election in an efficient manner, there will be three separate voting opportunities, with a total of seven in-person voting days, for electors to cast their ballot in the 2022 Municipal Elections: (1) Special Advance Vote Days; (2) Advance Vote Days; and (3) Voting Day, as further described below.

(1) Special Advance Vote Days

Special Advance Vote Days will take place from Saturday, September 24 to Tuesday, September 27, 2022, from 10:00 a.m. to 8:00 p.m. During this voting event, voting places will offer “anywhere voting” which allows electors to attend any voting place, regardless of their address, to cast their ballot. Anywhere voting uses an electronic Voters’ List and election workers print ballots on demand.

Anywhere voting was successfully introduced as a pilot project at four voting places during Special Advance Voting in the 2014 Municipal Elections and was expanded to six voting places during the 2018 Municipal Elections. It was also successfully implemented at all eight voting places during the 2020 Cumberland By-election.

For the 2022 Municipal Elections, due to its success and popularity in previous elections and to better serve electors in every ward, staff expects to expand this voting opportunity to nine locations across the City of Ottawa.

In order to facilitate Special Advance Vote Days, which require an electronic Voters’ List and printing ballots on demand, staff has determined that City facilities are best suited due to existing City network access. As well, the selected voting places are typically landmarks in the community that are fully accessible, offer multiple services to residents and have high foot traffic in their day to day operations.

(2) Advance Vote Days

Advance Vote Days will take place from 10:00 a.m. to 8:00 p.m. on Friday, October 7 and Friday, October 14, 2022. On these voting days, electors will have the opportunity to vote in their wards.

At the writing of this report, it is anticipated that 279 voting places will be required over both Advance Vote Days (approximately 140 voting places on Advance Vote Day 1 and 139 on Advance Vote Day 2).

Each ward will have a minimum of one area-wide voting place with accessible vote tabulators available to electors. Additionally, nearly 200 multi-residential buildings will have a voting place on site to serve electors on one of the two Advance Vote Days.

(3) Voting Day

Voting Day in the 2022 Municipal Elections will take place on Monday, October 24, 2022. Electors will once again have the opportunity to vote in their wards, from 10:00 a.m. to 8:00 p.m., with the exception of long-term care centres and retirement homes that may have reduced hours.

At this time, staff anticipate that 366 voting places will be required on Voting Day. Approximately 125 of these voting places will be located in long-term care and retirement homes.

Voting in long-term care centres and retirement homes and COVID-19

As previously noted, 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 order to provide electors in long-term care centres or retirement homes the opportunity to vote and to address the potential challenges surrounding COVID-19, the Elections Office, in partnership with OPH, will continue to monitor public health guidelines and recommendations and will develop a plan to administer voting in accordance with public health recommendations.

In addition, and as previously noted, should City Council approve staff's recommendation to implement the special mail-in ballot, it may be used as a

contingency plan to facilitate voting in long-term care centres and retirement homes in response to potential COVID-19 restrictions that may be in place in the fall.

Should any changes to the voting process be required in these facilities, staff will notify City Council and members of the public accordingly.

Voting by proxy

If an elector is unable to get to a voting place on voting days, or if an elector feels uncomfortable going to a voting place to cast their ballot, they may wish to appoint a proxy, in accordance with Section 44 of the MEA. A proxy is someone that can go to the voting place and cast a ballot on someone else's behalf. 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. Additional information related to this process is provided in the Discussion section of this report.

Special mail-in ballot process

As previously noted, staff has reviewed the possibility of implementing an alternative voting method during the 2022 Municipal Elections and is recommending that a special mail-in ballot process be implemented for the general election as well as any by-elections that may occur during the 2022-2026 Term of Council.

This process would allow eligible electors, particularly those from high-risk groups, including older adults and electors with disabilities who are more susceptible to the effects of COVID-19, to submit an application to the Elections Office to receive a special ballot by mail. This process will allow electors to mark their ballot at home and mail, or deliver, their ballot to the Elections Office (1221 B Cyrville Road), or electors can also deliver their special ballot to Client Service Centres, as further described in this report.

As previously noted, it is important to note that this hybrid election approach does not replace traditional in-person voting. Electors will still have the opportunity to vote in-person or by proxy should they choose to do so.

The City's external election software provider, Dominion Voting, can provide a hybrid voting system that includes an alternative voting method by special mail-in ballot that functions with the City's current vote tabulation system used for in-person voting. Preliminary budget estimates indicate that implementing the special mail-in ballot on a city-wide scale in the 2022 Municipal Elections would cost approximately \$653,642.

As in previous elections, the City's election processes and vote tabulation system, including the new special mail-in ballot process, for the 2022 Municipal Elections will be audited by an external auditor to ensure the accuracy, security, and validity of the election results.

In addition, staff note that this will be the first time that the City of Ottawa implements an alternative voting method on a city-wide scale and staff will require support from internal stakeholders, such as Information Technology Services (ITS) and Public Information and Media Relations (PIMR).

To implement this alternative voting method by special mail-in ballot for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council, as described in this report, City Council is required to approve and enact the *By-Law to Authorize the Use of an Alternative Voting Method*, attached as Document 1, in accordance with Section 42 of the MEA. Approval of Recommendation 2 of this report will satisfy this requirement.

Communications and public education efforts

To raise awareness about voting options during the 2022 Municipal Elections, and in addition to statutory advertisement requirements, a number of communications products will be issued throughout the election process to ensure that electors are aware of where, when, and how voting will take place.

At this time, staff anticipate launching the above-noted communications and public education campaigns in Q2 2022. As the election process spans over many months, this timing will ensure that staff have the opportunity to monitor the COVID-19 pandemic, visit voting places to ensure they are accessible, and release timely and accurate information as it becomes relevant to electors, candidates and third party advertisers. Furthermore, this timing ensures that electors will not be receiving competing information related to the provincial elections that are scheduled to take place on Thursday, June 2, 2022, which could lead to confusion and voter fatigue.

Additional information related to these efforts are described in the 'Communications and public education efforts' section of this report.

Candidate nominations and third party advertiser registrations to continue in-person

As described in the Discussion section of this report, in order to adhere to public health recommendations, and as the safety of candidates, third party advertisers, and staff remains a top priority, nominations and registrations for the 2022 Municipal Elections will take place at the Elections Office (1221 B Cyrville Road) by appointment only with the City Clerk or his designate. Candidates, third party advertisers, or their agents, will be permitted to attend their appointment with one guest.

Beginning on Monday, April 25, 2022, candidates, third party advertisers, or their agents, may contact the Elections Office by phone at 613-580-2660 or by email at elections@ottawa.ca to schedule an appointment. Appointments will be reserved on a first come, first serve basis.

In order to accommodate as many candidates and third party advertisers as possible, the Elections Office will be extending its office hours to accept appointments from 8:30 a.m. to 7:00 p.m. from Monday, May 2 to Thursday, May 5, 2022.

Estimated cost of the 2022 Municipal Elections

The estimated cost of the 2022 Municipal Elections as described in this report is \$9,160,459. This estimate includes costs for COVID-19 impacts should staff be required to implement adaptations and/or safety measures to the in-person voting process as well as the estimated cost to implement the recommended special mail-in ballot process, as further described below.

The additional COVID-19-related costs are anticipated to be approximately \$655,662 and include estimates for personal protective equipment such as masks and face shields; hand sanitizer; and cleaning and voting place supplies for all voting places in the 2022 Municipal Elections.

In addition, and as previously noted, if City Council approves and enacts the *By-Law to Authorize the Use of an Alternative Voting Method*, attached as Document 1, preliminary budget estimates indicate that implementing the special mail-in ballot on a city-wide scale in the 2022 Municipal Elections would cost approximately \$653,642.

Funding for the 2022 Municipal Elections will come from the Tax Stabilization Reserve, which is the primary fund for elections. The City will seek funding for COVID-19-related impacts in accordance with the available programs.

As previously noted, staff is of the opinion that the election processes described in this report allow the 2022 Municipal Elections to proceed in a manner that is consistent with the MEA as well as public health guidelines and recommendations.

That being said, staff will continue to monitor the COVID-19 pandemic into the fall as well as election preparations in other jurisdictions and should COVID-19 resurge or if provincial or OPH health guidelines change, the City Clerk is prepared to use his statutory authority and emergency powers under Sections 12 and 53 of the MEA, as required, in order to protect the integrity of the election and to ensure public safety. The City Clerk will notify City Council and the public should any significant changes to the election process be required.

Section 2: Amendments to the Contribution Rebate Program By-law

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. 2018-33) remains in effect for any regular election or by-election, including the 2022 Municipal Elections.

Staff is recommending amendments to the by-law in order to align with legislation, provide additional clarity to contributors and candidates who participate in the program, and improve the administration of the program as follows:

- Formalize that eligible contributions from individuals to those campaigns where the candidate has withdrawn their nomination in accordance with the MEA are eligible for a 75 per cent rebate up to a maximum of \$900 for their contribution to that campaign.
- Align the application deadlines for contributors to submit their rebate applications for contributions associated with a candidate's initial and/or supplementary campaign to on or before 2:00 p.m. on the date that is 60 days after the filing deadline for supplementary financial statements.

- Add reference to all applicable sections of the MEA that refer to permitted extensions to filing deadlines. (i.e., the grace periods or an extension granted by the Court).
- Add reference to the contribution limits established by the MEA, and the effect that potential legal proceedings could have on when and whether a contributor can expect to receive payment of a rebate.
- Clarify what is and what is not considered to be an “eligible contribution”, as well as who is and is not considered to be an “eligible contributor”.

Section 3: Amendments to the Election-Related Resources Policy

The City of Ottawa, like all Ontario municipalities, is legally prohibited from contributing money, goods and/or services to an election campaign. Under Subsection 88.8(4)5 of the MEA, a municipality “shall not make a contribution” with respect to an election campaign. Similar prohibitions on municipal contributions to provincial and federal election campaigns are established under Ontario’s *Election Finances Act, 1990* and the *Canada Elections Act, 2000*.

Since 2003, the City of Ottawa’s City Council-approved [Election-Related Resources Policy](#) (ERRP) has provided direction to Members of Council and all City staff on the administration of corporate resources and Members’ budgets with respect to election-related matters. The underlying principle for the Policy is that “[i]n compliance with the *Municipal Elections Act, 1996*, **public funds are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office**” [emphasis added]. The ERRP now fulfills a requirement under the MEA, as Section 88.18 of the statute requires that, “[b]efore May 1 in the year of a regular election, municipalities and local boards **shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period**” [emphasis added].

Further to a review of the ERRP in advance of the 2022 Municipal Elections, staff are proposing various amendments to the Policy that would codify and reflect guidance and guidelines that the City Clerk has provided during previous election periods. This will assist in clarifying various requirements and obligations for Members, City Council-appointed citizen members, staff, and candidates in relation to election-related matters. Provisions relate to matters such as City events, facilities, resources, and communications.

In addition, given that a significant number of inquiries are received regarding matters relating to the “blackout period” established under the existing Policy and described in this report, and further to an observation that other municipalities have detailed policies and procedures regarding certain activities, it is recommended that the Election-Related Blackout Period Procedures be established to accompany the ERRP. As with the updated ERRP, provisions within the proposed Procedures are consistent with the advice and interpretations provided by the City Clerk during previous elections, and relate to matters such as events, City facilities and resources, and communications in the 60-day period prior to, and including, Voting Day. Blackout period provisions do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election.

Finally, in keeping with their respective authority under the ERRP and the Community, Fundraising and Special Events Policy, the City Clerk and Integrity Commissioner will review the effect of the COVID-19 pandemic on any relevant policy requirements, as described in this report, and issue a joint memorandum to Members regarding any guidelines and/or exemptions that may be applied ahead of the 2022 Municipal Elections.

Section 4: The establishment of the 2022-2026 Election Compliance Audit Committee

In accordance with Section 88.37 of the MEA, an Election Compliance Audit Committee (ECAC) is mandatory for all municipalities and school boards. Ontario municipalities are required to establish such a committee before October 1 of an election year and the term of office of the ECAC is the same as the term of office of the City Council or School Board that takes office following the next regular election. The next term of office will begin on Tuesday, November 15, 2022, and end of Saturday, November 14, 2026.

The ECAC is an independent, statutory body whose responsibilities and powers are largely prescribed by the MEA. The 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, resulting from the regular municipal election or any by-election held during the term of office for the City Council for which the ECAC was appointed.

Following consideration of applications for a compliance audit, the ECAC may appoint an auditor to review campaign finances as required and decide whether to commence a legal proceeding against a candidate or a third party advertiser. Similarly, following consideration of reports from the City Clerk, the ECAC may decide whether to commence a legal proceeding against a contributor who appears to have exceeded the contribution limits prescribed by the MEA, as further described in this report.

Consistent with the process established for the 2018-2022 ECAC, this report sets out recommendations to establish the ECAC for the 2022-2026 Term of Council; delegates authority to the City Clerk, the Auditor General, and the Integrity Commissioner to appoint members to the ECAC; exempts the ECAC from Section 2.6 of the Appointment Policy for citizen members of City advisory committees, boards, task forces, external boards, commissions, and authorities; and seeks City Council's approval of the committee's Terms of Reference.

RÉSUMÉ

Toutes les élections municipales en Ontario, incluant celles d'Ottawa, sont assujetties à la [Loi de 1996 sur les élections municipales](#) (LEM). La LEM établit les règles qui encadrent l'administration des élections et aborde des questions telles que le droit de vote des électeurs et l'admissibilité des candidats, la publicité des tiers annonceurs, les modes de scrutin, les campagnes électorales et leur financement, les questions inscrites au bulletin de vote et les dates prescrites du cycle électoral, incluant la durée de la campagne et le jour du scrutin. La LEM définit également les rôles et les responsabilités du Conseil municipal, du greffier municipal, des conseils scolaires, des électeurs, des candidats et des tiers annonceurs et elle contient des dispositions en matière de conformité, d'application de la loi et de sanctions.

En vertu de la LEM, les municipalités doivent tenir tous les quatre ans les élections du conseil municipal et des conseils scolaires, sans frais pour les conseils scolaires. Les prochaines élections municipales pour élire un maire, des conseillers municipaux et des conseillers scolaires se dérouleront le lundi 24 octobre 2022. Le mandat 2022-2026 du Conseil municipal commencera le mardi 15 novembre 2022 et prendra fin le samedi 14 novembre 2026.

La LEM stipule que le greffier municipal (secrétaire dans la Loi) a la responsabilité de préparer et de tenir les élections municipales. En plus d'adhérer aux dispositions de la LEM, le greffier a le devoir de préparer et de tenir l'élection de manière conforme aux

principes de la loi. Bien que ces principes ne soient pas spécifiquement définis dans la LEM, les tribunaux les ont définis comme suit :

1. Le caractère secret et confidentiel du vote est primordial;
2. L'élection doit être juste et ne pas favoriser un candidat par rapport à un autre;
3. L'élection doit être accessible pour tous les électeurs;
4. L'intégrité du processus doit être maintenue tout au long de l'élection;
5. Un vote majoritaire en bonne et due forme détermine l'issue de l'élection; ce qui est atteint en s'assurant dans la mesure du possible que les votes valides sont comptés et les votes invalides rejetés;
6. Les électeurs et les candidats doivent être traités de façon juste et constante.

Au-delà des responsabilités qui sont conférées au greffier municipal en vertu de l'article 11 de la LEM au chapitre de la préparation de l'élection et du maintien de la paix et de l'ordre pendant l'élection, quoique généralement prescriptive, la LEM contient des dispositions qui lui permettent de modifier les dates limites prescrites advenant une situation d'urgence.

Aux termes de l'article 12 de la LEM, le greffier municipal peut traiter les questions ou les modalités qui ne sont pas autrement prévues par une loi ou un règlement et qui sont, à son avis, « nécessaires ou souhaitables » pour la tenue de l'élection.

Par ailleurs, en vertu de l'article 53 de la LEM, le greffier municipal peut déclarer une situation d'urgence lorsque des circonstances surviennent qui sont susceptibles d'empêcher la tenue de l'élection conformément à la LEM. La loi lui permet aussi de prendre les mesures qu'il juge appropriées pour la tenue de l'élection.

Le mercredi 26 mai 2021, le Conseil municipal s'est penché sur le « [rapport annuel 2020 du Bureau du greffier municipal](#) » dans lequel il était indiqué que le Bureau du greffier municipal présenterait un rapport au Conseil municipal portant sur un ensemble de règlements, de politiques et de procédures en amont des élections municipales de 2022.

À cet effet, la section 1 du présent rapport contient un examen de l'élection partielle de 2020 dans le quartier Cumberland et fait le point sur les élections municipales de 2022 aux fins d'informer le Conseil municipal. Elle contient aussi une recommandation visant

à approuver et promulguer un *Règlement pour autoriser l'utilisation d'un mode de scrutin de remplacement* afin de permettre, pour les élections municipales de 2022 et toute élection partielle qui pourrait se dérouler durant le mandat de 2022-2026 du Conseil municipal, l'utilisation d'un mode de scrutin spécial par la poste, conformément à l'article 42 de la LEM, afin d'éviter aux électeurs d'avoir à se présenter en personne pour exercer leur droit de vote.

Comme il est d'usage lors de la préparation des élections, le personnel examine les règlements municipaux, les politiques et les procédures liés aux élections avant la tenue d'une élection générale afin de déterminer si des changements s'imposent. Ainsi, dans le présent rapport, il est recommandé de prendre les mesures additionnelles suivantes avant la tenue des élections municipales de 2022 :

- Section 2 : Apporter des modifications au *Règlement du programme de remises de contributions* afin de l'harmoniser avec les changements législatifs, de clarifier des aspects pour les donateurs et les candidats qui participent au programme et d'améliorer l'administration du programme;
- Section 3 : Apporter des modifications à la Politique sur les ressources liées aux élections et mettre en place des procédures liées aux élections durant la période d'interdiction;
- Section 4 : Mettre sur pied le Comité de vérification de conformité pour les élections (CVCE) de la Ville pour le mandat de 2022-2026 du Conseil municipal, conformément au paragraphe 88.37(1) de la LEM.

Les points saillants du présent rapport et les recommandations sont présentés ci-après :

Section 1 : Examen de l'élection partielle de 2020 dans Cumberland et compte-rendu sur les élections municipales de 2022

À Ottawa, les élections municipales générales exigent beaucoup de planification, de coordination et de ressources en raison du vaste territoire géographique de la ville - Ottawa couvre une superficie 4,4 fois plus étendue que Toronto - et de sa population nombreuse, comptant plus de 633 000 électeurs admissibles à voter en 2018. En outre, tout au long du processus électoral et dans tous les bureaux de vote, la Ville d'Ottawa offre des services bilingues et accessibles.

Toujours aux prises avec la pandémie de COVID-19, le personnel a consulté Santé publique Ottawa (SPO) afin d'examiner les répercussions de la pandémie sur la préparation des élections ainsi que les procédures électorales mises en place avec succès pour l'élection partielle de 2020 dans Cumberland et, comme il est expliqué dans la section analyse du présent rapport, de déterminer si ces procédures pouvaient à nouveau être utilisées pour les élections municipales de 2022 et de quelle façon, et notamment s'il était possible de mettre en œuvre un mode de scrutin de remplacement à l'échelle de la ville.

Suivant des discussions avec SPO et les responsables d'élections d'autres municipalités de la province et au vu de l'assouplissement des restrictions sanitaires et de l'augmentation du taux de vaccination dans Ottawa, le personnel croit qu'il est possible de tenir les élections municipales de 2022 de façon sécuritaire, conformément à la législation provinciale (c.-à-d. la *Loi de 2001 sur les municipalités* et la LEM) ainsi qu'aux recommandations de santé publique, comme il est décrit dans le présent rapport.

Par conséquent, le personnel se prépare à tenir les élections municipales de 2022 de manière classique en utilisant le mode de scrutin en personne.

En outre, et dans le contexte de la COVID-19, le personnel recommande de mettre en œuvre une procédure de vote spécial par la poste pour les élections municipales de 2022 et pour toute élection partielle qui pourrait se dérouler durant le mandat 2022-2026 du Conseil. Cette procédure permettra aux électeurs d'exercer leur droit de vote sans devoir se présenter en personne au bureau de vote.

Il est important de souligner que cette approche hybride pour l'élection ne remplace pas le vote en personne classique. Les électeurs, s'ils le souhaitent, pourront encore exercer leur droit de vote en personne ou par procuration.

De plus, si le Conseil municipal approuve la recommandation d'adopter un mode de scrutin spécial par la poste, cette procédure pourrait servir de plan de rechange et faciliter le vote dans les établissements de soins de longue durée et les maisons de retraite, le cas échéant, si des restrictions liées à la COVID-19 étaient en vigueur à l'automne.

Le personnel est d'avis que la procédure susmentionnée permettra au Bureau des élections de planifier et d'administrer de façon sécuritaire et sécurisée les élections municipales de 2022. Étant donné que la sécurité des électeurs, des candidats, des

tiers annonceurs et du personnel demeure une priorité majeure, les communications avec les représentants de SPO et les représentants d'élections d'autres municipalités de la province se poursuivront afin de rester à l'affût des procédures électorales en vigueur ailleurs et des recommandations en matière de santé publique.

Au besoin, et comme cela s'est produit lors de l'élection partielle de 2020 dans le quartier Cumberland, le greffier municipal utilisera le pouvoir que lui confère la loi aux termes des articles 12 et 53 de la LEM de déclarer une situation d'urgence à tout moment du cycle électoral afin de protéger l'intégrité des élections ainsi que la sécurité du public. Advenant la nécessité d'apporter des changements importants au processus électoral décrit dans le présent rapport, le personnel en avisera le Conseil municipal et la population.

Calendrier électoral pour les élections municipales de 2022

Conformément à la LEM, le greffier municipal a établi le calendrier électoral suivant pour les élections municipales de 2022 :

2022	Activité électorale
Le lundi 2 mai	Début de la période de déclaration des candidatures et d'inscription
Le vendredi 19 août	Jour de la déclaration des candidatures (dernier jour pour soumettre ou retirer une candidature).
Du samedi 24 septembre au mardi 27 septembre	Jours de vote par anticipation spécial
Le vendredi 7 octobre	1 ^{er} jour de vote par anticipation
Le vendredi 14 octobre	2 ^{er} jour de vote par anticipation
Le vendredi 21 octobre	Dernier jour pour s'inscrire à titre de tiers annonceur
Le lundi 24 octobre	Jour du scrutin
Le vendredi 28 octobre	Proclamation attendue des résultats

Exigences prescrites par la loi pour les bureaux de vote

Lorsque le greffier municipal sélectionne des bureaux de vote pour une élection, l'article 45 de la LEM stipule que ce dernier a l'obligation de déterminer le nombre de bureaux de vote et leur emplacement selon « ce qu'il considère être le plus pratique pour les électeurs ». En vertu de cette disposition, le greffier municipal est aussi chargé de s'assurer que les bureaux de vote sont accessibles pour les personnes en situation de handicap.

Aux termes du paragraphe 45 (7) de la LEM, le jour du scrutin, un bureau de vote doit être aménagé sur les lieux :

1. D'un établissement destiné à l'accueil, au traitement ou à la formation professionnelle de membres ou d'anciens membres des Forces canadiennes;
2. D'un établissement qui compte, le 1^{er} septembre, au moins vingt lits occupés par des personnes handicapées, infirmes ou souffrant d'une maladie chronique;
3. D'une maison de retraite qui compte, le 1^{er} septembre, au moins 50 lits occupés.

Outre les dispositions de la LEM, le Bureau des élections prend en compte la diversité géographique d'Ottawa (secteur urbain, suburbain et rural) ainsi que les caractéristiques sociales et économiques de la population afin d'assurer l'accès équitable à tous les électeurs dans chaque quartier et de leur éviter des contraintes excessives dans l'exercice démocratique de voter pour leurs représentants.

Conformément aux dispositions susmentionnées, le personnel a présentement répertorié environ 681 bureaux de vote pour les élections municipales de 2022. Ce nombre comprend des établissements de soins qui ne comptent pas le nombre de lits établis par la loi, mais qui historiquement ont été utilisés dans des élections municipales passées comme bureaux de vote.

Afin de doter en personnel le nombre de bureaux de vote requis pour les élections municipales de 2022, il faudra environ 5 660 postes de travailleurs électoraux. Il s'agit d'une augmentation des effectifs par rapport aux 4 840 employés requis en 2018, augmentation attribuable à la croissance et à la création d'un nouveau quartier, à l'ajout d'un jour de vote par anticipation ainsi qu'aux dispositions pour contrer les effets possibles de la COVID-19 dans les bureaux de vote.

Au printemps 2022, le Bureau des élections commencera à recruter et à embaucher des employés municipaux et des citoyens en tant que travailleurs électoraux et,

conformément à la [Politique sur la vaccination de la Ville](#), tous les travailleurs électoraux devront être entièrement vaccinés.

Possibilités d'exercer son droit de vote en personne

En fonction du calendrier électoral susmentionné et des exigences réglementaires relatives aux bureaux de vote, et afin de permettre au personnel d'administrer efficacement l'élection, il y aura trois possibilités distinctes d'exercer son droit de vote aux élections municipales de 2022, comptant en tout sept jours de scrutin en personne soit : (1) jours de vote par anticipation spécial; (2) jours de vote par anticipation; (3) jour du scrutin, le tout décrit ci-dessous.

(1) Jours de vote par anticipation spécial

Les jours de vote par anticipation spécial se dérouleront du samedi 24 septembre au mardi 27 septembre, de 10 h à 20 h. La formule « sans bureau de vote fixe », qui permet aux électeurs d'exercer leur droit de vote dans n'importe quel bureau de vote peu importe leur adresse, sera offerte dans tous les bureaux de vote. Cette formule s'appuie sur une liste électorale électronique, et les travailleurs électoraux impriment les bulletins de vote sur demande.

Elle a été mise à l'essai avec succès à titre de projet pilote pour le vote par anticipation spécial dans quatre bureaux de vote aux élections municipales de 2014 et a été étendue à six bureaux de vote aux élections municipales de 2018. Elle a également été mise en œuvre avec succès dans les huit bureaux de vote lors de l'élection partielle de 2020 dans Cumberland.

Aux élections municipales de 2022, au vu de son succès et de sa popularité lors d'élections précédentes et afin de mieux servir les électeurs dans chaque quartier, le personnel prévoit élargir cette formule de vote à neuf emplacements sur le territoire d'Ottawa.

Et afin d'en faciliter l'application les jours de vote par anticipation spécial, comme la formule requiert une liste électorale électronique et l'impression de bulletins de vote sur demande, le personnel a déterminé que les installations municipales sont celles qui s'y prêtent le mieux en raison de l'accès au réseau Internet de la Ville. Par ailleurs, les bureaux de vote sélectionnés sont habituellement des points de repère dans la collectivité qui sont entièrement accessibles, offrent plusieurs services aux résidents et sont très achalandés au quotidien.

(2) Jours de vote par anticipation

Le vote par anticipation se déroulera de 10 h à 20 h les vendredis 7 et 14 octobre 2022. Ces jours-là, les électeurs auront la possibilité de voter dans leurs quartiers.

Au moment de rédiger le présent rapport, il est prévu qu'il faudra 279 bureaux de vote pour ces deux journées de vote par anticipation (environ 140 pour le premier jour du vote par anticipation et 139 pour le deuxième).

Chaque quartier aura au moins un bureau de vote pour tout le secteur doté de tabulatrices de votes accessibles. De plus, près de 200 immeubles à logements multiples auront un bureau de vote sur place l'un ou l'autre des deux jours de vote par anticipation.

(3) Jour du scrutin

Le jour du scrutin des élections municipales de 2022 sera le lundi 24 octobre 2022. Les électeurs auront une fois de plus la possibilité de voter dans leur quartier de 10 h à 20 h, sauf dans le cas des bureaux de vote situés dans des établissements de soins de longue durée et des maisons de retraite où les heures d'ouverture seront réduites.

Pour le moment, le personnel prévoit qu'il faudra 366 bureaux de vote pour répondre à la demande le jour du scrutin. Environ 125 bureaux de vote se trouveront dans des établissements de soins de longue durée et des maisons de retraite.

La COVID-19 et le vote dans des établissements de soins de longue durée et des maisons de retraite

Comme indiqué précédemment, le paragraphe 45 (7) de la LEM stipule que le jour du scrutin un bureau de vote doit être aménagé dans un établissement qui compte au moins 20 lits occupés par des « personnes handicapées, infirmes ou souffrant d'une maladie chronique » et dans une maison de retraite qui compte au moins 50 lits occupés par des retraités.

Afin de permettre aux électeurs qui résident dans des établissements de soins de longue durée et des maisons de retraite d'exercer leur droit de vote et pour faire face aux défis entourant la COVID-19, le Bureau des élections, en concertation avec SPO, continuera de suivre les lignes directrices et les recommandations de santé publique et élaborera un plan pour tenir les élections conformément aux recommandations de santé publique.

En outre, et comme mentionné précédemment, si le Conseil municipal approuve la recommandation d'adopter un mode de scrutin spécial par la poste, cette procédure pourrait servir de plan de rechange et faciliter le vote dans les établissements de soins de longue durée et les maisons de retraite, le cas échéant, si des restrictions liées à la COVID-19 étaient en vigueur à l'automne.

Advenant la nécessité de modifier la procédure électorale dans ces installations, le personnel en avisera le Conseil municipal et la population.

Vote par procuration

Si un électeur n'est pas en mesure de se présenter à un bureau de vote les jours de scrutin ou si l'électeur n'est pas à l'aise de s'y présenter pour exercer son droit de vote, il peut choisir de nommer un mandataire, conformément à l'article 44 de la LEM. Un mandataire est quelqu'un qui se présente au bureau de vote pour voter au nom d'une autre personne. Le mandataire doit être un électeur admissible. Sa qualité de mandataire ne l'empêche pas de déposer son propre bulletin de vote. Le mandataire peut voter au nom d'une seule autre personne, sauf dans le cas où il représente des membres de sa propre famille. D'autres précisions relatives à cette procédure sont fournies dans la section de l'analyse du présent rapport.

Mode de scrutin spécial par la poste

Comme indiqué précédemment, le personnel a examiné la possibilité de mettre en œuvre un mode de scrutin de remplacement pour les élections municipales de 2022 et il recommande d'utiliser un mode de scrutin spécial par la poste pour l'élection générale ainsi que pour toute élection partielle qui pourrait se dérouler durant le mandat 2022-2026 du Conseil municipal.

Les électeurs admissibles, en particulier ceux qui font partie de groupes à risque élevé, notamment les personnes âgées et les électeurs en situation de handicap qui sont plus sensibles aux effets de la COVID-19, pourraient soumettre une demande au Bureau des élections pour recevoir un bulletin de vote spécial par la poste. Ils pourront alors remplir leur bulletin de vote à la maison et le poster ou le déposer au Bureau des élections (1221 B, chemin Cyrville) ou encore le déposer dans les centres du service à la clientèle, selon les modalités décrites ci-dessous.

Comme indiqué précédemment, il est important de souligner que cette approche hybride pour l'élection ne remplace pas le vote en personne classique. Les électeurs,

s'ils le souhaitent, pourront encore exercer leur droit de vote en personne ou par procuration.

Le fournisseur externe du logiciel d'élection de la Ville, Dominion Voting, peut fournir une solution de vote hybride comportant un mode de scrutin par la poste qui est compatible avec le système actuel de tabulation des votes utilisé pour le vote en personne. Selon des estimations budgétaires préliminaires, la mise en œuvre de cette procédure de vote spécial par la poste à l'échelle de la ville pour les élections municipales de 2022 coûtera environ 653 642 dollars.

Comme lors des élections antérieures, pour les élections municipales de 2022, les procédures de vote et le système de tabulation des votes de la Ville, y compris cette nouvelle procédure de vote par la poste, seront vérifiés par un vérificateur externe afin de garantir l'exactitude, la sécurité et la validité des résultats de l'élection.

En outre, le personnel souligne qu'il s'agit de la première fois qu'Ottawa déploie un mode de scrutin de remplacement à l'échelle de la ville. Le personnel aura donc besoin du soutien à l'interne de l'équipe des STI et des Services de l'information du public et des relations avec les médias.

Afin de mettre en œuvre ce mode de scrutin spécial par la poste pour les élections municipales de 2022 et pour toute élection partielle qui pourrait se dérouler durant le mandat 2022-2026 du Conseil municipal, comme il est décrit dans le présent rapport, le Conseil doit approuver et promulguer un *Règlement pour autoriser l'utilisation d'un mode de scrutin de remplacement*, annexé en tant que document 1, conformément à l'article 42 de la LEM. En adoptant la recommandation 2 du présent rapport, cette exigence sera satisfaite.

Initiatives en matière de communications et de sensibilisation

Afin de sensibiliser la population aux options à sa disposition pour voter aux élections municipales de 2022 et au-delà des exigences réglementaires en matière de publicité, plusieurs produits de communication seront diffusés au cours du processus électoral pour bien informer les électeurs des endroits et des moments où ils peuvent voter, ainsi que des procédures de vote.

À ce moment-ci, le personnel prévoit lancer les campagnes de communication et de sensibilisation susmentionnées au deuxième trimestre de 2022. Comme le processus électoral s'étend sur de nombreux mois, ce calendrier permettra au personnel de surveiller la pandémie de COVID-19, de se rendre dans les bureaux de vote afin de

vérifier leur accessibilité et de publier en temps opportun des renseignements exacts à mesure qu'ils sont utiles pour les électeurs, les candidats et les tiers annonceurs. De plus, ce calendrier évite que les électeurs reçoivent de l'information concurrente relative aux élections provinciales prévues le jeudi 2 juin 2022, ce qui pourrait semer la confusion et engendrer de la lassitude chez les électeurs.

D'autres renseignements au sujet de ces initiatives sont présentés dans la section des initiatives en matière de communications et de sensibilisation du présent rapport.

Les déclarations de candidature et les inscriptions des tiers annonceurs continueront de se faire en personne

Afin de se conformer aux recommandations de santé publique et comme la sécurité des candidats, des tiers annonceurs et du personnel demeure une priorité majeure, les déclarations de candidature et les inscriptions pour les élections municipales de 2022 se dérouleront au Bureau des élections (1221 B, chemin Cyrville) sur rendez-vous seulement avec le greffier municipal ou son mandataire. Les candidats, les tiers annonceurs ou leurs représentants pourront se faire accompagner d'un invité.

À compter du lundi 25 avril 2022, les candidats, les tiers annonceurs ou leurs représentants pourront communiquer avec le Bureau des élections par téléphone au 613-580-2660 ou par courriel à elections@ottawa.ca pour prendre rendez-vous. Les rendez-vous seront fixés sur la base du premier arrivé, premier servi.

Afin de répondre à la demande d'autant de candidats et de tiers annonceurs que possible, le Bureau des élections prolongera ses heures d'ouverture pour les rendez-vous de 8 h 30 à 19 h, du lundi 2 mai jusqu'au jeudi 5 mai 2022.

Coût estimé des élections municipales de 2022

Le personnel estime que les élections municipales de 2022, comme décrites dans le présent rapport, coûteront 9 160 459 \$. Cette estimation inclut les coûts afférents à la COVID-19 s'il faut que le personnel adapte les procédures du vote en personne ou instaure des mesures de sécurité. Elle comprend également le coût estimé de la mise en œuvre du mode de scrutin spécial par la poste recommandé, comme il est décrit ci-dessous.

On estime à 655 662 dollars les coûts additionnels afférents à la COVID-19. Ce montant inclut les équipements de protection individuelle, comme les masques et les visières; le

désinfectant pour les mains; et les produits de nettoyage et les fournitures pour tous les bureaux de vote des élections municipales de 2022.

De plus, comme indiqué précédemment, si le Conseil municipal approuve et promulgue le *Règlement pour autoriser l'utilisation d'un mode de scrutin de remplacement*, ci-joint en tant que document 1, ce budget préliminaire comprend le coût de la mise en œuvre du vote spécial par la poste à l'échelle de la ville, soit environ 653 642 dollars.

Le financement des élections municipales de 2022 proviendra du Fonds de réserve de stabilisation des taxes, lequel est la principale source de financement des élections. La Ville cherchera à financer les répercussions de la COVID-19 selon les programmes disponibles.

Comme indiqué précédemment, le personnel est d'avis que les procédures électorales décrites dans le présent rapport font en sorte que les élections municipales de 2022 peuvent se dérouler dans le respect des dispositions de la LEM et conformément aux directives et recommandations de santé publique.

Ceci dit, le personnel continuera de suivre l'évolution de la pandémie de COVID-19 d'ici l'automne ainsi que la préparation des élections dans d'autres villes et, s'il y avait résurgence de la COVID-19 ou si SPO devait modifier les directives sanitaires, le greffier municipal pourra utiliser au besoin l'autorité et les pouvoirs en situation d'urgence que lui confèrent les articles 12 et 53 de la LEM afin d'assurer l'intégrité des élections et la sécurité du public. Le greffier municipal informera le Conseil municipal et le public s'il faut modifier de façon importante le processus électoral.

Section 2 : Modifications au Règlement du programme de remises de contributions

L'article 88.11 de la LEM stipule qu'une municipalité peut, en adoptant un règlement municipal à cet effet, prévoir des remises aux particuliers qui ont fait des contributions en faveur de candidats à une charge de maire ou de conseiller municipal et fixer les conditions selon lesquelles un particulier a droit à une remise de contributions.

Initialement, le Conseil municipal d'Ottawa a créé le programme de remises de contributions dans le contexte des élections municipales de 2003. Le [*Règlement du programme de remises de contributions*](#) (n° 2018-33) s'applique à toutes les élections municipales ou partielles, y compris aux élections municipales de 2022.

Le personnel recommande des modifications d'ordre administratif au règlement afin de l'harmoniser avec les changements législatifs, de clarifier des aspects pour les donateurs et les candidats qui participent au programme et d'améliorer l'administration du programme :

- Officialiser l'admissibilité des personnes ayant contribué à la campagne d'un candidat qui a retiré sa candidature conformément aux dispositions de la LEM à une remise de contribution de 75 % jusqu'à concurrence 900 \$ pour ladite campagne.
- Faire correspondre la date limite de soumission d'une demande de remise de contributions à une campagne initiale ou supplémentaire d'un candidat au plus tard à 14 heures, soixante (60) jours après la date limite de la présentation des états financiers supplémentaires.
- Ajouter des renvois à tous les articles applicables de la LEM portant sur le report autorisé des dates limites de dépôt (c.-à-d. délais de grâce ou report accordé par les tribunaux).
- Ajouter des renvois aux limites de contributions établies par la LEM et aux conséquences qu'une poursuite pourrait avoir sur le moment et la possibilité de recevoir ou non une remise de contributions.
- Clarifier les notions de « contribution admissible et non admissible » et de « donateur admissible et non admissible ».

Section 3 : Modifications de la Politique sur les ressources liées aux élections

La loi interdit à la Ville d'Ottawa, comme à toutes les municipalités de l'Ontario, de contribuer de l'argent, des biens ou des services à une campagne électorale. Aux termes de l'alinéa 88.8 (4) 5 de la LEM, une municipalité « ne doit pas faire de contributions » à une campagne électorale. La *Loi de 1990 sur le financement des élections* et la *Loi électorale du Canada de 2000* interdisent également aux villes de contribuer aux campagnes électorales provinciales et fédérales.

Depuis 2003, la [Politique sur les ressources liées aux élections](#) (PRLE) de la Ville d'Ottawa approuvée par le Conseil municipal fournit aux membres du Conseil et à l'ensemble du personnel de la Ville des lignes directrices sur l'administration des

ressources municipales et des budgets des membres en ce qui concerne les élections. Le principe sous-jacent de la politique est que « conformément à la *Loi de 1996 sur les élections municipales*, **les fonds publics ne doivent pas servir à des fins électorales, notamment à promouvoir la candidature d'une personne à une charge élective ou à s'y opposer.** » [Caractères gras ajoutés]. La PRLE satisfait maintenant une exigence de la LEM et du paragraphe 88.18 qui requiert « qu'avant le 1^{er} mai de l'année d'une élection ordinaire, les municipalités et les conseils locaux **[devront établir] des règles et des modalités en ce qui concerne l'utilisation de leurs ressources respectives pendant la période de campagne électorale.** » [Caractères gras ajoutés].

Pour faire suite à l'examen de la PRLE en amont des élections municipales de 2022, le personnel propose diverses modifications afin de codifier et de refléter les conseils et les lignes directrices fournis par le greffier municipal au cours de périodes électorales antérieures. Ces modifications serviront à clarifier diverses exigences et obligations liées aux élections pour les membres du Conseil, les membres citoyens nommés par le Conseil à des comités, le personnel et les candidats. Les dispositions portent sur des aspects comme les activités, les installations, les ressources et les communications municipales.

Aussi, étant donné qu'un nombre non négligeable de demandes de renseignements nous parviennent concernant des aspects liés à la période d'interdiction établie en vertu de la PRLE et après avoir observé que d'autres municipalités adoptent des politiques et des procédures détaillées portant sur certaines activités, il est recommandé d'adopter des procédures liées aux élections durant la période d'interdiction en appui à la PRLE. Comme pour la PRLE actualisée, les dispositions contenues dans la version proposée des procédures sont conformes aux conseils et aux interprétations fournis par le greffier municipal au cours d'élections précédentes et sont liées à des aspects tels que les activités, les installations et les ressources municipales et les communications au cours de la période de 60 jours précédant et incluant le jour du scrutin. Les dispositions relatives à la période d'interdiction ne s'appliquent pas à une personne élue par acclamation membre du Conseil ou qui, laissant sa charge, n'est pas candidate à l'élection.

Enfin, conformément à leurs pouvoirs respectifs en vertu de la PRLE et de la Politique sur les activités spéciales, communautaires et de financement, le greffier municipal et la commissaire à l'intégrité examineront les effets de la pandémie de COVID-19 sur les dispositions et les politiques pertinentes et émettront conjointement, avant les élections

municipales de 2022, une note de service à l'intention des membres du Conseil portant sur les lignes directrices ou les dérogations pouvant s'appliquer.

Section 4 : Mise sur pied du Comité de vérification de conformité des élections de 2022-2026

Conformément au paragraphe 83.37 de la LEM, toutes les municipalités et tous les conseils scolaires doivent se doter d'un comité de vérification de conformité des élections (CVCE). Les municipalités de l'Ontario doivent créer un tel comité avant le 1^{er} octobre d'une année d'élection. La durée du mandat du CVCE est semblable à la durée du mandat du Conseil municipal ou du Conseil scolaire qui entre en fonction à l'issue de l'élection ordinaire suivante. Le prochain mandat commencera le mardi 15 novembre 2022 et prendra fin le samedi 14 novembre 2026.

Le CVCE est une instance indépendante créée par la loi dont les fonctions et les pouvoirs sont définis dans une grande mesure par la LEM. Il est chargé d'étudier les demandes de vérification de conformité en matière de financement des campagnes électorales municipales ainsi que les rapports du greffier municipal sur la violation apparente des limites de contribution à la suite d'une élection municipale ordinaire ou d'une élection partielle tenue pendant le mandat du Conseil municipal pour la durée duquel il a été mis sur pied, et de prendre des décisions à l'égard de ces demandes et rapports.

Une fois les demandes de vérification de conformité examinées, le CVCE peut nommer au besoin un vérificateur pour vérifier les états financiers d'une campagne électorale et décider d'engager ou non une poursuite contre un candidat ou un tiers annonceur. De la même manière, après s'être penché sur les rapports du greffier municipal, le CVCE peut décider d'engager une poursuite contre un donateur qui paraît avoir dépassé les limites de contributions autorisées par la LEM, comme il est décrit dans le présent rapport.

Conformément à la procédure établie pour le CVCE de 2018-2022, le présent rapport contient des recommandations visant à mettre sur pied le CVCE de 2022-2026; à déléguer au greffier municipal, à la vérificatrice générale et à la commissaire à l'intégrité le pouvoir de nommer les membres du comité; à soustraire le CVCE à l'article 2.6 de la Politique de nomination des membres citoyens de comités consultatifs et de conseils de la Ville, de groupes de travail, de conseils externes, de commissions et d'instances officielles; et à faire approuver par le Conseil municipal le mandat du comité.

BACKGROUND

City Clerk's statutory responsibility to prepare and conduct municipal elections

All municipal elections in Ontario, including the City of Ottawa's, are governed by the [Municipal Elections Act, 1996](#) (the MEA). The MEA provides rules for the administration of elections, addressing areas such as voter and candidate eligibility, rules surrounding third party advertising, methods of voting, campaign and campaign finance rules, questions on the ballot and legislative dates in the election cycle, including the length of the campaign period and Voting Day. The MEA also sets out the roles and responsibilities of City Council, the City Clerk, school boards, electors, candidates and third party advertisers, and provides provisions with respect to compliance, enforcement, and penalties.

Municipalities are required under the MEA to conduct both municipal council and school board elections, at no cost to school boards, every four years. The next municipal elections to elect a Mayor, City Councillors and School Board Trustees will take place on Monday, October 24, 2022. The 2022-2026 Term of Council will begin on Tuesday, November 15, 2022, and end on Saturday, November 14, 2026, as further described in the Discussion section of this report.

The MEA provides that the City Clerk is responsible for the preparation and conduct of municipal elections. This includes preparing for the election and maintaining peace and order in connection with the election, in accordance with Section 11 of 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

- preparing for the election;
- preparing for and conducting a recount in the election;
- maintaining peace and order in connection with the election; and
- 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].

In addition to adhering to provisions of the MEA, the City Clerk has a duty to prepare for and conduct the election in a manner consistent with the principles of the legislation.

While not defined in the MEA, the courts have established these principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;
5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently.

While the MEA is generally prescriptive, it includes provisions that allow the City Clerk to amend the statutory timelines in the case of an emergency, further to the City Clerk's duties under Section 11 of the MEA with respect to preparing for the election and maintaining peace and order in connection with the election.

Section 12 of the MEA allows the City Clerk to provide for any matter or procedure that is not otherwise provided for in an Act or regulation, and that is, in the City Clerk's opinion, "necessary or desirable" for conducting the election, as follows:

Powers of Clerk

12(1) 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.

Additionally, Section 53 of the MEA authorizes the City Clerk to declare an emergency when circumstances have arisen that are likely to prevent the election from being conducted in accordance with the MEA, and further allows the City Clerk to make arrangements that he considers advisable for conduct of the election, as follows:

Emergency

53(1) The Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.

Arrangements

(2) On declaring an emergency, the Clerk shall make such arrangements as he or she considers advisable for the conduct of the election.

Conflict

(3) The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

Time

(4) The emergency continues until the Clerk declares that it has ended.

No review or setting aside

(5) If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

On Wednesday, May 26, 2021, City Council considered the [“Office of the City Clerk 2020 Annual Report”](#), which specified that election-related matters that would be brought forward in the 2022 Municipal Elections report including:

- Legislative amendments to the MEA;
- The impacts of the Ottawa Ward Boundary Review 2020; and
- A review of the City's Election-Related Resources Policy (ERRP).

The 2020 Annual Report also noted as follows:

“At the time of writing of this report, COVID-19 remains an ongoing concern and public health officials believe that the impacts of COVID-19 may still be prevalent for months and years to come. As election planning begins years in advance of a

general election year, election planning for 2022 must shift to recognize the realities of COVID-19.

As such, staff are currently reviewing the election processes that were successfully implemented in the 2020 Cumberland By-election to determine if and how these processes could be implemented in the 2022 Municipal Elections, including the possibility of implementing an alternative method of voting on a city-wide scale. That said, it is important to note that the requirements of a general election are far more substantive than those of a by-election. As part of the above-noted forthcoming report, staff will report back to City Council on the feasibility of implementing these election processes on a city-wide scale.”

Additional background information is provided below regarding the other election-related matters being brought forward in this report.

Legislative amendments to the *Municipal Elections Act, 1996*

The MEA is reviewed by the Province following every regular municipal election. Since the 2018 Municipal Elections, three Bills have made amendments to the MEA, some of which will come into force for the 2022 Municipal Elections, while others will take effect in 2024, as follows:

Changes impacting the 2022 Municipal Elections

On Monday, April 19, 2021, [Bill 254, *Protecting Ontario Elections Act, 2021* received Royal Assent and made the following amendments to the MEA:](#)

- A City Clerk may put conditions in place that would allow candidates and third party advertisers to submit their nomination and registration forms electronically. Endorsements of a nomination that is filed electronically must still be collected as original signatures and a person who files a nomination that must be endorsed shall retain the copy of the document bearing the original endorsement signatures.
- A registered third party advertiser may withdraw their registration by filing a written withdrawal with the City Clerk during the time for filing a notice of registration no later than the Friday before Voting Day, at a time when the City Clerk’s office is open.

- If a registered third party advertiser files a nomination to run for office, their third party advertiser registration is deemed to be withdrawn and their advertising campaign automatically closes.

The above-noted changes will apply to municipal by-elections held during the current Term of Council as well as future regular municipal elections, including the 2022 Municipal Elections. Additional information regarding these amendments is provided in Document 2.

On Friday, November 20, 2020, [Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 - Amendments to the Municipal Elections Act, 1996](#) received Royal Assent and made significant changes to the MEA, including:

- Removing the option to hold ranked ballot elections in Ontario municipalities by revoking [Ontario Regulation 310/16 \(Ranked Ballot Elections\)](#) in its entirety, and repealing Subsections 41.1 and 41.2 of the MEA which provided provisions for holding ranked ballot elections.
- Moving Nomination Day in a regular election from the fourth Friday in July to the third Friday in August. For the 2022 Municipal Elections, Nomination Day will be Friday, August 19, 2022.
- Amending Section 42 of the MEA to allow by-laws authorizing the use of vote-counting equipment and alternative voting methods to be passed on or before May 1 in the year of the election. Previously, such by-laws were required to be passed on or before May 1 in the year before the year of the election.
- Moving the date for establishing procedures and forms for the use of any voting and vote-counting equipment or alternative voting method to June 1 in the year of the election. The previous requirement was to establish such procedures and forms on or before December 31 in the year before the year of the election.

Staff note that the amendment to establish procedures and forms for any voting and vote-counting equipment or alternative voting method by June 1 in the year of an election contradicts Subsection 42(3) of the MEA, which requires that candidates be provided with these procedures and forms when they file their nomination. As such, and as is usual practice, the Elections Office will make the Vote Counting Procedures for the 2022 Municipal Elections and any relevant forms available to candidates as part of their information package when they file their nomination.

Additional information regarding the above-noted amendments is provided in Document 3.

Changes Taking Effect in 2024

On Thursday, October 1, 2020, [Bill 204, *Helping Tenants and Small Businesses Act, 2020*](#), received Royal Assent. The Bill, in part, provides that beginning in 2024, the Province's Chief Electoral Officer will be responsible for preparing the Preliminary Voters' List for municipal elections as well as establishing and maintaining a permanent register of electors rather than the Municipal Property Assessment Corporation (MPAC). In addition, Bill 204 makes the following revisions to several Acts:

- The MEA is amended to move the responsibility for preparing the Preliminary Voters' List in municipal elections from the MPAC's 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.

Staff will continue to monitor these amendments and implement changes required for future elections beginning in 2024. Additional information regarding these amendments is provided in Document 4.

Ottawa Ward Boundary Review 2020

On Wednesday, December 9, 2020, City Council approved the "[Ottawa Ward Boundary Review 2020 – Recommendations Report](#)". On Wednesday, January 27, 2021, City Council enacted [By-law No. 2021-3, *A by-law of the City of Ottawa to establish ward boundaries and Council composition*](#). The by-law will take effect for the 2022-2026 Term of Council and will implement a new ward boundary structure composed of 24 wards, with 12 urban wards, nine suburban wards and three rural wards.

On Wednesday, October 13, 2021, City Council approved the "[Ottawa Ward Boundary Review 2020 – Implementation Report](#)", which noted that Elections staff will implement

a thorough communication plan to ensure electors, candidates and third party advertisers are aware of the new ward boundary structure. The Discussion section of this report provides further details on the communications plan and public education efforts for the 2022 Municipal Elections.

Regular review of election-related by-laws, policies and procedures, and statutory requirements

As is usual practice for election preparations, staff review election-related by-laws, policies, and procedures prior to a general election to assess whether any changes are required.

Contribution Rebate By-law

Housekeeping amendments are recommended to amend the *Contribution Rebate By-law* to align with legislative changes, provide additional clarity to contributors and candidates who participate in the program, and to improve the administration of the program.

Election-related Resources Policy

Staff is recommending various amendments to the ERRP consistent with the guidance and guidelines that the City Clerk has provided in past elections. Given the number of inquiries received that relate to matters during the “blackout period,” and further to the observation that other municipalities set out detailed policies and procedures related to certain activities, it is also recommended that the Election-Related Blackout Period Procedures be established to accompany the ERRP.

Legislative requirement to establish an Election Compliance Audit Committee

In addition, this report sets out recommendations to establish the City’s ECAC for the 2022-2026 Term of Council, further to Subsection 88.37(1) of the MEA, which prescribes that City Council must establish a Compliance Audit Committee before October 1 in an election year.

DISCUSSION

In accordance with the *Municipal Elections Act, 1996* (the MEA), the City Clerk is responsible for preparing and conducting elections in accordance with the MEA and the principles established by the courts. As such, Section 1 of this report provides a review of the 2020 Cumberland By-election and an update regarding the 2022 Municipal

Elections for City Council's information, including a recommendation to approve and enact a *By-Law to Authorize the Use of an Alternative Voting Method* to permit the use of a special mail-in ballot that does not require electors to attend a voting place in order to vote, in accordance with Section 42 of the MEA, for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council.

This report also recommends the following additional election-related matters in advance of the 2022 Municipal Elections:

- Section 2: Amendments to the *Contribution Rebate By-law* to align with legislative changes, to provide additional clarity to contributors and candidates who participate in the program, and to improve the administration of the program;
- Section 3: Amendments to the Election-Related Resources Policy, and the establishment of the Election-Related Blackout Period Procedures; and
- Section 4: The establishment of the City's Election Compliance Audit Committee for the 2022-2026 Term of Council, in accordance with Subsection 88.37(1) of the MEA.

Section 1: Review of the 2020 Cumberland By-election and an update on the 2022 Municipal Elections

Review of the 2020 Cumberland By-election

On Wednesday, July 15, 2020, City Council approved the staff report titled, "[Ward 19 \(Cumberland\) – Vacancy Options \(July 15\)](#)" and enacted the *By-law to Require a By-Election* in order to hold a by-election to fill the vacancy in the Office of Councillor, Ward 19 (Cumberland) in accordance with the MEA. Staff recommended that the by-election be conducted in the traditional manner (i.e., in-person voting) with adaptations made to the by-election process to address Ottawa Public Health (OPH) and provincial health recommendations related to COVID-19.

Following City Council's approval of the report, and in order to conduct and make all necessary arrangements for the 2020 Cumberland By-election, the City Clerk immediately declared an emergency in accordance with Section 53 of the MEA.

The City Clerk further exercised his statutory authority under Sections 12 and 53 of the MEA in order to implement a number of changes to the by-election processes in response to COVID-19, including:

- Limiting the number of electors in a voting place to ensure physical distancing;
- Developing a line management strategy and installing signage at voting places, including floor markers, to notify electors of physical distancing requirements;
- Installing acrylic barriers and hand sanitizing stations in voting places;
- Requiring electors to wear masks in voting places. Electors were encouraged to bring their own mask. However, masks were available at voting places if an elector did not have one;
- Providing appropriate personal protective equipment including masks, face shields (eye protection) and gloves for staff who were working and/or cleaning surfaces in voting places;
- Providing single use stationery at voting places (voting pens and privacy sleeves);
- Waiving the requirements of Subsection 33(1.1) of the MEA. A completed Form 2, with 25 signatures from eligible electors endorsing the nomination, was not required in order to become a candidate in the 2020 Cumberland By-election;
- Restricting the number of candidates and scrutineers permitted inside a voting place in order to reduce the risk of the transmission of COVID-19 during Voting Days;
- Developing a plan for voting in long-term care homes, and restricting access to long-term care centres in response to COVID-19 and candidates and scrutineers were not permitted to observe the vote; and
- As proxy forms could be certified at voting places on all voting days, the City Clerk waived the requirements of Subsection 44(6) of the MEA, which requires that the City Clerk's office and any other place designated by the City Clerk shall be open for the purpose of certifying proxies from noon to 5:00 p.m. on Advance Vote Days. As such, Client Service Centres and the Elections Office were not required to be open from noon to 5:00 p.m. on Advance Voting Days.

Due to the COVID-19 pandemic, City Council approved and enacted a *By-Law to Authorize the Use of an Alternative Voting Method* for the 2020 Cumberland By-election to permit the use of a special mail-in ballot that did not require electors to attend a

voting place in order to vote, in accordance with Subsection 42(1)(b) of the MEA. This process allowed eligible electors to submit an application to receive a special ballot by mail which they could mark at home, and mail or deliver their ballot to the Elections Office, or the Orléans Client Service Centre.

In addition, and as is the case for a general election, the MEA requires that a by-election be conducted with at least one Advance Vote Day. In response to COVID-19, OPH recommended that the City Clerk increase the number of in-person voting opportunities in an attempt to spread out voter turnout to help minimize the risks of large crowds and long lineups at voting places. As such, the City Clerk, in accordance with the MEA, established a by-election schedule that provided electors with three opportunities to vote in-person at eight voting places. This schedule included two Advance Vote Days and Voting Day.

There were 36,323 eligible electors in the 2020 Cumberland By-election. A total of 8,708 votes were cast for a voter turnout of approximately 24 per cent, as follows:

- Total ballots cast in-person: 7,474 (20.6 per cent); and
- Total ballots cast by special mail-in ballot: 1,234 (3.4 per cent).

2020 E.A. Danby Award

In June 2021, the City of Ottawa, in partnership with the Town of Pelham and the Cities of Cambridge and Windsor, was awarded with AMCTO's 2020 [E.A. Danby Award](#) for recognition of outstanding achievement in improving performance in the category of "Implementation of Legislation".

The award is presented annually to one or more municipalities that demonstrate an initiative or a willingness to explore innovative techniques that produce tangible results related to the efficiency and effectiveness of the municipal corporation.

More specifically, these municipalities were recognized for the work that was done in preparation for their 2020 by-elections, for creating the Election Working Group, and for being some of the first municipalities in Canada to successfully administer by-elections during the global COVID-19 pandemic.

The 2022 Municipal Elections

Report recommendations:

1. Receive the update on the 2022 Municipal Elections for information; and
2. 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.

In the City of Ottawa, general municipal elections require considerable planning, coordination, and resources because of the City's vast geographic area – Ottawa is 4.4 times larger than Toronto – and large population, with more than 633,000 eligible voters in 2018. Moreover, Ottawa provides bilingual and accessible services throughout the election process and at all voting places.

A high-level overview of the 2018 Ottawa Municipal Elections, which can be considered a “typical” election, illustrates some of the considerations that the Office of the City Clerk addresses in planning and delivering municipal elections. In 2018:

- 189 candidates were nominated to 61 offices, comprised of a Mayor and 23 City Councillors as well as 37 Trustees for four different school boards.
- Over the course of six voting days, 269,772 of the 633,946 eligible electors cast their ballot at one of 642 accessible voting places across Ottawa, for a voter turnout of 42.5 per cent.
- In addition to a small group of permanent Elections Office staff who work on election planning, preparations and other related matters throughout each Term of Council, the election itself required approximately 4,840 election workers in 2018.
- The total cost of the 2018 Municipal Elections was approximately \$6.57 million.

The COVID-19 pandemic and election preparations

On Monday, February 14, 2022, the Province announced that as key public health and health system indicators continuing to improve, and in consultation with the Chief

Medical Officer of Health, the Province is cautiously and gradually easing public health measures with the next phase of measures being eased on Thursday, February 17, 2022. This phase increases organized public event limits to 50 people indoors, with no limit outdoors. Additionally, effective Tuesday, March 1, 2022, the Province intends to take additional steps to ease public health measures if public health and health system indicators continue to improve. This includes lifting capacity limits in all remaining indoor public settings.

Due to the ongoing COVID-19 pandemic, staff has been in contact with OPH to review the implications that the pandemic has on election preparations, as well as the election processes that were successfully implemented in the 2020 Cumberland By-election to determine if and how these processes could be implemented in the 2022 Municipal Elections, including the possibility of implementing an alternative method of voting on a city-wide scale, as further described in this report.

Election preparations in other Ontario Municipalities

Staff has also been in contact with election officials from municipalities across the province to discuss best practices relating to election preparations in response to COVID-19. Although it is difficult to compare other municipalities to the City of Ottawa due to Ottawa's geographic size and population, these jurisdictions are subject to the same legislation as the City of Ottawa, (i.e., the *Municipal Act, 2001*, the MEA, and any provincial orders). Information related to election preparations in some of Ontario's largest municipalities is highlighted below:

- **City of Toronto (1,880,371 eligible electors)** – On [Friday, October 1, 2021](#), Toronto City Council considered and approved a report from the City Clerk regarding the implementation of a mail-in voting option for the 2022 Municipal Elections as an alternative to in-person voting. The City of Toronto previously implemented a mail-in voting option for the Ward 22 Scarborough-Agincourt By-election. The 2022 Municipal Elections will be the first time the City will offer this alternative method of voting on a city-wide scale.
- **City of Hamilton (363,434 eligible electors)** – On [Friday, August 13, 2021](#), Hamilton City Council passed a by-law to authorize the use of a Special Vote by Mail as an alternative voting method in future municipal elections. On Friday, January 7, 2022, members of the City's Seniors Advisory Committee received a presentation from Hamilton's Elections Manager indicating that the City would be

using mail in voting as an alternative method of voting in the 2022 Municipal Elections.

- **City of London (248,212 eligible electors)** – In a report to London City Council on [Tuesday, June 15, 2021](#), the City Clerk recommended that voting by mail be offered as an alternative voting method in the 2022 Municipal Elections. The report noted that the voting by mail process, used by the City in municipal elections since 2010, has been refined over the past few elections and is an accessible and secure voting method. At the same meeting, London City Council passed a by-law to authorize voting by mail for the 2022 Municipal Elections.
- **City of Guelph (93,650 eligible electors)** – On [Wednesday, February 17, 2021](#), Guelph City Council received a report from the Office of the City Clerk outlining options for alternative voting methods in the 2022 Municipal Elections. The report recommended vote by mail, and City Council passed the required by-law to authorize vote by mail be used as an alternative voting method in the 2022 Municipal Elections.
- **City of St. Catharines (92,226 eligible electors)** – On [Monday, November 15, 2021](#), St. Catharines City Council considered a report regarding voting methods for the 2022 Municipal Elections. The report recommended the use of vote by mail as an alternative voting method as it supports the principles of the legislation and most closely resembles the in-person voting experience. City Council approved this recommendation and passed a by-law to support the use of vote-by-mail as an alternative voting method in the 2022 Municipal Elections.

As the COVID-19 pandemic remains ongoing, staff will continue to monitor election planning and processes across the province as well as public health recommendations in the lead up to the 2022 Municipal Elections.

Staff preparing for in-person voting and recommending the implementation of a special mail-in ballot process

Following discussions with OPH and election officials in municipalities across the province, and in light of the easing of public health regulations as well as a rise in vaccination rates in Ottawa, staff is of the opinion that it is possible to safely conduct the 2022 Municipal Elections in accordance with provincial legislation (i.e., the *Municipal Act, 2001* and the MEA) as well as the public health recommendations, as further described in this report.

As such, staff is preparing to conduct the 2022 Municipal Elections in the traditional manner with in-person voting with the use of vote tabulators in accordance with *By-law No. 2003-275*, which authorizes the use of vote-counting equipment for any general election or by-election in the City of Ottawa.

In addition, and in response to COVID-19, staff is recommending 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 will allow electors the opportunity to vote without having to attend a voting place in-person. More specifically, this process would allow all eligible electors, particularly those from high-risk groups, including older adults and electors with disabilities who are more susceptible to the effects of COVID-19, to submit an application to the Elections Office to receive a special ballot by mail.

It is important to note that this hybrid election approach does not replace traditional in-person voting. Electors will still have the opportunity to vote in-person or by proxy should they choose to do so.

In addition, should City Council approve staff's recommendation to implement the special mail-in ballot, this process may be used as a contingency plan to facilitate voting in long-term care centres and retirement homes should it be required in response to potential COVID-19 restrictions that may be in place in the fall.

The above-noted approach, in staff's opinion, allows the Elections Office to safely plan for and administer the 2022 Municipal Elections. As the safety of electors, candidates, third party advertisers, and staff remains a top priority, communications with OPH and election officials across the province will continue in order to monitor election processes and public health recommendations.

If required, and as occurred in the 2020 Cumberland By-election, the City Clerk is prepared to use his statutory authority and emergency powers under the MEA (i.e., Sections 12 and 53) at any point throughout the election cycle to protect the integrity of the election as well as to ensure public safety. Should any significant changes to the election process described in this report be required, staff will notify City Council and members of the public accordingly.

Staff not recommending internet or telephone voting

Staff has continued to monitor internet and telephone voting and the concerns that staff outlined in the report titled "[Ward 19 Cumberland – Vacancy Options](#)" have not been

addressed. As such, staff do not recommend internet and telephone voting as viable voting options for the 2022 Municipal Elections. Additional information related to these concerns and the 2022 Municipal Elections is provided below.

As described in the “Ward 19 Cumberland – Vacancy Options” report, following the 2018 Municipal Elections, Dominion Voting, the City’s current election software provider, removed their telephone voting component. As such, the telephone voting component that would be required to implement this in Ottawa is not currently available with the City’s existing vendor.

In addition, based on discussions with other municipalities, staff has 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; lengthy ballots prove difficult to navigate through the telephone system and take too long to complete, resulting in possible voter frustration.

With regard to internet voting, the security of internet voting systems remains an on-going concern. In addition, there are no national technical standards that exist for certifying online voting systems, auditing, or verifying the results that are produced. As far as staff is aware, none of the current internet voting systems produce an accompanying physical paper trail. As such, conducting a recount would not be possible as a paper ballot does not exist.

As noted in the “Ward 19 Cumberland – Vacancy Options” staff report, there are also significant concerns with regard to the quality of the Voters’ List and this directly impacts staff’s ability to effectively and efficiently administer an election where internet voting is an option. The accuracy of the Voters’ List may 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.

The Municipal Property Assessment Corporation (MPAC) is an independent, not-for-profit corporation that is statutorily mandated by the Province to produce the City’s Voters’ List. Despite some modest improvements such as the introduction of MPAC’s voter lookup tool (voterlookup.ca), there have been problems with the Voters’ List in every election. For example, in 2018, 79,879 local changes were made to the list after it was made official by the City Clerk. Although Bill 254 changes the responsibility for preparing the Preliminary Voters’ List for municipal elections from MPAC to the

Province's Chief Electoral Officer, which may improve the quality of future Voters' Lists, this will not occur until 2024.

In addition, should the COVID-19 pandemic be prevalent in the fall of 2022, and if public community spaces that offer access to a computer and internet services are closed, 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.

While it's difficult to say with certainty how many electors might be affected, a 2020 Statistics Canada study indicated that 98.6 per cent of Ottawa-Gatineau census metropolitan area (CMA) residents had internet at home. This study also indicates that only 93.5 per cent of Ottawa-Gatineau CMA residents over the age of 65 have home internet.

Staff contacted Statistics Canada seeking information related to home internet access and a person or household's income. At the time of writing this report this data was not available. However, the 2018 Canadian Internet Use Survey indicates that, among households that earn less than \$40,000 a year, only 86.3 per cent of Ottawa-Gatineau CMA households have internet at home, as opposed to 100 per cent of those who earn over \$125,000.

The Canadian Radio-television and Telecommunications Commission's latest "[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.

As directed by the Agriculture and Rural Affairs Committee (ARAC) on Thursday, [February 4, 2021](#), staff has been asked to consider the City's role in improving connectivity for underserved residents both rural and urban areas. As indicated in the Tuesday, August 3, 2021, Memorandum to City Council entitled "Update on Connectivity", staff is currently working on a report on this matter and will report back to ARAC in Q2 2022.

When considering the above-noted considerations, staff has 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.

Staff also estimate the preliminary costs to implement telephone or internet voting in Ottawa 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 be a significant undertaking and staff is not able to complete the procurement process, test, audit, and implement telephone or internet voting in time for the 2022 Municipal Elections.

For these reasons, neither internet nor telephone voting are recommended as viable options for the 2022 Municipal Elections. Staff will continue to monitor internet voting and the feasibility of implementing it in future general elections.

Election schedule for the 2022 Municipal Elections

In accordance with the MEA, the City Clerk has established the following election schedule for the 2022 Municipal Elections:

2022	Election Event
Monday, May 2	Nomination and registration periods begin
Friday, August 19	Nomination Day (last day to submit or withdraw a nomination)
Saturday, September 24 to Tuesday, September 27	Special Advance Vote Days
Friday, October 7	Advance Vote Day 1
Friday, October 14	Advance Vote Day 2
Friday, October 21	Final day to register as a third party advertiser
Monday, October 24	Voting Day
Friday, October 28	Expected declaration of results

A detailed election calendar is attached as Document 5.

For the 2022 Municipal Elections, staff expects to expand Special Advance Voting to more locations as well as add an additional Advance Vote Day as further described in this report. Staff note that the increase in voting places and the additional voting opportunities are in keeping with OPH's recommendations during the 2020 Cumberland By-election in order to spread out voter turnout and limit the possibility of crowds or lineups forming at voting places.

Statutory requirements for voting places

When choosing voting places for an election, Section 45 of the MEA prescribes that the City 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 City Clerk is also mandated to ensure that voting places are accessible to electors with disabilities.

Subsection 45(7) of the MEA mandates that on Voting Day, a voting place be provided on the premise of:

1. An institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
2. An institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm; and
3. A retirement home in which, on September 1, 50 or more beds are occupied.

In addition to the provisions of the MEA, the Elections Office considers Ottawa's diverse geography (urban, suburban, and rural) as well as the social and economic makeup of the population to ensure that there is equitable access to all electors in every ward and that no undue hardship is experienced when participating in the democratic process of electing their representatives.

In accordance with the above-noted provisions, staff has currently identified approximately 681 voting places for the 2022 Municipal Elections. This includes 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 previous municipal elections.

In order to staff the voting places required in the 2022 Municipal Elections, it is anticipated that approximately 5,660 election worker positions will be required. This is

an increase from staffing levels in 2018, which required approximately 4,840 election worker positions, due to growth and a new ward, an additional Advance Vote Day, and provisions for the potential impacts of COVID-19 at voting places.

In the spring of 2022, the Elections Office will begin recruiting and hiring both City staff and members of the public as election workers. At this time, and in accordance with the City's [Vaccination Policy](#), staff anticipates that all election workers will be required to be fully vaccinated.

In-person voting opportunities

Based on the above-noted election schedule, the statutory requirements for voting places, and to ensure that staff is able to administer the election in an efficient manner, there will be three separate voting opportunities, with a total of seven in-person voting days, for electors to cast their ballot in the 2022 Municipal Elections: (1) Special Advance Vote Days; (2) Advance Vote Days; and (3) Voting Day, as further described below.

(1) Special Advance Vote Days

Special Advance Vote Days will take place from Saturday, September 24 to Tuesday, September 27 from 10:00 a.m. to 8:00 p.m. During this voting event, voting places will offer “anywhere voting” which allows electors to attend any voting place, regardless of their address, to cast their ballot. Anywhere voting uses an electronic Voters’ List and election workers print ballots on demand.

Anywhere voting was successfully introduced as a pilot project at four voting places during Special Advance Voting in the 2014 Municipal Elections and was expanded to six voting places during the 2018 Municipal Elections. It was also successfully implemented at all eight voting places during the 2020 Cumberland By-election in response to the COVID-19 pandemic.

For the 2022 Municipal Elections, due to its success and popularity in previous elections and to better serve electors in every ward, staff expects to expand this voting opportunity to nine locations across the City of Ottawa.

In order to facilitate Special Advance Vote Days, which require an electronic Voters’ List and printing ballots on demand, staff has determined that City facilities are best suited due to existing City network access. As well, the selected voting places are typically

landmarks in the community that are fully accessible, offer multiple services to residents and have high foot traffic in their day to day operations.

(2) Advance Vote Days

Advance Vote Days will take place from 10:00 a.m. to 8:00 p.m. on Friday, October 7 and Friday, October 14, 2022. On these voting days, electors will have the opportunity to vote in their wards.

At the writing of this report, it is anticipated that 279 voting places will be required over both Advance Vote Days (approximately 140 voting places on Advance Vote Day 1 and 139 on Advance Vote Day 2).

Each ward will have a minimum of one area-wide voting place with accessible vote tabulators available to electors. Additionally, nearly 200 multi-residential buildings will have a voting place on site to serve electors on one of the two Advance Vote Days.

(3) Voting Day

Voting Day in the 2022 Municipal Elections will take place on Monday, October 24, 2022. Electors will once again have the opportunity to vote in their wards, from 10:00 a.m. to 8:00 p.m., with the exception of long-term care centres and retirement homes that may have reduced hours.

At this time, staff anticipate that 366 voting places will be required on Voting Day. Approximately 125 of these voting places will be in located in long-term care and retirement homes.

A number of communications products will be issued throughout the election process to ensure that electors are aware of where and when voting will take place including voter notification letters, online election tools such as the “Where do I Vote?” application, newspaper advertisements, public service announcements, social media posts, and website content on ottawa.ca/vote. Additional information related to these efforts are described in the ‘Communications and public education efforts’ section of this report.

Voting in long-term care centres and retirement homes and COVID-19

As previously noted, 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 order to provide electors in long-term care centres and retirement homes the opportunity to vote and to address the potential challenges surrounding COVID-19, the Elections Office, in partnership with OPH, will continue to monitor public health guidelines and recommendations and will develop a plan to administer voting in accordance with public health recommendations.

In addition, should City Council approve staff's recommendation to implement the special mail-in ballot, it may be used as a contingency plan to facilitate voting in long-term care centres and retirement homes in response to potential COVID-19 restrictions that may be in place in the fall.

Should any changes to the voting process be required in these facilities, staff will notify City Council and members of the public accordingly.

Voting by proxy

If an elector is unable to get to a voting place on voting days, or if an elector feels uncomfortable going to a voting place to cast their ballot, they may wish to appoint a proxy, in accordance with Section 44 of the MEA. A proxy is someone that can go to the voting place and cast a ballot on someone else's behalf. 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 want to appoint must fill out two copies of an Appointment for Voting Proxy (Form 3). A link to this form will be available on ottawa.ca/vote. The individual that has been appointed must take the completed forms to the City's 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, and have it certified by City staff.

Subsection 44(6) of the MEA also requires that the Office of the City Clerk and any other place designated by the City Clerk shall be open for the purpose of certifying proxies from noon to 5:00 p.m. on Advance Vote Days. As such, [Client Service Centres](#) and the Elections Office will be open from noon to 5:00 p.m. on Advance Vote Days.

Additional information related to voting by proxy will be available on ottawa.ca/vote.

Special mail-in ballot process

As previously noted, staff has reviewed the possibility of implementing an alternative voting method during the 2022 Municipal Elections and is recommending that a special mail-in ballot process be implemented for the general election as well as any by-elections that may occur during the 2022-2026 Term of Council.

This process would allow eligible electors, particularly those from high-risk groups, including older adults and electors with disabilities who are more susceptible to the effects of COVID-19, to submit an application to the Elections Office to receive a special ballot by mail. This process will allow electors to mark their ballot at home and mail, or deliver, their ballot to the Elections Office (1221 B Cyrville Road), or electors can also deliver their special ballot to Client Service Centres, as further described below. Additionally, to assist electors with this process, the Elections Office will staff a call centre to administer the special mail-in ballot process and to assist electors during the application and voting periods.

As previously noted, it is important to note that this hybrid election approach does not replace traditional in-person voting. Electors will still have the opportunity to vote in-person or by proxy should they choose to do so.

The City's external election software provider, Dominion Voting, can provide a hybrid voting system that includes an alternative voting method by special mail-in ballot that functions with the City's current vote tabulation system used for in-person voting. Preliminary budget estimates indicate that implementing the special mail-in ballot on a city-wide scale in the 2022 Municipal Elections would cost approximately \$653,642. This cost is based on an estimate that 50,000 electors would apply to receive a ballot, which represents approximately 8.7 per cent of eligible electors in Ottawa. Although the City of Ottawa has never implemented an alternative voting method on a city-wide scale, these estimates are in line with those in other jurisdictions.

As in previous elections, the City's election processes and vote tabulation system, including the new special mail-in ballot process, for the 2022 Municipal Elections will be audited by an external auditor to ensure the accuracy, security, and validity of the election results.

In addition, staff note that this will be the first time that the City of Ottawa implements an alternative voting method on a city-wide scale and staff and will require support from

internal stakeholders, such as Information Technology Services (ITS) and Public Information and Media Relations (PIMR).

In order to implement an alternative voting method, Subsection 42(2) of the MEA requires a by-law authorizing electors to use alternative voting methods that do not require electors to attend at a voting place in order to vote. In the case of a regular election, the by-law must be passed before May 1 in an election year (i.e., Sunday, May 1, 2022).

To implement this alternative voting method by special mail-in ballot for the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council, as described in this report, City Council is required to approve and enact the *By-Law to Authorize the Use of an Alternative Voting Method*, attached as Document 1, in accordance with Section 42 of the MEA. Approval of Recommendation 2 of this report will satisfy this requirement.

Applying for a Special Mail-in Ballot for the 2022 Municipal Elections

Any eligible elector may request to vote by special mail-in ballot by submitting an application to the Elections Office. The application period will begin on Thursday, September 1, and end on Friday, September 16, 2022 at 4:30 p.m. Application forms can be submitted by mail, email or by the online application tool on ottawa.ca/vote. An elector's name must appear on or be added to the Voters' List in order to apply and receive a special mail-in ballot.

Once an application is reviewed and accepted, the Elections Office will send a Special Ballot Voter Kit, which will include instructions on how to vote, a voter declaration form, a ballot, a ballot secrecy envelope, and a prepaid return envelope to the applicant by mail following the close of the application period. Electors can expect to receive their special mail-in ballot kit during the week of September 26, 2022, which provides electors nearly one month to fill out and return their special mail-in ballot.

Completed special ballots must be received at the Elections Office (1221 B Cyrville Road) or Client Service Centers by 4:30 p.m. on Voting Day, Monday, October 24, 2022, in order to be counted in accordance with the Vote Counting Procedures. As previously noted, the Vote Counting Procedures will be provided to candidates when they file their nomination.

The Voters' List and Revision Period

In accordance with the MEA, the MPAC is required to provide the City Clerk with a preliminary list of electors, which the City Clerk uses to create the Voters' List. Under the legislation, the City Clerk is also permitted to make revisions to this list based on information in the City's custody or control.

The MEA requires the City Clerk to make the Voters' List available to the public for a "Revision Period." The Revision Period provides electors with the opportunity to add, amend, or remove their name from the Voters' List by submitting applications online or by submitting a paper application form at the Elections Office or a Client Service Centre during regular business hours.

The Revision Period for the 2022 Municipal Elections will take place from Thursday, September 1, 2022 until Friday, September 16, 2022. Electors will be able to verify, add or amend their information online by using the "Am I on the Voters' List?" tool on ottawa.ca/vote from Thursday, September 1, 2022, until Friday, September 16, 2022. Electors may also make these changes at their voting place on voting days and the application form will be available on ottawa.ca/vote.

Communications and public education efforts

Voting opportunities and the outcome of the Ottawa Ward Boundary Review 2020

To raise awareness about voting options during the 2022 Municipal Elections, and in addition to statutory advertisement requirements, a number of communications products will be issued throughout the election process to ensure that electors are aware of where, when, and how voting will take place.

Staff has also reviewed the impacts that the new ward structure will have on the 2022 Municipal Elections and will ensure that a thorough communications plan and public education campaign are in place to ensure that electors, candidates, and third party advertisers are aware of the new ward structure, to provide clarity for electors about which ward their address is located in, which candidates are running in their ward, and where their voting places will be located on voting days.

The above-noted information will be communicated through a number of bilingual and accessible communications products including voter notification letters; online election tools such as the "Where do I Vote?" and "Who is Running in my Ward?" applications; newspaper advertisements; Public Service Announcements; and social media posts on

both the City of Ottawa and Elections Office's corporate accounts. In addition, the Elections Office will keep up-to-date voting information available on ottawa.ca/vote, and as is past practice, a call centre will be available on voting days to assist electors and provide election-related information.

At this time, staff anticipate launching the above-noted communications and public education campaigns in Q2 2022. As the election process spans over many months, this timing will ensure that staff have the opportunity to monitor the COVID-19 pandemic, visit voting places to ensure they are accessible, and release timely and accurate information as is becomes relevant to electors, candidates and third party advertisers. Furthermore, this timing ensures that electors will not be receiving competing information related to the provincial elections that are scheduled to take place on Thursday, June 2, 2022, which could lead to confusion and voter fatigue.

The Elections Office is working in partnership with PIMR to ensure that the increased communications and public education efforts outlined in this report are successful.

Amended election signs by-law regulations

As part of the staff report titled "[Election Signs By-laws Review](#)" that was approved by City Council on Wednesday, October 13, 2021, staff also identified opportunities for greater education for both candidates and the public, as well as enhanced communications efforts with regard to election sign regulations in Ottawa.

To address this, staff will continue to update the City's Elections website ottawa.ca/vote to provide clearer plain language information to candidates, third party advertisers, and the public, and staff will continue to work with internal stakeholders to ensure clear messaging is also shared through the City's corporate channels. Staff will also ensure that information regarding the City's [Transit By-law](#) (No. 2007-268) is shared to educate residents, candidates and third party advertisers about regulations for election signs on transit property.

In addition, the Office of the City Clerk will continue to improve how information about election sign regulations is shared during municipal elections, such as hosting information sessions for candidates and third party advertisers and providing additional information related to the by-laws in candidate and third party advertiser information packages and on ottawa.ca/vote.

Through the review, staff also heard concerns about the environmental impacts of elections signs. To address this, staff, in consultation with the Public Works Department, will update public-facing information such as ottawa.ca/vote to include recommended signs materials that are recyclable, along with proper disposal methods for all election signs whether recyclable or not. This information will also be included in candidate and third party advertiser information packages in future municipal elections. Staff will also work with PIMR to develop and disseminate educational materials around the reuse, recyclability, and proper disposal of election signs.

Candidate nominations and third party advertiser registrations to continue in-person

As noted in the Background section of this report, Bill 254 allows 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 ITS, has reviewed the feasibility of implementing an electronic filing system and has determined that this is not operationally feasible for the 2022 Municipal Elections.

In addition to the increased demands that this would place on resources in ITS, who have been heavily involved in the COVID-19 pandemic and who are focused on delivering other election-related systems required to administer the 2022 Municipal Elections, staff has identified a number of issues with respect to moving this process online, including:

1. Concerns with submitting and validating identification in order to verify the identity of a candidate or third party advertiser;
2. The privacy requirements to intake and store personal information of the candidate and their endorsers;
3. Staff's ability to determine if a candidate or third party advertiser is qualified to become a candidate or third party advertiser in accordance with the requirements of the MEA;
4. A significant amount of effort to integrate an electronic filing system with the current payment processing infrastructure and Election Management System (EMS); and
5. A lack of clarity on "when" a candidate or third party advertiser becomes "nominated" or "registered" when filing online. This causes concerns related to

when a campaign actually begins (i.e. at the time the documents are submitted online, or when they are reviewed by the City Clerk or his designates), and this could have significant ramifications for possible election compliance audits on a candidate or third party advertiser's campaign.

Staff has also determined that continuing with an in-person nomination and registration process allows staff the opportunity to explain the process in detail, to answer any questions that may arise, and to provide candidates and third party advertisers with important information related to the election process.

Staff will continue to monitor electronic filing systems and strategies in other jurisdictions in Ontario to determine if such a system could be introduced in future municipal elections in the City of Ottawa.

Appointments for nominations and registrations at the Elections Office

In order to adhere to public health recommendations, and as the safety of candidates, third party advertisers, and staff remains a top priority, nominations and registrations for the 2022 Municipal Elections will take place at the Elections Office (1221 B Cyrville Road) by appointment only with the City Clerk or his designate. Candidates, third party advertisers, or their agents, will be permitted to attend their appointment with one guest.

Beginning on Monday, April 25, 2022, candidates, third party advertisers, or their agents, may contact the Elections Office by phone at 613-580-2660 or by email at elections@ottawa.ca to schedule an appointment. Appointments will be reserved on a first come, first serve basis.

In order to accommodate as many candidates and third party advertisers as possible, the Elections Office will be extending its office hours to accept appointments from 8:30 a.m. to 7:00 p.m. from Monday, May 2 to Thursday, May 5, 2022.

Becoming a Candidate in the 2022 Municipal Elections

In accordance with the *Municipal Act, 2001*, a person is eligible to be a candidate in a municipal election if they are an eligible elector as of the day they file their nomination papers. Subsection 17(2) of the MEA sets out the eligibility requirements for electors, and therefore candidates, as further described below.

Candidates for City Council

A person is eligible to be a candidate for the Office of Mayor or City Councillor if they are:

- a resident of the City of Ottawa, or an owner or tenant of land in the City of Ottawa, or the spouse of such an owner or tenant;
- a Canadian citizen;
- at least 18 years old; and
- not legally prohibited from voting.

The following people are disqualified from being elected as a Member of Council, or from holding Office as a Member of Council:

- an employee of the municipality unless they take an unpaid leave of absence beginning the day they are nominated and resign if elected to the Office;
- a judge of any court;
- a member of the Provincial Legislature, the Federal House of Commons, or Senate who has not resigned from their office by the close of nominations. Proof of resignation must be provided by the close of nominations or the City Clerk will not certify the nomination; and
- a candidate who failed to file the necessary financial statement(s) in the last municipal election or by-election.

As noted above, employees of the City of Ottawa who wish to run for City Council must take an unpaid leave of absence before filing their nomination papers. The employee must provide the City Clerk with a copy of the documentation showing that they have taken the leave of absence and the effective date.

Candidates for School Board Trustee

A person is eligible to be a candidate for School Board Trustee if they are,

- a Canadian citizen;
- at least 18 years old;
- a resident within the board's area of jurisdiction;

- a supporter of that school board; and
- not legally prohibited from voting.

The following people are disqualified from being elected as a School Board Trustee or from holding office on any school board:

- an employee of the school board unless they take an unpaid leave of absence beginning the day they are nominated and resign if elected to the Office;
- a clerk, treasurer, deputy-clerk, or deputy-treasurer of any municipality within the area of jurisdiction of the school board except those on an unpaid leave of absence;
- a member of the Provincial Legislature, the Federal House of Commons, or Senate who has not resigned from their office by the close of nominations. Proof of resignation must be provided by the close of nominations; and
- a candidate who failed to file the necessary financial statement(s) in the last municipal election or by-election.

Outreach efforts

As previously noted, the City Clerk has a duty to administer elections in a manner consistent with the principles of the MEA. While not defined in the MEA, the courts have established these principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;
5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently.

As Elections staff must remain impartial, staff cannot participate in any campaign related activities, nor can they encourage candidates to file a nomination. That said,

staff recognize the importance of encouraging diversity and inclusion on City Council and will work with internal stakeholders such as the Accessibility Office, French Language Services, and the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service, as well as various community groups and organizations, in an effort to provide more information about how to become a candidate in the 2022 Municipal Elections. A thorough communications plan will include tactics for these outreach efforts in the 2022 Municipal Elections.

New online portal for candidates and third party advertisers

In an effort to provide candidates and third party advertisers with election-related information that is timely and easy to access, staff, in partnership with ITS, is developing a bilingual online portal that will allow candidates and third party advertisers to access important information and documents. Examples of these documents include campaign-related information, digital copies of the ward maps, and copies of the Voters' List relevant to their office if requested. This will help alleviate the need for candidates and third party advertisers to visit the Elections Office to receive such information, making this process more convenient and accessible.

Staff note that this trial will be optional, and candidates and third party advertisers will still have the option to receive communications from the Elections Office by mail or email, in addition to accessing the online portal. Additional information regarding this portal will be shared with candidates and third party advertisers when they file their nominations and registrations at the Elections Office.

Campaigning advice for candidates and third party advertisers during the COVID-19 pandemic

While the City Clerk is not responsible for administering, providing guidance, or overseeing campaign activities, the City Clerk has requested that OPH provide guidance to candidates and third party advertisers regarding campaign activities during the COVID-19 pandemic. It is expected that this information will be available on the Elections website ottawa.ca/vote in April 2022. This information will also be included in nomination packages, candidate and third party updates, and the above-noted online portal.

As the pandemic is continuously evolving, OPH expects that this information may need to be updated regularly. Candidates and third party advertisers are encouraged to

consult the Elections website ottawa.ca/vote and the online portal regularly once this information is available.

Official results

As previously noted in the schedule for the 2022 Municipal Elections, the City Clerk expects to declare the election results to be official on Friday, October 28, 2022.

Staff note that there may be a delay in posting “unofficial” results following the close of voting due to the recommended special mail-in ballot process, as electors have until 4:30 p.m. on Voting Day to deliver their completed ballots.

In addition, and as is usual practice, an external auditor, hired by the Office of the City Clerk, will validate election processes to ensure the integrity and accuracy of the results. The City Clerk will only declare the results official after the auditor provides a final report.

2022-2026 Term of Council and transition of City Council

Bill 68, the [Modernizing Ontario’s Municipal Legislation Act, 2017](#) was adopted by the Ontario Legislature and received Royal Assent on Tuesday, May 30, 2017, making a number of changes to various legislation including the MEA. These amendments were previously addressed in a Memorandum to City Council from the City Clerk, dated Monday, July 7, 2017, and in a report to City Council entitled “[Bill 68, The Modernizing Ontario’s Municipal Legislation Act, 2017 – Changes to the Municipal Act, 2001, the Municipal Conflict Of Interest Act, and the Municipal Elections Act, 1996](#)”, on Wednesday, November 22, 2017.

In addition to the changes discussed in the above-noted memorandum and report to City Council, Bill 68 amended Subsection 6(1) of the MEA to change the beginning of the terms of all Offices (Mayor, Councillor, and School Board Trustee) from December 1 to November 15 in the year of a regular election. As such, the 2022-2026 Term of Council will begin on Tuesday, November 15, 2022, and end on Saturday, November 14, 2026.

As a result of the change to the start date of the 2022-2026 Term of Council, and consistent with past practice, the City Clerk anticipates that the transition of City Council will begin shortly after Voting Day (Monday, October 24, 2022), once the City Clerk declares the election results to be official.

All newly-elected Members of Council will participate in essential orientation meetings and transition activities prior to the first City Council meeting of the 2022-2026 Term of Council. Given the shortened transition timetable in 2022, orientation and transition activities will be prioritized with a view to ensuring that new Members can begin operating their offices and participate in City Council meetings, with some more general transition activities to follow later in November and December. These orientation meetings and transition activities will be confirmed by the Office of the City Clerk in the fall of 2022.

Estimated cost of the 2022 Municipal Elections

The estimated cost of the 2022 Municipal Elections as described in this report is \$9,160,459. This estimate includes costs for COVID-19 impacts should staff be required to implement adaptations and/or safety measures to the in-person voting process as well as the estimated cost to implement the recommended special mail-in ballot process, as further described below.

The additional COVID-19-related costs are anticipated to be approximately \$655,662 and include estimates for personal protective equipment such as masks and face shields; hand sanitizer; and cleaning and voting place supplies for all voting places in the 2022 Municipal Elections.

In addition, and as previously noted, if City Council approves and enacts the *By-Law to Authorize the Use of an Alternative Voting Method*, attached as Document 1, preliminary budget estimates indicate that implementing the special mail-in ballot on a city-wide scale in the 2022 Municipal Elections would cost approximately \$653,642.

The increase in cost from the 2018 Municipal Elections relates to various items such as a new ward following the Ottawa Ward Boundary Review 2020; increased voting opportunities including an additional Advance Vote Day; increased communications and outreach efforts; and inflation. Additional factors that impact the cost of the 2022 Municipal Elections include growth and the number of electors in each ward; the number of voting places required, including those mandated by the MEA such as retirement homes and long term care centres; and accessibility requirements. These factors directly influence the cost of an election as they impact the number of vote tabulators and voting place supplies that are required, in addition to printing and staffing requirements.

Funding for the 2022 Municipal Elections will come from the Tax Stabilization Reserve, which is the primary fund for elections. The City will seek funding for COVID-19-related impacts in accordance with the available programs. A detailed budget table is provided below:

Category	Estimated Cost
Staffing	\$3,307,000
Voting Place	\$3,067,455
Distribution and Voting Place Preparation	\$99,750
Ballots	\$1,000,000
Communications and Outreach	\$194,250
Legislative Requirements	\$97,700
Elections Audit	\$85,000
TOTAL	\$7,851,155
COVID-19 Impacts	\$655,662
Special Mail-in Ballot	\$653,642
GRAND TOTAL	\$9,160,459

As previously noted, staff is of the opinion that the election processes described in this report allow the 2022 Municipal Elections to proceed in a manner that is consistent with the MEA and public health guidelines and recommendations.

That being said, staff will continue to monitor the COVID-19 pandemic into the fall as well as election preparations in other jurisdictions, and should COVID-19 resurge or if provincial or OPH health guidelines change, the City Clerk is prepared to use his statutory authority and emergency powers under Sections 12 and 53 of the MEA, as required, in order to protect the integrity of the election and to ensure public safety. The City Clerk will notify City Council and the public should any significant changes to the election process be required.

Section 2: Amendments to the Contribution Rebate Program By-law

Report recommendation:

- 3. a. Approve amendments to the *Contribution Rebate Program By-law* (By-law No. 2018-33), as attached in Document 6.**

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 City of Ottawa's Contribution Rebate Program for the 2003 Municipal Elections, and the City's [Contribution Rebate Program By-law](#) (No. 2018-33) remains in effect for any regular election or by-election, including the 2022 Municipal Elections.

This program allows for the payment of rebates to individuals residing in Ontario who contribute to participating candidates running for municipal council in regular elections and by-elections. In accordance with the by-law, third party advertisers and School Board Trustees are not eligible to participate in the Contribution Rebate Program.

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, Municipal Elections Modernization Act, 2016](#), 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, and in previous by-law reviews, staff noted that the original purpose of encouraging individuals to participate in elections remained relevant and recommended the continuation of the program.

Recommended amendments

As is usual practice in advance of a regular election, staff has reviewed the City's *Contribution Rebate Program By-law* (No. 2018-33) and is recommending housekeeping amendments to the by-law in order to align with legislation, provide additional clarity to contributors and candidates who participate in the program, and

improve the administration of the program, as described below and as further set out in Document 6:

- 1) Formalize that eligible contributions from individuals to those campaigns where the candidate has withdrawn their nomination in accordance with the MEA are eligible for a 75 per cent rebate up to a maximum of \$900 for their contribution to that campaign.**

On Wednesday, [July 11, 2018](#), City Council approved Motion No. 73/12 to provide that eligible contributions from individuals to those campaigns where the candidate has withdrawn their nomination in accordance with the MEA are eligible for a 75 per cent rebate up to a maximum of \$900 for their contribution to that campaign.

The motion noted that this amendment was an interim solution to address unintended consequences not contemplated in the legislation for the 2018 Municipal Elections, and that this matter would be reviewed as part of the recommendations for the 2022 Municipal Elections should the Province not amend the MEA to provide for these situations.

At this time, the Province has not amended the MEA, and as such, staff is recommending that this amendment be formalized in the by-law to help mitigate the unintended consequences to contributors of withdrawn candidates in future municipal elections.

- 2) Align the application deadlines for contributors to submit their rebate applications for contributions associated with a candidate's initial and/or supplementary campaign to on or before 2:00 p.m. on the date that is 60 days after the filing deadline for supplementary financial statements.**

On Wednesday, [July 10, 2019](#), City Council approved Motion No. 17/8 to create one deadline for contributors to submit their rebate applications for both the initial and supplementary campaigns in the 2018 Municipal Elections. Staff note that this amendment not only simplified the process for contributors and provided them with additional clarity on when their applications would be processed, it also improved the administration of the program by creating one application period rather than two. As such, it is recommended that the by-law be amended to continue in this manner in future elections.

3) Add reference to all applicable sections of the MEA that refer to permitted extensions to filing deadlines. (i.e., the grace periods or an extension granted by the Court).

Currently, the by-law does not contemplate provisions of the MEA that permit extensions to filing deadlines (i.e., the 30-day grace periods or extensions granted by the Court).

Based on advice from Legal Services, it has been determined that if a candidate files their financial statements during the grace periods, or in accordance with an extension granted by the Court, they are considered to be compliant with City's *Contribution Rebate Program By-law* (No. 2018-33).

To align with the MEA and to clarify this in future municipal elections, staff is recommending that the by-law be amended to add reference to all applicable sections of the MEA that refer to permitted extensions to filing deadlines.

4) Add reference to the contribution limits established by the MEA, and the effect that potential legal proceedings could have on when and whether a contributor can expect to receive payment of a rebate.

At this time, the by-law does not contemplate what would occur if a contributor exceeds any of the contribution limits established by Sections 88.9 and 88.13 of the MEA.

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. If there are apparent contraventions, the City Clerk must report this to the Election Compliance Audit Committee (ECAC), who will consider whether or not to commence legal proceedings against the contributor.

As such, it is recommended that the by-law be amended to add language that speaks to the above-noted review and the effect potential legal proceedings could have on a contributor's application to receive a rebate in accordance with the by-law.

More specifically, these changes will clarify that payments for contributions will not occur until any proceedings in relation to the City Clerk's review of contributions to candidates and registered third parties on financial statements have been completed; the ECAC or prosecutor decides not to commence legal proceedings; and the applicant

is not otherwise convicted of an offence with respect to an alleged contravention of the MEA.

5) Clarify what is and what is not considered to be an “eligible contribution”, as well as who is and is not considered to be an “eligible contributor”.

Staff is recommending that the by-law be amended to clarify that:

- Only contributions of money given by an individual are eligible for a rebate;
- Contributions in the form of goods, services, and/or inventory from a prior election are not eligible for the payment of a rebate; and
- Contributions from a candidate, a candidate's spouse, or a candidate's child to any candidate's campaign are not eligible for the payment of a rebate.

Following City Council's approval, staff will amend the City's *Contribution Rebate Program By-law* (No. 2018-33) as described in this report, and as set out in Document 6 where recommended deletions are struck out and additions are bolded.

Section 3: Amendments to the Election-Related Resources Policy

Report recommendation:

- 3. b. Approve amendments to 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.**

Background and legislative requirements

The City of Ottawa, like all Ontario municipalities, is legally prohibited from contributing money, goods and/or services to an election campaign. Under Subsection 88.8(4)5 of the MEA, a municipality “shall not make a contribution” with respect to an election campaign¹. Similar prohibitions on municipal contributions to provincial and federal election campaigns are established under Ontario's *Election Finances Act, 1990* and the *Canada Elections Act, 2000*.

On Wednesday, February 12, 2003, City Council considered the report titled, “[Election-Related Resources Policy](#),” and approved the City's [Election-Related Resources Policy](#)

¹ Subsection 88.8(7) of the MEA further provides that, “A contribution may be accepted only from a person or entity that is entitled to make a contribution.”

(ERRP). The stated purpose of the ERRP is to “provide direction to Members of Council and all City staff on the administration of corporate resources and Members’ budgets with respect to election-related matters.” The underlying principle for the Policy is that “[i]n compliance with the *Municipal Elections Act, 1996*, **public funds are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office**” [emphasis added].

Ottawa’s ERRP became a benchmark for other Ontario municipalities and now fulfills a requirement under the MEA as amended in 2016 by Bill 181, the *Municipal Elections Modernization Act, 2016*. Specifically, Section 88.18 of the MEA provides that, “Before May 1 in the year of a regular election, municipalities and local boards **shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period**” [emphasis added].

The ERRP applies to all Members of City Council and City employees (as well as City Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees) in relation to the occurrence of a municipal election or by-election. The Policy also applies to any participation by the above-noted individuals in federal and provincial elections that is partisan in nature. While the ERRP does not govern candidates, some Policy provisions may impact potential candidate activities that would involve City resources, such as campaigning in City facilities.

As it relates to Members of Council, the ERRP is intended to balance the duty of Councillors to represent their constituents and the legal obligation of the City with respect to contributions and use of municipal resources. It is recognized that Members, as elected officials, are responsible to serve their constituents and fulfill their responsibilities until the end of their term. That said, clear separation must exist between an elected official’s role as a Member of Council and their role as a candidate. A previous staff report titled, “[Election-Related Resources Policy](#),” which was considered by the former Corporate Services and Economic Development Committee on Tuesday, November 19, 2002, noted that, “Whereas a contribution under the [MEA] may take the form of money, goods or services, it is suggested that any use by a Member of Council of the City’s resources for [their] election campaign could be viewed as a contribution by the City of Ottawa to the Member, which is a violation of the legislation.”

The ERRP is reviewed every two years through the City’s regular governance review process, and generally prior to the year of a regular municipal election. City Council last

amended the Policy in February 2013 through consideration of the report titled, "[2010-2014 Mid-term Governance Review](#)."

The City's local boards are responsible for approving their own rules and procedures with respect to the use of board resources in accordance with Section 88.18 of the MEA. That said, local boards may use the City's ERRP as a template.

Current policy provisions and associated guidance

The ERRP is currently divided into five sections that include general provisions related to matters such as campaign-related materials, staff involvement in elections, and Members' budget administration. Subsection 2(a) of the ERRP sets out a general prohibition on the use of corporate resources and/or Members' Constituency Services Budgets to sponsor or produce any campaign-related materials, as follows:

"At no time shall Corporate resources and/or Members' budgets be used to sponsor or produce any campaign-related materials. For the purposes of this clause, the phrase 'campaign-related materials' means those materials that promote or oppose the candidacy of a person for elected office. Subject to Clause 2(b), this prohibition is not meant to restrict Members from routinely communicating with ward constituents via flyers, newsletters, householders or by e-mail. However, Members of Council are responsible for ensuring that any communications or activities funded by the City for each Member's office is not related to an election."

In addition, Subsection [Clause] 2(b) of the ERRP establishes a "blackout period" in which the use of corporate resources and Members' budgets to sponsor any advertisements, flyers, newsletters or householders is prohibited for the 60-day period prior to, and including, Voting Day. Subsection 2(b) currently states as follows:

"In a municipal election year or in the event of a by-election, Corporate resources and Members' budgets are not to be used to sponsor any advertisements, flyers, newsletters or householders for the 60-day period prior to, and including, Voting Day. All communications must be delivered by the beginning of this period. This prohibition also applies to the use of any City equipment, facilities or websites if the access is City-sponsored."

In practice, the general blackout period prohibitions set out above extend to restrictions being applied to matters such as Members' attendance at events and Members' sponsorships and donations during the blackout period. That said, Subsection 2(c) of

the ERRP provides for the City Clerk to approve exemptions to blackout period prohibitions where an emergency occurs, a non-emergency related community issue arises or where an annual community event is held. Furthermore, the blackout period prohibitions are not applicable to City resources available for general public use, or to a Member who is acclaimed or retiring from office and not a candidate in the election.

Subject to any legislative or policy changes with respect to election dates and/or the blackout period, the blackout period for the 2022 Municipal Elections is Thursday, August 25, 2022, up to and including Monday, October 24, 2022 (Voting Day).

Should any written complaint arise regarding the alleged use of Members' budgets or other Corporate resources in contravention of the ERRP, the City Clerk or designate has the delegated authority to investigate it and resolve any issues. If a breach of the Policy is confirmed, the Member will be required to personally repay any of the costs associated with the breach.

Further to the above-noted statutory and policy requirements, the City Clerk has developed guidance and guidelines to assist in meeting applicable obligations under the Policy and legislation. Each municipal election year, and in the event of a municipal by-election or a provincial or federal election, the Office of the City Clerk provides Members of Council, City Council-appointed citizen members and City staff with education, guidance and interpretations regarding their obligations under the ERRP. This has included holding information sessions for Members/Members' Assistants and City staff, and providing materials such as memos, PowerPoint presentations, FAQ documents and scripts, as well as information bulletins on matters such as social media. Staff also monitor a dedicated email inbox and respond to requests for advice and information regarding the Policy.

With respect to the 2018 Municipal Elections, staff responded to more than 200 inquiries made to the ERRP email inbox by Members of Council, City employees, candidates and members of the public. Most inquiries related to matters during the blackout period, and the topics most commonly raised included event attendance, campaigning in public spaces, sponsorships, publications and budget- and facility-related matters.

Proposed ERRP amendments and establishment of the Election-Related Blackout Period Procedures

In preparation for the 2022 Municipal Elections, staff reviewed the current ERRP as well as Policy-related inquiries received with respect to the regular municipal elections in

2018, by-elections during the 2018-2022 Term of Council, and the 2021 federal election campaign. Staff also reviewed election-related resource rules and procedures in place in more than 20 other municipalities, including Toronto, Mississauga, Brampton and Hamilton. Staff note that policies in place in other municipalities are generally consistent in terms of content, and most contain details associated with particular activities rather than the high-level guidance that exists in the City of Ottawa's current policy. Several policies also provide additional direction through accompanying documents such as bulletins and related policies and procedures.

Further to the review, staff are proposing various amendments to the ERRP that would codify and reflect guidance and guidelines that the City Clerk has provided regarding the Policy during previous election periods. This will assist in clarifying various requirements and obligations for Members, City Council-appointed citizen members, staff and candidates in relation to election-related matters. In addition, given that a significant number of inquiries are received regarding matters relating to the blackout period, and further to the observation that other municipalities set out detailed policies and procedures regarding certain activities, it is recommended that the Election-Related Blackout Period Procedures be established to accompany the ERRP. As with the updated ERRP, provisions within the proposed Procedures are consistent with the advice and interpretations provided by the City Clerk during previous elections.

The updated Policy and new Procedures would also provide additional clarity with respect to matters that have become more prominent in the years since City Council adopted and amended the current ERRP, such as the use of social media during election campaigns. The following provides a high-level overview of some of the sections and provisions set out in the proposed updated Policy, which is attached as Document 7:

- **City Events:** Provisions with respect to attendance at City events by elected officials, candidates, registered third party advertisers and ballot question campaigns, as well as Member-organized events in the year of a municipal election. This includes as follows:
 - Members of Council and other elected officials may attend and participate in City-organized events in their capacity as an elected official, provided that they do not promote or oppose the candidacy of a person for elected office.

- Candidates, registered third party advertisers, ballot question campaigns and their representatives may attend City events in their capacity as private citizens, but shall not campaign while in attendance or distribute campaign-related materials.
- Donations and sponsorships for Member-organized events in a municipal election year are subject to provisions of the Community, Fundraising and Special Events Policy, which is administered by the Integrity Commissioner.
- **City Facilities:** Provisions relating to booking space in City facilities, and campaigning in City facilities and other City properties. This includes as follows:
 - Members of the public, including community groups, candidates, registered third party advertisers, ballot question campaigns and their representatives, may book space in City facilities for election-related activities, subject to various rules and obligations.
 - Members' Constituency Services Budgets, credits for community use of recreation facilities and other City resources shall not be used to book/sponsor City facilities for election-related activities (e.g., an all-candidates meeting at any level of government). This prohibition does not apply to events related to general participation in municipal government and/or the election process (e.g., information sessions for the public), which are subject to pre-approval from the City Clerk or designate further to the principles of the Policy.
 - Campaigning is permitted in common areas of City facilities (such as building lobbies and public entranceways), as well as on public right of way sidewalks and thoroughfares, and in public parks and public areas of transit stations, subject to City by-laws as well as various rules/obligations – including that anyone campaigning shall not impede traffic, cause safety issues or disrupt other facility users, and campaigning shall not occur at City events or programming.
- **City Resources:** Matters such as Members' communications, websites, social media use and content on ottawa.ca; City communications, information and visual identity; Members' Constituency Services Budgets; and elections at other levels of government. This includes:

- All Members of Council shall ensure that the content of any communications materials produced or funded using City resources is not for an election-related purpose, including the promotion of or opposition to the candidacy of a person for elected office.
- City resources shall not be used to pay for, access, develop, maintain or update election-related communications platforms such as campaign websites and social media accounts.
- A Member's website that is paid for, accessed, maintained, developed or updated using City resources shall not be used for any election-related purposes.
- Social media accounts that are free to use are generally not considered to be City resources. These accounts are personal to the individual Member and have not been created by the City of Ottawa, nor are they used by the City for the purposes of official communications. That said, if a social media account is being used for election-related activities, it should not be referenced in City-funded or issued materials. Social media use by Members of Council (as well as citizen members of the Transit Commission and Built Heritage Sub-Committee) is also subject to their applicable code of conduct.
- Members' content on ottawa.ca, including biographies, shall not be related to an election.
- City-funded websites or domain names shall not include any campaign materials, make reference to and identify any individual as a candidate, registered third party advertiser or ballot question campaign member, or profile any slogan or symbol associated with a candidate, registered third party advertiser, or ballot question campaign.
- The City's corporate logos, official marks, slogan, coat of arms etc., shall not be printed, posted or distributed on any campaign materials except to link to the City's website to obtain information about the municipal election.
- **General Blackout Period Provisions:** Includes the general prohibition currently set out in Subsection 2(a) of the ERRP, as well as a reference to the proposed new Election-Related Blackout Period Procedures. Blackout period provisions do

not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election. In addition:

- A Member may participate in certain activities or use City resources to communicate with constituents with the approval of the City Clerk or designate where an emergency occurs, a non-emergency-related community issue arises or where a Member's annual community event is held during the blackout period.
- City staff shall make all efforts to hold outside of the blackout period any City event that may require participation from Members who are election candidates. If a City event that may require participation from such Members must be held during the blackout period due to statutory/project timelines or other scheduling considerations, staff shall consult with the City Clerk or designate and receive approval regarding the event further to the principles of the Policy.
- **City Employees:** Guidance with respect to matters including employee participation in City or external community events in their official position as a City employee. The Policy also provides guidance with respect to employee engagement in political activities – including the requirement to separate such personal activities from the employee's official position. Furthermore:
 - Notices, posters or similar materials in support of a particular candidate, campaign related to a question on the ballot, or political party shall not be displayed or distributed by employees at City work sites or at City facilities.
 - Employees wishing to run for municipal, provincial or federal office shall request and obtain a leave of absence without pay and abide by the respective legislation governing such elections.
 - An employee who identifies a potential conflict of interest with respect to election-related matters (e.g., a family member or close friend is a candidate, etc.) shall advise the manager or director to whom they report in writing of the potential conflict of interest in accordance with the Employee Code of Conduct. Thereafter, the manager or director shall develop a process, with input from the City Clerk or designate and Legal Services, to insulate the employee against any claim of conflict, be it real or perceived.

- **Monitoring/Contraventions:** Consistent with current practices, setting out the City Clerk or designate's delegated authority to provide guidance, issue interpretations, investigate any written complaint, resolve any issues and determine appropriate corrective action with respect to the Policy.
 - It is also recognized that matters related to election-related activity are included in the codes of conduct applicable to Members of Council and citizen members of the Transit Commission and Built Heritage Sub-Committee, which are under the mandate of the City's Integrity Commissioner and to which separate complaint protocols apply.

Further to the updated ERRP, the proposed new Election-Related Blackout Period Procedures, attached as Document 8, is a separate appendix that would incorporate past advice and guidance provided by the City Clerk with respect to the 60-day blackout period prior to, and including, Voting Day. As noted above, subject to any legislative or policy changes with respect to election dates and/or the blackout period, the blackout period for the 2022 Municipal Elections is Thursday, August 25, 2022, up to and including Monday, October 24, 2022 (Voting Day). Blackout period provisions do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election. A high-level overview of some provisions within the Procedures is set out below:

- **Events:** Provisions with respect to Members' attendance at City events and community events.
 - A Member of Council may attend City events during the blackout period in their capacity as an elected official provided they maintain a low profile in accordance with various rules and obligations, including a prohibition on any campaigning. In addition, the Member's participation/attendance shall not be advertised in City- or Member-issued communications materials.
 - External organizations such as community groups and other levels of government may continue to invite Members of Council to attend and participate in events in their capacity as elected officials during the blackout period. A Member may attend community events in their capacity as an elected official provided they maintain a low profile in accordance with various rules and obligations, including a prohibition on any campaigning. Furthermore, the Member's participation/attendance shall not be advertised in City- or Member-issued communications materials.

- A Member shall not use City resources, including their Constituency Services Budget, to purchase a ticket to a community event that occurs during the blackout period, or to purchase a ticket during the blackout period for a community event that occurs outside the blackout period. That said, a Member may use personal funds to purchase a ticket to attend a ticketed external community event during the blackout period, either in their capacity as a Member of Council or as a candidate.
- **City Facilities and Resources:** Provisions relating to public display signage on City resources, as well as Members' ward accounts relating to City programs. This includes as follows:
 - Generally speaking, signage on City resources that includes a Member's name (i.e. on the exterior of facilities containing a ward office, on construction signs, etc.) shall be covered during the blackout period.
 - Members are to remove any materials from past elections from the walls of their City Hall and ward offices during the blackout period.
 - During the blackout period, a Councillor who is a candidate for any office in the municipal election shall not provide any request/direction to staff on the use of ward accounts relating to Section 37 community benefits, the Cash-in-Lieu of Parkland Funds Policy and/or the Temporary Traffic Calming Measures Program.
- **Communications and Related Matters:** Provisions relating to matters such as Members' ottawa.ca content, various forms of communication, ceremonial matters, City advertising and other communications materials. This includes as follows:
 - Members' content on ottawa.ca, including biographies, shall become static and shall not be updated throughout the blackout period apart from any minor administrative changes.
 - A Member's website paid for, accessed, maintained, developed or updated using City resources shall not be maintained or updated during the blackout period.

- All Members' flyers, householders, newsletters, advertisements, mail outs, etc. shall be published and distributed/delivered no later than the beginning of the blackout period.
- **Sponsorships and Donations:** Matters such as the existing prohibition on the use of a Member's Constituency Services Budget, credits for community use of recreation facilities or other City resources for sponsorships, donations or booking of facilities for community use. This prohibition applies sponsorships, donations, and bookings both during the blackout period as well as for events that take place in the blackout period.
- **Exemptions:** Setting out details of the City Clerk or designate's authority to approve an exemption to blackout period prohibitions and restrictions where an emergency occurs, a non-emergency-related community issue arises or where a Member's annual community event is held. In determining whether an exemption shall be provided with respect to an emergency or a non-emergency-related community issue, the City Clerk or designate shall consider various matters, including time sensitivity and other scheduling considerations, nature and scope of the issue and past practices and precedents.
 - With respect to an exemption relating to a Member's annual community event, the Member must have staged the event in the previous two years (with similar event name/title, same approximate date and same general purpose) in order for the City Clerk or designate to approve the event.

COVID-19 Pandemic impacts on policy provisions for the 2022 Municipal Elections

The City Clerk and Integrity Commissioner are aware that the COVID-19 pandemic has affected certain election-related policy provisions ahead of the 2022 Municipal Elections.

For example, under current guidance provided with respect to the ERRP, an exemption to blackout period provisions for a Member's annual community event requires that the Member must have staged the event in the previous two years (with similar event name/title, same approximate time and same general purpose) in order for the City Clerk or designate to approve the event. In addition, the Community, Fundraising and Special Events Policy, which is overseen by the Integrity Commissioner and supplements the Code of Conduct for Members of Council, provides that in an election year, a Member must not seek donations and sponsorships for any event that has not

been staged in the previous two years nor accept donations or stage any new event supported by donations and sponsorships after they have filed nomination papers for election to any office in the City of Ottawa. Exemptions may be granted on a case-by-case basis with the approval of the Integrity Commissioner.

The City Clerk and Integrity Commissioner are aware that Members may have been unable to stage annual community events in the two years prior to 2022 due to the COVID-19 pandemic and public health restrictions on in-person gatherings and activities. In keeping with their respective authority under the ERRP and the Community, Fundraising and Special Events Policy, the City Clerk and Integrity Commissioner will review the effect of the COVID-19 pandemic on any relevant policy requirements and issue a joint memorandum to Members regarding any guidelines and/or exemptions that may be applied ahead of the 2022 Municipal Elections.

Section 4: The establishment of the 2022-2026 Election Compliance Audit Committee

Report recommendations:

- 4. Approve the establishment of the 2022-2026 Election Compliance Audit Committee, as described in this report and including:**
 - a) The Terms of Reference for the Election Compliance Audit Committee as outlined in Document 9;**
 - b) Delegating the authority to appoint the members of the Committee to the City Clerk, the Auditor General and the Integrity Commissioner; and**
 - c) 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.**

In accordance with Section 88.37 of the MEA, an ECAC is mandatory for all municipalities and school boards. Ontario municipalities are required to establish such a committee before October 1 of an election year and the term of office of the ECAC is the same as the term of office of the City Council or School Board that takes office

following the next regular election. The next term of office will begin on Tuesday, November 15, 2022 and end of Saturday, November 14, 2026.

The ECAC is an independent, statutory body whose responsibilities and powers are largely prescribed by the MEA. The 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, resulting from the regular municipal election or any by-election held during the term of office for the City Council for which the ECAC was appointed.

Following consideration of applications for a compliance audit, the ECAC may appoint an auditor to review campaign finances as required and decide whether to commence a legal proceeding against a candidate or a third party advertiser.

Similarly, following consideration of reports from the City Clerk, the ECAC may decide whether to commence a legal proceeding against a contributor who appears to have exceeded the contribution limits prescribed by the MEA.

Under 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.

Applications related to candidates for City Council and third party advertisers must be made to the City Clerk of the municipality. Applications relating to candidates for School Board Trustee must be made to the secretary of the applicable school board. The applications must be in writing, include the reasons for the application, and be made within 90 days after the filing date for financial statements or within 90 days of the 30-day grace period for filing a financial statement under the MEA.

Under Section 17 of the MEA, a person is considered to be an "eligible elector" for an election held in a municipality if, on Voting Day, they:

- a) reside 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 (3) or otherwise by law.

Subsection 17(3) further defines persons prohibited from voting as:

- a) A person who is serving a sentence of imprisonment in a penal or correctional institution;
- b) A corporation;
- c) A person acting as an executor or trustee or in any other representative capacity, except as a voting proxy. Under Subsection 44(1) of the Act, both the proxy and the individual who appoints the proxy must both be entitled to be electors in the local municipality; or
- d) A person who was convicted of a corrupt practice described in Subsection 90(3) of the Act (including giving, or promising to give, favourable consideration, money, or employment in exchange for a vote or the non-exercise of a vote), if Voting Day in the current election is less than five years after Voting Day in the election in respect of which the person was convicted.

Overview of 2018-2022 Election Compliance Audit Committee

On Wednesday, April 11, 2018, City Council considered the staff report entitled "[2018-2022 Election Compliance Committee](#)" and approved the establishment of a five-member 2018-2022 ECAC by Monday, October 1, 2018, as prescribed by Section 88.37 of the MEA. With respect to ECAC Member appointments, City Council approved:

- The Terms of Reference for the committee;
- Delegating the authority to appoint the Members of the ECAC to the City Clerk, the Auditor General, and the Integrity Commissioner (the "Selection Panel"); and
- Exempting the Committee from Section 2.6 of the Appointment Policy for citizen members of City advisory committees, boards, task forces, external boards, commissions and authorities.

In order to ensure that the ECAC could meet the statutory timelines associated with its functions, staff did not recommend continuing the City's previous cost-sharing agreement with the two local English school boards for the 2018-2022 Term of Council. As a result, the City's 2018-2022 ECAC only dealt with applications for compliance audits of candidates for City Council and third party advertisers.

In accordance with the process outlined in the 2018-2022 Election Compliance Committee staff report, the Selection Panel conducted a recruitment process to fill the five positions on the committee. Staff placed advertisements in the three local dailies and reached out to the Chartered Professional Accountants of Ontario (including the Ottawa chapter), the Law Society of Ontario, the County of Carleton Law Association, the Association of Municipal Managers, Clerks and Treasurers of Ontario, as well as to local post-secondary institutions.

The Selection Panel conducted interviews to ascertain the applicants' knowledge of such matters as municipal campaign finance rules under the MEA and the principles of procedural fairness.

On Thursday, August 30, 2018, the City Clerk issued a Memorandum to City Council (ACS2018-CCS-GEN-0026) identifying the Members of the 2018-2022 ECAC and to advise of next steps following the recruitment of the ECAC Members.

Prior to receiving any applications, the 2018-2022 ECAC received a training session on the general role and statutory mandate of the committee as well as specific training on quasi-judicial procedures.

Applications for compliance audits during the 2018-2022 Term of Council

For the 2018 Municipal Elections, the ECAC received and considered four applications for compliance audits concerning the financial statements for City Council. The ECAC granted two applications for compliance audits and rejected the two remaining.

Following the above-noted compliance audits, the ECAC considered the compliance audit reports and decided to commence legal proceedings against both candidates for apparent contraventions of the MEA.

The ECAC directed the City Clerk to retain external independent legal counsel for the purpose of the legal proceedings and an independent prosecutor was retained for both proceedings. One of these legal proceedings was subsequently resolved and one remains before the Provincial Offences Court.

There were no applications for compliance audits during the 2019 Rideau-Rockcliffe By-election or the 2020 Cumberland By-election.

City Clerk's reports regarding apparent contraventions of contribution limits during the 2018-2022 Term of Council

Bill 181, the *Municipal Elections Modernization Act, 2016*, introduced an entirely new function for City Clerk and the 2018-2022 ECAC with respect to contributors. Bill 181 provided that, beginning in the 2018 Municipal Elections, the City Clerk would be required to review the contributions reported on the financial statements submitted by candidates and third party advertisers to determine whether any contributors appear to have exceeded any of the contribution limits established by Sections 88.9 and 88.13.

If a candidates' financial statement(s) show that a contributor gave more than \$1,200 to a single candidate or more than \$5,000 total to multiple candidates running for the same municipal council or school board, the City Clerk is required to submit a separate report to ECAC identifying each of the contributors and the contributions that exceeded the limit.

Similarly, should a third party advertiser's financial statement(s) show that a contributor gave more than \$1,200 to a third party advertiser or more than \$5,000 total to multiple third party advertisers registered in the same municipality, the City Clerk is required submit a separate report to ECAC identifying each of the contributors and the contributions that exceeded the limit.

In accordance with Subsection 88.34(4), the City Clerk's reports must be submitted to the ECAC "as soon as possible" following the day that is 30 days after the filing deadlines, and the ECAC must consider the reports and decide whether to commence a legal proceeding against a contributor within 30 days of receiving the City Clerk's reports.

The MEA also requires the City Clerk to review the financial statements of candidates for School Board Trustee and prepare separate reports on over-contributions in the same manner outlined above. This review and reporting function is required for financial statements of all four School Board Trustee candidates: Ottawa-Carleton District School Board, Ottawa Catholic School Board, Conseil des écoles publiques de l'Est de l'Ontario, and Conseil des écoles catholiques du Centre-Est.

The City's 2018-2022 ECAC, however, did not consider reports regarding apparent over-contributions to candidates for School Board Trustee. Instead, the MEA requires the City Clerk to forward each such report to the secretary of the school board for which the relevant candidate was nominated. Each respective school board secretary is then responsible for forwarding every City Clerk's report received to the board's compliance audit committee.

To complete these reviews for the 2018 Municipal Elections, the 2019 Rideau-Rockcliffe By-election and the 2020 Cumberland By-election, the City Clerk retained the services of an external auditor.

Following the auditor's review of financial statements submitted in the 2018 Municipal Elections, in accordance with the MEA, the City Clerk submitted a total of six separate reports to the ECAC identifying each of the contributors and the contributions that exceeded the limit(s). The ECAC considered the reports and decided not to commence legal proceedings against any of the contributors.

The auditor's reviews of financial statements submitted in the 2019 Rideau-Rockcliffe and 2020 Cumberland By-elections indicated that there were no contributors who appeared to have exceeded the contributions established by the MEA. As such, there were no reports for the ECAC to consider in either by-election.

Cost of the 2018-2022 Election Compliance Audit Committee

Subsection 88.37(7) states that the Council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities.

Honorarium

The 2018-2022 ECAC members are paid the same honorarium and *per diem* as have been in place for the previous two Election Compliance Audit Committees:

- 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.

The costs of the 2018-2022 ECAC to date are summarized in the table below. As one of the above-noted prosecutions remains ongoing, the costs outlined in the table are subject to change.

Item	Cost
Committee Members' honorarium, <i>per diem</i> and parking	\$24,932.50
Committee costs (simultaneous translation, hospitality)	\$8,766.88
External Legal Counsel	\$90,659.57
Auditors	\$106,480.92
Prosecutors	\$31,523.06
City Clerk's review of contributions	\$110,502.70
Total	\$372,865.63

Status quo recommendations for the 2022-2026 Election Compliance Audit Committee

Consistent with the process established for the 2018-2022 ECAC, this report sets out recommendations to establish the ECAC for the 2022-2026 Term of Council, delegates authority to the City Clerk, the Auditor General, and the Integrity Commissioner to appoint members to the ECAC and seeks City Council's approval of the committee's Terms of Reference as outlined in Document 9.

In addition to some minor housekeeping changes, the Terms of Reference have been updated to provide:

- Clarity that the ECAC may receive informational updates from the City Clerk on various matters related to their mandate;
- The ability to participate electronically, consistent with the procedures established for other Committees of City Council; and
- The requirement for at least two members to be bilingual, as discussed further below.

Following City Council's approval of this report, in Q2 2022, the Office of the City Clerk will undertake the same recruitment and appointment process that was used to establish the previous ECAC, as further described in this report. Staff will subsequently provide City Council with an update indicating the membership of the ECAC and any other updated procedures prior to the legislative deadline to establish the committee on Saturday, October 1, 2022.

Committee composition and membership requirements

Section 88.37 of the MEA requires that the ECAC be composed of not fewer than three and not more than seven members and shall not include:

- employees or officers of the municipality or local board;
- members of the Council or local board;
- any persons who are candidates in the election for which the committee is established; or
- any persons who are registered third party advertisers in the municipality in the election for which the committee is established.

Subsection 95(1)(f) of the MEA also provides the Minister of Municipal Affairs with the authority to prescribe additional qualifications and eligibility requirements for ECAC Members. No regulation has been issued at this time.

In order to ensure that the ECAC is able to meet all the legislated timeframes outlined in the MEA, and consistent with the practice for the 2010-2014, 2014-2018, and 2018-2022 ECACs, staff recommends a five-member committee with three being quorum. At least two of these members will be bilingual.

In addition, and consistent with the City's 2018-2022 ECAC, staff is not recommending that the City enter into a cost-sharing agreement with the school boards for the 2022-2026 Term of Council. As a result, the City's 2022-2026 ECAC will only deal with applications for compliance audits of candidates for City Council and third party advertisers.

Member recruitment

Consistent with previous recruitment efforts and given the specialized nature of the ECAC's work, staff believes that ECAC Members should possess knowledge of municipal campaign finance rules and accounting principles. Ideal candidates would have practical experience in administering elections, with a specific focus on municipal election finance. It would also be valuable for Members to have previous experience on committees or tribunals, as the ECAC is quasi-judicial in nature. Ideal candidates may include former municipal clerks or Elections Office managers, auditors, accountants, lawyers, or other individuals with knowledge of the campaign financing rules of the MEA.

Recruitment will continue to be targeted towards relevant organizations and professional bodies such as the Chartered Professional Accountants of Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario, and the Law Society of Upper Canada.

As is past practise, staff will approach senior administrative staff of post-secondary institutions including the University of Ottawa, Carleton University, Algonquin College and La Cité collégiale requesting they circulate information regarding the appointment opportunity to their faculty. Staff believe that a wider pool of candidates may allow for the appointment of committee Members of the highest calibre. For that reason, as a part of recruitment for the 2022-2026 ECAC, staff will again ask local post-secondary institutions to circulate information regarding the appointment opportunity to faculty who possess relevant background and experience.

Extra precaution will be taken to ensure that, particularly in the case of auditors or accountants, individuals appointed to the ECAC do not audit or prepare financial statements or have any other formal relationship (e.g., being a member of a campaign team or a contributor) with:

- any candidate running for office on City Council; or
- any registered third party advertiser in the City of Ottawa.

An individual who fails to adhere to these requirements would no longer be able to sit as a Member of the ECAC.

As has been past practice, staff is recommending that City Council delegate the selection of the members of the Committee to a selection panel comprised of the City Clerk, the Auditor General, and the Integrity Commissioner to ensure the appropriate

distance between ECAC Members and elected officials who may at some point be the subject of a request for a compliance audit.

Finally, Section 2.6 of the City's Appointment Policy for citizen members of City advisory committees, boards, task forces, external boards, commissions, and authorities states that a citizen member may only serve on one committee, board, task force, commission, or authority at any one time. Given that the ECAC could potentially draw from the same pool of candidates as other city bodies, such as the Committee of Adjustment, the License and Property Standards Committee and the Conservation Authorities, staff is recommending that the ECAC be exempted from Section 2.6 of the Appointment Policy.

Upon City Council's approval of this report, staff will undertake the recruitment process in Q2 2022. Staff will subsequently provide City Council with an update indicating the membership of the ECAC and any other updated procedures prior to the legislative deadline to establish the committee on Saturday, October 1, 2022.

Costs of the 2022-2026 Election Compliance Audit Committee

As previously noted, Subsection 88.37(7) of the MEA requires the municipality to pay all costs associated with the ECAC, including the auditor's costs of performing the audit.

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.

Staff estimates a total cost of \$6,000 for placing advertisements to recruit ECAC Members in two local dailies, one English and one French, community newspapers, as well as for circulation through the County of Carleton Law Association and the Institute of Chartered Accountants of Ontario. In addition, advertisements will be placed online and through the City's social media accounts, such as LinkedIn.

As is common practice for a quasi-judicial body, independent legal counsel will be retained by the City Clerk and assigned to the ECAC to assist the committee in its deliberations. This approach will continue to ensure the ECAC remains arms-length from the City's administration and City Council.

Staff is recommending that members of the Committee be paid the same honorarium and *per diem* as have been in place for the previous three ECACs: \$600 annual retainer and \$175 an hour to a maximum of \$1,250 a day.

FINANCIAL IMPLICATIONS

Funding for 2022 Municipal Elections would come from the Tax Stabilization Reserve. The City will seek funding for COVID-19-related impacts in accordance with the available programs.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

ADVISORY COMMITTEE(S) COMMENTS

As is past practice, staff is in consultation with the City's Accessibility Advisory Committee (AAC) and Accessibility Office to ensure that the election process, including the changes required to address COVID-19, as described in this report, remain accessible to electors and candidates as required by Section 12.1(1) of the MEA.

In addition, and as the City provides bilingual services throughout the election process and on voting days, staff will continue to consult the French Language Services Advisory Committee.

ACCESSIBILITY IMPACTS

Under both the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Municipal Elections Act, 1996* (the MEA), the City Clerk is required to ensure that municipal elections are accessible to people with disabilities, including both electors and candidates.

In accordance with Section 12.1(2) of the MEA, staff will prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before Voting Day. This plan highlights accessibility features available at voting places such as accessible vote

tabulators, curbside voting, and accessible voting tools.

INDIGENOUS GENDER AND EQUITY IMPLICATIONS

As previously noted in the Discussion section of this report, the City Clerk has a duty to administer elections in a manner consistent with the principles of the MEA. While not defined in the MEA, the courts have established these principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;
5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently.

As Elections staff must remain impartial, staff cannot participate in any campaign related activities, nor can they encourage candidates to file a nomination. That said, staff recognize the importance of encouraging diversity and inclusion on City Council and will work with internal stakeholders such as the Accessibility Office, French Language Services, and the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service, as well as various community groups and organizations, in an effort to provide more information about how to become a candidate in the 2022 Municipal Elections. A thorough communications plan will include tactics for these outreach efforts in the 2022 Municipal Elections.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

RURAL IMPLICATIONS

This is a city-wide report. In addition to the provisions for voting places prescribed by the MEA, the Elections Office considers Ottawa's diverse geography (urban, suburban, and rural) as well as the social and economical makeup of the population to ensure that

there is equitable access to all electors in every ward and that no undue hardship is experienced when participating in the democratic process of electing their representatives.

TECHNOLOGY IMPLICATIONS

Information Technology Services will support the Office of the City Clerk with the technology considerations and solutions required to implement the recommendations as outlined in this report.

TERM OF COUNCIL PRIORITIES

There are no impacts related to the Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1 - By-law to Authorize the Use of an Alternative Voting Method

Document 2 - Bill 254 - Summary of changes to the *Municipal Elections Act, 1996*

Document 3 - Bill 218 - Changes to the *Municipal Elections Act, 1996*

Document 4 - Bill 204 - Changes to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001*

Document 5 - Detailed Election Calendar

Document 6 - Proposed amendments to the *Contribution Rebate By-law*

Document 7 - Election-Related Resources Policy

Document 8 - Election-Related Blackout Period Procedures

Document 9 - Election Compliance Audit Committee Terms of Reference

DISPOSITION

The Office of the City Clerk will implement the direction of City Council.

** Note: A minor correction was made on page 63 with respect to the Estimated cost of the 2022 Municipal Elections, after publication of the Committee Agenda, pursuant to the City Clerk's Delegated Authority to correct clerical, spelling, or minor errors of an administrative nature as set out in Schedule C, Section 7 of [Delegation of Authority By-Law 2022-29](#).*