

## **2021 Report on the Elections Office**

### **BACKGROUND**

On behalf of the City Clerk, the Elections Office prepares for and administers municipal elections as well as by-elections and appointment processes to fill any Council vacancies that occur during a term of Council. The City Clerk and the Elections Office ensure that the municipal elections, by-elections, and appointment processes fully comply with the responsibilities, requirements and principles set out in the [Municipal Act, 2001](#) and the [Municipal Elections Act, 1996](#) (the MEA).

More specifically, Subsection 11(2) of the MEA provides that the City Clerk's responsibility for conducting an election includes the following:

#### **Duties of Clerk**

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and
- (d) in a regular election, preparing and submitting the report described in subsection 12.1(2) [relating to the identification, removal and prevention of barriers that affect electors and candidates with disabilities].

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

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

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

## DISCUSSION

In 2021, the Elections Office completed a Council-directed review of the City's signs by-laws as they related to election signs, and conducted the City's first appointment process since amalgamation, as further described below. In addition, the Elections Office continued planning and preparing for the 2022 Municipal Elections that will take place on October 24, 2022.

### Election Signs By-laws Review

As directed in the [2018-2022 Mid-term Governance Review Report](#), staff undertook a review of the City's signs by-laws as they relate to election signs. The City of Ottawa has two signs by-laws that regulate election signs on private and public property for municipal, provincial, and federal elections:

1. The [Signs on City Roads By-law](#) (No. 2003-520); and
2. The [Temporary Signs on Private Property By-law](#) (No. 2004-239).

As described in a report to City Council on October 13, 2021, titled "[Election Signs By-laws Review](#)", in conducting this review staff:

1. Completed a comparator review of regulations for election signs in other municipalities;
2. Sought an external legal opinion to determine what authority the City has to place restrictions on municipal, provincial and federal election signs, and whether such restrictions would be permissible under the [Canadian Charter of Rights and Freedoms](#) (the *Constitution Act, 1982*);
3. Completed a consultation process with both Members of Council and the public;
4. Completed an internal stakeholder engagement process with By-law and Regulatory Services (BLRS), Roads and Parking Services, and the Planning Infrastructure and Economic Development; and
5. Reviewed the number of service requests and enforcement data available from previous federal, provincial, and municipal elections and by-elections that have taken place since the 2018 Municipal Elections.

Following the consultation and review process, staff recommended that a number of amendments to the City's signs by-laws be made in order to provide residents,

candidates, and third party advertisers with information that is clear and easy to understand, and to create consistency in the by-laws to improve compliance as well as staff's ability to enforce the by-laws.

At its meeting of October 13, 2021, City Council considered the above-noted report and approved the recommended amendments to the City's signs by-laws. These amendments included:

1. Using the same definition for "election sign" in both by-laws;
2. Formalizing that, in accordance with legislation, the external legal opinion and Council motions, election signs are permitted at the drop of the Writ for federal and provincial elections;
3. Aligning the timeframes that permit election signs to be placed on private and public property in municipal elections to 45 days prior to Voting Day in a municipal election;
4. Extending the timeframe to remove signs to 72 hours after Voting Day in any election; and
5. Removing the requirements of Section 6.(2) of the *Temporary Signs on Private Property By-law* for election signs and aligning the placement requirements for election signs in both by-laws.

At the time of writing of the "Election Signs By-laws Review" report, staff were monitoring the possibility of a by-election to fill the Council vacancy in Ward 4 (Kanata North). To remain consistent with previous by-elections during the 2018-2022 Term of Council, staff recommended that regulations for election signs remain as status quo should a by-election occur in Ward 4 (Kanata North). As such, City Council delegated authority to the City Clerk to monitor any potential by-election schedules and place the amending by-laws on a City Council agenda for enactment at a later date.

Once it was determined that the Ward 4 (Kanata North) vacancy would be filled through an appointment process, the City Clerk listed the amending by-laws on the City Council agenda for enactment on December 8, 2021, and they came into effect on January 1, 2022. The by-laws as amended apply to all future municipal, provincial, and federal elections and by-elections in Ottawa.

## Enhanced enforcement and communications strategies

In addition to the recommended amendments to the signs by-laws, staff identified additional areas for improvement relating to an enhanced enforcement strategy for election sign regulations, and increased communications efforts surrounding election signs, as further described below.

### *Enforcement strategy*

During past elections, BLRS proactively monitored election sign violations and took necessary enforcement action. However, in light of feedback from members of the public and Members of Council, BLRS will implement an enhanced enforcement and communications strategy moving forward. This enforcement strategy will include:

- Ensuring that fines are issued for repeat offenders and that court summonses (Part III Offence Notices under the *Provincial Offences Act*) are served for more egregious or repeat offences;
- Conducting additional proactive patrols and immediately impounding signs that present a visibility or safety hazard; and
- Social media campaigns prior to elections in order to increase public awareness of election sign regulations.

### *Communications strategy*

The review of election sign regulations also identified opportunities for greater education for both candidates and the public, as well as stronger communications efforts.

Elections staff will continue to update the City's Elections website, [ottawa.ca/vote](http://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 future 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](http://ottawa.ca/vote).

Through the review, staff also heard concerns about the environmental impacts of election signs. To address this, staff, in consultation with the Public Works and Environmental Services Department, will update public-facing information such as [ottawa.ca/vote](http://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 Public Information and Media Relations to develop and disseminate educational materials around the reuse, recyclability, and proper disposal of election signs.

#### **Ward 4 (Kanata North) Appointment Process**

On September 20, 2021, Jenna Sudds was elected to be the Member of Parliament for the riding of Kanata-Carleton. On September 23, 2021, she provided the City Clerk with written notice of her resignation as City Councillor of Ward 4 (Kanata North), effective immediately, pursuant to Subsection 260(1) of the *Municipal Act, 2001*.

At its meeting of October 13, 2021, City Council considered a report from the City Clerk titled, "[Ward 4 \(Kanata North\) Vacancy Options](#)," and approved the following recommendations:

1. Declaring the Office of Councillor, Ward 4 (Kanata North) to be vacant as required by Section 262 of the [Municipal Act, 2001](#);
2. Delegating interim authority under the *Delegation of Authority By-law* for Ward 4 (Kanata North) matters, and the provision of Councillor comments on staff reports related to Ward 4 (Kanata North) to Councillors Kavanagh and Hubley; and delegating interim authority to the City Clerk and the Manager of Council and Committee Services to approve the payment of expenses from the Ward 4 (Kanata North) Office Budget arising from routine matters, and to address human resources matters relating to the Ward Office. The interim authorities were approved until such a time that a new Councillor was sworn in and took Office.

Given the ongoing COVID-19 pandemic, the higher cost of holding a pandemic by-election, and the short period of time available between the recommended by-election date (January 24, 2022) and the proximity of the nomination period for the 2022

Municipal Elections on May 2, 2022, City Council determined that it was in the best interest of the residents of Ward 4 (Kanata North) to approve the appointment process as described in the “Ward 4 (Kanata North) Vacancy Options” report and appoint an applicant to fill the vacancy in Ward 4 (Kanata North). To this effect, City Council approved [Motion No. 62/2](#) to fill the Ward 4 (Kanata North) vacancy by an appointment process as further described below:

- **Application period**

- The period to apply for the Office of Councillor in Ward 4 (Kanata North) began at 8:30 am on Monday, October 25, 2021, and ended at 4 pm on Friday, October 29, 2021.

- **Advertising the appointment process**

- The City Clerk provided public notice of the vacancy and advertised the appointment process. The notice invited interested and qualified individuals to seek appointment for the Ward 4 (Kanata North) Office and outlined the process for filing an application.
- The appointment process was advertised for a two-week period (the week before and throughout the application period) through Public Service Announcements, newspaper advertisements that were placed in daily and community newspapers, on [ottawa.ca/vote](http://ottawa.ca/vote), as well as paid advertising on the City’s Twitter, Facebook, and LinkedIn accounts.
- The total cost for these advertisements was \$7,278.27, which was absorbed within the operating budget of the Office of the City Clerk.

- **List of certified applicants**

- Following the close of the application period, the City Clerk examined each application that was filed to ensure it met the requirements of the [Municipal Act, 2001](#) and the [Municipal Elections Act, 1996](#), and, once satisfied, certified a list of 24 applicants for the Office of City Councillor in Ward 4 (Kanata North).
- The certified list of applicants was circulated to Members of Council in a memorandum from the City Clerk and was made available to the public on [ottawa.ca/vote](http://ottawa.ca/vote). The list also appeared in a report to City

Council titled, "[Appointment Process to Fill the Ward 4 \(Kanata North\) Vacancy](#)", issued on Friday, November 5, 2021.

- Following the distribution of the certified list of applicants, four applicants withdrew their application, and their names were removed from the list of applicants on [ottawa.ca/vote](http://ottawa.ca/vote) and the above-noted report to City Council.
- **Special City Council meeting to appoint an applicant**
  - In accordance with the approved appointment process, each of the 20 applicants was provided with five minutes to address City Council. The order in which applicants addressed Members of Council was determined by "lot". The names of the applicants were written on equal size pieces of paper and drawn randomly by the City Clerk.
  - Following the applicant presentations, Members of Council were permitted to ask one question of each applicant.
  - Upon hearing from each of the applicants, City Council proceeded to vote on the appointment by way of public vote, in accordance with the City's [Procedure By-law](#).
- **Confirming the appointment of Councillor Curry**
  - Following the above-noted voting process, City Council moved a motion to enact the *By-law to Fill the Vacancy in the Office of Councillor, Ward 4 (Kanata North)*, confirming the appointment of Cathy Ann Greene Curry to the Office of Councillor for Ward 4 (Kanata North) for the remainder of the 2018-2022 Term of Council.
  - Cathy Ann Greene Curry attended a meeting with the City Clerk to complete the Declaration of Office. Following this, Mayor Watson and the City Clerk presided over a separate ceremonial Declaration of Office with Councillor Curry in the Mayor's Boardroom on Friday, November 12, 2021.

## 2022 Municipal Elections

As election planning begins years in advance of a general election year, the Elections Office continued to prepare and plan for the 2022 Municipal Elections throughout 2021.

As described in the [Office of the City Clerk 2020 Annual Report](#), and as is past practice, staff are reviewing election-related by-laws, policies, and procedures in advance of the 2022 Municipal Elections.

In addition, and at the time of writing of this report, COVID-19 remains an ongoing concern and election planning for 2022 must shift to recognize the realities of COVID-19. As such, staff are 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.

The Office of the City Clerk will bring forward a report to City Council in Q1 of 2022 that will address the above-noted matters.