

## **Subject: Candidate Update 1**

Dear Candidate,

Throughout the course of the administration of the 2020 Cumberland By-election, the City of Ottawa Elections Office will send out various updates to all candidates to keep you fully informed. Accordingly, this is the first candidate update issued.

### **The Elections Office and COVID-19**

Due to COVID-19, the Elections Office (1221 B Cyrville Rd) remains closed to members of the public and appointments are required for every visit. To make an appointment, please call 613-580-2660 or email us at [elections@ottawa.ca](mailto:elections@ottawa.ca). Staff are available to assist you during regular business hours from Monday to Friday, 8:30 a.m. to 4:30 p.m.

A member of our staff will notify all visitors of the safety measures in place at the Elections Office prior to their appointment. These safety measures include the mandatory requirement to wear a mask in enclosed public spaces at City of Ottawa facilities, in accordance with the City's *Temporary Mandatory Mask By-law*, and the requirement to complete a self-assessment for symptoms of COVID-19 prior to entering the Elections Office.

Visitors will be encouraged to wear their own mask; however, disposable face masks will be available should a visitor not have one.

### **Amendments to the *Municipal Elections Act, 1996***

Municipal elections in Ontario are governed by the *Municipal Elections Act, 1996* (the MEA). The Ministry of Municipal Affairs reviews the MEA after each municipal election to determine if it meets the needs of Ontario communities. Following the latest review, a number of amendments were made to the MEA by:

- Bill 181, *the Municipal Elections Modernization Act, 2016*;
- Bill 68, *the Modernizing Ontario's Municipal Legislation Act, 2017*; and
- Bill 154, *Cutting Unnecessary Red Tape Act, 2017*.

It is the responsibility of each candidate to ensure compliance with all legislative provisions relevant to municipal elections. Candidates are urged to familiarize themselves with the legislation and the 2018 Candidates' guide for Ontario municipal

and school board elections. A copy of this guide was provided to you when you filed your nomination papers. This guide is also available under the Key Dates and Resources section on [ottawa.ca/vote](http://ottawa.ca/vote).

As the municipality is prescribed with administering the election process, municipal staff are not in a position to provide interpretation of the legislation on matters that are the candidates' responsibility. Accordingly, you are encouraged to obtain independent legal, professional and/or financial advice of your choice to guide you in answering questions that you may have on such matters.

### **Nominations and Withdrawals**

Nomination Day is Friday, August 21, 2020. Nominations may be filed until 2 p.m. on Friday, August 21, 2020 at the Elections Office by appointment only. Nomination papers must be filed in person by the candidate or their agent.

A candidate may withdraw their nomination by filing a written withdrawal before 2 p.m. on Friday, August 21, 2020. The written withdrawal must include the original signature of the candidate and it must be filed in person at the Elections Office, by appointment only, by the candidate or their agent. Please be advised that if you withdraw your nomination, you are still required to submit a financial statement due no later than Monday, December 21, 2020 at 2 p.m., covering all financial transactions up to the time of the withdrawal.

Please note that, on Friday, August 21, 2020, nominations and withdrawals will only be accepted from 9 a.m. to 2 p.m., in accordance with the MEA.

To make an appointment, please call 613-580-2660 or email [elections@ottawa.ca](mailto:elections@ottawa.ca).

### **Authorization of Agents**

If an agent is sent to pick up any type of document on your behalf (including but not limited to forms, receipt books and maps), please ensure that the agent has written permission by means of a signed letter. This letter should state the agent's name and the type of document(s) that are being collected. This letter must also display the candidate's original signature. Faxes and e-mails will not be accepted. As previously noted, an appointment is required for every visit to the Elections Office.

### **Candidate's Name as it is to Appear on the Ballot**

Your name will appear on the ballot as follows:

### **«Name\_of\_Candidate»**

The above-noted name was determined by using your name as it appears on your nomination paper. If you wish for your name to appear differently, you must submit your name change or correction in person and in writing by 2 p.m. on Friday, August 21, 2020, at the Elections Office.

If the Elections Office has not received your submission by 2 p.m. on Friday, August 21, 2020, your name will appear as stated above. Please note that the City Clerk must approve all name changes.

### **Pronunciation of a Candidate's Name on the Accessible Vote Tabulator**

The City of Ottawa Elections Office is committed to providing an accessible voting process for electors. As such, the Elections Office ensures several accessibility tools are available to electors, including an accessible vote tabulator (AVT). The AVT allows electors with disabilities to mark and cast their ballot privately and independently.

One of the key features of the AVT is that it can read a candidate's name aloud to the elector. To ensure accuracy of the pronunciation of your name, we are offering all candidates the option to record their name by calling our AVT phone line and leaving a message. If you would like to participate, please call 613-580-2424 ext. «Mailbox» and state your name slowly and clearly twice.

Please note that the deadline to record your name is Wednesday, August 26, 2020 at 4:30 p.m. If the Elections Office has not received your submission by Wednesday, August 26, 2020, no attempts will be made to alter how the AVT pronounces your name. Please note that AVT phone line will not be monitored.

### **Consent by Candidate – Release of Contact Information**

Candidates who wish to make their contact information available to the public on [ottawa.ca/vote](http://ottawa.ca/vote) are required to complete the attached Consent by Candidate – Release of Contact Information form. If you have already completed this form when you filed your nomination, no further action is required.

Please contact the Elections Office if you wish to amend the information presented on your Consent by Candidate – Release of Contact Information form.

### **Campaigning 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 regarding campaign activities during the COVID-19 pandemic. The OPH guidelines were provided to you when you filed your nomination and they are also available under the Key Dates and Resources section on [ottawa.ca/vote](http://ottawa.ca/vote).

As the pandemic is rapidly evolving, OPH expects that this information may need to be updated throughout the election period and candidates are encouraged to consult [ottawa.ca/vote](http://ottawa.ca/vote) regularly.

### **Voting in the 2020 Cumberland By-election**

Electors will have three options to cast their ballot in the 2020 Cumberland By-election: (1) in person voting; (2) voting by special mail-in ballot; and (3) voting by proxy.

#### **In person Voting**

Electors may cast their ballot in person on Voting Day, Monday, October 5, 2020. They may also vote in either of two Advance Vote Days on Monday, September 28 and Tuesday, September 29, 2020. Every voting place will offer “anywhere voting”, meaning that electors can vote at any voting place, regardless of their address. Voting places will be open from 10 a.m. until 8 p.m. on all voting days.

Due to COVID-19, safety measures will be in place for electors and election workers at all voting places. These include requiring masks, limiting the number of electors permitted in a voting place, acrylic barriers, single-use stationery and hand sanitizer. Information related to these safety measures is outlined in the Ward 19 (Cumberland) Vacancy Options Report which was considered by City Council on Wednesday, July 15, 2020. This report is available under the Key Dates and Resources section on [ottawa.ca/vote](http://ottawa.ca/vote).

It is important to note that the COVID-19 pandemic is rapidly evolving, and additional voting process changes may be required should public health recommendations change. The City Clerk will notify City Council, the public, candidates and third party advertisers should any significant changes to the voting process be required.

#### **Voting by Special Mail-in Ballot**

In response to COVID-19, and new for this by-election, electors can apply to vote by Special Mail-in Ballot should they be unable to make it to a voting place or feel

uncomfortable about voting in person. This alternative voting method is available to all eligible electors upon request.

The application to receive a special mail-in ballot will be available from Saturday, September 5 until Sunday, September 13, 2020 at 5 p.m. Any eligible elector may request to vote by special mail-in ballot by applying to the Elections Office via the online application, by email or mail, before Sunday, September 13, 2020 at 5 p.m. Electors can also make an appointment at the Elections Office to fill out the application in person.

Electors that apply and are registered to vote by special mail-in ballot will be mailed a Special Ballot Voter Kit that will include instructions on how to vote, a voter declaration form, a ballot, a ballot secrecy envelope and a prepaid return envelope. Electors will be required to mail or deliver their completed special ballot to the Elections Office at 1221 B Cyrville Rd by 4:30 p.m. on Voting Day, Monday, October 5, 2020. Electors can also deliver their completed special ballot to the Orléans Client Service Centre at 255 Centrum Blvd by 4:30 p.m. on Voting Day, Monday, October 5, 2020. Special ballots received after 4:30 pm on Monday, October 5, 2020 will not be counted.

### **Voting by Proxy**

A proxy is someone that can go to the voting place and cast a ballot on someone else's behalf. If an elector is unable to get to a voting place or feels uncomfortable going to a voting place to cast their ballot, they may wish to appoint a proxy. 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). The individual that has been appointed must take the completed forms to the City's Elections Office or to any Client Service Centre open to public (excluding Walter Baker Sports Centre) between Tuesday, September 8, 2020 and Monday, October 5, 2020 during regular business hours, and have them certified by City staff. To avoid having to visit multiple locations, a proxy may also bring the completed forms to a voting place and have them certified on voting days, during voting hours.

The Appointment for Voting Proxy (Form 3) is available on [ottawa.ca/vote](http://ottawa.ca/vote), at the Elections Office and any Client Service Centres that is open to the public (excluding Walter Baker Sports Centre).

### **Voting in Long Term Care Centres**

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. Staff have identified five (5) long term care centres in Ward 19 (Cumberland).

In order to provide these electors the opportunity to vote, and to address the challenges surrounding COVID-19, the Elections Office, in partnership with Paramedic Services, will develop a plan that will see approximately five (5) teams of two (2) paramedics conduct the vote in these long term care centres.

### **Restricting Candidate and Scrutineer Access to Long Term Care Facilities**

Subsection 45(10) of the MEA allows candidates or one scrutineer per candidate to accompany the DRO (i.e. paramedic teams) who attends on an elector in a retirement home. In response to COVID-19, the City Clerk, in accordance with Section 12 and 53 of the MEA, is restricting access to long term care centres and candidates and scrutineers will not be permitted to observe the vote. However, candidates and scrutineers may be present when the counting of the vote occurs, as authorized under Section 16 of the MEA.

### **Information Session for Candidates and Third Party Advertisers**

As in previous elections, the Elections Office intends to hold an information session for candidates and third party advertisers in the 2020 Cumberland By-election. Staff are reviewing the options available to hold this session (i.e. in person or virtually) with public health recommendations in mind. The Elections Office will provide notice of the information session in a future Candidate Update when the details have been confirmed.

### **Contribution Rebate Program**

Section 88.11 of the MEA, provides that a municipality may pass a by-law to allow for the payment of rebates to persons who contribute to candidates for an office on the municipal council, and may establish conditions under which such a rebate is paid.

On Wednesday, November 22, 2017, City Council approved the continuation of the contribution rebate program. Attached is a copy of the City of Ottawa's *By-law No. 2018-33*, which authorizes the payment of rebates to individuals who make contributions to candidates running for municipal council and who are participating in the contribution rebate program.

At its Wednesday, July 11, 2018 meeting, Ottawa City Council approved a motion to amend the Contribution Rebate Program. Specifically, the motion amends the rebate amount for eligible contributions to candidates participating in the Program who later withdraw their nomination prior to the filing deadline of Friday, August 21, 2020 at 2 p.m. For your reference, a copy of the motion is attached.

To participate in the contribution rebate program, candidates must fill out a *Contribution Rebate Program Application* form and comply with the provisions of *By-law No. 2018-33*. When you filed your nomination paper, you were provided with a Contribution Rebate Program Application form and a copy of Contribution Rebate Program: A Candidate's Guide, additional copies are attached for your ease of reference.

Candidates may apply to participate in the program at any time between the time they filed their nomination and no later than 2 p.m. on Friday, August 21, 2020. Please note, individuals who contribute to candidates are eligible for a rebate only once the candidate has applied to participate in the program.

The application form must be filed in person, by appointment only, at the Elections Office, or by registered mail at: Elections Office, 1221 B Cyrville Rd, Ottawa, ON K1J 7S8. If candidates submit a completed application via registered mail, they will receive a confirmation of receipt from the Elections Office.

### **Issuing Receipts under the Contribution Rebate Program**

As part of the requirements of the contribution rebate program, a candidate must use a receipt, in the form prescribed by the City Clerk, for each contribution received. Receipt books will be supplied through the Elections Office, free of charge, and are available in either paper or electronic form. Candidates may request paper receipt books, which contain twenty-five (25) receipts each or a flash drive that can produce receipts and maintain electronic records. Attached is a Receipt Book Order form that must be completed and submitted to the Elections Office by appointment only.

### **Contribution Rebate Program – Filing Requirements**

Pursuant to Section 8 of *By-Law No. 2018-33*, a participating candidate shall:

- a. *Comply with Subsections 88.25(1) to (7) inclusive of the Act;*
- b. *Include with the documents filed under Subsection 88.25(1) or (7) of the Act, as the case may be, a copy of the receipt issued for each contribution;*

- c. *Submit an auditor's report and an auditor's statement, regardless of whether the total contributions received, and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000;*
- d. *Submit an additional form, one established for that purpose by the City Clerk, upon which the auditor confirms that he or she has verified all contributions against a bank statement for the campaign account; and*
- e. *Notwithstanding Subsection 88.25(8) of the Act, all financial statements submitted must be audited and include an auditor's report.*

To satisfy the requirement of Subsection 8(d) in *By-law No. 2018-33*, please find attached the Contribution Rebate Program – Auditor's Statement (Form #2020EL-52).

Pursuant to Section 5 of *By-Law No. 2018-33*, a contributor shall:

- 5. *Submit the original, signed version of the form established by the City Clerk, which must be received by the Municipal Elections Office or the City Clerk on or before 2:00 p.m., on the date that is sixty (60) days after the filing deadline for the financial statement for the participating candidate, unless the participating candidate's campaign period is extended under paragraphs 4 or 5 of Subsection 88.24(1) of the Act. If a participating candidate's campaign period is extended, the individual application for a contribution rebate for the extended period shall be made on or before 2 p.m. on the date that is sixty (60) days after the filing deadline for the supplementary financial statement for the participating candidate.*

**To receive a rebate for contributions made on or before Thursday, November 19, 2020, the contributor must submit a completed *Application for the Payment of a Contribution Rebate* form (located on the back of the prescribed receipts) to the City Clerk, and it must be received no later than 2 p.m. on Monday, February 22, 2021.**

**If a candidate extends their campaign, contributions made between Thursday, November 20, 2020 and Wednesday, May 19, 2021, are eligible for a rebate. Contributors must submit a completed *Application for the Payment of a Contribution Rebate form* (located on the back of the prescribed receipts) to the City Clerk, and it must be received no later than 2 p.m. on Wednesday, August 18, 2021.**

The City Clerk will review the receipt filed by the contributor and the copy of the receipt filed by the participating candidate to ensure consistency. The City Clerk may request further information from the contributor or participating candidate to determine whether a rebate may be made in accordance with the by-law.

Contribution rebates will not be issued until the participating candidate's campaign period has ended, the provisions of the by-law have been met, and the period for compliance audits has been completed.

For more information on the Contribution Rebate Program, please visit [ottawa.ca/vote](http://ottawa.ca/vote) or contact the Elections Office at [elections@ottawa.ca](mailto:elections@ottawa.ca) or at 613-580-2660.

### **Candidates not participating in the Contribution Rebate Program**

For candidates who do not participate in the contribution rebate program, a receipt must still be issued for each contribution received. You are not required to use a City of Ottawa receipt; however, should you wish to do so, receipt books will be supplied through the Elections Office. Receipt books are free of charge and are available in either paper or electronic form. You may request paper receipt books, which contain twenty-five (25) receipts each, or alternatively, you may request a flash drive that can produce receipts and maintain electronic records. Attached is a Receipt Book Order form that must be completed and submitted, by appointment only, to the Elections Office.

### **2020 Cumberland By-election Map**

Ward maps for the 2020 Cumberland By-election are available at no cost on [ottawa.ca/vote](http://ottawa.ca/vote) and for purchase at the Elections Office for a fee of \$10.82 + HST each.

If you would like to purchase maps, please contact the Elections Office to make an appointment.

### **Election Sign Restrictions – Public and Private Properties**

Every candidate must ensure that all City of Ottawa sign by-laws as well as any provincial and federal regulations governing election signs are adhered to at all times.

Please be advised that, pursuant to *By-law No. 2004-239 (Temporary Signs on Private Property)*, **candidates are permitted to place election signs on private properties, with permission of the resident or business, beginning Thursday, August 6, 2020.**

In accordance with *By-law No. 2003-520 (Temporary Signs on Public Property)*, **the first day an election sign can be placed on public property is Saturday,**

**September 5, 2020.** Signs on public property cannot be placed along highways or in a median, and must be at least 50 centimetres from a sidewalk. In areas with no sidewalks, signs must be at least two metres from the roadway or, if the roadway has a shoulder, at least 50 centimetres from the edge of the shoulder.

Election signs must be removed within 48 hours following Voting Day.

Any concerns or complaints regarding signs should be directed to 3-1-1.

**Elections' Interpretation Bulletin: Election Campaign Signs – Requirements under the *Municipal Elections Act, 1996***

The purpose of the above noted Election Campaign Signs Interpretation Bulletin is to provide all candidates, as well as the general public, with a clear understanding of how the City of Ottawa will continue to interpret and administer provisions of the MEA that require identification information to be included on election campaign signs placed on public and private property during the 2020 Cumberland By-election.

For ease of reference, a copy of this bulletin has been attached to this Candidate Update.

Should you have any questions regarding the interpretation bulletin, please contact the Elections Office by telephone at 613-580-2660 or by email at [elections@ottawa.ca](mailto:elections@ottawa.ca).

**Access to Multi-residential Premises by Candidates and Their Representatives as well as the Display of Campaign Signs**

Candidates and their representatives are allowed access to apartments, condominiums, non-profit housing cooperatives and gated communities for the purposes of canvassing and distributing election material during the 2020 Cumberland By-election.

The MEA outlines the following rules around campaigning in these locations:

- Candidates and their representatives are permitted access between the hours of 9 a.m. to 9 p.m.;
- No landlord of residential premises can prevent a tenant from displaying campaign signs on their rented premises;
- No condominium corporation can prevent an owner or tenant from displaying campaign signs on their unit; and
- The landlord, person, condominium corporation or agent may set reasonable conditions on the size or type of sign that can be displayed. They can restrict signs from being displayed in common areas.

The *Residential Tenancies Act, 2006*, *Condominium Act, 1998* and the *Co-operative Corporations Act, 1990* also provide candidates and their representatives access to the building for the purpose of canvassing.

The Access to Multi-Residential Premises by Candidates and Their Representatives as well as the Display of Campaign Signs letter provides the above-mentioned legislative sections. A copy of this letter is attached to this Candidate Update. Candidates and their representatives may use this letter when they are canvassing and distributing election material.

Due to COVID-19, candidates and their representatives are reminded to review the campaigning guidelines that were provided by Ottawa Public Health. These guidelines were provided in your nomination package and they are also available on [ottawa.ca/vote](http://ottawa.ca/vote) under the Key Dates and Resources section.

Please note that congregate living settings for vulnerable populations, such as Long-term Care Homes and Retirement Homes, may restrict access to members of the public as a result of the ongoing COVID-19 pandemic. Please consult with the Ministry of Health's website ([health.gov.on.ca](http://health.gov.on.ca)) for regular updates and directives respecting access restrictions for these settings.

### **Canadian Radio-television and Telecommunications Commission (CRTC) - On-air Personalities as Candidates**

The CRTC's election policy requires that all on-air personalities who become candidates should be removed from their on-air duties during the election period or on the date their candidacies are announced, whichever is later.

According to the CRTC, on-air personalities are people who are seen or heard on radio, TV or community programming channels. Even if the person's voice is only heard as a commercial announcer, that person is still considered to be an on-air personality. For more information on the CRTC's election campaigns and political advertising policies, please visit [crtc.gc.ca](http://crtc.gc.ca).

I trust this information is satisfactory. Should you have any questions or require any additional information, please contact the Elections Office by telephone at 613-580-2660, by email at [elections@ottawa.ca](mailto:elections@ottawa.ca) or visit the Elections website at [ottawa.ca/vote](http://ottawa.ca/vote).

Yours truly,



M. Rick O'Connor, CMO  
City Clerk  
Office of the City Clerk