

Introduction

Every effort is taken to ensure that election services respond to and meet the needs of the community. This commitment includes ensuring that procedures are in place to respond to complaints respecting services and information provided in the course of Oshawa's municipal election.

Purpose

The purpose of this procedure is to define how complaints respecting election services may be submitted to City Clerk Services. Certain matters have specific legislated procedures for complaints and appeals that are beyond the jurisdiction of the City Clerk and this procedure. Additionally, please contact Service Oshawa for other City service-related complaints at 905-436-3311 / 1-800-667-4292 or service@oshawa.ca

Source

Municipal Elections Act, 1996, S.O. 1996, c. 32 (hereafter: "the Act").

Application

This procedure establishes processes which apply only to complaints associated with municipal election services within the jurisdiction of the City Clerk. It does not apply to matters for which a process has been established by legislation or regulation.

Implementation

City Clerk Services has established a process to acknowledge and review complaints related to election services and supporting processes within five (5) business days. In extraordinary circumstances (e.g. on Voting Day, during advance voting opportunities or during a work stoppage), City Clerk Services may not be in a position to guarantee that the established standard can be achieved.

Procedure

Matter	Complaint Process and Authority
Accessibility	Complaints regarding the accessibility of election services may be submitted by email, by phone, or in writing: Email: clerks@oshawa.ca Phone: 905-436-3311 ext. 5639 Address: City Clerk Services 50 Centre St. S. Oshawa ON L1H 3Z7

Campaign Finance Offences:
Candidates and Third-Party
Advertisers

Complaints respecting campaign finance matters for the offices of Mayor, Regional and City Councillor and City Councillor and third-party advertisers registered with the City of Oshawa are reviewed by the City's compliance audit committee. Contact:

Email: clerks@oshawa.ca
Phone: 905-436-3311 ext. 5639
Address: City Clerk Services
50 Centre St. S.
Oshawa ON L1H 3Z7

Complaints respecting campaign finance matters for the office of Regional Chair are reviewed by the Durham Region's compliance audit committee. Contact:

Ralph Walton
Regional Clerk/Director of Legislative Services, Durham Region
905-668-7711 ext. 2100 or ralph.walton@durham.ca

Complaints respecting campaign finance matters for the offices of Trustee, Durham District School Board and Durham Catholic District School Board as well as Conseiller(ère), Conseil scolaire Viamonde and Conseil scolaire catholique MonAvenir are addressed by the applicable school board's compliance audit committee. Contacts:

David Visser
Associate Director and Treasurer of the Board
Durham District School Board
905-666-6426 or david.visser@ddsb.ca

Anne O'Brien
Director of Education
Durham Catholic District School Board
T: 905-576-6150 or 1-877-482-0722 ext. 22317

Martin Bertrand
Directeur de l'éducation / Director of Education
Conseil scolaire Viamonde
416-614-5929 ou/or bertrandm@csviamonde.ca

André Blais
Directeur de l'éducation et secrétaire trésorier / Director of Education and Secretary Treasurer
416-397-6564 ou/or 1-800-274-3764, poste/extension 73100
Conseil scolaire catholique MonAvenir

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Candidate Meetings and Other Events Held During the Campaign	The City Clerk performs an administrative function related to the conduct of the municipal election within the framework established by the Act. Candidate-related events organized by other institutions or organizations during the municipal campaign period, such as all-candidates debates or fundraising events do not fall within the mandate, authority or responsibility of the City Clerk.
Conduct of a Candidate or Member of Council	<p>The City Clerk performs an administrative function related to the conduct of the municipal election within the framework established by the Municipal Elections Act. The Act does not provide the City Clerk with investigative or enforcement powers.</p> <p>An individual with concerns about the conduct of an individual candidate may contact Durham Regional Police if the matter relates to an offence under the Criminal Code of Canada.</p> <p>The City's Integrity Commissioner plays a role in ensuring the appropriate conduct of sitting Members of Council. Additional information, including information on how to file a complaint under Council's Code of Conduct is available at: https://www.oshawa.ca/city-hall/city-council-governance.asp</p>
Use of Corporate Resources for Election Purposes Policy	<p>Complaints regarding the Use of Corporate Resources for Election Purposes Policy may be submitted by email, by phone, or in writing:</p> <p>Email: clerks@oshawa.ca Phone: 905-436-3311 ext. 5639 Address: City Clerk Services 50 Centre St. S. Oshawa ON L1H 3Z7</p> <p>Please note the nature of the complaint will dictate the response to the complaint filed.</p>
Conduct of Voting Place Staff	<p>Complaints regarding the conduct of Voting Place Staff can be submitted by email, by phone, or in writing:</p> <p>Email: clerks@oshawa.ca Phone: 905-436-3311 ext. 5639 Address: City Clerk Services 50 Centre St. S. Oshawa ON L1H 3Z7</p>

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Election Results Recount	<p>The City Clerk performs an administrative function related to the conduct of the municipal election within the framework established by the Municipal Elections Act. Oshawa City Council has adopted a Municipal Election Recount Policy that may apply in limited circumstances; however the City Clerk does not possess the authority to independently direct a recount beyond the circumstances provided for by the Municipal Elections Act.</p> <p>Where the Municipal Election Recount Policy is not engaged, an eligible elector may request Oshawa City Council to consider a recount, or to the Superior Court of Justice. A decision of Oshawa City Council and the Superior Court of Justice may be appealed to the Divisional Court.</p>
Controverted Election	<p>An application may be made to the Superior Court of Justice to challenge the validity of an election. A decision of the Superior Court of Justice may be appealed to the Divisional Court.</p>
Election Signs	<p>Responsibility for the enforcement of the election sign standards established by the City of Oshawa and Durham Region rests with the City's Municipal Law Enforcement section. Complaints respecting non-compliant signage may be submitted to Service Oshawa by email, by phone, in writing or in person:</p> <p>Email: service@oshawa.ca Phone: 905-436-3311 Address: Service Oshawa 1st Floor 50 Centre St. S. Oshawa ON L1H 3Z7</p>
Late Filing of Financial Statements	<p>All candidates and registered third party advertisers must file a financial statement (and auditor's report in certain circumstances) with the City Clerk before 2:00 p.m. on the last Friday in March in the year following the election, or by the legislated deadline where a supplementary and/or subsequent financial statement is required.</p> <p>The City Clerk does not have authority to grant an extension or set aside the requirement to file a financial statement. Additionally, the City Clerk cannot waive any mandatory penalties that may apply due to the failure of a candidate or registered third party to file a financial statement prior to the deadlines established by the Municipal Elections Act.</p> <p>If a candidate or third party advertiser misses the deadline, they may file within a 30-day grace period, provided a \$500.00 late filing fee is paid.</p>

Page 5	<p>The candidate or registered third party may also, before the last day for filing, apply to the Superior Court of Justice for an order extending the time for filing the financial statement. A judge may grant an extension for the minimum period of time necessary for the candidate or third party advertiser to file the statement, but may not issue an order granting an extension of more than 90 days.</p>
Voting Places	<p>Complaints respecting voting places can be made to City Clerk Services by email, by phone, or in writing:</p> <p>Email: clerks@oshawa.ca Phone: 905-436-3311 ext. 5639 Address: City Clerk Services 50 Centre St. S. Oshawa ON L1H 3Z7</p>