

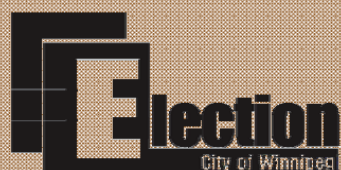


River Heights-Fort Garry Ward

Councillor By-Election



Candidate's Guide



City Clerk's Department
January 2009



A Message from Marc Lemoine, Senior Election Official

A By-Election has been called to fill a vacancy for the Office of Councillor in the River Heights - Fort Garry Ward.

The By-Election will be held on Tuesday, March 17, 2009.

*The material in this guide has been compiled as a reference for candidates seeking election for the Office of Councillor in the River Heights - Fort Garry Ward. The information is general and has been prepared as a reference for candidates. **NOTHING IN THIS MATERIAL RELIEVES THE CANDIDATE FROM THE RESPONSIBILITY OF COMPLYING WITH THE STATUTORY PROVISIONS.** It is suggested that candidates refer to The City of Winnipeg Charter and The Municipal Councils and School Boards Elections Act for specific authority.*

The City of Winnipeg Charter and The Municipal Councils and School Boards Elections Act are accessible on the Manitoba Provincial Government web site www.gov.mb.ca/laws or may be purchased from Statutory Publications, 200 Vaughan Street (Lower Level), Winnipeg, (Telephone 945-3101), if so desired.

The necessary forms for the filing of registrations and nominations are available from the City Clerk's Department, Main Floor, Council Building, 510 Main Street from 8:30 a.m. to 4:30 p.m., Monday to Friday.

*Nomination papers must be filed in-person during business hours with the Senior Election Official, City Clerk's Department, at the same time as taking the Declaration of Candidacy, during the **nomination period beginning Tuesday, February 3, 2009 at 8:30 a.m. and ending Monday, February 9, 2009 at 4:30 p.m.***

Nominations will not be accepted after 4:30 p.m. on February 9, 2009.

We hope that you find the information presented in this guide useful. By-Election information can also be found on the City of Winnipeg web site www.winnipeg.ca/2009byelection.

Should you have further questions, please call Marc Lemoine, Senior Election Official at 986-7131.

M. Lemoine

Senior Election Official

*City Clerk's Department, City of Winnipeg
(204) 986-7131*

COUNCILLOR CANDIDATES GUIDE

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ELECTION CAMPAIGN

DATE OF BY-ELECTION

Due to a vacancy in the River Heights - Fort Garry Ward, a By-Election for the Office of Councillor will be held on **Tuesday, March 17, 2009.**

QUALIFICATIONS FOR COUNCILLOR

The City of Winnipeg Charter provides that an individual is eligible to be nominated for, and elected as, a member of council if the individual is:

- a Canadian Citizen;
- at least 18 years of age on the day of the By-Election;
- a resident of the province;
- a voter; and
- not disqualified under *The City of Winnipeg Charter* or any other legislation.

INDIVIDUALS DISQUALIFIED / NOT ELIGIBLE

The City of Winnipeg Charter provides that the following individuals are disqualified from being nominated for, elected as or remaining as a member of council:

- a judge of the Court of Queen's Bench or The Court of Appeal;
- a provincial judge, magistrate or justice of the peace;
- a member of the council of another municipality;
- a member of the Senate or House of Commons of Canada;
- an individual who has been convicted of an offence under *The City of Winnipeg Charter* or any other legislation and who has not paid any fine imposed on the individual for the offence.

The Municipal Council and Schools Boards Election Act states that:

- a person who holds office on an elected authority may not be nominated in a by-election to which this Act applies unless the member resigns his or her office at least 42 days before the election day for that by-election.

As such, a member of a council in Manitoba, or a school trustee in Manitoba, are not eligible to be nominated unless they resign their seat before February 3, 2009.

CAMPAIGN PERIOD

The City of Winnipeg Charter defines the Campaign Period for candidates seeking election to the Office of Councillor commences **Monday, January 26, 2009 and terminates Monday, June 15, 2009**. It is only during the Campaign Period that candidates can solicit contributions and expend funds for the purposes of election.

The regulations regarding campaign financing are stipulated in *The City of Winnipeg Charter* and the Campaign Expenses and Contributions By-law No. 5550/90. A guide on "*Campaign Expenses and Contributions*" has been assembled for the convenience of Councillor Candidates.

Following the By-Election, all candidates must file an audited financial statement with the Campaign Expenses and Contributions Officer.

Candidates who register and file Nomination Papers must file their audited financial statement by **May 31, 2010, 4:30 p.m.** Candidates who register but do not file Nomination Papers, or who file Nomination Papers and withdraw, must file their audited financial statement no later than 60 days after the By-Election, **May 16, 2009, 4:30 p.m.**

REGISTRATION OF CANDIDATES

Every person who proposes to be a candidate for Councillor must register *in-person* with the Senior Election Official at the City Clerk's Department, Main Floor, Council Building, 510 Main Street, by filing a **Notice of Registration** form, as provided in the "*Campaign Expenses and Contributions*" guide.

Candidates may register any time **commencing Monday, January 26, 2009 and no later than Monday, February 9, 2009, 4:30 p.m.**

A person who files a Notice of Registration becomes a registered candidate on the day of filing. The Senior Election Official keeps a register of every person who has registered. Until a candidate is registered, neither the candidate nor his/her campaign organization is entitled to accept contributions or incur any expenses. Also, a candidate may not spend any of his/her own money on the campaign before registration.

At the time of registration, the candidate will be provided with his/her **Nomination Papers**.

It is important to note that the candidate registration process and the nomination process are separate.

A registered candidate is not entitled to have his/her name on the ballot until he/she is nominated. Registration alone does not confirm status as a candidate in the By-Election and being registered does not commit a candidate to file Nomination Papers.

OFFICIAL AGENT

Every candidate must appoint an **Official Agent** who will be responsible for receiving contributions and authorizing campaign expenses. If the Official Agent ceases to hold office for any reason, the registered candidate must immediately appoint another Official Agent and advise the Senior Election Official in writing of the change.

CAMPAIGN EXPENSES AND CONTRIBUTIONS

The City of Winnipeg Charter requires Council to pass a by-law to regulate campaign expenses and contributions for candidates seeking election to the Office of Councillor, including limits on the amount of contributions which may be received as well as the amount of expenses that may be incurred.

Audited Financial Statements, prepared by an accredited auditor, must be filed by all candidates seeking election, within the prescribed deadlines.

The Campaign Expenses and Contributions Officer will provide each candidate with a preliminary estimate of a candidate's expense limitation at the beginning of the campaign period and will certify the exact campaign expense limitation by **Tuesday, February 3, 2009**.

FUNDS EXPENDED ON THE ELECTION OF CANDIDATES ARE NOT TAX-DEDUCTIBLE NOR ARE CONTRIBUTIONS MADE TO A CANDIDATE TAX-DEDUCTIBLE FOR THE CONTRIBUTOR.

Individuals, organizations, corporations and trade unions making contributions to a registered candidate in the By-Election shall be eligible to apply to the City Clerk for a rebate in accordance with the Rebate of Election Contribution By-law No. 91/2004.

REBATES ARE ONLY PAID TO CONTRIBUTORS AFTER THE CANDIDATE HAS COMPLIED WITH ALL LEGISLATIVE PROVISIONS, INCLUDING FILING THE AUDITED FINANCIAL STATEMENT AND PROVIDING THE CITY CLERK WITH A COPY OF ALL RECEIPTS FOR CONTRIBUTIONS.

REBATE OF ELECTION CONTRIBUTIONS

The Rebate of Election Contributions By-law No. 91/2004, entitles persons, including registered candidates, to receive a rebate for their contribution. The maximum contribution to any registered candidate for the Office of Councillor is \$750.00.

Rebates are calculated as follows:

- For contributions between \$25.00 and \$300.00, the rebate is 75% of the contribution
- For contributions between \$301.00 and \$1,000.00, the rebate is \$225.00 plus 50% of the difference between the contribution and \$300.00
- For contributions of more than \$1,000.00, the rebate is the lesser of:
 - i) \$575.00 plus 33 1/3% of the difference between the contribution and \$1,000.00;
 - ii) \$1,000.00

At the time of registration, candidates will be provided with Contribution Rebate Application forms.

To receive a rebate, the contributor must complete the rebate application provided by the candidate and mail the application to the City Clerk. The deadline for receipt of rebate applications by the City Clerk is May 17, 2010.

It is important to note that in order for the contributor to receive a rebate, the registered candidate must comply with all legislative provisions including filing his/her audited financial statement following an election and providing the City Clerk with a copy of all receipts for contributions.

Eligible rebates will be mailed out to contributors in the summer of 2010.

CAMPAIGN EXPENSES AND CONTRIBUTIONS OFFICER

The **Campaign Expenses and Contributions Officer** for this By-Election is:

Name: Bill Treytiak
Address: 71 Lakeview Cove, Winnipeg, MB R3X 2B1
Telephone / Fax: 257-2814
E-mail: treytiak@hotmail.com

The Campaign Expenses and Contributions Officer assists candidates to comply with the provisions of the Campaign Expenses and Contributions By-law No. 5550/90.

All questions on campaign financing are to be made to the Campaign Expenses and Contributions Officer.

The Campaign Expenses and Contributions Officer examines the audited financial statements which all registered candidates are required to file, and obtains any other related information he considers necessary for the purpose of making a report to Council, in accordance with the requirements of the by-law and *The City of Winnipeg Charter*.

FAILURE OF A REGISTERED CANDIDATE TO COMPLY WITH THE STATUTORY AND BY-LAW PROVISIONS, INCLUDING FAILURE TO FILE AN AUDITED FINANCIAL STATEMENT, WILL RESULT IN PROSECUTION.

NOMINATION PAPERS

Nomination Papers contain the following:

- a statement by the candidate identifying his/her name, residential address, telephone number and the office for which he/she is seeking to be nominated
- a statement under oath by the candidate that he/she is qualified to be nominated for the office, and that to the best of his/her knowledge, the information provided in his/her nomination papers is true.

The Municipal Councils and School Boards Elections Act requires that candidates seeking election to the Office of Councillor must have a minimum of **25 signatures of voters whose names appear on the Voters List**. A voter may sign the Nomination Papers of more than one candidate. As eligibility is subject to verification with the official Voters List, it is suggested that prospective candidates obtain extra names to ensure that the minimum requirement of 25 eligible voters is met. Registered candidates will be provided with a copy of the Final Voters List on CD.

Nomination Papers for registered candidates are available from the City Clerk's Department, Main Floor, Council Building, 510 Main Street, from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Once filed, Nomination Papers will be made available for public inspection and the Senior Election Official will post a list of nominations in the Council Building at City Hall, as well as on the City of Winnipeg web site www.winnipeg.ca/2009byelection.

A nomination paper improperly filed will be rejected by the Senior Election Official.

FILING NOMINATION PAPERS

All candidates seeking election must file Nomination Papers in person with the Senior Election Official.

The Senior Election Official will be accepting Nomination Papers between the hours of 8:30 a.m. and 4:30 p.m., commencing **Tuesday, February 3, 2009** in the City Clerk's Department, Main Floor, Council Building, 510 Main Street.

Nomination Papers must be filed no later than 4:30 p.m. on Monday, February 9, 2009.

Candidates must have filed Registration Papers prior to filing Nomination Papers.

WITHDRAWAL OF NOMINATIONS

Any candidate may submit, in person, in writing, to the Senior Election Official, his/her withdrawal, **prior to 4:30 p.m. on Tuesday, February 10, 2009**. That withdrawal will be accepted if a nominated candidate remains to fill the Office of Councillor.

ACCLAMATION

Where only one candidate is nominated, the Senior Election Official will declare the candidate elected by acclamation at the end of the withdrawal deadline, 4:30 p.m., **Tuesday, February 10, 2009**.

RANDOM DRAW

A random draw will take place at 6:00 p.m. on **Tuesday, February 10, 2009**, in the Council Building, 510 Main Street, to determine the order in which candidates' names will appear on the ballot.

CANDIDATE MATERIALS

Candidates who have officially filed Nomination Papers with the Senior Election Official will receive a package of supplies, including a Voters List, maps and other information that will assist in the campaign process.

The Voters List will be provided in electronic format and candidates are required to sign an acknowledgement of the legislative conditions regarding use of the document. The information contained on the list must only be used for election purposes. Printed copies of the Voters List will also be available for a fee.

POLITICAL CAMPAIGN SIGNS

Campaign signs are permitted throughout the City and are regulated under the Neighbourhood Liveability By-law No. 1/2008, Part 4 and The Winnipeg Zoning By-law No. 200/2006, Section 182(1).

Campaign signs shall not be erected or placed prior to the date notice is given of the opening of nominations, **Saturday, January 24, 2009** and shall be removed within seven days following the By-Election (**Tuesday, March 24, 2009**).

For this By-Election, a campaign sign means any sign used to promote a candidate, but does not include identification signs reading “(name of candidate) campaign headquarters” or “(name) constituency (or other electoral area) office.”

The Neighbourhood Liveability By-law stipulates that a person must not place a sign within a street if it:

- is a hazard to vehicular or pedestrian traffic;
- is attached to or obstructing a directional sign, a traffic control device or a sign erected, placed or authorized by the City of Winnipeg, the Province of Manitoba or the Government of Canada, including the post or standard supporting the sign or traffic control device;
- causes damage to property, including trees or a structure within a street;
- is located within a median or traffic island;
- is attached to a pole, wall or other structure by something other than clear adhesive tape;

All campaign signage must display on its face, the name and telephone number of the person responsible for placing the sign or causing it to be placed, and the date the sign was placed.

Campaign signage cannot be placed within any street which is identified on Appendix "B" hereto.

The Neighbourhood Liveability By-law further stipulates that a person must not place a sign within any street which is not identified on Appendix "B" if the sign:

- is within 30 metres of an intersection, measured from the nearest curb of the intersection;
- is within 30 metres of a turning lane, deceleration or acceleration lane or traffic storage lane;
- is within 2 metres of a curb or the edge of a roadway;
- is within 0.5 metres of a sidewalk;
- is within 5.0 metres of a private access;
- is permanently affixed;
- is supported by string, rope, wire or metal stakes;
- is a mobile sign;
- is greater than 0.6 square metres in size;
- is higher than 1 metre, measured from the existing grade to the top of the sign;
- has more than 2 faces per sign;
- is illuminated, electrified, spins or rotates;
- could be reasonably mistaken for a street sign or a traffic control device;

Failure to comply with the by-laws may result in removal and destruction of signs.

PURSUANT TO THE MUNICIPAL COUNCILS AND SCHOOL BOARDS ELECTION ACT, NO PERSON MAY DISTRIBUTE PAMPHLETS OR BUTTONS, WEAR OR DISPLAY ANY ITEM, OR POST OR DISPLAY A SIGN OR POSTER REFERRING TO THE ELECTION OF A CANDIDATE, WITHIN 50 METRES OF A VOTING PLACE.

VOTERS

VOTER ELIGIBILITY - RESIDENTS

The Municipal Councils and School Boards Elections Act provides that a person who is a resident of River Heights-Fort Garry Ward is eligible to vote if he/she:

- is a Canadian Citizen
- is 18 years of age or older on By-Election Day
- has been an actual resident of the City of Winnipeg for a period of at least six months on the day of the By-Election (since September 17, 2008).

The following determines the residency of a person:

- is a resident of the place where he/she has his/her ordinary residence, and to which he/she intends to return when away from it.
- may be a resident of only one place at a time.
- does not change residence until he/she has a new residence.

Notes:

1. A person who leaves a municipality for temporary reasons is still considered a resident voter. For example, a student attending university or college outside the City, but who intends to return home after the term ends, is considered a resident voter.
2. Persons who have resided within the City of Winnipeg for six months prior to By-Election Day, but have moved from one address to another, are still qualified to vote, but must do so at the voting place where they reside on By-Election Day.

VOTER ELIGIBILITY - NON-RESIDENTS

The Municipal Councils and School Boards Elections Act provides that a person who is not a resident of The City of Winnipeg is eligible to vote if he/she:

- is a Canadian citizen
- is 18 years of age or older on By-Election Day
- has been a registered owner of land in the City of Winnipeg as listed in The City of Winnipeg Assessment Roll, for a period of at least six months on the day of the By-Election (since September 17, 2008).
- is a registered owner of land in the City of Winnipeg as listed in The City of Winnipeg Assessment Roll, in the River Heights-Fort Garry Ward on By-Election Day.

If three or more non-resident persons are registered owners of a parcel of land,

- no more than two of them are eligible to vote
- in order to be included on the Voters List, each of those two persons must file with the Senior Election Official the written consent of the number of persons who, together with the person to be included on the Voters List, are a majority of the registered owners of the land.

Note: Despite the possibility of multiple property ownership, a person's name may be entered only once on the Voters List.

VOTERS LIST

The City of Winnipeg will continue to utilize the National Register of Electors, compiled by Elections Canada, in preparing the Voters List.

A copy of the **Voters List** will be given to each candidate upon filing Registration Papers.

Persons whose names do not appear on the Voters List and who are eligible to vote will be required to present identification (photo ID if available) and take an Oath at the voting place prior to voting.

All voters will be asked to present identification at the voting place.

ADDING NAMES TO THE VOTERS LIST

The Voters List being used for this By-Election has been closed and no further updates will be made.

At the voting place, persons whose names do not appear on the Voters List and who are eligible to vote will be required to present identification (photo ID if available) and take an Oath prior to voting.

Persons whose names do not appear on the Voters List and who do vote in this By-Election will have their names added to the Voters List for future Civic Elections.

Voters may request to have their name added to the Voters List for future Civic Elections by calling 986-7132.

If the Voter meets the eligibility criteria, the Voter will be required to submit a photocopy or scan of an official photo identification document issued by either a federal, provincial or municipal government which contains their name, address and date of birth (i.e. MB Driver's License) or a combination of two (2) or more documents that together provide this same information.

PERSONAL SECURITY PROTECTION – NAMES OMITTED FROM VOTERS LIST

As provided for in *The Municipal Councils and School Boards Elections Act*, any person can request to have his/her name and address obscured or omitted from the Voters List to protect their personal security, by submitting an application, in writing, with the Senior Election Official.

A person whose name has been obscured will be given a Personal Security Certificate and identification number. The identification number for a person will appear at the end of the Voters List.

A person who is given a Personal Security Certificate **may only vote by Sealed Ballot Envelope**, and must make application to the Senior Election Official no later than Friday, March 13, 2009.

VOTERS NOTICES

Each eligible voter whose name appears on the Voters List, will receive a **Voters Notice** by mail, advising of their voting place and voting station, hours of voting, and the particulars of Advance Voting and Voting by Sealed Envelope Ballot.

If a voter has moved since the Voters List was last updated, the voter will be directed to vote at the voting place and voting station for his/her current address. Voters who have moved or who require further information on voting places, Advance Voting or Voting by Sealed Envelope Ballot can receive additional information by calling 311 to reach the City of Winnipeg's Contact Centre, via e-mail at elections@winnipeg.ca, or by viewing the web site www.winnipeg.ca/2009byelection.

VOTING

AUTOMATED VOTING

The City of Winnipeg will again be utilizing automated voting for this By-Election.

Based on a paper-based ballot, the system utilizes optical scanning technology to determine voter intention. A paper-based ballot system is user-friendly and provides for appropriate audit control.

The Voting Machine is made up of an optical scanner mounted on a large ballot box. One voting machine is present in each voting place. Each optical scanner contains a Memory Pack which records the details of all ballots inserted into the optical scanner.

After the close of voting, the Memory Pack prints out a tabulation of the votes cast. The Memory Pack is taken from the voting machine and transported to Election Headquarters, where the contents are electronically read into the Central Tabulation Unit, which compiles the results.

Election results will be reported by the Senior Election Official within approximately 120 minutes of the close of voting.

MARKING THE BALLOT

Each eligible voter will receive one paper ballot containing the candidates' names. The voter marks his/her vote on the paper ballot by joining the arrow pointing to the candidate of choice. Voters will mark their ballots with the special pens provided in the voting compartments.

The order of the candidates' names on the ballot will be determined by random draw which takes place at 6:00 p.m. on Tuesday, February 10, 2009 in the Council Building, 510 Main Street.

VOTING

Once the voter has made his/her choice, he/she will bring the ballot (in the secrecy sleeve provided) to the Voting Machine where it will be inserted.

Before counting the ballot, the Voting Machine will determine if the ballot is valid. A ballot can be invalid if too many candidates are chosen or is left blank. If the machine determines the ballot is invalid, the machine immediately returns the ballot to the voter, who can request a new ballot.

This process takes place in less than one second after the ballot is inserted. The Voting Machine informs the voter what type of error was made, and the voter can then obtain a new ballot from the Election Official.

ADVANCE VOTING

Advance Voting will be held for all eligible voters on the following dates:

Thursday, March 5, 2009	1:00 p.m. - 6:00 p.m.
Friday, March 6, 2009	1:00 p.m. - 6:00 p.m.
Saturday, March 7, 2009	8:00 a.m. - 8:00 p.m.

All voting places are accessible to persons with disabilities.

The Senior Election Official will also provide additional advance voting opportunities for voters in personal care homes on Tuesday, March 10, Wednesday, March 11, Thursday, March 12 and Friday, March 13, 2009.

Advance Voting will also utilize the automated voting technology. All votes cast during Advance Voting will be tabulated immediately after the close of voting on By-Election Day, 8:00 p.m., Tuesday, March 17, 2009.

For more information on Advance Voting places, dates and times, please call 311 to reach the City of Winnipeg's Contact Centre.

VOTING BY SEALED ENVELOPE BALLOT

A voter is eligible to vote by Sealed Envelope Ballot if he/she:

- is unable to go in person to a voting station due to a disability;
- is providing care to a person who is unable to leave home; or
- expects, on By-Election Day and the days of Advance Voting, to be absent from the City or be unable to attend the voting place where he/she is eligible to vote.

An application to vote by Sealed Envelope Ballot may be made:

- by mail and forwarded to the Senior Election Official, Council Building, 510 Main Street, commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
- by fax at 204-947-3452 commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
- by e-mail to elections@winnipeg.ca commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
- in person by attending the City Clerk's Department, Council Building, 510 Main Street, commencing Tuesday, February 17, 2009 and ending Friday, March 13, 2009, 4:30 p.m.

A voter making application in person will be provided with a sealed envelope ballot package once the application is approved.

Persons applying by mail, e-mail or fax by Thursday, March 5, 2009, will be forwarded a Sealed Envelope Ballot package by mail. Persons applying by mail, e-mail or fax between Friday, March 6, 2009 and Friday, March 13, 2009, may make alternate arrangements to have the Sealed Envelope Ballot package delivered to him or her.

The voter must return the ballot to the Senior Election Official, Main Floor, Council Building, 510 Main Street, **PRIOR TO** the close of voting at **8:00 p.m. on Tuesday, March 17, 2009, By-Election Day.**

ELECTION WORKERS

The City of Winnipeg will hire temporary election workers to assist at the voting stations on By-Election Day and to facilitate additional advance voting opportunities. The majority of these workers will have past experience with election processes, whether Civic, Provincial or Federal.

A Senior Voting Officer will be present at each Voting Place to monitor and coordinate all voting activities, and to ensure that all elections laws are complied with.

SCRUTINEERS

A scrutineer is a representative of the candidate, 18 years of age and authorized by a candidate to observe voting and the count at the voting station. A maximum of **TWO** scrutineers are permitted for any voting station.

Scrutineer appointment forms will be included in the material supplied to nominated candidates.

RESULTS REPORTING

At the closing of voting, 8:00 p.m., By-Election Day, Tuesday, March 17, 2009, an Election Officer will cause the voting machine to tabulate the votes cast, providing a print-out on site. The Memory Pack from each voting machine will then be transported to Election Headquarters.

The contents of these memory packs will be electronically read into the central tabulation unit, which will compile the results. The election results will be reported by the Senior Election Official within 120 minutes of the close of voting.

CONTACT INFORMATION

Contact Centre

311

City Clerk's Department
Council Building, 510 Main Street
Winnipeg, MB R3B 1B9

E-mail: elections@winnipeg.ca
Web Site: www.winnipeg.ca/2009byelection
Fax: 204-947-3452

Senior Election Official	Marc Lemoine	986-7131
Assistant Senior Election Official	Gerry Berkowski	986-2893
Assistant Senior Election Official	Mike Bresch	986-2555
Campaign Expenses and Contributions Officer	Bill Treytiak	257-2814

IMPORTANT DATES

2009

Saturday, January 24 and
Sunday, January 25

Nomination Notice appears in daily newspaper
Election signs may be erected.

Monday, January 26

Registration and **Campaign Period** begins

Friday, January 30

Senior Election Official begins accepting by mail, e-mail
or fax, written applications to vote by **Sealed Envelope
Ballot** through to Friday, March 13, 2009

Tuesday, February 3

Nomination Period begins - Senior Election Official
begins accepting completed **Nomination Papers**
during business hours up until 4:30 p.m., Monday,
February 9, 2009.

Campaign Expenses and Contributions Officer delivers
certified expense limitations to candidates

Monday, February 9

Nomination Period ends - Senior Election Official will
accept completed **Nomination Papers** until 4:30 p.m.

List of Candidates posted in the Council Building and
on the By-Election web site
www.winnipeg.ca/2009byelection

Tuesday, February 10

Deadline for Withdrawal - Candidates may withdraw
their nomination, in writing, until 4:30 p.m.

Random draw at 6:00 p.m. to determine the order in
which candidates' names will appear on the ballot

Important Dates (continued)

Saturday, February 14
Sunday, February 15

Public Notice of By-Election, including Names of Nominated Candidates, Hours of Voting, Advance Voting, Voting by Sealed Envelope Ballot, ID requirements, etc. appears in newspapers

Monday, February 16

**LOUIS RIEL DAY - STATUTORY HOLIDAY
CITY HALL CLOSED**

Thursday, March 5

Advance Voting opens on the following dates:

Thursday, March 5	1:00 p.m. - 6:00 p.m.
Friday, March 6	1:00 p.m. - 6:00 p.m.
Saturday, March 7	8:00 a.m. - 8:00 p.m.

Saturday, March 7

Advance Voting in local community location **closes at 6:00 p.m.**

Tuesday, March 10 -
Friday, March 13

Advance Voting takes place in seniors residences and personal care homes

Friday, March 13

Deadline for Senior Election Official to accept applications to vote by **Sealed Envelope Ballot**

TUESDAY, MARCH 17

BY-ELECTION DAY - 8:00 a.m. - 8:00 p.m.

DECLARATION OF ELECTION RESULTS by Senior Election Official

Tuesday, March 24

Deadline for removal of **Campaign Signs**

Tuesday, March 31

Deadline for application of Judicial Recount by Voter or a Candidate

Important Dates (continued)

Saturday, May 16 Deadline for application to the Court of Queen's Bench challenging results of the By-Election

Deadline to file **Audited Statement** for those candidates who did not file Nomination Papers or who withdrew

Monday, June 15 **Campaign Period** ends for candidates

2010

Monday, May 17 Deadline for City Clerk to receive campaign contribution rebate applications

Monday, May 31 Deadline to file **Audited Statement** for those candidates who filed nomination papers and who did not withdraw

COUNCIL AND ITS POWERS

Council is the governing body of the City and the custodian of its powers, both legislative and administrative. The City may exercise only those powers granted to it by legislation.

Policy making at the local level is limited and controlled by provincial government statute. *The City of Winnipeg Charter* provides the majority of powers and authority to the City of Winnipeg. However, other statutes extend additional authority to City Council in its decision making process.

The composition of City Council is legislated under Part 3 of *The City of Winnipeg Charter* and consists of 15 Councillors and the Mayor. Each Councillor represents an individual ward while the Mayor is elected by a vote of the city-at-large.

Councillors have a dual role, as they are members of Council (decisions affecting the whole city) and members of the Community Committees (local community issues).

City Council exercises its powers either by by-law or resolution passed at a regular or special meeting when a quorum is present.

City Council meets at least once a month on Wednesday at 9:30 a.m. in the Council Chamber, Council Building, 510 Main Street. Council sets the Schedule of Meetings for Council and its Committees, usually in November or December of the preceding year. Special Meetings are not uncommon. The conduct and procedures followed at Council and Committee Meetings is set forth in the Procedure By-law No. 50/2007, and in accordance with the provisions of *The City of Winnipeg Charter*.

Pursuant to *The City of Winnipeg Charter*, Council has the authority to establish committees of Council and Council may, by by-law, delegate a power, duty or function to a committee of Council.

The authority to make final decisions on the following matters remains with Council and cannot be delegated to any political or administrative level below Council:

- authority to enact a by-law
- authority to approve an operating or capital budget;
- authority to appoint, suspend or dismiss a statutory officer; or
- authority to enter into a collective agreement in respect of employees.

In addition to *The City of Winnipeg Charter* providing governance and direction to the City and its elected officials, the City Organization By-law No. 7100/97 provides for the governance and administrative structure of the City, and delegates certain powers and responsibilities from City Council to Executive Policy Committee, the Standing Committees and the Chief Administrative Officer.

The City of Winnipeg Charter and the City Organization By-law can be found on the City's web site www.winnipeg.ca/2009byelection.

FREQUENTLY ASKED QUESTIONS

The following provides answers to specific questions that are common relative to election procedures and processes.

QUALIFICATIONS OF CANDIDATES

1. Who is eligible to run as a candidate for election to the Office of Councillor?

An individual is eligible to be nominated for, and elected as, a member of council if the individual is

- (a) a Canadian Citizen;
- (b) at least 18 years of age on the day of the By-Election
- (c) a resident of the province;
- (d) a voter and
- (e) not disqualified under *The City of Winnipeg Charter* or any other legislation.

Some individuals are disqualified from being nominated for election to Council, or to be, or remain a member of Council. For further information refer to page 1 of this guide, and Section 23(2) of *The City of Winnipeg Charter*.

NOMINATIONS

2. When can a candidate file Nomination Papers?

Nomination Papers will be accepted, in person, by the Senior Election Official during business hours beginning Tuesday, February 3, 2009 and must be filed no later than 4:30 p.m., Monday, February 9, 2009.

3. How many signatures are required for nomination for Councillor?

Nomination Papers filed by prospective Councillor Candidates must have a minimum of 25 signatures of voters whose names appear on the Voters List. As eligibility is subject to verification with the Voters List, it is suggested that candidates obtain additional names to ensure that the minimum requirement of voters is met. Registered candidates will be provided with a copy of the Final Voters List on CD at the time of registration.

4. *How do I know that the signatures on the Nomination Paper represent voters?*

Registered candidates will be provided with a copy of the Final Voters List on CD. The candidates must check the Voters List to ensure that the persons signing their Nomination Papers are on the Voters List.

5. *Can a nominated candidate withdraw from the By-Election?*

Where more candidates are nominated for office than are required to be elected, any candidate may withdraw providing that he/she submits a written withdrawal, in-person to the Senior Election Official by 4:30 p.m. on Tuesday, February 10, 2009.

6. *Are there other requirements candidates should know?*

Yes. Candidates must register with the Senior Election Official and are required to appoint an official agent, an auditor, and file an audited statement for the campaign. The Registration Period for candidates is Monday, January 26, 2009 to Monday, February 9, 2009. No funds can be solicited or expended on a candidate's campaign until he/she is registered.

ACCLAMATIONS

7. *How can a candidate be acclaimed?*

Where the number of candidates nominated for office is equal to the number of vacancies to be filled, the Senior Election Official shall declare the candidate elected by acclamation at the end of the withdrawal period, 4:30 p.m., Tuesday, February 10, 2009.

CAMPAIGNING

8. *When does the Campaign Period begin and end?*

The Campaign Period for this By-Election commences January 26, 2009 and ends on June 15, 2009

9. Can an individual declare himself/herself as a candidate and campaign before formally registering with the Senior Election Official?

NO. Until an individual registers as a candidate, neither the individual, nor any other person acting on behalf of the individual, shall accept a contribution or incur an expense for the purpose of the election of the individual.

10. Can a candidate use his/her own funds for the By-Election campaign?

Yes. A candidate may use his/her own funds for an election campaign providing that all of the regulations are properly accorded. (i.e., the candidate must be properly registered, file an audited statement showing all funds, be within the maximum expenditure limit, etc.).

11. What is the maximum contribution limit for candidates?

The maximum contribution an individual, corporation, organization or trade union shall make to a registered candidate for the Office of Councillor is \$750.00.

12. What is the expenditure limit for candidates?

The expenditure limit is based upon a formula utilizing 75 cents per voter. The Campaign Expenses and Contributions Officer will provide each candidate written notification of their certified campaign expenditure limits, on or before Tuesday, February 3, 2009.

13. Can a candidate accept a contribution from a registered political party?

No. A registered candidate shall not accept a contribution from a political party registered under *The Canada Elections Act* and *The Elections Finances Act*, or a constituency association of such a party.

14. *Is there a rebate for contributions to a candidate?*

Yes. The Rebate of Election Contributions By-law No. 91/2004, entitles persons, including registered candidates, to receive a rebate for their contribution. The maximum contribution to any registered candidate for the Office of Councillor is \$750.00.

Rebates are calculated as follows:

- For contributions between \$25.00 and \$300.00, the rebate is 75% of the contribution
- For contributions between \$301.00 and \$1,000.00, the rebate is \$225.00 plus 50% of the difference between the contribution and \$300.00
- For contributions of more than \$1,000.00, the rebate is the lesser of:
 - i) \$575.00 plus 33 1/3% of the difference between the contribution and \$1,000.00;
 - ii) \$1,000.00

To receive a rebate, the contributor must complete the rebate application provided by the candidate and mail the application to the City Clerk, City Clerk's Department, Main Floor, Council Building, 510 Main Street, Winnipeg, R3B 1B9. The deadline for receipt of rebate applications by the City Clerk is Monday, May 17, 2010.

It is important to note that in order for the contributor to receive a rebate, the registered candidate must file his/her audited financial statement by Monday, May 31, 2010 and provide the City Clerk with a copy of all receipts for contributions issued under and in accordance with By-law No. 5550/90.

15. *Can I get an income tax receipt for contributions to a candidate?*

No. Contributions made to a candidate are not tax-deductible, nor are funds expended on the election of a candidate tax-deductible.

16. *Can candidates canvas in apartment buildings?*

Yes. Upon filing Nomination Papers with the Senior Election Official, a candidate will be supplied with a copy of a letter from the Senior Election Official permitting access to apartment buildings, in accordance with the provisions of *The Residential Tenancies Act*.

VOTERS LIST

17. *Am I on the Voters List?*

In accordance with the existing legislation, the City of Winnipeg will be utilizing the National Register of Electors compiled by Elections Canada, as the basis for the Voter's List.

To find out if you are on the Voters List, please call 311 to reach the City of Winnipeg's Contact Centre or e-mail elections@winnipeg.ca.

18. *How do I get my name on the Voters List?*

The Voters List being used for this By-Election has been closed and no further updates will be made.

At the voting place, persons whose names do not appear on the Voters List and who are eligible to vote will be required to present identification (photo ID if available) and take an Oath prior to voting.

Persons whose names do not appear on the Voters List and who do vote in this By-Election will have their names added to the Voters List for future Civic Elections.

Voters may request to have their names added to the Voters List for future Civic Elections by calling 986-7132.

If the Voter meets the eligibility criteria, the Voter will be required to submit a photocopy or scan of an official photo identification document issued by either a federal, provincial or municipal government which contains their name, address and date of birth (i.e. MB Driver's License) or a combination of two (2) or more documents that together provide this same information.

19. *Are copies of the Voters List available to the public upon request?*

No. The Voters List is provided to registered candidates and is only to be used for election purposes.

A voter is entitled to have access to information on the Voters List about themselves to determine whether the information is correct. Please call 311 to reach the City of Winnipeg's Contact Centre or e-mail elections@winnipeg.ca.

VOTING PLACES

20. *How does a person find out where to vote?*

Persons whose names appear on the Voters List will receive a Voters Notice identifying their voting place. All candidates will be supplied with a list of Voting Places, including related maps, when they file their Nomination Papers.

In addition, inquiries can be made by calling 311 to reach the City of Winnipeg's Contact Centre or visiting the web site www.winnipeg.ca/2009byelection.

21. *Are voting places accessible for persons with disabilities?*

Yes. All voting places are accessible for person with disabilities. Signage will be posted where necessary to indicate accessible entrances.

BY-ELECTION DAY

22. *Are there any restrictions prohibiting political activities near a voting place on By-Election Day?*

Yes. No person except an Election Official is permitted to distribute a circular, card or other paper referring to an election within 50 metres of the voting place.

Similarly, no person shall post or authorize the posting of a sign, poster or placard referring to an election within a building or within 50 metres of the entrance to a building, except Election Officials.

23. *Is a scrutineer allowed to wear a badge indicating the candidate for whom the person represents?*

A scrutineer may wear a badge or ribbon that indicates (by colour only) the candidate for whom the person is a scrutineer. However, even in this instance, the badge or ribbon may not indicate the name (or initials) of the candidate.

24. *How many scrutineers can a candidate have?*

Two scrutineers per candidate are allowed at each voting station. Each voting place may have more than one voting station.

25. *Can a candidate appoint scrutineers on a shift basis?*

Yes. Provided the candidate has authorized each relief scrutineer with proper written authorization (Scrutineer Appointment Form). The name of each scrutineer must be recorded in the voting record for each voting station.

26. *If a candidate has only one scrutineer at a voting place, and there is more than one voting station at that voting place, does the candidate have to provide the scrutineer with an authorization form for each voting station at that voting place?*

No. However, upon attendance at a voting place, each scrutineer must take an oath that he/she will uphold the rights of voters and shall preserve the secrecy of the vote, and sign the Record of Scrutineers contained in the voting record for each voting station he/she attends.

27. *Can a candidate act as a scrutineer?*

Yes. While a candidate is permitted to act as a scrutineer, it is important that the candidate's role be confined only to this function. Greeting voters at the door, socializing in the voting place, or passing out campaign material is not allowed. If a candidate engages in these activities, he/she will be instructed by the Senior Election Officer to cease and desist the activity.

28. Where may I obtain forms for appointment of scrutineers?

A supply of Scrutineer Appointment forms will be provided to each candidate upon filing their Notice of Registration, and are available on the web site www.winnipeg.ca/2009byelection.

29. Is there a blackout period for campaign advertising?

No. Changes to *The Broadcast Act* in 1991 eliminated the blackout period for political advertising.

30. Where do I report signage infractions?

All signage infractions (i.e. signage posted within the 50 metre restriction), whether on By-Election Day or during Advance Voting, should be reported by calling 311 to reach the City of Winnipeg's Contact Centre.

VOTING

31. Who can vote?

RESIDENTS: A person who is a resident of the River Heights-Fort Garry Ward on By-Election Day is eligible to vote if he/she:

- is a Canadian Citizen
- is 18 years of age or older on By-Election Day
- has been an actual resident of the City of Winnipeg for a period of at least six months on the day of the By-Election (since September 17, 2008).

The following determines the residency of a person:

- is a resident of the place where he/she has his/her ordinary residence, and to which he/she intends to return when away from it
- may be a resident of only one place at a time
- does not change residence until he/she has a new residence.

NON-RESIDENTS: A person who is not a resident of The City of Winnipeg is eligible to vote if he/she:

- is a Canadian citizen
- is 18 years of age or older on By-Election Day
- has been a registered owner of land in the City of Winnipeg as listed in The City of Winnipeg Assessment Roll, for a period of six months on the day of the By-Election (since September 17, 2008)
- is a registered owner of land in the City of Winnipeg as listed in The City of Winnipeg Assessment Roll in the River Heights-Fort Garry Ward on By-Election Day.

If three or more non-resident persons are registered owners of a parcel of land,

- no more than two of them are eligible to vote
- in order to be included on the Voters List, each of those two persons must file with the Senior Election Official the written consent of the number of persons who, together with the person to be included on the Voters List, are a majority of the registered owners of the land.

32. *My name does not appear on the Voters List. Can I still vote?*

Yes, providing you meet the eligibility of a voter. You will be required to present identification (photo ID if available) and take an Oath prior to voting at the voting place where you are entitled to vote. Please ensure you bring appropriate identification (photo ID if available).

To find out which voting place you should attend, please call 311 to reach the City of Winnipeg's Contact Centre or visit the web site www.winnipeg.ca/2009byelection.

33. *I have changed my address within the past six months to another area in the City of Winnipeg. Can I vote and, if so, where?*

Yes, providing you meet the eligibility of a voter, but you must vote at the voting place in the area which you now reside. To find out your voting place, please call 311 to reach the City of Winnipeg's Contact Centre or visit the web site www.winnipeg.ca/2009byelection.

34. *I did not receive a Voters Notice in the mail. Does this mean I cannot vote?*

A Voters Notice is not necessary in order for you to vote, providing you meet the eligibility of a voter.

If your name is not on the Voters List, you will be required to present identification (photo ID if available) and take an Oath prior to voting at the voting place where you are entitled to vote. Please ensure you bring appropriate identification (photo ID if available). To find out your voting place, please call 311 to reach the City of Winnipeg's Contact Centre or visit the web site www.winnipeg.ca/2009byelection.

35. *My (wife, husband, son, daughter, neighbour, etc.) received a Voters Notice, but I did not. Why not?*

Voters Notices are not always delivered the same day, and the notice may yet arrive within the next day or two. Voters Notices are not required in order to vote.

36. *A Voters Notice addressed to me at my former address has been forwarded to me. Do I still vote at the voting place shown on the card?*

No. You must vote at the voting place where you presently reside, and at the voting station where you are entitled to vote. To find out your voting place, please call 311 to reach the City of Winnipeg's Contact Centre or visit the web site www.winnipeg.ca/2009byelection.

37. *Where do I vote if I don't live in Winnipeg but own more than one piece of property in the River Heights-Fort Garry Ward.*

Providing you meet the eligibility of a non-resident voter, you may vote only once, and must do so at the voting place where you are listed as a voter.

Refer to your Voters Notice for your designated voting place and hours of voting, or call 311 to reach the City of Winnipeg's Contact Centre.

38. *Where do I vote if I own property in the River Heights-Fort Garry Ward, but actually reside in another?*

The property ownership eligibility only applies if your residence is outside the City of Winnipeg. If you live in the City of Winnipeg, you are only eligible to vote if you reside in the River Heights-Fort Garry Ward, regardless of any property ownership.

39. How do I know that my ballot has been counted by the voting machine?

After a voter has voted, the ballot is placed into the optical scanning machine, at which time the voter will hear the processing, and can see the number count increase by one.

40. Will the optical scanning device read a spoiled ballot?

The optical scanning device will return a spoiled ballot to the voter; the voter then has the option of recasting his/her vote. If a voter does not wish to recast his/her vote, the ballot will be inserted into the scanning device.

41. Can I get time off work to vote?

In civic elections, there is no requirement to provide a minimum amount of time for employees to vote. Employees should be advised that if their work schedule does not permit adequate time for them to vote on By-Election Day, they should take advantage of Advance Voting opportunities or voting by Sealed Envelope Ballot.

ADVANCE VOTING

42. When will Advance Voting be held?

Advance Voting will be held for all eligible voters on the following dates:

Thursday, March 5	1:00 p.m. - 6:00 p.m.
Friday, March 6	1:00 p.m. - 6:00 p.m.
Saturday, March 7	8:00 a.m. - 8:00 p.m.

All voting places are accessible to persons with disabilities

The Senior Election Official will also provide additional advance voting opportunities for voters in seniors' residences and personal care homes on Tuesday, March 10, Wednesday, March 11, Thursday, March 12 and Friday, March 13, 2009.

For more information on Advance Voting places, dates and times, please call 311 to reach the City of Winnipeg's Contact Centre or visit the web site www.winnipeg.ca/2009byelection.

43. Who can vote at Advance Voting?

Any eligible voter can vote in advance.

44. I will be out of the City during the Advance Voting and on By-Election Day. Is there any other way I can vote?

A voter may apply to vote by Sealed Envelope Ballot. The application must be made in writing to the Senior Election Official, Main Floor, Council Building, 510 Main Street, and must provide the reason for the request. The application may be made either:-

- by mail and forwarded to the Senior Election Official, Main Floor, Council Building, 510 Main Street, commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
- by fax at 204-947-3452 commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
-
- by e-mail to elections@winnipeg.ca commencing Friday, January 30, 2009 and ending Friday, March 13, 2009, 4:30 p.m.
- in person by attending the City Clerk's Department, Council Building, 510 Main Street, commencing Tuesday, February 17, 2009 ending Friday, March 13, 2009, 4:30 p.m.

A voter making application in person will be provided with a Sealed Envelope Ballot package once the application is approved.

Persons applying by mail, e-mail or fax by Thursday, March 5, 2009 will be forwarded a Sealed Envelope Ballot package by mail. Persons applying by mail, e-mail or fax between Friday, March 6, 2009 and Friday, March 13, 2009, may make alternate arrangements to have the Sealed Envelope Ballot package delivered to him or her.

The voter must return the ballot to the Senior Election Official, Main Floor, Council Building, 510 Main Street, PRIOR TO the close of voting at 8:00 p.m. on Tuesday, March 17, 2009, By-Election Day.



River Heights-Fort Garry Ward Map



Quartier River Heights - Fort Garry Ward



Extract from The Neighbourhood Liveability By-law No. 1/2008

STREETS	LENGTH
Bishop Grandin Boulevard	Between Kenaston Boulevard and Lagimodiere Boulevard
Bison Drive	Between Waverley Street and Pembina Highway
Brookside Boulevard	Entire length
Oak Point Highway	Entire length
King Edward Street	Entire length
Century Street	Entire length
St. James Bridge	Entire length
Kenaston Boulevard (ROUTE 90)	Between Inkster Boulevard and Bishop Grandin Boulevard
Chief Peguis Trail	Between Main Street and Henderson Highway
Donald Street and Midtown Bridge	Between Red River and Osborne Street
Dunkirk Drive and St. Vital Bridge	Between Red River and Fermor Avenue
Fermor Avenue	Between Dunkirk Drive and Plessis Road
Henderson Highway	Between Red River and Glenway Avenue
Lagimodiere Boulevard	Between Prairie Grove Road and North City Limit
Moray Street & Moray Bridge	Between Roblin Boulevard and Portage Avenue
Osborne Street and Osborne Bridge	Between Assiniboine River and St. Vital Bridge
Pembina Highway	Between Osborne Street and South City Limit
Portage Avenue	Between Spence Street and St. Charles Street
St. James Street	Between Portage Avenue and Wellington Avenue
Waverley Street	Between Taylor Avenue and Bison Drive
Wellington Avenue	Between James A. Richardson International Airport and St. James Street
Grant Avenue	Between Shaftesbury Boulevard and Roblin Boulevard
Main Street	Between Logan Avenue and North City Limit
St. Anne's Road	Between Fermor Avenue and St Mary's Road
St. Mary's Road	Between St. Anne's Road and Queen Elizabeth Way
Corydon Avenue/Roblin Boulevard	Between Shaftesbury Boulevard and West City Limit
boulevard Provencher	Entire length

Extract from The Winnipeg Zoning By-law No. 200/2006

182 Signs Obstructing Views

(1) No sign, including a mobile sign, may be erected, re-erected, or altered that may interfere with, obstruct the view of, or be confused with any authorized traffic signal, warning sign, or other regulatory or information device