

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 12 - 2018

BEING, a By-law to adopt a "Use of Corporate Resources During an Election Policy";

WHEREAS, Subsection 88.18 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, states, "Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period;


AND WHEREAS, the Council of the Corporation of the Municipality of West Grey deems it expedient to adopt the aforementioned policy;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:

1. The "Use of Corporate Resources During an Election Policy" is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law.
2. This By-Law shall come into force and effect on the date of final passing thereof.

READ a first and second time this 5th day of February, 2018.

READ a third time and finally passed this 5th day of February, 2018.



Kevin Eccles, Mayor



Mark Turner, Clerk



Schedule "A" – By-law Number 12 - 2018

Use of Corporate Resources During an Election Policy

Policy Statement:

The Corporation of the Municipality of West Grey and its local boards and committees are committed to ensuring accountable and transparent election practices, relating to the use of corporate resources.

Scope:

This policy applies to members of Council and its local boards and committees, Municipality and local board employees, registered election candidates (including acclaimed candidates), registered third parties, and members of the public.

Purpose:

The purpose of this Policy is to clarify that all municipal election Candidates, Members of Council, and Municipal Staff are required to follow the provisions of the Act with regard to the use of corporate resources for election purposes. Where Municipality, municipal or related terms are used, it shall also be read to include its local boards, as applicable.

This Policy also ensures that the Municipality's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.

1.0 DEFINITIONS

"Acclaimed" means a Candidate elected by acclamation pursuant to section 37 of the Act. "Act" means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.

"Campaigning" means a municipal election-related activity for the purpose of supporting or opposing the election of a Candidate or a question on the ballot, and includes, without limiting the generality of the foregoing, the distribution of materials, advertising, display of signage, etc.

"Candidate" means a person who has filed a nomination for an office pursuant to section 33 of the Act, and includes a person who has filed a nomination for election to a school board pursuant to the Education Act, R.S.O. 1990, c. E.2, as amended.

"Clerk" means the Clerk of the Municipality or his/her designate.

"Council" means the Council of the Municipality.

"Member" means a member of the Council of the Municipality.

"Municipality" means The Corporation of the Municipality of West Grey.

"Municipality resources" means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Municipality including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Municipality IT systems and resources, databases, social media, intellectual property, and supplies.

"Nomination Day" means the deadline to file a nomination, for a regular election will be the fourth Friday in July.

"Policy" means this "Use of Corporate Resources for Election Campaign Purposes Policy".

"Staff" means all full-time and part-time persons hired by the Municipality, including but not limited to the Chief Administrative Officer/Deputy Clerk, Clerk, Directors, Managers, Supervisors, Coordinators, salaried employees, union employees, administrative staff, contract and temporary students, and co-operative placement staff.

"Voting Day" means, in the case of a regular election, the fourth Monday in October in the year of the election -or- in the case of a by-election, the 45th day after Nomination Day, as noted in section 5 and subsection 65(4) of the Act.

2.0 POLICY

2.1. General Provisions:

2.1.1. In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- a) Corporate resources and funding may not be used for any election-related purposes;
- b) Staff may not canvass or actively work in support of a municipal candidate or third party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave;
- c) Municipal facilities/property may not be used for any election related purposes, which includes displaying of any campaign related signs or materials on such premises unless all candidates are afforded the same opportunity.

2.2 Specific Regulations:

2.2.1 The following, if supplied by the Municipality, shall be discontinued for all members of Council throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election:

- a) All forms of advertising, including advertising in municipal publications;
- b) All printing, high speed photocopying and distribution, including printing and general distribution and display of newsletters unless so directed and approved by Council;
- c) The ordering of any stationery or office supplies or furnishings unless approved by the Municipal Clerk;
- d) Links to Council member-related web sites or social media links;
- e) The posting of information relating to the activities of Council or any member of Council on the Municipality's website, excluding the minutes of Council and committee meetings. Only the photos and contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the corporate website.

2.2.2 To avoid any confusion with any website or social media accounts used for Council work, members of Council who choose to create or use their own websites or social media accounts shall throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election:

- a) Include a clear statement, easily found and readable, on each website or social media account's home page indicating that the account is being used either solely for Council work, for both Council work and election campaign purposes, or solely for election campaign purposes;
- b) Include the statement in clause a) for as long as the website or account is accessible by the public.

2.2.3 Members of Council shall not:

- a) Print or distribute any material paid for by municipal funds that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office;
- b) Profile (name or photograph), or make reference to, in any material paid for by municipal funds, any individual who is registered as a candidate in any election;
- c) Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs, or identifies registered candidates for municipal elections;
- d) Use the corporate website, domain names, other corporate systems, the municipal crest or logo for campaigning/advertising or as a substitute to distributing newsletters or flyers throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day;

- e) Use the Municipality's voicemail system to record election-related messages;
- f) Use the Municipality's computer network (including the Municipality's email system) for election-related correspondence;
- g) Use any photographs produced for and owned by the Municipality or any photos taken utilizing municipal equipment or sent through municipal email accounts for any election-related purposes;
- h) Use municipal property or staff in any campaign photos or images unless all candidates are afforded the same opportunity. Photos/images of external municipal facilities are permitted. Photos/images of internal municipal facilities are not permitted;
- i) Use any corporate facility/property for any election-related purpose unless a market value rental fee has been established corporately and the rental of such is available to all candidates and third parties. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, candidates, third parties, or the public during any day that voting is taking place on the property, including set-up, hosting, or take-down activities;
- j) Benefit from the use of any corporate pricing established under the Municipality's purchasing policy;
- k) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any candidate, third party or any position related to any questions which may be authorized to be placed on the ballot.

2.2.4 Clauses d) g) h) i) above shall also apply to registered candidates, third parties and the public.

3.0 Staff Involvement

3.1 Staff, are discouraged from assisting with or any involvement in municipal election campaigns, including posting election signs on their property, phone and e-mail solicitations, signing nomination papers, distribution of brochures and wearing candidate buttons; due to a perceived conflict of interest.

3.2 Staff, including full time, part time and contract employees shall:

- a) Behave in a manner that is impartial, fair and unbiased toward all registered candidates and third parties;
- b) Consult with their direct Supervisor prior to agreeing to perform any task requested by a member of Council, registered candidate, or third party that exceeds their normal duties or could be construed as contributing to an election campaign;
- c) Not rent any corporate facility/property for any municipal election-related purpose to members of Council, candidates, third parties, or the public during any day that voting is taking

place anywhere on the property, including set-up, hosting, or take-down activities;

- d) Take care to separate personal activities from their official positions and shall not canvass or actively work in support of a municipal candidate or third party during normal working hours unless on a leave of absence without pay, lieu time, float day or vacation leave;
- e) Request and obtain a leave of absence without pay should they wish to run for federal, provincial or municipal office and abide by the respective legislation governing such elections.

3.3 Staff may be involved in provincial and federal campaigns as long as this involvement does not affect the objectivity with which they must discharge their duties as a representative of the Municipality.

4.0 POLICY MANAGEMENT

4.1 Staff are authorized and directed to take the necessary action to give effect to this policy.

4.2 The Integrity Commissioner, once appointed, may at any time be consulted by members of Council with regard to complying with any part of this policy and will be responsible for enforcement of this policy through Council's Code of Conduct.

4.3 Nothing in this policy shall preclude a member of Council from performing their duties as a Councillor, nor inhibit them from representing their constituents.

4.4 The Clerk is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of the Clerk, the amendments do not change the intent of the policy during an election period.