
STAFF REPORT TO COUNCIL

FROM Brian Tocheri, CAO/Clerk
DATE January 17, 2022
REPORT CAO-01-22
SUBJECT Use of Corporate Resources for Election Campaign Purposes Policy

RECOMMENDATION

1. That Report CAO-01-22 Use of Corporate Resources for Election Campaign Purposes Policy be received; and
2. That council approve the attached policy with amendments.

BACKGROUND

The *Municipal Elections Modernization Act, 2016* made changes to the *Municipal Elections Act, 1996* (the *Act*). Municipalities are now required to set out policies on the use of municipal resources during an election.

DISCUSSION

Section 88.18 of the *Act* states that “*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 elections campaign period.*”

The attached Policy #ADM-015 Use of Corporate Resources for Election Campaign Purposes clarifies 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. This policy also ensures that the Town’s operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes or activities.

The proposed policy would meet the requirements of Section 88.18 of the *Act*.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report or the proposed policy.

Respectfully submitted,



Brian Tocheri
CAO/Clerk

SECTION: Administration	POLICY #: ADM-015
Date Approved:	Use of Corporate Resources for Election Campaign Purposes
Revision Date: January 17, 2022	Review Date:
Authority: Report CAO-17-17 and Report CAO-01-22	

1.0 PURPOSE

The purpose of this policy is to clarify that all municipal election Candidates, Members of Council, and Town Staff are required to follow the provisions of the *Act* with regard to the use of corporate resources for election purposes. This policy also ensures that the Town's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes or activities.

2.0 SCOPE

This policy applies to all Town Staff, all Municipal Election Candidates (whether for Council or for School Trustee), any Acclaimed Candidate, and Members of Council (including a member not seeking re-election) and **Third Party Advertisers**.

3.0 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, Chapter 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, Chapter E.2, as amended.

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

"Council" means the Council of the Town.

"Member" means a member of the Council of the Town, and includes the Mayor of the Town.

"Nomination Day" means, in the case of a regular election, the **third Friday in August** ~~fourth Friday in July~~ in the year of the election pursuant to section 31 of the *Act*, or in the case of a by-election as noted in subsection 65(4) of the *Act*.

"Policy" means this Use of Corporate Resources for Election Campaign Purposes – Policy ADM-015.

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

“Third Party Advertiser” means an individual, corporation or trade union that promotes, supports or opposes a candidate or a “yes” or “no” vote related to a question on the ballot in accordance with the *Municipal Elections Act, 1996*, as amended.

“Town” means The Corporation of the Town of Hanover.

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

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

4.0 POLICY

4.1 CAMPAIGNING – GENERAL

- a) No person shall use Town resources for campaigning.
- b) Notwithstanding subsection 4.1(a), “All Candidates” meetings may be held in a Town facility at the discretion of the Clerk, subject to the usual rental charges and permit procedures for such use and provided that subsection 4.1(d) is adhered to.
- c) Notwithstanding subsection 4.1(a), campaigning on public walkways, thoroughfares, and rights-of-way are permitted, provided that all campaigning is in compliance with Town by-laws.
- d) No campaign signs or material may be displayed in any Town owned or operated facilities.
- e) Campaigning shall not be permitted at any Town operated events **whether on municipal property or not**, e.g., Canada Day celebrations. ~~Sights & Sounds Festival~~
- f) No person shall use the services of staff for campaigning during normal working hours of such staff, unless such staff are on a leave of absence without pay, lieu time, float day, maternity/parental leave, or vacation leave.
- g) In any material printed, distributed, or paid for by the Town, a candidate is not permitted to:
 - i. illustrate that an individual is a candidate;
 - ii. identify where they or any other individual will be running for office; or
 - iii. profile or make reference to a candidate.
- h) Websites or domain names that are funded, owned, or operated by the Town shall not include any campaigning, other than non-partisan election information material that is required for the proper administration of the election under the *Act* and basic contact information for candidates.
- i) The Town’s voicemail system shall not be used to record campaign messages, and the Town resources comprising the computer network, e-mail, and related IT systems shall not be used for campaigning.
- j) The Town’s logo, crest, coat of arms, slogan, brand, other marks, chain of office, etc., shall not be used in any campaigning or included on any campaign related website, social media, or electronic publication.

- k) Photographs and videos produced for and owned by the Town may not be used for campaigning.
- l) As provided for in section 11 of the *Act*, the Clerk is responsible for conducting elections within the Town. Accordingly, any decision regarding the conduct of an election, including the interpretation and application of this Policy, shall fall under the authority of the Clerk.

4.2 TOWN STAFF

- a) Staff shall not use any Town resources for campaigning.
- b) Staff shall neither canvass nor actively work in support of a Candidate during normal working hours, unless such staff is on a leave of absence without pay, lieu time, float day, maternity/parental leave, or vacation leave.
- c) Staff shall neither canvass nor actively work in support of a Candidate while wearing a Town uniform, badge, crest or other item identifying them as a member of Town staff, or while using a Town owned or leased vehicle.
- d) Staff who are also relatives of any member of Council or Candidate shall not be assigned to work as Voting Clerks, Returning Officers, Deputy Returning Officers, or in any part of the voting process.
- e) Staff shall not use their official authority or influence for the purpose of interfering with or affecting the result of a municipal election or a question on the ballot, nor use their official title while participating in otherwise permissible political activities.
- f) Staff are advised to be especially mindful of public perception during municipal elections, and to ensure that their activities neither conflict with nor adversely affect their duties as members of Town staff. Moreover, staff have a responsibility to ensure that public resources are not used for campaigning by any person.
- g) Any member of staff who considers being a Candidate in a municipal election should familiarize themselves with the rules set out in the *Act* and the *Education Act*, R.S.O. 1990, c. E.2, as amended.

4.3 MEMBERS OF COUNCIL

- a) A member of Council is responsible for ensuring that the content of any communication material that is printed, sponsored, hosted, or distributed by the Town at the request of such member of Council is not for campaigning.
- b) A member of Council shall not print or distribute campaign material using Town resources and/or paid for by Town funds.
- c) Office furnishings, office/desk locations, stationary, and other supplies normally provided for members of Council will remain status quo from Nomination Day until the end of the Council term. However, none of these Town resources may be used for campaigning.

5.0 LIMITATIONS

- a) Nothing in this Policy shall prohibit a member of Council from performing his/her job as a member of Council, nor impede them from representing the interests of his/her constituents.
- b) Nothing in this Policy shall preclude a Staff member from exercising his/her civic right and duty to participate in the municipal election process as a private citizen.
- c) Nothing in this Policy shall prevent Staff from conducting an election in accordance with the *Act*, or providing non-partisan election information material on behalf of the Town so as to inform the public about the election and the election process.