

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2018-021

BEING a by-law to adopt a Use of Corporate Resources During an Election Policy for the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Elections Act, 1996*, s. 88(18) requires Council to establish rules and procedures with respect to the use of municipal or board resources;

AND WHEREAS Council of the Township of South Stormont deems it advisable to adopt a Use of Corporate Resources During an Election Policy.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That the Use of Corporate Resources During an Election Policy, attached hereto as Schedule "A", be adopted effective March 28, 2018.
2. Any other by-laws inconsistent with this by-law are hereby repealed.

READ AND PASSED in open Council, signed and sealed this 28th day of March, 2018.



Mayor



Clerk



TOWNSHIP OF SOUTH STORMONT

Title: Use of Corporate Resources During an Election Policy
Schedule "A" to By-law No. 2018-021

Department: Corporate Services

Date: March 28, 2018

Policy Statement:

The Township of South Stormont and its local boards 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, Municipal 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 parties are required to follow the provisions of the Act about the use of Corporate Resources for election purposes. Where Municipal, municipality 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 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.

Corporate 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, Municipal information technology systems and resources, databases, social media, intellectual property, and supplies.

Council means the Council of the Municipality.

Member means a member of the Council of the Municipality and includes the Mayor of the Municipality.

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

Staff means all full-time and part-time persons hired by the Municipality, including but not limited to the Chief Administrative Officer, Directors, Supervisors, Coordinators, salaried employees, administrative staff, contract and temporary employees and students.

Municipality means The Corporation of the Township of South Stormont.

Registered Third Party (Third Party Advertiser) - means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

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 Municipal Elections Act, 1996, as amended.

Voting Place means the location, both convenient and accessible to the electors, for the purpose of casting a ballot as established by the Clerk.

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 campaign related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office;
- 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 campaign 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 a municipal election year until Voting Day, or in the case of a municipal by-election, for the period 60 day days in advance of Voting Day:

- a) All forms of advertising, including advertising in Municipal publications;
- b) All printing, 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 Clerk;
- d) Links to Council Member-related websites or social media links;
- e) The posting of information relating the activities of Council or any member of Council on the Municipal 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 Municipality's website.

2.2.2 To avoid any confusion with any website or social media accounts used for Council work, Members of Council who create or use their own websites or social media accounts shall, from May 1st of a municipal election year until Voting Day, or in the case of a municipal by-election, for the period 60 day days in advance of Voting Day:

- 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; and
- 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, Candidates and Third Party Advertisers (as applicable) shall not:

- a) Print or distribute any material using Municipal funds that refers to, or contains the names, photographs, or identifies registered Candidates for Municipal elections;

- b) Use the Municipality's website, domain names, other Municipal systems, the Municipal logo for campaigning/advertising or as a substitute to distributing newsletters or flyers throughout the period from May 1st of a Municipal election year until Voting Day, or in the case of a Municipal by-election, for the period 60 day days in advance of Voting Day;
- c) Use the Municipality's voicemail system to record campaign related messages;
- d) Use the Municipality's computer network (including the Municipal email system) for campaign related correspondence;
- e) 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 campaign related purposes;
- f) Use Municipal property or staff in any campaign photos or images unless all Candidates are afforded the same opportunity;
- g) Use any Municipal facility/property or Voting Place location for any campaign related purpose unless the rental fee is paid and the rental of such location is available to all Candidates and Third Party Advertiser.

Notwithstanding the foregoing, no facility/property or Voting Place location shall be rented or used for any Municipal campaign related purpose by Members of Council, Candidates, Third Party Advertiser, or the public while voting is taking place on the property. This includes the time for set-up, hosting, or take-down activities; or

- h) Benefit from the use of any Municipal pricing established under the Municipality's purchasing policy.

3.0 STAFF INVOLVEMENT

3.1 Staff, are discouraged from assisting with or have any involvement in Municipal election campaigns, including posting election signs on their property, phone and email solicitations, signing nomination papers, distribution of brochures and wearing candidate buttons. This is 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, Candidate, or Third Party Advertiser that exceeds their normal duties or could be construed as contributing to an election campaign;
- c) Not rent any Municipal facility/property for any Municipal campaign related purpose to Members of Council, Candidates, Third Party Advertiser, or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities; and
- d) Take care to separate personal activities from their official positions and shall not canvass or actively work in support of a Candidate or

Third Party Advertiser during normal working hours unless on a leave of absence without pay, lieu time, float day or vacation leave.

4.0 POLICY MANAGEMENT

- 4.1 Staff are authorized and directed to take the necessary action to give effect to this policy.
- 4.2 Enforcement of this policy is provided through the Municipal Elections Act, 1996.
- 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.

5.0 LIMITATION

Nothing in this Policy shall preclude a Member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents who elected them.

Drafted By: Loriann Harbers Director of Corporate Services/Clerk	Last Revision Date:	Approved Date:	Signature:
	March 28, 2018	March 28, 2018	