

Overview:

At the meeting held on February 20, 2018, Council passed the following Resolution regarding a draft Use of Corporate Resources for Election Purposes.

Resolution Number 74-2018

Moved by: Deputy Mayor Moher

Seconded by: Councillor Landsmann

That the Draft Policy regarding the use of corporate resources for election purposes be brought back to a future meeting to allow time to address concerns that were raised.

Carried

In preparing the first draft as well as the second draft of the Use of Corporate Resources for Election Purposes, I reviewed policies from other municipalities. A policy is a requirement under Section 88.18 of the *Municipal Elections Act, 1996, as amended*, and it needs to conform with Sections 88.8 (4) and 88.12 (4) of the *Municipal Elections Act, 1996, as amended*, that state that a municipality shall not make a contribution to candidates or registered third parties.

Conclusion:

Attached please find a draft Use of Corporate Resources for Election Purposes outlining that no municipal resources (including employees) can be used for any election related purposes. This policy meets the requirements of Section 88.18, 88.8 and 88.12 of the *Municipal Elections Act, 1996, as amended*.

In hearing the concerns that were brought forward at the meeting on February 20, 2018, I have made the following changes:

- Added Administration section – this section outlines that the clerk is responsible for the administration/implementation of the policy. Any questions regarding the implementation of the policy should be directed to the clerk.
- **changed 'Corporate' to 'Municipal' to provide clarification and consistency** throughout the draft policy
- 1b. – added "or municipal property" to provide clarification
- 1c. – changed 'provided' to 'owned' to provide clarification
- 1e. – **changed 'Election Day' to 'the day after Election Day' for clarification**

I did not make any other changes to this section as a change was made in Section 1b. to specify that it also covers municipal property.

This section may come across to some as being too restrictive, however the *Municipal Elections Act, 1996, as amended*, does not permit any corporate resources to be used by candidates or registered third parties. This means that no municipal resources can be used to assist candidates or registered third parties. An example of something from past elections that was prohibited during

the nomination period was the appearance of “Council Corner” in The Dummer News and on the Township’s website.

- 1g. – changed ‘January’ to ‘May’ to align with the start of the nomination period. I did not change other parts of this section as it specifically states that “biographical information” shall be removed from the Township’s website. The contact information that is on the website would not be removed.

Recommendation:

That the report to Council, dated March 23, 2018 regarding Use of Corporate Resources for Election Purposes Policy be received and that it be adopted as Policy C-6.

Financial Impact: N/A

Strategic Plan Applicability:

Mission Statement: The Township of Douro Dummer is committed to providing a high level of effective and efficient service throughout our municipality. We promise open responsible leadership, enhancing the quality of life, and building for the future while respecting our heritage.

Sustainability Plan Applicability: N/A

Original Signed by:
Crystal McMillan, CMO
Clerk/Planning Coordinator

Original Signed by:
David Clifford, CMO
C.A.O.

Use of Corporate Resources for Election Purposes Policy

Approved By: Council
Approval Date:
Effective Date:
Revision Date:

Policy Statement

To provide direction to Members of Council, registered third parties and Township staff on the administration of Corporate resources with respect to election-related matters.

Purpose:

The Municipal Elections Act, 1996, as amended, requires municipalities to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

The purpose of this policy is to clarify that all election candidates, including Members of Council and registered third parties are required to follow the provisions of the Municipal Elections Act, 1996, as amended, as public funds are not to be used for any election-related purposes, including the promotion of/or opposition to the candidacy of a person for elected office and that:

- No candidate or registered third parties shall use the facilities, equipment (including computer hardware and software), supplies, services, staff, staff offices or other resources of the Municipality (including Councillor newsletters and Councillor budgets) for any election campaign or campaign related activities.
- No candidate or registered third parties shall undertake campaign-related activities on municipal property, with the exception of participation in campaign related events made available to all Candidates that may be held in Municipal Facilities (ie. All Candidates Meeting).

Rental of municipal facilities by a candidate or a candidate's representative is not permitted for a municipal election, save and except for:

- Training offered to all candidates;
- An all candidates meeting that is organized/hosted by someone/a group other than a candidate or a candidate's representative and

all candidates are invited to attend. Please note that the Municipal Elections Act, 1996, as amended, does not require candidate debates to be held and that the clerk is not responsible for organizing them.

- No candidate or registered third parties shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

Application: This policy is applicable to all Municipal Candidates, Members of Council, Municipal Employees and registered third parties. This policy shall be in effect during all municipal election campaign periods, including by-elections. This policy also applies to an acclaimed Member or a Member not seeking re-election.

Administration:

This Policy shall be administered/implemented by the Clerk. Procedures may be defined, and amended from time to time, by the Clerk to address specific implementation of this Policy.

All questions, or concerns with respect to this Policy should be directed to the Clerk.

Definitions:

“Corporate Resources” shall mean the Township of Douro-Dummer’s employees, events, services, facilities, supplies, funds, information and assets.

Exclusions:

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.

References & Related Policies:

- Municipal Act, 2001, as amended
- Municipal Elections Act, 1996, as amended

Consequences of Non-Compliance:

Should a written complaint be received alleging contravention to this policy, the Clerk or his/her designate, shall have the delegated authority to investigate it. If a breach of this policy is confirmed, the person shall be required to personally repay any of the costs associated with the breach.

Review Cycle: This policy will be reviewed on an as needed basis.

Policy Application

1. That, in accordance with the provisions of the Municipal Elections Act, 1996, as amended:
 - a. **Municipal** resources and funding shall not be used for any election-related purposes;
 - b. No candidate or registered third parties shall utilize municipal staff **or municipal property** for election purposes or to canvass or actively work in support of a municipal candidate or party;
 - c. Members of Council shall not use the Council Office, or any municipally-**owned** facilities for any election-related purposes, which includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office;
 - d. No candidate or registered third parties shall display campaign related signs or materials in their motor vehicle while it is parked on municipal property;
 - e. The following shall be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to **the day after** Election Day except as required to perform their regular duties as a Member of Council:
 - i. all forms of notices, advertisements and communications to ratepayers in municipal publications;
 - ii. all printing, photocopying and distribution, including printing and general distribution of **municipal** newsletters;
 - iii. the ordering of **municipal** office furniture and furnishings, except those of an emergency nature, as well as no movement of **municipal** furniture and furnishings; and
 - iv. the ordering of **municipal** stationery (including letterhead, business cards, name tags etc..);
 - f. Members of Council shall not:
 - i. print or distribute any material paid 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;

- ii. profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election;
- iii. print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that minutes of Municipal Council and Committee meetings be exempt from this policy.

- g. Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality for the operation of the Municipality is not directly election-related;

Websites or domain names that are funded by the Municipality shall not include any election-related campaign material, but may include contact information for each candidate (ie. address, phone number, email address etc...);

At the beginning of May of the year of an election year, individual **Councillor's biographical information shall be removed from the Township's website.**

- h. Members of Council **shall not use the Municipality's voice mail system to record election related messages and shall not utilize the Municipality's email address for election related messages;**

2. Township Staff:

- a. Staff may supply department specific information and services to candidates and registered third parties in the same manner as would be available to the public.
- b. As outlined in all employee's Code of Conduct, all employees shall refrain from direct involvement in a local government political campaign in the municipality where they are employed.