

Municipality of West Elgin

Schedule “A” to By-Law #2022-08

Policy CO 2.1

Use of Corporate Resources During an Election Policy

Effective Date: March 1, 2022

Review Date:

Policy Statement

The Corporation of the Municipality of West Elgin 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, Municipalities 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 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 of West Elgin.

“Member” means a member of the Council of the Municipality of West Elgin and includes the Mayor of the Municipality.

“Municipality” means the Municipality of West Elgin

“Municipal 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 IT systems and resources, databases, social media, intellectual property, and supplies.

“Nomination Day” means the deadline to file a nomination pursuant to section 31 of the Act. “Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended, the third Friday in August in the year of the Election.

“Policy” means this Use of Corporate Resources for Election Campaign Purposes – Policy CO 2.1.

“Staff” means all full-time and part-time persons hired by the Municipality, including but not limited to the Chief Administrative Officer, Managers, Supervisors, salaried employees, hourly employees, administrative staff, and contract, temporary, student, secondment, 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.

2.2 Specific Regulations:

2.1.1. The following, if supplied by the Municipality, shall be discontinued for all members of Council throughout the period from January 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) The posting of information relating the activities of Council or any member of Council on the municipality's website, excluding the minutes of Council and committee meetings and Council Highlights after a Council Meeting;
- b) 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 website or social media accounts shall, throughout the period of January 1 of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period of 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) Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs or identifies

- registered candidates for municipal elections;
- c) Use the corporate website, domain names, other corporate systems including Municipal email addresses, the Municipal Logo for campaigning/advertising or as a substitute to distributing newsletters or flyers throughout the period of January 1 of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period of 60 days prior to and inclusive of Voting Day;
- d) Use the Municipal computer network (including Municipal email system) for election-related correspondence;
- e) Use municipal property or staff in any campaign photos or images. Photos/images of external Municipal facilities are permitted, internal images/photos are not permitted;
- f) Use of 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 the day that voting is taking place on the property, including set up, hosting or take-down activities.

3.0 Staff Involvement

- 3.1 Staff, are discourage from assisting with or 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; 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) Take care to separate personal activities from their official positions and shall not actively canvass or actively work in support of a municipal candidate or third party during normal working hours unless on leave of absence without pay, lieu time, or vacation leave;

- 3.3 Staff may be involved in provincial or 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

In accordance with the *Municipal Elections Act*, 1996 the Clerk and authorized designate(s) are responsible for the administration of these rules and procedures.

5.0 Limitation

Nothing in this Policy shall preclude any member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the residents of West Elgin.