

The Township of Cavan Monaghan

By-law No. 2022-20

**Being a by-law a establish a policy for the Use of Corporate Resources
for Election Purposes**

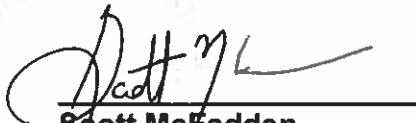
Whereas under the Municipal Elections Act, 1996, S.O. 1996, c. 32 Section 88.18 a municipality shall establish rules and procedures with respect to the use of municipal resources during an election campaign period.

Whereas the Council for the Township of Cavan Monaghan deems it advisable to adopt a policy regarding the Use of Corporate Resources for Election Purposes;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the Use of Corporate Resources for Election Purposes policy, attached as Schedule "A", is hereby adopted; and
2. That this By-law shall come into full force and effect on the date of passing.

Read a first, second and third time and passed this 19th day of April 2022.



Scott McFadden
Mayor



Cindy Page
Clerk



Use of Corporate Resources for Election Purposes

Policy Title:	Use of Corporate Resources for Election Purposes	Policy Number	2022-01
Effective Date:	April 19, 2022	Revision Number: Replaces:	New Policy
Prepared By:	Corporate Services	Approved By:	Council

Use of Corporate Resources for Election Purposes

Policy Statement:

The purpose of this policy is to provide direction to all Election Candidates, Third Party Advertisers, including members of Township Council and Staff on the administration of Corporate Resources and members' budgets with respect to election related matters.

Purpose and Procedure:

The Policy is intended to:

- Ensure compliance with the Municipal Elections Act, 1996 as amended, with respect to the role of the municipal contribution to a municipal and school board election campaign;
- Ensure that Candidates and Registered Third Parties are treated fairly and consistently within the Township of Cavan Monaghan;
- Ensure the integrity of the election process is maintained at all times;
- Establish the appropriate uses of resources during an election period, in order to:
 - i. Protect the interests the Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - ii. Ensure accountable and transparent practices.

This policy is applicable to all Members of Council, Candidates (including Candidates acclaimed) and Registered Third Parties in a municipal election, and Staff during a campaign period.

Definitions:

Campaign Period for candidates, means the date a Candidate files their Nomination Form until December 31 in the year of an election (unless a request for extension of campaign period has been filed). For Registered Third Parties, Campaign Period is the date of which the Notice of Registration as a Third Party Advertiser is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed).

Candidate means any individual who has filed a Nomination Form for an elected office including Mayor, Deputy Mayor, Councillor, School Board Trustee, or anyone acting on their behalf.

Clerk means the Clerk of the Township of Cavan Monaghan.

Council means Members of Council for the Township of Cavan Monaghan.

Election means any municipal election including by-elections.

Election Campaign Related Activities and Materials means any resources used to promote, support or oppose a Candidate or a "yes" or "no" vote related question on the ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing or other paraphernalia. Activity means any action or event by or on behalf of a Candidate or Third Party Advertiser meant to promote, support or oppose a Candidate or a "yes" or "no" vote related to a question on the ballot during the election period.

Campaign-related activities do not include the appearance of elected officials acting in their capacity of Council Member, School Board Trustee, Member of Provincial Parliament or Member of Parliament.

Election Related Purpose refers to the occurrence of a municipal election or by-election. It also includes any participation in federal and provincial elections that is partisan in nature.

Election Sign means any signage associated with municipal elections regardless of size, type, material etc.

Staff means all full-time, part-time and contract persons hired by the Township of Cavan Monaghan.

Application:

This policy is applicable to all Candidates, including Members of Township Council, Township of Cavan Monaghan Employees and registered Third Parties. This policy shall be in effect during all election campaign periods, including by-elections. This policy also applies to an acclaimed Members or a Member not seeking re-election.

Policy:

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

- a) Corporate resources, assets 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 party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave. Staff who serve as election officials before or on Election Day shall not participate in any campaign-related activities for any candidate;
- c) Candidates may not use any municipally owned facilities for any election-related purposes. Neither campaign related signs nor any other election-related material will be displayed in any municipally owned facilities;
- d) The budgets for Members of Council for the period of January 1 to Election Day in a municipal election year be restricted to 11/12th of the approved annual budget amount with the provision that subsequent to election day:
 1. New Members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
 2. Re-elected Members of Council have available to them the balance of funds remaining as of Election Day.
- e) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
 1. All printing, photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council; and
 2. The ordering of municipal office furniture and furnishings, except those of an emergency nature, as well as no movement of municipal furniture and furnishings, except those of an emergency nature; and
 3. The ordering of municipal stationery (including letterhead, business cards, name tags. etc.)
- f) Members of Council shall not:
 1. 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; and
 2. 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; and

3. Print or distribute by paper or electronically any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that the Minutes of Municipal Council and Committee meetings be exempt from this policy.
- g) Members of Council are responsible for ensuring that the content of any communication material, printed, hosted (i.e. email) or distributed by the Township of Cavan Monaghan, is not election related.
 - h) In any material printed or distributed by paper or electronically by the Township of Cavan Monaghan, candidates are not permitted to:
 1. Illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election; and
 2. Identify where they or any other individual will be running for office; or
 3. Profile or make reference to candidates in any election.
 - i) Email accounts, web sites or domain names that are funded by the Township of Cavan Monaghan may not include any election-related campaign material.
 - j) The municipality's voice mail system may not be used to record election related messages or the computer network (including the Township's email system) to distribute election related correspondence.
 - k) The municipality's logo, may not be printed or distributed on any election materials or included on any election campaign related website.
 - l) Photographs produced for and owned by the Township of Cavan Monaghan may not be used for any election purposes.
 - m) The above recommendations also apply to an acclaimed Members or a Member not seeking re-election.

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 email, 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 during regular working hours or during a Council meeting. With the exception of participation in campaign related events made available to "all" candidates that may be held in rented Municipal Facilities including green space (i.e. 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; and
- an all candidates meeting that is organized/hosted by someone or a group other than a candidate or a candidate's representative and all candidates are invited to attend.

A signed rental agreement for the use of Municipal Facilities including green space will be prepared with authorization being given to the Clerk to invite all registered Candidates.

No Candidate or Registered Third Parties shall use the services of persons during hours in which those persons receive compensation from the Township.

That in accordance with the Municipal Elections Act, 1996, as amended, the Clerk be authorized and directed to take the necessary action to give effect to this policy.

Limitation:

Nothing in this Policy shall preclude a Member of Council from performing their job, nor inhibit them from representing the interests of the constituents during their term of office.

Rationale and Legislative Authority:

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Township of Cavan Monaghan. The Municipal Elections Act 1996, as amended prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Township's resources for their election campaign would be viewed as a contribution by the Township to the Member, which is a violation of the Act.

Consequences of Non-Compliance:

Should a written complaint be received alleging contravention to this policy, the Clerk or their 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.