



CLEARVIEW

REPORT TO COUNCIL

REPORT NUMBER: LS-001-2022
DEPARTMENT: Clerk's Department/Legislative Services
MEETING DATE: January 10, 2022
SUBJECT: Municipal Election – Use of Corporate Resources Policy

RECOMMENDATION:

Be It Resolved that Council of the Township of Clearview hereby:

- 1) Receive Report LS-001-2022 (Municipal Election – Use of Corporate Resources Policy) dated January 10, 2022; and,
- 2) That Council approve the Use of Corporate Resources Policy for Municipal Elections as presented in Schedule A to this report.

BACKGROUND:

Under section 88.18 of the Municipal Elections Act, 1996 (MEA), the Township is required to establish rules and procedures with respect to the use of municipal resources during the election campaign period before May 1st of the election year. These rules are more commonly referred to as Use of Corporate Resources Policy. The Policy is to provide a consistent approach and direction regarding the use of Corporate Resources during the election campaign period in accordance with the MEA and clarify that all candidates and third parties, including Members of Council, are required to follow the provisions of the Act and the following:

- a) No Member of Council, Candidate or Registered Third Party shall use equipment, supplies, services, staff, or other corporate resources of the Municipality (including council budgets) for any election campaign or campaign related activities.
- b) No Member of Council, Candidate or Registered Third Party shall undertake campaign-related activities on municipal property (excluding provisions established in the Township of Clearview Sign By-law.)

For the 2018 Municipal and School Board Election, the Use of Corporate Resources Policy was approved by Council at the March 19, 2018 meeting. For the 2022 Election, the policy from 2018 was reviewed and updates were made to it for compliance with changes under the MEA.

COMMENTS AND ANALYSIS:

Attached as Schedule A is the Use of Corporate Resources for Municipal Elections Policy that staff are recommending for approval for the 2022 Election. As outlined above, this Policy was derived from the previous one from 2018 with updates being made.

Attached as Schedule B is the redline version of the new Policy showing the changes from 2018. Of specific note, the 2022 Policy has added more information on what the policy is intended to do and has included reference to Registered Third Parties who along with Candidates and Members of Council, are required to follow the Policy and the Municipal Elections Act. A definitions section has also been added to provide further clarity on different terms such as “corporate resources” and “campaign period”, to name a few.

Another key change to the 2022 Policy is the removal of Appendix A – Election Campaign Finances under the Municipal Elections Act. These sections that were identified in the Appendix (s.66 – s.69) were repealed in 2016 and no longer form part of the Act.

Other changes to the Policy include further clarification on resources that cannot be used during the campaign period, including Council budgets and use of facilities for campaign purposes. The requirements within this Policy are common amongst Ontario municipalities.

CLEARVIEW STRATEGIC PLAN:

Governance – Enhance Council Engagement

COMMUNICATION PLAN:

This policy will be placed on the municipal website and in all Candidate and Third Party Advertiser information packages.

FINANCIAL IMPACT:

There is no financial impact as a result of this report.

REPORT SCHEDULES:

Schedule A – Use of Corporate Resources for Municipal Elections Policy

Schedule B – Redline version Use of Corporate Resources Policy

PREPARED BY:

Sasha Helmkey, B.A., Dipl. M.A.
Clerk/Director of Legislative Services

REVIEWED BY:

John Ferguson, CAO



Use of Corporate Resources Policy For Municipal Elections

Origin Department:	Clerks Department	Policy Code:	A09-CLK
Approval Date:	January 10, 2022	Approved by:	Council
Next Review:	Election cycle	Revision Date:	Not applicable

Policy Statement

The Corporation of The Township of Clearview recognizes that it is responsible to ensure fair treatment of all candidates running for office and to clarify the use of corporate resources in the election.

This Policy is intended to:

- a) ensure compliance with the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, with respect to the role of the Township contribution to a municipal and trustee election campaign.
- b) ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality.
- c) ensure the integrity of the election process is always maintained.
- d) establish the appropriate use of resources during an election period, in order to:
 - i. protect the interests of Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - ii. ensure accountable and transparent election practices.

Purpose

The purpose of this policy is to provide a consistent approach and direction regarding the use of Corporate Resources during the election campaign period in accordance with Municipal Elections Act, 1996 and clarify that all candidates and third parties, including Members of Council, are required to follow the provisions of the Act and the following:

- a) No Member of Council, Candidate or Registered Third Party shall use equipment, supplies, services, staff, or other corporate resources of the Municipality (including council budgets) for any election campaign or campaign related activities.
- b) No Member of Council, Candidate or Registered Third Party shall undertake campaign-related activities on municipal property (excluding provisions established in the Township of Clearview Sign By-law.)

- c) No Member of Council, Candidate or Registered Third Party shall use the services of persons during hours in which those persons receive any compensation from the Municipality for campaign-related activities.

Scope

This policy applies to all Members of Council, Candidates, and Registered Third Parties in a municipal election, including by-elections, during a campaign period.

Definitions

“Act” means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.

“Campaign Period” for candidates, the date on which the Nomination Form is filed 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 on 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 or campaign period has been filed).

“Candidate” means a person who has filed a Nomination Form 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 Township of Clearview or their designate.

“Corporate 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, Township IT system and resources, databases, websites, social media, intellectual property, and supplies.

“Election Day” for a regular election is the fourth Monday in October in the year of the election, as prescribed by the Municipal Elections Act, 1996.

“Members of Council” means the Council of the Township of Clearview.

“Member” means a Member of the Council of the Township of Clearview.

“Nomination Day” for a regular election is the third Friday in August in the year of the election, as prescribed by the Municipal Elections Act, 1996.

“Policy” means this Use of Corporate Resources for Municipal Elections Policy.

“Registered Third Party” means an individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the municipal election.

“**Staff**” means all full-time, part-time and contract persons hired by the Township.

“**Township**” means The Corporation of the Township of Clearview.

“**Voting Day**” means, in a regular election, is 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 subsection 65(4) of the Municipal Elections Act, 1996.

Policy

- 1) In accordance with the provisions of the Municipal Elections Act, 1996, S.O. as amended, Members of Council, Candidates, and/or Registered Third Parties in a Campaign Period are not permitted to:
 - a) Use corporate resources, funding, supplies, services, staff, or other resources for any election-related purposes. Resources include but are not limited to:
 - Telephones, Voicemail
 - iPhone(s) or cell phone
 - Corporate electronic devices including iPad(s), tablets, and surfaces.
 - Printer
 - E-mail
 - Scanner
 - Fax Machine
 - Copier
 - Consumables related to the above equipment such as paper, toner, etc.
 - Township logo, crest, slogans, corporate program identifiers
 - b) Use staff to canvass or actively work in support of a municipal candidate or party during normal working hours unless the staff member is on a leave of absence without pay, lieu time, float day, or vacation leave;
 - c) Use corporate Information Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election related messages;
 - d) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any Candidate, Registered Third Party or any position related to any questions which may be authorized to be placed on the ballot;
 - e) Benefit from the use of any corporate pricing established under the Township’s purchasing policies and procedures;

- f) Use municipally provided facilities for any campaign related signs in the window or on the premises, as well as displaying any election-related material in a municipal administration centre or council chambers;
 - g) Use any municipally owned/provided facilities for any election-related purposes unless the facility is generally available for rent by the public and it is rented in accordance with the Township of Clearview rental procedures. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, Candidates, Registered Third Parties, or the public during any day that voting is taking place on the property, including the set-up, hosting or take-down activities;
- 2) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
- i. all forms of advertising, including in municipal publications;
 - ii. all printing services, including printing, photocopying and distribution of publications, such as newsletters, with the exception of communications specifically related to an authorized or scheduled Township event (i.e. Public Meeting);
 - iii. the ordering of stationery and business cards; and,
 - iv. the ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and,
- 3) Members of Council may not:
- i. print or distribute any material paid by municipal funds for campaigning 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 or registered third parties for municipal elections;
 - iv. Use website or domain names that are funded by the municipality to include any election-related campaign material; and,
 - v. Use the Municipality's voice mail system to record election related messages.
- 4) All the above provisions also apply to an acclaimed Member or a Member not seeking re-election.

Responsibility

The Municipal Clerk is authorized and directed to take necessary action(s) to give effect to this Policy. This Policy will be reviewed by the Clerk following each Municipal Election and will be updated in accordance with legislative requirements.

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 who elected them. It shall also not restrict any “all candidate” meetings held in a Township owned facility.

Implementation

This Policy shall become effective immediately upon approval by Council.

Authority

By signing below, the official representative validates that the policy has been approved by the appropriate Approval Authority (Council, Senior Management, Department Director).

Approval Authority Official Representative:	Mayor	Resolution / By-law # / Meeting Date:
Signature:		
Date signed:		



Use of Corporate Resources Policy For Municipal Elections

Origin Department:	Clerks Department	Policy Code:	A09-CLK
Approval Date:	January 10, 2022	Approved by:	Council
Next Review:	Election cycle	Revision Date:	Not applicable

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Date signed:		