

Subject: Policy Update – Use of Corporate Resources for Election Purposes

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0056 Clerks – Policy Update – Use of Corporate Resources for Election Purposes, for information;

AND THAT approve the revised Use of Corporate Resources for Election Purposes Policy, S201-11.

Background:

The *Municipal Elections Act, 1996*, as amended (the "Act") prohibits a municipality from making a contribution to a candidate. A contribution may take the form of money, goods or services, or any use of the corporation's resources. Therefore any use of the Town's corporate resources by a Member of Council or by a Candidate for their election campaign would be viewed as a contribution by the municipality and as such, the Town would be in violation of the Act.

Analysis:

It is important to continually review and update the Town's policies and procedures on a regular basis. In preparation for the upcoming Municipal and School Board Election, the Clerk's Department is reviewing all election-related policies and procedures with a view to improve or provide better clarification of those policies.

As such, the Clerk's Department has reviewed the Town's current Use of Corporate Resources for Election Purposes Policy. The revised policy removed date-specific references and inserted broader language, suitable for any upcoming municipal election. Additionally, new or modified definitions have been added to provide better clarity for the reader.

The revised policy will be included in the candidate information package and communicated to all registered candidates. The revised policy will also be published to the municipal website and circulated to all staff once adopted.

Financial Considerations:

There are no financial considerations.

Alternatives Reviewed:

None.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Adopting a Use of Corporate Resources for Election Purposes policy in advance of the nomination period is important to demonstrate the Town's commitment to running a fair and impartial election.

Consultation:

None.

Other Pertinent Reports/Attachments:

Revised Use of Corporate Resources for Election Purposes Policy.

Prepared and Recommended by:

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Town Clerk

Prepared and Submitted by:

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Chief Administrative Officer



Policy Name: Use of Corporate Resources for Election Purposes	Policy No: S201-11
Committee approval date:	November 20, 2017
Council approval date:	December 4, 2017
Revision date(s):	April 4, 2022
Department/Division:	Council

1. Purpose

This policy provides Town of Pelham Councillors, Candidates, Staff and Town Volunteers with guidelines on the use of Corporate Resources for election purposes to ensure compliance with the Council Code of Conduct, the *Municipal Elections Act, 1996*, (the "Act") as amended, and other applicable federal and provincial legislation. This policy should be interpreted as a general prohibition against the use of Corporate Resources for any election-related purpose.

2. Policy Statement

Members of Council are required to conduct themselves in accordance with the Act. The use of Corporate Resources, both actual municipal property and Staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Candidate's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

This policy clarifies that all election Candidates, including members of Town Council, are required to follow the provisions of the Act, and that:

- i. No Candidate shall use Town facilities, equipment, supplies, services, Staff or other resources of the Town for any election campaign or campaign-related activities;
- ii. No Candidate shall undertake campaign-related activities on Town property or at Town events; and
- iii. No Candidate shall use the services of persons during hours in which those persons receive any compensation from the Town. This policy does not preclude a Member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.



3. Definitions

- 3.1. **“Act” or “The Act”** means the *Municipal Elections Act, 1996*, as amended from time to time, and includes any regulation made thereunder.
- 3.2. **“Blackout Period”** refers to the temporary period from the day upon which a Candidate has filed their nomination up to and including Election Day, during which time certain privileges are discontinued for Members of Council, the Mayor and any Registered Candidate.
- 3.3. **“Candidate” or “Registered Candidate”** means a person who is running in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the Act.
- 3.4. **“Campaigning”** means any activity by, on behalf of, or in opposition to a Candidate, political party or ballot question during an election Campaign Period that is meant to elicit support or opposition, including display of Campaign Material.
- 3.5. **“Campaign Material”** means material in any media (i.e., print, radio, television, website and Social Media) used to promote or oppose a Candidate, political party or ballot question. Campaign Material includes, but is not limited to, banners, literature, posters, place cards/signs, buttons/pins, clothing, car wraps, etc.
- 3.6. **“Campaign Period”** commences on the date a Candidate files their nomination paper, and extends through to December 31 of the election year (45 days after voting in the case of a by-election). For a federal or provincial election, the Campaign Period begins with the issuance of the Writ through to Voting Day.
- 3.7. **“Clerk” or “Town Clerk”** means the Clerk of the Town of Pelham, or their designate.
- 3.8. **“Corporate Resources”** includes, but is not limited to, the Town of Pelham’s Employees, events, funds, information, Information Technology* (IT) Resources/application and Corporate assets.



- 3.9.** “**Election Period**” begins on the first day upon which nominations may be filed and extends through to Voting Day, the third Monday in October, during a regular election year.
- 3.10.** “**Employees**” or “**Staff**” includes full-time, part-time and contract Employees paid by the Corporation of the Town of Pelham.
- 3.11.** “**Facility**” means any property under the care and control of the Town, including property owned, leased, occupied or used by the Town, including by not limited to libraries, community centres, meeting rooms, lobbies, banquet spaces, gymnasiums, sports fields, parks, pools, arenas and associated parking areas, etc.
- 3.12.** “**Information Technology (IT) Resources**” means Town-owned or issued IT Resources, including but not limited to:
- i. Hardware such as laptops, tablets, portable and computing devices and related peripherals, and wireless communication devices (e.g., smart phones, cell phones, etc.);
 - ii. All internet and email systems, including websites or domain names that are funded by the municipality;
 - iii. Electronic data transmission equipment, devices and networks;
 - iv. Business systems and services and all Town-managed data and software (i.e., Public Service Request);
 - v. All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks, including voicemail;
 - vi. Local and network storage media used in the operation of these resources, including but not limited to, CD’s, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc.;
 - vii. Data, information and other work products such as computer programs, databases, spreadsheets, etc.; and
 - viii. This is deemed to include Town data and information accessed, stored, created, processed, transmitted or filed in a personal electronic device.
- 3.13.** “**Nomination Day**” for a regular municipal election or by-election is the date determined in accordance with the Act.



- 3.14.** “**Social Media**” means publically-available, third party-hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Examples include blogs, podcasts, Facebook, Twitter, Instagram, Bang the Table etc.
- 3.15.** “**Town**” or “**Town of Pelham**” means the Corporation of the Town of Pelham.
- 3.16.** “**Registered Third Party Advertiser**” or “**Third Party Advertiser**” means a person or entity, who is not a Candidate, who has registered with the Clerk to engage in political advertising, to support, promote or oppose a Candidate or a yes or no question on the ballot.
- 3.17.** “**Voting Day**” means:
- i. For a municipal election, the day on which the final vote is taken as the date set out in the Act; and
 - ii. For a provincial or federal election or by-election, the day set out according to the *Elections Act* (provincial) and *Canada Elections Act* (federal).

4. General Provisions

- 4.1.** That in accordance with the provisions of the Act, Corporate Resources and/or funding may not be used for any election-related purposes.
- 4.2.** Staff shall not canvas 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 or vacation leave.
- 4.3.** All Registered Candidates may not book/use any municipally-provided facilities for any election-related purposes, which includes Campaigning, the displaying of any campaign-related signs in the window or on the premises, as well as displaying any election-related material in any municipal office, Municipal Transit vehicles or on the municipal website, or conduct any campaign-related activities during municipally-sponsored events or meetings. Campaigning or campaign booths are not permitted at Town Events. For clarity this includes any Town of Pelham event held on or off



Town property.

- 4.4.** The following shall be discontinued for all Members of Council and Registered Candidates or Third Party Advertisers during the Blackout Period:
- i. Advertising in municipal publications or on municipally-owned property;
 - ii. All printing, photocopying and distribution, unless so directed and approved by Council;
 - iii. Use of the Public Service Request (PSR) platform to enter requests on behalf of any resident; and
 - iv. Contacting municipal Staff to request attention to a matter raised by a constituent during a campaign-related event, including door-to-door Campaigning.
- 4.5.** 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 (Minutes of Municipal Council and Committee meetings are exempt from this policy);
 - iv. Enter into joint ventures using municipal funds outside their existing wards during the Blackout Period, unless specifically approved by Council (i.e., Memorial Events). Where such an event is scheduled, Members of Council may attend to bring greetings from the Town, but Campaigning is not permitted; and
 - v. Use the Town's IT Resources, including Social Media accounts, for any election campaign or campaign-related activities.



- 4.6.** Website or domain names that are funded by the municipality may not include any election-related Campaign Material.
- 4.7.** Members of Council may not use the municipality's voicemail system to record election-related messages.
- 4.8.** The policies contained herein also apply to an acclaimed Candidate(s), a Member of Council not seeking re-election, or to a Registered Third Party.
- 4.9.** Campaign Materials are not permitted to be placed on community bulletin boards in Town libraries or other facilities, at any location marked as a voting location and may not be worn/displayed when carrying out the duties of an office, including Town Staff during working hours. Campaign Materials will be required to be removed from non-municipal voting places once advance polling or voting commences. A car "wrapped" to reference a Candidate or containing campaign signs may be covered or removed from the parking lot of the polling location, whereupon recovery will be at the expense of the Candidate.
- 4.10.** The Town's logos are registered trademarks and owned by the Town of Pelham. Use of the Town branding materials is reserved exclusively by the Town for its own use. Candidates must not, under any circumstances, use a Town logo or any variation of it on any Campaign Material, Election Sign, Social Media or campaign website.
- 4.11.** Election procedures prohibit the use of cameras inside a polling location; however, a Candidate is permitted to be photographed entering the polling location.
- 4.12.** Election signs cannot be posted on Town property and are permitted only in accordance with the Region of Niagara Sign By-Law and the Town's Sign By-law.
- 4.13.** The Clerk is authorized and directed to take the necessary action to give effect to this policy.