

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW NO. 2022-19

Being a by-law to adopt a Use of Corporate
Resources for Election Purposes Policy

WHEREAS the Province of Ontario passed the *Municipal Elections Act*, 1996, S.O. 1996, c. 32;

AND WHEREAS Section 88.18 of the *Municipal Elections Act*, 1996, as amended, requires that before May 1 in the year of a regular election, municipalities establish rules and procedures with respect to the use of municipal resources during the election campaign period;

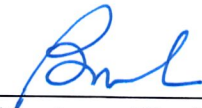
NOW THEREFORE the Council of The Corporation of the Township of Perry hereby enacts as follows:

1. That the "Use of Corporate Resources for Election Purposes" policy, attached as Schedule "A" to this by-law and forming part of this by-law, be hereby adopted.
2. That this by-law shall take effect on the date of final passing thereof.
3. That By-law 2018-13 is hereby repealed.

READ a First, Second, and Third Time and Finally Passed and Enacted in Open Council this 16th day of February, 2022.



Norm Hofstetter, Mayor



Beth Morton, Clerk-Administrator

THE CORPORATION OF THE TOWNSHIP OF PERRY

Use of Corporate Resources for Election Purposes Policy

1. PURPOSE

- 1.1 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 the *Municipal Elections Act, 1996*.

2. APPLICATION

- 2.1 This Policy applies to all Members of Council, Candidates, Registered Third Parties' in a municipal election, and Staff during a campaign period.

This Policy is intended to:

- ensure compliance with the *Municipal Elections Act, 1996*, with respect to the role of the Township contribution to a municipal and trustee election campaign;
- ensure Candidates and Registered Third Parties' are treated fairly and consistently within the Township;
- ensure the integrity of the election process is maintained at all times;
- establish the appropriate use of resources during an election period, in order to:
 - protect the interests of Members of Council, Candidates, Registered Third Parties', Staff and the Corporation; and
 - ensure accountable and transparent election practices.

3. 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, or their designate.

“Corporate Resources” means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Township including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Township IT system and resources, databases, 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 Perry.

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

“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 Election Purposes 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 Perry.

“Township Logo” means the current logo or wordmark adopted or created by the Township which may be displayed on the Township website, social media platforms, letterhead, signage or equipment/vehicles owned by the Township.

“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 Section 5 and Subsection 65(4) of the *Municipal Elections Act, 1996*.

4. POLICY

4.1 In accordance with the provisions of the *Municipal Elections Act, 1996*, Members of Council, Candidates, and /or Registered Third Parties’ in a Campaign Period are not permitted to:

- Use equipment, supplies, services, Staff, or other resources of the Township for any campaign or campaign related activities;
- Use Township funds to acquire any resources for any campaign or campaign related activities, including order of stationary and office supplies;
- Use Township facilities or property for campaign events, unless the facility or property is rented in accordance with the Township’s Rental Agreement and the appropriate rates and necessary insurance are paid by the Candidate or Registered Third Party. 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;

- Benefit from the use of any corporate pricing established under the Township's Purchasing Policy;
- Use Township funds to print or distribute any material that makes reference to, or contains the names or photographs, or identifies Candidates or Registered Third Parties';
- Use the Township logo on any election campaign related material, either printed or on a campaign website. This includes any Township municipal election logo and any related identifiers;
- 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; and
- 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;

Note: The Clerk will include the contact information for Candidates and Registered Third Parties' on the Township's website, on the "Election" page of the Township website during the Campaign Period.

4.2 The following services shall be discontinued for the Members of Council who are candidates as of the end of Nomination Day:

- all forms of advertising, including Township publications (i.e. paper or web-based);
- 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);
- the ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and
- the ordering of stationary and business cards.

4.3 Candidate, Registered Third Party and Staff Conduct

- A Member of Council attending an event as a representative of Township Council is not permitted to campaign while conducting Township business. A Member of Council may speak at an event as a representative of Township Council, but is not permitted to use the event as an opportunity to campaign;
- Candidates or Registered Third Parties' are not permitted to engage in campaign activities directed at Township Staff while those Staff are at their workplace or engaged in work for the Township; and

- Township Staff shall not perform any work in support of a Candidate or Registered Third Party during hours in which the Township Staff is receiving any compensation from the Township, except during scheduled time off (i.e. vacation, leave of absence without pay, lieu time). Township Staff shall not post or distribute campaign material on behalf of a Candidate or Registered Third Party at Township facilities or on Township property.

5. LIMITATIONS

- 5.1 It is recognized that Members of Council are holders of their office until the end of the Council term. 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.

6. ENFORCEMENT

- 6.1 Should any written complaint arise regarding the alleged use of corporate resources in contravention of this policy, the Clerk or designate, is authorized and directed to take the necessary action to give effect to this policy.

7. IMPLEMENTATION

- 7.1 This policy shall become effective immediately upon approval by the Council for the Corporation of the Township of Perry.