

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2022-018

Being a by-law to adopt policy ADMIN-02-2022 – Use of Corporate Resources During an Election.

Whereas the *Municipal Elections Act*, 1996, the *Election Finances Act*, 1990, and the *Canada Elections Act*, 2000, prohibit municipalities from making contributions to any candidate, registered third party advertiser, political party or constituency association; and

Whereas Section 88.18 of the *Municipal Elections Act*, 1996, as amended, requires that municipalities shall establish rules and procedures with respect to the use of municipal resources during an election campaign period; and

Whereas the Council of the Township of Georgian Bluffs deems it necessary and expedient to establish a policy regarding use of municipal (corporate) resources during a municipal, provincial or federal campaign period;

Now Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:

1. That Policy ADMIN-02-2022 – Use of Corporate Resources During an Election, attached hereto as Schedule “A,” be adopted
2. That By-law 2018-014 is hereby repealed.
3. That this By-law shall come into force and effect upon passing thereof.

Read a first and second time this 6th day of April 2022.

Read a third time and passed this 6th day of April 2022.

**Original Signed By Mayor and Clerk**

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Dwight Burley, Mayor

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Brittany Drury, Clerk



# ADMIN-02-2022

## Use of Corporate Resources During an Election

**Implemented:** March 2022

### Policy Statement

*The Municipal Elections Act, 1996*, as amended, establishes regulations governing campaign finances for Candidates and Registered Third Parties participating in a municipal election. Sections 88.8 (4) and 88.12 (4) of the act prohibits municipalities from making campaign contributions to municipal Candidates or Registered Third Parties.

The *Election Finances Act, 1990*, as amended, and the *Canada Elections Act, 2000*, as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29 (1) of the *Election Finances Act* and Section 363 (1) of the *Canada Elections Act* prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

As a campaign contribution may take the form of money, goods or services, any use of corporate resources for election related purposes, by Candidates or Registered Third Parties, is not permitted.

### Purpose and Scope

This Policy applies to all Members of Council (including those not seeking re-election), members of local boards, Candidates, Registered Third Parties in a municipal and school board trustee election or by-election, and all Staff, during an Election Period.

The purpose of this policy is to ensure compliance with the *Municipal Elections Act*, the *Election Finances Act* and the *Canada Elections Act*, by clarifying, for Candidates, current Members of Township Council and Employees, the legislative requirements relating to campaign finances.

The provisions identified in this policy are in effect throughout the duration of the Election Period.

## Definitions

**“Candidate”** means any individual who has filed a nomination for an elected office, including Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf.

**“Election”** means any municipal, provincial or federal election, including by-elections.

**“Election Period”:**

- for a municipal election means the first date Candidate nominations or Third Party registrations may be filed (May 2 for a regular election), through to December 31 in a municipal election year, or 45 days after voting day in the event of a by-election;
- for a provincial or federal election, means the day the writ is dropped, through to voting day.

**“Election Related Purposes / Activities”** means any activity for the purpose of promotion of or opposition to a Candidate or question on the ballot, and includes, but is not limited to, the distribution of materials, advertising, and the display of signs.

**“Employee”** means any individual working for, or receiving compensation from, the Township of Georgian Bluffs; including those in part-time, seasonal or contract positions.

**“Help Centre”** means a location established during the voting period to assist voters.

**“Member”** means a Township Councillor, the Mayor, the Deputy Mayor, or anyone acting on behalf of a Township Councillor, the Mayor or the Deputy Mayor.

**“Registered Third Party”** means an individual, corporation or trade union which intends to incur expenses for advertising in support of or in opposition to a candidate or question on a ballot, and that is registered under section 88.6 of the *Municipal Elections Act, 1996*, as amended.

**“Township”** means the Township of Georgian Bluffs.

**“Voting Location”** is any area designated for voting, and includes the property on which the location sits.

**“Voting Period”** includes, for municipal elections, the time from which voting begins, until close of voting at 8:00 pm on voting day, and for provincial and federal elections, voting day and any days designated for advance voting.

**1. Members of Council, Candidates and Registered Third Parties**

This section applies to Members, Candidates, Registered Third Parties, and those acting on behalf of a Member, Candidate or Registered Third Party.

Nothing in this section prevents Members from conducting their regular duties as political representatives for their constituents.

**1.1. Use of Township Facilities, Services and Property**

Township facilities, services and property may not be used for any Election Related Purposes except as identified in this policy.

**1.2. Township Facilities and Property**

1.2.1. Members, Candidates and Registered Third Parties may not use the interior of any Township-owned or run facilities for any Election Related Activities unless rented in accordance with standard Township rental procedures.

Notwithstanding the foregoing ability, no Election Related Activities, including campaigning and the distribution of campaign literature, are permitted to take place inside the Township administrative offices.

Members, Candidates or Registered Third Parties are prohibited during the Voting Period from renting space inside a Township-owned or run facility that is being used as a Help Centre or Voting Location.

1.2.2. Unless **within** rented space as provided for in 1.2.1, Members, Candidates and Registered Third Parties may not engage in Election Related Activities, such as the distribution of campaign literature, inside or outside of Township-owned or run facilities.

1.2.3. Members, Candidates and Registered Third Parties may not campaign, distribute campaign literature, or engage in Election Related Activities at any function hosted by the Township.

- 1.2.4. Election signs, or other election material, may not be displayed in, or on the property of, any Township-owned or run facilities.

### **1.3. Technology**

- 1.3.1. Corporate resources or services such as computers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, e-mail, file storage, voicemail, or any other equipment or technology owned by the Township, may not be used for any Election Related Purposes.
- 1.3.2. Corporate software, including, but not limited to Microsoft Office Suite, Microsoft Teams, 3CX, Escribe and any other Township funded software may not be used for any Election Related Purposes.
- 1.3.3. Other than as provided for in the *Municipal Elections Act, 1996*, as amended, websites and domains that are operated or funded by the Township shall not include any election related campaign materials or links to any sites which include election related campaign material.

For further clarity, notwithstanding the above-noted prohibition, the Township election website which lists Candidates may include links provided by Candidates to websites and/or social media which feature election related campaign material.

- 1.3.4. When a current Member of Township Council registers as a candidate all links to social media accounts and personal external websites will be removed from Township run or funded websites and domains.

### **1.4. Communications**

- 1.4.1. The Township of Georgian Bluffs' logo, crest, coat of arms, flag, slogan, or other similarly branded corporate resources or property shall not be used by any Candidate or Registered Third Party for any election related campaign materials, including printed literature, signage and websites.
- 1.4.2. During the Election Period, except as required for communication of Council and Committee agendas and minutes, Member messages, greetings, or promotional information shall not be included in Township printed or electronic communications.

## **2. Employees of the Corporation of the Township of Georgian Bluffs**

The following applies to all Township of Georgian Bluffs Employees.

### **2.1 Conduct of Members, Candidates and Registered Third Parties**

2.1.1 Members, Candidates and Registered Third Parties are prohibited from:

- a) requesting assistance from Employees for Election Related Activities during the Employees' normal working hours or anytime they are receiving remuneration from the Township, including providing administrative support to candidates such as photocopying campaign literature or providing technical assistance;
- b) engaging in Election Related Activities directed at Employees while those Employees are at their workplace or engaged in work for the Township.

### **2.2 Conduct of Township Employees**

2.2.1 Employees may not engage in Election Related Activities during their normal working hours or anytime they are receiving remuneration from the Township. This includes providing administrative support to candidates such as photocopying campaign literature or providing technical assistance.

2.2.2 Employees may engage in Election Related Activities as long as those activities are separate from their official positions and duties. Township Employees must ensure that their political activities do not create a perceived or actual conflict of interest in their day-to-day work.

2.2.3 While engaging in Election Related Activities, Employees shall not wear any clothing, such as a uniform or badge, which identifies them as a Township of Georgian Bluffs employee.

2.2.4 While engaging in election related activities, Employees shall not use any vehicles, technology, or other resources that are owned or leased by the Township of Georgian Bluffs.

### **3. Administration**

- 3.1 This policy shall be administered by the Corporate Services Department. Procedures may be defined, and amended from time to time, by the Clerk, to address specific implementation of the policy.
- 3.2 All questions or concerns with respect to this policy should be directed to the Director of Corporate Services/Clerk.
- 3.3 Contravention of this policy may be deemed to be contravention of the *Municipal Elections Act*, the *Election Finances Act* or the *Canada Elections Act*, as the case may be, and may be dealt with as permitted or required under those Acts.

### **4. Federal and Provincial Elections**

The Township continues to emphasize the importance of strengthening relationships with all levels of government and actively engages in political advocacy campaigns including during elections to promote the interests of the Township.

To avoid the appearance of Township support for partisan political activities, discretion will be used in considering requests for government events leading up to and during the period when the writ of election (dissolution of parliament [federal] or legislature [provincial]) is issued.