

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY**

BY-LAW # 17/2018

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*;

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 Municipal Corporation of the Township of Wellesley 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.

Read a first and second time this **6th** day of **March**, 2018.

Mayor, Joe Nowak

Clerk, Grace Kosch

Read a third and final time and passed this **6th** day of **March**, 2018.

Mayor, Joe Nowak

Clerk, Grace Kosch



Township of Wellesley

Subject: Use of Corporate Resources During an Election	Date of Last Approved Revision:
Policy Number: 34	Approved by: Council Mar 6/18
<p>This policy applies to: Township Staff including full time, unionized, part time and contract employees, all Municipal Election Candidates (whether for Council or for School Trustee), any Acclaimed Candidate, and Members of Council (including a member not seeking re-election).</p>	
<p>Policy Statement: This Policy provides a consistent approach and direction to Township employees, elected officials, candidates and third party advertisers on how Township resources can and cannot be used for election related purposes. It also ensures that incumbent municipal candidates do not enjoy any material advantage over other candidates through the use of corporate resources. This Policy develops a framework for addressing any real or perceived advantages that incumbent candidates may have over non-incumbent candidates.</p> <p>This Policy also ensures that the Township’s operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.</p>	
<p>Definitions:</p> <p>“Acclaimed” means a Candidate elected by acclamation pursuant to section 37 of the Act. “Act” means the Municipal Elections Act, 1996, S.O. 1996, Chapter 32, as amended.</p> <p>“Campaigning” means a municipal election-related activity for the purpose of supporting or opposing the election of a Candidate or a question on the ballot, and includes, without limiting the generality of the foregoing, the distribution of materials, advertising, display of signage, etc.</p> <p>“Candidate” means a person who has filed a nomination 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, Chapter E.2, as amended.</p> <p>“Clerk” means the Clerk of the Township or his/her designate. “Council” means the Council of the Township.</p> <p>“Member” means a member of the Council of the Township, and includes the Mayor of the Township.</p> <p>“Nomination Day” means, in the case of a regular election, the fourth Friday in July in the year of the election pursuant to section 31 of the Act, or in the case of a by-election as noted in subsection 65(4) of the Act.</p> <p>“Policy” means this Use of Corporate Resources for Election Campaign Purposes</p> <p>“Staff” means all full-time and part-time persons hired by the Township, including but not limited to the Chief Administrative Officer, Senior Staff, salaried employees, union employees, administrative staff, and contract, temporary, student and co-operative placement staff.</p> <p>“Township” means The Corporation of the Township of Wellesley.</p> <p>“Township 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 systems and resources, databases,</p>	

intellectual property, and supplies.

“Voting Day” means, in the case of a regular election, the fourth Monday in October in the year of the election pursuant to section 5 of the Act, or in the case of a by-election, the 45th day after Nomination Day, as noted in subsection 65(4) of the Act.

POLICY

General Provisions

- a) No person shall use Township resources for campaigning.
- b) Notwithstanding subsection a), “All Candidates” meetings may be held in a Township facility at the discretion of the Clerk, provided that subsection (d) is adhered to.
- c) Notwithstanding subsection d), campaigning on public walkways, thoroughfares, and rights-of-way are permitted, provided that all campaigning is in compliance with Township by-laws.
- d) No campaign signs or material may be displayed in any Township owned or operated facilities.
- e) Campaigning shall not be permitted at any Township operated events, e.g., Canada Day celebrations, annual community event, etc.
- f) No person shall use the services of staff for campaigning during normal working hours of such staff, unless such staff are on a leave of absence without pay, float day, maternity/parental leave, or vacation leave.
- g) In any material printed, distributed, or paid for by the Township, a candidate is not permitted to:
 - i. illustrate that an individual is a candidate;
 - ii. identify where they or any other individual will be running for office; or
 - iii. profile or make reference to a candidate.
- h) Websites or domain names that are funded, owned, or operated by the Township shall not include any campaigning, other than non-partisan election information material that is required for the proper administration of the election under the Act and basic contact information for candidates.
- i) The Township’s voicemail system shall not be used to record campaign messages, and the municipalities technology systems comprising of the computer network, Township laptops, emails, internet, fax, smart phones and related IT systems shall not be used for campaigning.
- j) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any candidate, third party or any position related to any questions which may be authorized to be placed on the ballot
- k) The Township’s logo, crest, coat of arms, slogan, brand, other marks, chain of office, etc. shall not be used in any campaigning or included on any campaign related website, social media, or electronic publication.
- l) Photographs and videos produced for and owned by the Township may not be used for campaigning.
- m) As provided for in section 11 of the Act, the Clerk is responsible for conducting elections within the Township. Accordingly, any decision regarding the conduct of an election, including the interpretation and application of this Policy, shall fall under the authority of the Clerk.

TOWNSHIP STAFF

- a) Staff shall not use any Township resources for campaigning.
- b) Staff shall neither canvass nor actively work in support of a Candidate during normal working hours, unless such staff is on a leave of absence without pay, float day, maternity/parental leave, or vacation leave.
- c) Staff shall neither canvass nor actively work in support of a Candidate while wearing a Township uniform, badge, crest or other item identifying them as a member of Township staff, or while using a Township owned or leased vehicle.
- d) Staff who are also relatives of any member of Council or Candidate shall not be assigned to work in any part of the voting process.
- e) Staff shall not use their official authority or influence for the purpose of interfering with or affecting the result of a municipal election or a question on the ballot, nor use their official title while participating in otherwise permissible political activities.
- f) Staff are advised to be especially mindful of public perception during municipal elections, and to ensure that their activities neither conflict with nor adversely affect their duties as members of Township staff. Moreover, staff have a responsibility to ensure that public resources are not used for campaigning by any person.
- g) Any member of staff who considers being a Candidate in a municipal election should familiarize themselves with the rules set out in the Act and the Education Act, R.S.O. 1990, c. E.2, as amended.
- h) Behave in a manner that is impartial, fair and unbiased toward all registered candidates and third parties;
- i) Consult with their direct Supervisor prior to agreeing to perform any task requested by a member of Council, registered candidate, or third party that exceeds their normal duties or could be construed as contributing to an election campaign;
- j) Not rent any corporate facility/property for any municipal election-related purpose to members of Council, candidates, third parties, or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities;

MEMBERS OF COUNCIL

- a) A member of Council is responsible for ensuring that the content of any communication material that is printed, sponsored, hosted, or distributed by the Township at the request of such member of Council is not for campaigning.
- b) A member of Council shall not print or distribute campaign material using Township resources and/or paid for by Township funds.
- c) Office furnishings, office/desk locations, stationary, and other supplies normally provided for members of Council will remain status quo from Nomination Day until the end of the Council term. However, none of these Township resources may be used for campaigning.

POLICY MANAGEMENT

- a) Staff are authorized and directed to take the necessary action to give effect to this policy.
- b) The Clerk is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of the Clerk, the amendments do not change the intent of the policy during an election period.

LIMITATIONS

- a) Nothing in this Policy shall prohibit a member of Council from performing his/her job as a member of Council, nor impede them from representing the interests of his/her constituents.
- b) Nothing in this Policy shall preclude a Staff member from exercising his/her civic right and duty to participate in the municipal election process as a private citizen.
- c) Nothing in this Policy shall prevent Staff from conducting an election in accordance with the Act, or providing non-partisan election information material on behalf of the Township so as to inform the public about the election and the election process.

See Also: