

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2022-019

BEING a by-law to amend By-law No. 2018-021.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Elections Act, 1996*, s. 88(18) requires Council to establish rules and procedures with respect to the use of municipal or board resources;

AND WHEREAS Council of the Corporation of the Township of South Stormont did, on the 28th day of March, 2018, pass By-law No. 2018-021, being a by-law to Adopt a Use of Corporate Resources During Municipal Elections Policy;

AND WHEREAS Council deems it necessary to amend By-law No. 2018-021, for reflect necessary updates.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That By-law No. 2018-021, Schedule "A" be deleted in its entirety and replaced with a revised Schedule "A", being Schedule "A" attached hereto and forming part of this By-law.
2. All other relevant sections of By-law No. 2018-021 shall remain.

READ AND PASSED in open Council, signed and sealed this 9th day of March, 2022.

Mayor



D/Clerk





TOWNSHIP OF SOUTH STORMONT

Title: Use of Corporate Resources During an Election Policy
Schedule "A" to By-law No. 2022-019 (2018-027)

Department: Corporate Services

Date: March 28, 2018

Revised: March 9, 2022

Policy Statement:

The Township of South Stormont and its local boards are committed to ensuring accountable and transparent election practices relating to the use of Corporate Resources.

Scope:

This policy applies to Members of Council and its local boards, Municipal and local board employees, registered election Candidates (including acclaimed candidates), Registered Third Parties, and members of the public.

Purpose:

The purpose of this Policy is to clarify that all parties are required to follow the provisions of the Act about the use of Corporate Resources for election purposes.

This Policy also ensures that the Municipality's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.

1.0 DEFINITIONS

Acclaimed means a Candidate elected by acclamation pursuant to section 37 of the Act.

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

Campaigning means a municipal election-related activity for 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.

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, c. E.2, as amended.

Clerk means the Clerk of the Municipality or their designate.

Corporate Resources means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Municipality including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Municipal information technology

systems and resources, databases, social media, intellectual property, and supplies.

Council means the Council of the Municipality.

Member means a member of the Council of the Municipality and includes the Mayor of the Municipality.

Nomination Day means the deadline to file a nomination, for a regular election, pursuant to the Act.

Staff means all full-time and part-time persons hired by the Municipality, including but not limited to the Chief Administrative Officer, Directors, Supervisors, Coordinators, salaried employees, administrative staff, contract and temporary employees and students.

Municipality means The Corporation of the Township of South Stormont.

Registered Third-Party (Third-Party Advertiser) - means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third-Party Advertiser has been certified by the Clerk.

Voting Day means, in the case of a regular election, 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 Act.

Voting Place means the location, both convenient and accessible to the electors, for the purpose of casting a ballot as established by the Clerk.

2.0 GENERAL PROVISIONS

2.1 In accordance with the provisions of the Act:

- a) Corporate Resources and funding may not be used for any campaign related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office.
- b) Staff may not canvass or actively work in support of a Municipal Candidate or Third Party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave.
- c) Municipal facilities/property may not be used for any campaign related purposes, which includes displaying of any campaign

related signs or materials on such premises unless all Candidates are afforded the same opportunity.

- d) Benefit from the use of any Municipal pricing established under the Municipality's purchasing policy.

3.0 CORPORATE RESOURCES - TECHNOLOGY

3.1 Members of Council, Candidates and Third-Party Advertisers shall not:

- a) Use the Municipality's computer network, including the Municipal email system, for campaign related correspondence.
- b) Use websites or domain names that are funded by the Municipality. The Municipality's official election website or webpages will provide Candidate contact information, including a link to a Candidate's website, but shall in no way endorse any Candidate.
- c) Notwithstanding 3.1 b) above, a Candidate or Third-Party Advertiser may provide a link to the Municipality's official election website or webpages in their campaign materials for electors to access additional information about the election and the voting process.

4.0 CORPORATE RESOURCES - COMMUNICATIONS

4.1 Members of Council, Candidates and Third-Party Advertisers, shall not:

- a) Use any photographs produced for and owned by the Municipality or any photos taken utilizing Municipal equipment or sent through Municipal email accounts for any campaign related purposes.
- b) Notwithstanding 4.1 a) above, the foregoing, Council, Candidates or Registered Third Parties may capture their own photos of Municipal property for use in Campaign Material, provided the photo is taken from a publicly accessible area, and does not contain a Municipal sign, logo, crest, coat of arms or slogan in the background.

5.0 CORPORATE RESOURCES – FACILITY/PROPERTY

5.1 Members of Council, Candidates and Third-Party Advertisers, shall not:

- a) Use any Municipal facility/property or Voting Place location for any campaign related purpose unless the rental fee is paid, and the rental of such location is available to all Candidates and Third-Party Advertiser.
- b) Notwithstanding 5.1 a), no facility/property or Voting Place location shall be rented or used for any Municipal campaign related purpose

by Members of Council, Candidates, Third Party Advertiser, or the public while voting is taking place on the property. This includes the time for set-up, hosting, or take-down activities; or

c) Rent space as part of a Municipally organized event, (e.g., a booth).

6.0 STAFF INVOLVEMENT

6.1 Staff, are discouraged from assisting with or have any involvement in Municipal election campaigns, including posting election signs on their property, phone, and email solicitations, signing nomination papers, distribution of brochures and wearing candidate buttons. This is due to a perceived conflict of interest.

6.2 Staff, including full time, part time and contract employees shall:

a) Behave in a manner that is impartial, fair, and unbiased toward all registered Candidates and Third Parties.

b) Consult with their direct Supervisor prior to agreeing to perform any task requested by a Member of Council, Candidate, or Third-Party Advertiser that exceeds their normal duties or could be construed as contributing to an election campaign.

c) Not rent any Municipal facility/property for any Municipal campaign related purpose to Members of Council, Candidates, Third-Party Advertiser, or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities; and

d) Take care to separate personal activities from their official positions and shall not canvass or actively work in support of a Candidate or Third-Party Advertiser during normal working hours unless on a leave of absence without pay, lieu time, float day or vacation leave.

7.0 POLICY MANAGEMENT

7.1 Staff are authorized and directed to take the necessary action to give effect to this policy.

7.2 Enforcement of this policy is provided through the Municipal Elections Act, 1996.

7.3 Nothing in this Policy shall preclude a Member of Council from performing their duties as a Councillor, nor inhibit them from representing their constituents.

7.4 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.

5.0 LIMITATION

Nothing in this Policy shall prohibit a Member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents who elected them. This policy is subject to the exception of Members' actions associated with fulfilling their normal and ongoing representative roles as Members of Council (such as attending annual or regular scheduled events, up until the official end of the term they are serving).

Drafted By: Loriann Harbers Director of Corporate Services/Clerk	Last Revision Date: March 28, 2018 March 9, 2022	Approved Date: March 9, 2022
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