

TOWNSHIP OF NAIRN AND HYMAN

BY-LAW NO. 2022-07

“BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN TO ADOPT A POLICY FOR USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES”

WHEREAS under the Municipal Elections Act, 1996, S.O. 1996, c. 32, Section 88.18 a municipality shall establish rules and procedures with respect to the use of municipal resources during the election campaign period;

AND WHEREAS the Council of the Corporation of the Township of Nairn and Hyman deems it necessary to adopt a policy for Use of Corporate Resources for Election Purposes;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman enacts as follows:

1. That this By-law shall come into force and effect on the 11th day of April, 2022;
2. That the said policy is attached hereto as Schedule A and forms part of this By-law;

Read a first and second time this 11th day of April, 2022.

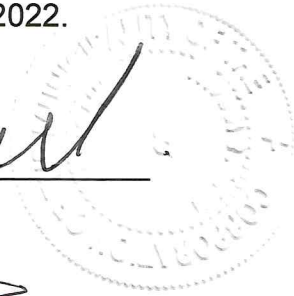
Read a third time and passed in open Council this 11th day of April, 2022.

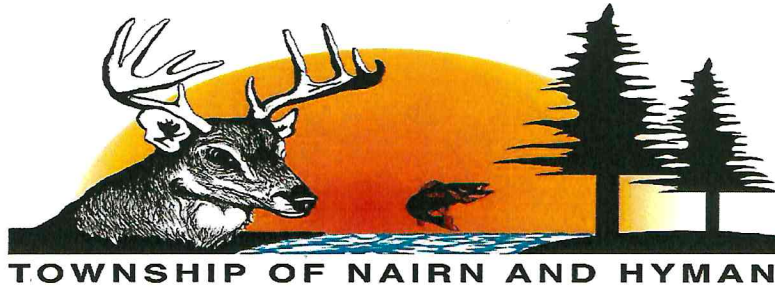


Mayor



Clerk





The Corporation of the Township of Nairn and Hyman

Policy: Use of Corporate Resources Policy for Municipal Elections

Policy Number: 2022-01

Policy Statement

The Corporation of the Township of Nairn and Hyman recognizes that it is responsible to ensure fair treatment of all candidates running for office and to clarify the use of corporate resources in the Municipal Election.

This Policy is intended to:

- a) ensure compliance with the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, with respect to the role of the Township contribution to a municipal and trustee election campaign;
- b) ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality;
- c) ensure the integrity of the election process is always maintained; and
- d) establish the appropriate use of resources during an election period, in order to:
 - i. protect the interests of Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - ii. ensure accountable and transparent election practices.

Purpose

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 Municipal Elections Act, 1996 and clarify that all candidates and third parties, including Members of Council, are required to follow the provisions of the Act and the following:

- a) No Member of Council, Candidate or Registered Third Party shall use equipment, supplies, services, staff, or other corporate resources of the Municipality (including council budgets) for any election campaign or campaign related activities.
- b) No Member of Council, Candidate or Registered Third Party shall undertake

campaign-related activities on municipal property
c) No Member of Council, Candidate or Registered Third Party shall use the services of persons during hours in which those persons receive any compensation from the Municipality for campaign-related activities.

Scope

This policy applies to all Members of Council, Candidates, and Registered Third Parties in a municipal election, including by-elections, during a campaign period.

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 of Nairn and Hyman 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, Municipal IT system and resources, databases, websites, 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 Nairn and Hyman.

“Member” means a Member of the Council of the Township of Nairn and Hyman.

“Municipality” means The Corporation the Township of Nairn and Hyman.

“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 Municipal Elections 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.

“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 subsection 65(4) of the Municipal Elections Act, 1996.

Policy

1) In accordance with the provisions of the Municipal Elections Act, 1996, S.O. as amended, Members of Council, Candidates, and/or Registered Third Parties in a Campaign Period are not permitted to:

a) Use corporate resources, funding, supplies, services, staff, or other resources for any election-related purposes;

Resources include but are not limited to:

- Telephones, Voicemail
- iPhone(s) or cell phone
- Corporate electronic devices including iPad(s), tablets, and surfaces.
- Printer
- E-mail
- Scanner
- Fax Machine
- Copier
- Consumables related to the above equipment such as paper, toner, etc.
- Municipal logo, slogans, corporate program identifiers

b) Use staff to canvass or actively work in support of a municipal candidate or party during normal working hours unless the staff member is on a leave of absence without pay, lieu time or vacation leave;

c) 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;

d) 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;

e) Benefit from the use of any corporate pricing established under the Township's purchasing policies and procedures;

f) Use municipally provided facilities for any campaign related signs in the window or on the premises, as well as displaying any election-related material in at the municipal office or council chambers;

g) Use any municipally owned/provided facilities for any election-related purposes unless the facility is generally available for rent by the public and it is rented in accordance with the Township of Nairn and Hyman's rental procedures. 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;

2) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:

- i. all forms of advertising, including in municipal publications;
- ii. 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);
- iii. the ordering of stationery and business cards; and,
- iv. the ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and,

3) Members of Council may not:

- i. print or distribute any material paid by municipal funds for campaigning 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 or registered third parties for municipal elections;
- iv. Use website or domain names that are funded by the municipality to include any election-related campaign material; and,
- v. Use the Municipality's voice mail system to record election related messages.

4) All the above provisions also apply to an acclaimed Member or a Member not seeking re-election.

Responsibility

The Municipal Clerk is authorized and directed to take necessary action(s) to give effect to this Policy. This Policy will be reviewed by the Clerk following each Municipal Election and will be updated in accordance with legislative requirements.

Limitation

Nothing in this Policy shall preclude a Member of Council from performing their job, nor inhibit them from representing the interests of the constituents who elected them. It shall also not restrict any "all candidate" meetings held in a Municipal owned facility.

Implementation

This Policy shall become effective immediately upon approval by Council