

**THE CORPORATION OF THE TOWN OF MATTAWA**

**COMMITTEE: GENERAL GOVERNMENT SERVICES**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: FRANCINE DESORMEAU, CLERK/DEPUTY-TREASURER**

**TITLE: USE OF MUNICIPAL RESOURCES FOR ELECTION PURPOSES**

X  Draft By-Law                            Item                            Policy Recommendation

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**Mayor D. Backer and Members of Council:**

Section 88.18 of the Municipal Elections Act, 1996, as amended, requires municipalities to establish rules and procedures with respect to the use of municipal resources during the election campaign period.

A report to Council was provided for Council's review at the last regular meeting of Council, April 9<sup>th</sup>, 2018.

This policy must be adopted by By-law and in place by May 1<sup>st</sup>.

**Recommendation:**

That Council of the Town of Mattawa adopt By-Law 18-10 to establish the rules and procedures with respect to the use of municipal resources during the election.

Respectfully submitted

Councillor L. Mick

**CORPORATION OF THE TOWN OF MATTAWA**

**BY-LAW NUMBER 18-10**

**BEING a By-law to Adopt the Use of  
Municipal Resources for Election Purposes Policy**

WHEREAS section 88.18 of the Municipal Elections Act, 1996, as amended, requires all municipalities to 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 Town of Mattawa hereby enacts as a By-law of the Corporation as follows:

1. That this Council does hereby adopt the Use of Municipal Resources for Election Purposes Policy, attached hereto as Schedule "A".
2. That Schedule "A" forms part of this by-law.

READ A FIRST and SECOND time this 23<sup>rd</sup> day of April, 2018.

READ A THIRD time and FINALLY PASSED this 23<sup>rd</sup> day of April, 2018.

  
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Mayor

  
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Clerk



# Use of Municipal Resources for Election Purposes Policy

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## 1. Policy Statement

The purpose of this policy is to clarify that all election candidates, including sitting Members of Council and municipal staff are required to follow the provisions of the *Municipal Elections Act, 1996*, as amended, and that:

- No candidate shall use the facilities, equipment, supplies, services, staff or other resources of the Town of Mattawa for any election campaign or campaign-related activities;
- No candidate shall undertake campaign-related activities on municipal property;
- No candidate shall use the services of persons during hours in which those persons receive compensation from the municipality.

## 2. Legislative Authority

The *Municipal Elections Act, 1996*, as amended, prohibits a municipality from making contributions to election candidates. The *Municipal Elections Act, 1996*, as amended, also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods or services, any use by a Member of Council of the municipality's resources for their election campaign would be viewed as a contribution by the Town of Mattawa (the municipality) to the Member, which is a violation of the Act.

In accordance with the *Municipal Elections Act, 1996*, as amended, the Clerk is delegated the responsibilities related to the provisions of this policy.

## 3. Application

This policy applies to all municipal election candidates, including sitting Members of Council and acclaimed candidates, and municipal staff.

## 4. 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 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.

**“Candidate”** means a person who has been nominated under section 33 of the Act.

**“Council”** means the Council of the Corporation of the Town of Mattawa.

**“Member”** means a member of the Council of the Corporation of the Town of Mattawa and includes the Mayor of the municipality.

**“Nomination Day”** means the last day for a candidate to file a nomination or withdraw a nomination. For a regular election Nomination Day is the fourth Friday in July in the year of the election.

**“Staff”** means all full-time and part-time persons hired by the municipality including, but not limited to the Chief Administrative Officer, managers, supervisors, salaried employees, administrative staff, and contract, temporary, student, secondment and cooperative placement staff.

**“Municipality”** means the Corporation of the Town of Mattawa.

**“Municipal 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, municipal-funded cellular phones, monetary funds, technology, IT systems and resources, databases, social media, intellectual property and supplies.

**“Voting Day”** means the day of the election. For a regular election, Voting Day is the fourth Monday in October in the year of the election.

## 5. Policy Provisions

**5.1** Municipal resources, assets and funding shall not be used for any election campaign-related purposes.

- 5.2** Staff shall not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time or vacation leave.
- 5.3** Candidates shall not use any municipally-provided facilities for any election campaign-related purposes. Neither election campaign-related signs nor any other election campaign-related material will be displayed in any municipally-provided facilities. No candidate shall undertake election campaign-related activities on municipal property, with the exception of participation in election campaign-related events made available to all candidates that may be held in municipal facilities (*i.e.*, an all-candidates meeting).
- 5.4** Candidates shall not display election campaign-related signs or materials in their motor vehicle while it is parked on municipal property.
- 5.5** The following shall be discontinued for Members of Council from the day prior to Nomination Day until Voting Day:
- a. All forms of advertising, including in municipal publications;
  - b. All printing, photocopying and distribution; and,
  - c. The ordering of stationary.
- 5.6** Members of Council shall not:
- a. Print or distribute any material paid for by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;
  - b. Profile (name or photograph), or make reference to, in any material paid for by municipal funds, any individual who is registered as a candidate in any election; and,
  - c. Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs or otherwise identifies registered candidates for municipal elections.
- 5.7** Candidates shall not print or distribute any election campaign-related material using municipal funds.
- 5.8** In any material printed or distributed by the Town of Mattawa, candidates are not permitted to:
- a. Illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election;

- b. Identify where they or any other individual will be running for office; or,
- c. Profile or make reference to candidates in any election.

- 5.9 Websites or domain names that are funded by the municipality shall not include any election campaign-related material.
- 5.10 The municipality's voicemail system shall not be used to record election campaign-related messages or the computer network (including the municipality's email system) to distribute election campaign-related correspondence.
- 5.11 The municipality's logo, crest, coat of arms, slogan, etc., shall not be printed or distributed on any election campaign materials or included on any election campaign-related website, except in the case of a link to the municipality's website to obtain information about the municipal election.
- 5.12 Photographs produced for and owned by the municipality shall not be used for any election campaign purposes.
- 5.13 Distribution lists or contact lists developed utilizing municipal resources or through contact in a Member of Council's role shall not be utilized for election campaign purposes.
- 5.14 Photos taken utilizing municipal cameras or sent through municipal email accounts shall not be utilized for election campaign purposes.

## **Limitation**

Nothing in this policy shall preclude a Member of Council from performing their duties as a councillor nor inhibit them from representing the interests of the constituents who elected them.

Official minutes of municipal Council and Committee of the Whole meetings are exempt from this policy.