

**THE CORPORATION OF THE TOWN OF PERTH
BY-LAW NO. 5027**

**A By-law to adopt a Use of Corporate Resources during an Election
Campaign Period Policy**

Recitals:

1. The Municipal Act, as amended, states that by-laws may be passed by municipal councils to govern its affairs as it considers appropriate.
2. The Committee of the Whole reviewed Report 2022-COW-4.14, and concurs with the staff recommendation to adopt a Use of Corporate Resources during an Election Campaign Period Policy.
3. Council for The Corporation of the Town of Perth deems it advisable to pass this By-law.

Accordingly, the Council of The Corporation of the Town of Perth enacts as follows:

1. SCHEDULES

- 1.1. That the Use of Corporate Resources during an Election Campaign Period Policy, attached hereto as Schedule 'A', and forming part of this By-law, be and is hereby adopted.

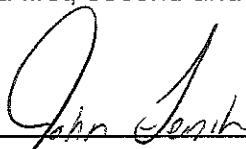
2. PROVISIONS:

- 2.1. Where the provisions of any other by-laws/motions are inconsistent with the provisions of this By-law, the provisions of this By-law shall prevail.

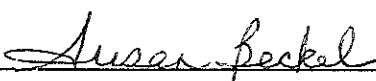
3. EFFECTIVE DATE:

- 3.1. This By-law shall come into force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed the 19th day of April, 2022.



John Fenik, Mayor



Susan Beckel, Clerk
(Seal)

Town of Perth			
Use of Corporate Resources during an Election Campaign Period			
Subject:	Use of Corporate Resources during an Election Campaign Period Policy	Effective:	April 19, 2022
		Replaces:	N/A
Issued by:	Legislative Services/Clerk	Approval:	By-law No. 2022-5027

1. PURPOSE STATEMENT

1.1 The purpose of this policy is to meet the legislative requirements under Section 88.18 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended (hereinafter the Act), which requires that before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, during the election campaign period.

2. POLICY OBJECTIVE

2.1 The Town of Perth is committed to a fair, consistent and transparent municipal election process.

3. RATIONALE AND LEGISLATIVE AUTHORITY

3.1 The Act prohibits a municipality from contributing to a candidate. The Act also prohibits the candidates or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to contribute. Since contributions may take the form of money, goods or services, any use by a Member of Council of the Town's corporate resources for his/her election campaign would be viewed as a contribution and, therefore, a violation of the Act.

4. APPLICATION

4.1 This policy shall apply to all Candidates, Members of Council, any acclaimed Members of Council, any Members of Council not seeking re-election, Registered Third Parties and all Staff working for The Corporation of the Town of Perth during an Election Campaign Period, unless otherwise defined.

5. DEFINITIONS

- 5.1 **Campaign Activity/Material** shall mean any election-related activity or material for the purpose of supporting or opposing the election of a Candidate or a question on the ballot, and includes, but is not limited to, the distribution of materials (paper and electronic), advertising (including any form of electronic advertising), any form of promotion and/or communications (including by means of social media, website), display of signage, etc.
- 5.2 **Candidate** shall mean a person who has been officially nominated under the Act to run in any municipal election within the geographic boundary of the Town.
- 5.3 **Corporate Resources** shall include, but not be limited to, Town staff, branding, events, funds, facilities, equipment, services or other Town assets.
- 5.4 **Election Campaign Period** shall mean in the case of a regular municipal election or municipal by-election, the period commencing on the first day nominations may be filed and ending on Voting Day.
- 5.5 **Member of Council** shall mean a person who has been elected or appointed to an Office on Municipal Council.
- 5.6 **Nomination Day** shall mean:
- (i) in the case of a regular municipal election, the third Friday in August or such other date as legislated in the Act, in the year of a regular municipal election; or
 - (ii) in the case of a municipal by-election, the date fixed by the Clerk in accordance with the Act.
- 5.7 **Registered Third Party** shall mean in relation to a municipal election, an individual who is normally a resident of Ontario, and is not a registered Candidate, a corporation that carries on business in Ontario or 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 Town Clerk, and who/that incurs expenses for the purpose of promoting, supporting or opposing a Candidate for office, or an issue on a question on a ballot, and is not under the direction of a Candidate.
- 5.8 **Staff** shall mean any full-time and part-time persons employed by the Town, and shall include, but not be limited to contract, temporary, seasonal, students, co-op placements, volunteers and appointed committee and board members (while carrying on Town-led activities).
- 5.9 **Town** shall mean The Corporation of the Town of Perth.

5.10 **Voting Day** shall mean:

- (i) in the case of a regular municipal election, the fourth Monday in October in the year of a regular municipal election; or
- (ii) in the case of a by-election, the 45th day after Nomination Day, in accordance with the Act.

6. GENERAL PROVISIONS

- 6.1 No Member of Council, Candidate or Registered Third Party shall use Corporate Resources for any Campaign Activity/Material.
- 6.2 Nothing in this policy shall preclude any Member of Council from performing their duties as Mayor, Deputy Mayor or Councillor, nor inhibit them from representing the interests of their constituents, who elected them.

7. FACILITY RELATED PROVISIONS

- 7.1 No Candidate or Registered Third Party shall:
 - (i) use any Town facility or property for any Campaign Activity or for the display of any Campaign Material on or in the premises;
 - (ii) conduct any Campaign Activity and/or distribute Campaign Material during any Town event, whether on Town property or not; or
 - (iii) take photos or videos outside any Town facility or on any Town property for use in any Campaign Activity/Material.

8. STAFF-RELATED PROVISIONS

- 8.1 No Staff shall canvass or actively work in support of a campaign for a Candidate or Registered Third Party:
 - (i) during normal working hours, unless they are on a leave of absence without pay, lieu time or vacation leave; or
 - (ii) while wearing a uniform, badge, logo or any other item identifying them as Town Staff.
- 8.2 No Staff shall post, promote or distribute Campaign Material on behalf of a Candidate or Registered Third Party at Town facilities, on Town property or through Town communication channels such as social media, website, email or media releases.
- 8.3 Staff are expected to take extra care during an Election Campaign Period to ensure that they behave in a manner that residents, Members of Council and Candidates for election see as impartial and fair.

9. COMMUNICATIONS-RELATED PROVISIONS

- 9.1 No websites, domain names or social media channels funded by the Town shall include or link to any Campaign Activity/Material.
- 9.2 Despite Clause 8.1, a link to the Candidate's website and to the Candidate's email will be permitted on the Town's website on the Elections web page in the Candidate Information section.
- 9.3 During the Election Campaign Period, no changes shall be made to the Mayor and Council biographies on the Town's website.
- 9.4 The Town's branding, including but not limited to the logo, crest, tag line, coat of arms, etc. shall not be used on any Campaign Activity/Material, except in the case of a link to the Town's Election web page to obtain information about the municipal election process.

10. TECHNOLOGY-RELATED PROVISIONS

- 10.1 No cell phone, tablet, computer or other device or internet service that is funded by the Town shall be used for any Campaign Activity/Material.
- 10.2 The Town's voicemail system or computer network, including the email system, shall not be used to record or distribute Campaign Activity/Material.

11. FINANCE-RELATED PROVISIONS

- 11.1 The annual budgets for Members of Council in a municipal election year shall be a pro-rated amount equal to the period from January 1st up to November 15th (or the first day of the new term of Council, if different), with the provision that subsequent to November 15th:
 - (i) new Members of Council be allocated funds equal to a pro-rated amount of the annual budget for the remainder of the calendar year; and
 - (ii) re-elected Members of Council will have available to them the balance of remaining budget for the remainder of the calendar year.

12. IMPLEMENTATION

- 12.1 This policy shall take effect immediately upon approval by Town Council.

13. ENFORCEMENT

- 13.1 The Town Clerk or designate shall have the delegated authority to investigate and resolve any issues arising from any written complaint regarding a contravention of this policy.

14. REVIEW

14.1 This policy shall be reviewed during each term of Council and will be revised to meet any changes in legislation. A revised policy will be established prior to May 1 in the year of a regular election.