



Town of Pelham  
Solutions Manual:  
Administration Services

Solution Title: Use of Corporate Resources for Election Purposes		
P&P Committee	November 20, 2017	<u>\$201-11</u>
Council Approved:	December 4, 2017	

#### KEY FACTS:

- The Municipal Elections Act, 1996 (The Act or the MEA) prohibits a municipality from making a contribution to a Candidate in a municipal election during an Election Campaign Period.
- A contribution, which may take the form of money, goods or services, any use by a Member of Council or a nominated candidate of the Corporation's resources for his or her election campaign, would be viewed as a contribution by the municipality to the Member, which is a violation of the Act.
- The Town Clerk is responsible and accountable for ensuring all candidates for a municipal election are treated equally, and are aware of this policy.
- No candidate for municipal elections is permitted to use the services of persons during hours in which those persons receive compensation from the municipality.
- No candidate for municipal elections shall use the facilities, equipment, supplies, services, or other resources of the municipality for any election campaign or campaign-related activities.
- No candidate for municipal elections shall undertake campaign-related activities on municipal property which shall be deemed to include meetings of the Council, Committee, or special purpose bodies.
- No candidate for municipal elections shall undertake campaign-related activities during events sponsored by the municipality including meetings, festivals or other special events.

#### HOW MIGHT WE:

**How Might the Town of Pelham** ensure that a consistent approach to the use of Town of Pelham resources during an Election Campaign Period is provided to Members of Town of Pelham Council, Registered Candidates, and members of Town Staff, while adhering to provisions of the Municipal Elections Act, 1996, as amended (The Act)?



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**SOLUTION STATEMENT:**

**Definitions:**

**“Act” or “The Act”** means the Municipal Elections Act, 1996, as amended from time to time, and includes any regulation made thereunder.

**“Blackout Period”** refers to the temporary period from the day upon which a Candidate has filed their nomination up to and including Election Day, during which time certain privileges are discontinued for Members of Council, the Mayor and any Registered Candidate.

**“Candidate” or “Registered Candidate”** means a person who is running in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of The Act.

**“Campaigning”** means any activity by, on behalf of, or in opposition to a Candidate, political party or ballot question during an Election Campaign Period that is meant to elicit support or opposition, including display of Campaign Material.

**“Campaign Material”** means material in any media (i.e. print, radio, television, website, social media) used to promote or oppose a Candidate, political party or ballot question. Campaign Material includes, but is not limited to, banners, literature, posters, place cards/signs, buttons/pins, clothing, car wraps, etc.

**“Campaign Period”** commences on the date a candidate files their nomination paper, and extends through to December 31 of the election year (45 days after voting in the case of a by-election). For a federal or provincial election, the campaign period begins with the issuance of the Writ through to voting day.

**“Clerk” or “Town Clerk”** means the Clerk of the Town of Pelham.

**“Corporate Resources”** includes, but is not limited to, the Corporation's employees, events, funds, information, Information Technology\* (IT) Resources/applications and Corporate assets.

**“Election Year” or “Election Period”** begins on the first day upon which nominations may be filed and extends through to Voting Day, the third Monday in October, during a regular election year.

**“Employees” or “Staff”** includes full-time, part-time, and contract employees paid by the Corporation of the Town of Pelham.

**“Facility”** means any property under the care and control of the Town, including property owned, leased, occupied or used by the Town, including but not limited to



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libraries, community centres, meeting rooms, lobbies, banquet spaces, gymnasiums, sports fields, parks, pools, arenas, and associated parking areas, etc.

**“Information Technology (IT) Resources”** means Town-owned or issued IT Resources, including but not limited to:

- Hardware such as laptops, tablets, portable and computing devices and related peripherals, and wireless communication devices (e.g. smart phones, cell phones, etc.)
- All internet and email systems including websites or domain names that are funded by the municipality;
- Electronic data transmission equipment, devices and networks;
- Business systems and services and all Town-managed data and software (i.e. PSR);
- All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks including voicemail;
- Local and network storage media used in the operation of these resources including, but not limited to CDs, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc., and
- Data, information and other work products such as computer programs, databases, spreadsheets, etc.
- This is deemed to include Town data and information accessed, stored, created, processed, transmitted or filed in a personal electronic device.

**“Nomination Day”** for a regular municipal election is the fourth Friday of July in the year of the municipal election.

**“Social Media”** means publically available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Examples include blogs, podcasts, Facebook, Twitter, Instagram, etc.

**“Town of Pelham”** means the Corporation of the Town of Pelham.

**“Voting Day”** means:

- For a municipal election, the day on which the final vote is taken (the fourth Monday in October in the year of the election) or a by-election (the 45<sup>th</sup> day after nomination day) as set out in The Act;
- For a provincial or federal election or by-election, the day set out according to the *Elections Act* (provincial) and *Canada Elections Act* (federal).



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**Specific Guidelines/Policy:**

(1) That in accordance with the provisions of the Municipal Elections Act, 1996, Corporate resources and/or funding may not be used for any election-related purposes;

(a) 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.

(b) All registered candidates may not book/use any municipally-provided facilities for any election-related purposes, which includes campaigning, the displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in any municipal office, on Municipal Transit vehicles, or on the municipal website, or conduct any campaign-related activities during municipally-sponsored events or meetings. Campaign booths are not permitted at Official Town Events.

(c) The following shall be discontinued for all Members of Council and Registered Candidates or Third Party during the blackout period:

- (i) Advertising in municipal publications or on municipally owned property;
- (ii) All printing, high speed photocopying and distribution, including printing and general distribution unless so directed and approved by Council;
- (iii) Use of the Public Service Request (PSR) platform to enter requests on behalf of any resident;
- (iv) Contacting municipal staff to request attention to a matter raised by a constituent during a campaign-related event, including door-to-door campaigning.

(d) Members of Council may not:

- (i) Print or distribute any material paid 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;
- (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 for municipal elections; and that Minutes of Municipal Council and Committee meetings be exempt from this policy;
- (iv) Enter into joint ventures using municipal funds outside their existing wards during the blackout period, unless specifically approved by Council (i.e. Love My Hood, etc.). Where such an event is scheduled, Members of Council may attend to bring greetings from the Town, but Campaigning is not permitted; and
- (v) Use the Town's IT Resources including Social Media accounts for any



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election campaign or campaign-related activities. Social Media accounts used for election campaign purposes must utilize personal cell phones, tablets and/or computers and any such Social Media account must include a clear statement on each campaign website or Social Media account's home page to indicate that the account is for election campaign purposes and is not related to duties as a Member of Council.

(e) Website or domain names that are funded by the municipality may not include any election-related campaign material;

(f) Members of Council may not use the municipality's voice mail system to record election related messages;

(g) The policies contained herein also apply to an acclaimed Member or a Member not seeking re-election, or to a registered third party.

(2) Campaign Materials are not permitted to be placed on community bulletin boards in Town libraries or other facilities and are not permitted at any location marked as a voting location and may not be worn/displayed when carrying out the duties of an office, including Town staff during working hours. Campaign materials will be required to be removed from non-municipal voting places once advance polling or voting commences. A car "wrapped" to reference a Candidate or containing campaign signs may be covered or removed from the parking lot of the polling location, whereupon recovery will be at the expense of the candidate.

(3) The Town's logos are registered trade-marks and owned by the Town of Pelham. Use of the Town branding materials is reserved exclusively by the Town for its own use. Candidates must not, under any circumstances, use a Town logo or any variation of it on any Campaign Material, Election Sign, Social Media or campaign website.

(4) Election procedures prohibit the use of cameras inside a polling location. However, a Candidate is permitted to be photographed entering the polling location.

(5) Election signs cannot be posted on Town property and are permitted only in accordance with the Town's Sign By-law.

(6) The Municipal Clerk is authorized and directed to take the necessary action to give effect to this policy.

**LIMITATION:**

Nothing in this Policy shall preclude a Member of Council from performing their job as a Councillor or the Mayor/Deputy Mayor, nor inhibit them from representing the interests



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of the constituents who elected them.

**IMPLEMENTATION:**

This policy shall become effective immediately upon approval by Municipal Council.