

The Corporation of the Town of Cobourg

MOTION

Date: April 30, 2018

No. 113-18

Moved by: John Henderson

Seconded by: Janet Rowden

WHEREAS the Committee of the Whole considered a Memo from the Municipal Clerk/Manager of Legislative Services regarding the Use of Corporate Resources for Election Purposes Policy.

NOW THEREFORE BE IT RESOLVED THAT Council receive the Staff report, entitled "Use of Corporate Resources for Election Purposes Policy" LEG-ADM23; and

FURTHER THAT Council enact the Use of Corporate Resources for Election Purposes Policy LEG-ADM23 as presented and attached to the Staff Report to meet the Town's responsibilities under the Municipal Elections Act, 1996, as amended, by establishing rules and procedures with respect to the use of municipal resources during the election campaign period.

CORPORATION OF THE TOWN OF COBOURG



Division: Corporate Services

Effective Date: April 30, 2018

Department: Legislative Services

Approval Level: Council

Policy Title: Use of Corporate Resource
Policy for Election Purposes

Section # 2-5
Policy # LEG-ADM23

Purpose

The Corporation of the Town of Cobourg is committed to ensuring accountable and transparent election practices relating to the use of corporate resources. Section 88.18 conveys that before May 1 in the year of a regular election, municipalities shall establish rules and procedures with respect to the use of municipal resources during the election campaign period.

The purpose of the Corporate Resource Use Policy for Election Purposes is to meet the Town's responsibilities under the *Municipal Elections Act, 1996*, as amended, by establishing rules and procedures with respect to the use of municipal resources during the election campaign period. This policy is established to protect the interests of Election Candidates, Members of Council, Third Party Advertisers as well as the Town of Cobourg residents.

Policy

The purpose of this policy is to provide a consistent approach and direction to municipal employees, elected officials, candidates and third party advertisers, regarding the use of Corporate Resources during the election campaign period in accordance with the *Municipal Elections Act, 1996*.

This Policy is intended to:

- i. Ensure compliance with the *Municipal Election Act, 1996*, with respect to the role of the Town of Cobourg contribution to a municipal and trustee election campaign;
- ii. ensure the integrity of the election process is maintained at all times;
- iii. establish the appropriate use of resources during an election period, in order to:
 - a) protect the interests of Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - b) ensure accountable and transparent election practices.

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1.0 PROVISIONS

- 1.1 Pursuant to the *Municipal Election Act, 1996*, as amended, the Town of Cobourg cannot make a contribution, including money, goods and services, to any candidate, registered third party, or in support of a question on the ballot during the election period.
- 1.2 That Town property or facilities shall not be used for any election campaign-related purposes. Election campaign-related material and signage shall be prohibited from municipal owned property and facilities, with the exception of complying with the municipal Election Sign By-law;
- 1.3 Candidates shall not use any municipally provided facilities for any election-related purposes unless rented in accordance with the Town of Cobourg rental policies and procedures.
- 1.3 The Town of Cobourg logo, crest, coat of arms, slogans etc. shall not be printed or distributed on any election-related campaign materials or included on any election-related website, except in the case of a link to the Town of Cobourg website to obtain information about the Municipal Election.
- 1.4 That campaigning and/or distribution of campaign literature during any function being hosted by the Town of Cobourg whether on municipal property or not shall be prohibited.
- 1.5 That printing, photocopying or distributing any election-related material using municipal funds or resources shall be prohibited.
- 1.6 That corporate technology shall not be used for election campaign purposes at any time.
- 1.7 That websites, e-mail or domain names that are funded by the Town of Cobourg shall not include any election campaign-related material.

2.0 EMPLOYEE PROVISIONS

- 2.1 Employees shall not canvass nor actively work in support of or in opposition to a candidate during normal working hours or use corporate assets or resources, or property.

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- 2.2 Town of Cobourg employees may not engage in political activity during working hours and shall not identify as Town of Cobourg employees when engaged in any kind of political activity in accordance with the sections of this policy.
 - 2.3 While engaging in election related activities, employees shall not wear any clothing, such as a uniform or badge, which identifies them as a Town of Cobourg employee.
 - 2.4 While engaging in election related activities, employees shall not use any vehicles, technology, or other resources that are owned or leased by the Town of Cobourg.

3.0 EXCLUSIONS

- 3.1 It is recognized that Members of Council are holders of their elected office until the end of the Council term. Nothing in this policy shall preclude a Member of Council from performing their job as a Member of Council, nor inhibit them from representing the interests of the constituents who elected them.

4.0 ENFORCEMENT

- 4.1 In accordance with the Municipal Elections Act, 1996, the Clerk is authorized and directed to take the necessary action to give effect to this policy.
- 4.2 All complaints received from the public shall be in writing and addressed to the Clerk. If a breach of this policy is confirmed, the candidate shall be required to personally reimburse the Municipality for any of the costs associated with the breach.

Definitions

“Act” shall mean the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended.

“Campaign Period” for Candidates shall mean May 1, 2018 being the start of Nominations for elected office, until December 31, in the year of an election (unless a request for extension of campaign period has been filed).

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For Registered Third Parties “Campaign Period” shall mean 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**” shall mean 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**” shall mean the Municipal Clerk of the Town of Cobourg or their designate.

“**Corporate Resources**” shall mean real property, goods, and/or services owned, controlled, leased, acquired or operated by the Town of Cobourg including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Town IT system and resources, data bases, social media, intellectual property and suppliers.

“**Members of Council**” shall mean the Council of the Town of Cobourg.

“**Nomination Day**” shall mean for a regular election is the fourth Friday in July in the year of the election as prescribed by the *Municipal Election Act, 1996*.

“**Registered Third Party**” shall mean an individual, corporation, or trade union that has filed a Notice of Registration as a third party advertiser in the municipal election.

“**Staff**” shall mean all full-time, part-time and contract persons hired by the Town.

Administration

This policy shall be administered by the Legislative Services Department. Procedures may be defined and amended from time to time by the Municipal Clerk to address specific implementation of this policy.

Scope

This policy shall apply to Candidates, Municipal Council, and Municipal Staff.

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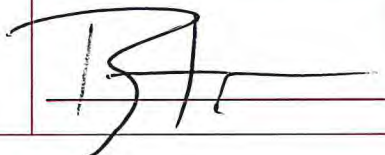
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Cross Reference

1. Council Code of Conduct Policy COUN-ADM1.
2. Election Sign By-law 071-2017.

Resolution # 113-18	Revision Description:	Signature/Municipal Clerk: 	Council Approval Date: April 30, 2018
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