

	<b>Governance Policy</b>
	Section: Election
	<b>Policy #GP 22-001 Pg. 1 of 7</b>
Revision Date: April 11, 2022	Issue Date: April 23, 2018
Approved by: Council	Review Date: January 2026
Policy Owner: Information and Legislative Services	Policy Author: Director of Information and Legislative Services

**PURPOSE**

This Governance Policy guides Members of Council, Members of Local Boards, Candidates, and Staff in the use of municipal resources during a Municipal Election.

**SCOPE**

**Principles of the Municipal Elections Act**

The Municipal Elections Act, 1996 (“the Act”) applies to and governs all elections in the Township of Wilmot. The Act is based on the following principles:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast;
- voters and candidates should be treated fairly and consistently within a municipality; and,
- the proper majority vote governs by ensuring the valid votes be counted and invalid votes be rejected so far as reasonably possible.

**Legislative Authority**

The Act as amended under the Municipal Elections Modernization Act, 2016 (Bill 181) requires the following from all municipalities in Ontario:

Use of municipal, board resources

88.18 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, as the case may be, during the election campaign period.

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## 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, Chapter 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, or any other means of soliciting support or conferring with voters on election or municipal related matters.

“**Candidate**” means a person who has filed a nomination 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, Chapter E.2, as amended. For the purposes of this Policy, Candidate shall also include any person Acclaimed.

“**Clerk**” means the Clerk of the Township or their designate.

“**Council**” means the Council of the Township.

“**Member of Council**” means a member of the Council of the Township and includes the Mayor of the Township.

“**Member of Local Board**” means any person appointed by Council to serve on an advisory or quasi-judicial committee of Council.

“**Nomination Day**” means, in the case of a regular election, the third Friday in August in the year of the election pursuant to section 31 of the Act, or in the case of a by-election, as noted in subsection 65(4) of the Act.

“**Nomination Period**” means the days provided for in the Act where a Candidate may file their nomination forms. The period begins on May 1 in the year of the regular election and ends on Nomination Day, or in the case of a by-election, as noted in subsection 65(4) of the Act

“**Policy**” means this Use of Municipal Resources During a Municipal Election Governance Policy.

“**Staff**” means all full-time and part-time persons hired by the Township, including but not limited to the Chief Administrative Officer, Directors, salaried employees, administrative Staff, and contract, temporary, student, co-operative placement, and volunteer Staff.

**“Township”** means The Corporation of the Township of Wilmot.

**“Township 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, Township IT systems and resources, databases, intellectual property, and supplies.

**“Voting Day”** means, in the case of a regular election, the fourth Monday in October in the year of the election pursuant to section 5 of the Act, or in the case of a by-election, the 45th day after Nomination Day, as noted in subsection 65(4) of the Act.

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## **STANDARDS AND PROCEDURES**

### **PART 1 - GENERAL PROVISIONS**

- a) This policy shall come into effect beginning on the first day of the Nomination Period and shall continue to the close of Voting Day or any extension of the voting period.
- b) No person shall use Township Resources for Campaigning.
- c) Notwithstanding Part 1 (a), “All Candidates” meetings may be held in a Township facility at the discretion of the Clerk, provided that subsection Part 1 (e) is adhered to.
- d) Notwithstanding Part 1 (a), Campaigning on public walkways, thoroughfares, and rights-of-way are permitted, provided that all Campaigning is in compliance with Township by-laws.
- e) No campaign signs or material may be displayed in any Township owned or operated facilities.
- f) Campaigning shall not be permitted at any Township operated events, e.g., Summer Concert Series, Council Meetings, Local Board meeting, etc.
- g) No person shall use the services of Staff for Campaigning during working hours of such Staff, unless such Staff are on a leave of absence without pay, maternity/parental leave, vacation leave, or any other day off from work excluding sick days or personal/family emergency days.
- h) In any material printed, distributed, or paid for by the Township, a Candidate is not permitted to:
  - i. illustrate that an individual is a Candidate;
  - ii. identify where they or any other individual will be running for office; or
  - iii. profile or make reference to a Candidate.
- i) Websites or domain names that are funded, owned, or operated by the Township shall not include any Campaigning, other than non-partisan election information material that is required for the proper administration of the election under the Act and basic contact information for Candidates.

- j) The Township's voicemail system shall not be used to record campaign messages, and the municipality's technology systems comprising of the computer network, Township laptops, emails, internet, fax, smart phones, data plans and related IT systems shall not be used for Campaigning.
- k) No person shall use any Council, Councillor or Local Board budgets for election-related purposes or to advertise, promote or support any Candidate, third-party advertiser, or any position related to any questions which may be authorized to be placed on the ballot.
- l) Any Township logo, crest, coat of arms, slogan, brand, other marks, chain of office, etc. shall not be used in any Campaigning or included on any campaign related website, social media, or electronic publication.
- m) Photographs and videos produced for and owned by the Township may not be used for Campaigning.
- n) No Candidate shall use municipal facilities, services, or property for their campaign use unless in accordance with Township procedures and fee schedules.
- o) No Candidate shall use the services of municipal employees for their campaign, during hours in which the employees are in the paid employment of the municipality.
- p) As provided for in section 11 of the Act, the Clerk is responsible for conducting elections within the Township. Accordingly, any decision regarding the conduct of an election, including the interpretation and application of this Policy, shall fall under the authority of the Clerk.

## PART 2 - TOWNSHIP STAFF

- a) Staff shall not use any Township Resources for any Campaigning purposes.
- b) Staff shall neither canvass nor actively work in support of a Candidate during working hours, unless such Staff is on a leave of absence without pay, maternity/parental leave, vacation leave, or any other day off from work excluding sick days or personal/family emergency days.
- c) Staff shall neither canvass nor actively work in support of a Candidate while wearing a Township uniform, badge, crest or other item identifying them as a member of Township Staff, or while using a Township owned or leased vehicle.
- d) Staff who are also relatives of any Member of Council. Member of Local Board or Candidate shall not be assigned to work in any part of the voting process.
- e) Staff shall not use their official authority or influence for the purpose of interfering with or affecting the result of a municipal election or a question on the ballot, nor use their official title while participating in otherwise permissible political activities.
- f) Staff are advised to be especially mindful of public perception during municipal elections, and to ensure that their activities neither conflict with nor adversely affect their duties as members of Township Staff. Moreover, Staff have a responsibility to ensure that public resources are not used for Campaigning by any person.
- g) Any member of Staff who considers being a Candidate in a municipal election should familiarize themselves with the rules set out in the Act and the Education Act, R.S.O. 1990, c. E.2, as amended.

- h) Staff are to behave in a manner that is impartial, fair and unbiased toward all registered Candidates and third-party advertisers.
- i) Staff shall consult with their direct Supervisor prior to agreeing to perform any task requested by a Member of Council, Member of a Local Board, registered Candidate, or third-party advertiser.
- j) Staff shall not rent any corporate facility/property for any municipal election-related purpose to members of Council, members of Local Boards, Candidates, third-party advertisers, or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities.

#### PART 3 - MEMBERS OF COUNCIL OR LOCAL BOARDS

- a) A Member of Council or Local Board is responsible for ensuring that the content of any communication material that is printed, sponsored, hosted, or distributed by the Township at the request of such Member of Council or Local Board is not used for Campaigning purposes.
- b) A Member of Council or Local Board shall not print or distribute campaign material using Township Resources and/or paid for by Township funds.
- c) The use of office furnishings, office/desk locations, stationary, and other supplies normally provided for Members of Council or Local Boards will remain status quo during the Nomination Period and until the end of the Council term. However, none of these Township Resources may be used for Campaigning.
- d) No Members of Council or Local Boards shall use municipal facilities, services, or property from the start of the Nomination Period to the close of Voting Day, or any extension of the voting period, unless in accordance with Township procedures and fee schedules.
- e) Members of Council and Local Boards are advised to be especially mindful of public perception during municipal elections, and to ensure that their activities neither conflict with nor adversely affect their duties as Members of Council or Local Boards or otherwise impugn the ethical reputation of themselves, Council, Local Boards or the Corporation. Moreover, Members of Council and Local Boards have a responsibility to ensure that public resources are not used for Campaigning by any person.

#### PART 4 - LIMITATIONS

- a) Nothing in this Policy shall prohibit a Member of Council or Local Board from performing their job as a Member of Council or Local Board, nor impede them from representing the interests of their constituents or the public at large.
- b) Nothing in this Policy shall preclude a Staff member from exercising their civic right and duty to participate in the municipal election process as a private citizen.
- c) Nothing in this Policy shall prevent Staff from conducting an election in accordance with the Act, or providing non-partisan election information material on behalf of the Township so as to inform the public about the election and the election process.

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## RESPONSIBILITIES

### Council and Local Boards

- To conduct themselves in a manner consistent with this Policy and the Code of Conduct, whether they have filed nomination forms with the Township or not.
- To support Staff in the administration and application of this policy.

### Director Of Information and Legislative Services

- To consult with the Corporate Leadership Team on the administration and application of this policy.
- To provide advice to members of Council, members of Local Boards, Candidates, third-party advertisers, and Staff on this Policy.
- Oversee the update of this policy and any accompanying schedules.

### Corporate Leadership Team

- Review and comment on any updates to this Policy and any accompanying schedules prior to presenting to Council.
- Support the activities of the Director of Information and Legislative Services through the administration and application of this Policy.

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## COMMUNICATION

This Governance Policy:

- shall be communicated to Council, Local Boards, the Corporate Leadership and the public every four years in advance of the Municipal Election;
- shall be posted online during the Nomination Period, or earlier;
- shall be included as part of the Nomination Package for potential Candidates; and,
- shall be catalogued with all other Governance Policies for Municipal Elections and Community Engagement.

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## EVALUATION

The Director of Information and Legislative Services shall review this Policy with the Corporate Leadership Team in advance of each Municipal Election.

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## **LEGISLATIVE REPORTING REQUIREMENTS**

Council shall be asked to consider the adoption of this Policy prior to May 1 of an election year in accordance with Section 88.18 of the Act.