

CORPORATION OF THE TOWN OF PETROLIA
BY-LAW NUMBER 12-2022

Being a by-law to adopt a Council Policy in relation to the use of Corporate Resources during a municipal election year

WHEREAS Section 88.18 of the Municipal Elections Act, 1996 (MEA), requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or local board resources during the election campaign period; and

WHEREAS section 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power shall be exercised by bylaw; and

WHEREAS Council deems it expedient to adopt a Policy regarding the use of Corporate Resources during an Election Year;

NOW THEREFORE the Council of the Corporation of the Town of Petrolia enacts as follows:

1. THAT the Council Policy entitled "Use of Corporate Resources during an Election", attached hereto as Schedule "A", shall form part of this by-law; and
2. THAT all By-Laws and motions of Council found to be inconsistent with the Provisions found in this By-Law shall be and are Hereby Repealed; and
3. THAT this By-law shall come into effect upon passing thereof.

By-Law read a First and Second time this 28th day of March, 2022

By-Law read a Third time and Finally Passed this 28th day of March, 2022

R. Brad Loosley
Mayor

Mandi Pearson
Clerk/Operations Clerk

By-Law 12 of 2022
Schedule "A"

Use of Corporate Resources for Election Campaign Period Policy

This policy provides guidance for the appropriate use of corporate resources and/or funding during a municipal election period.

Purpose:

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

- No candidate shall use the equipment, supplies, services, staff or other resources of the Municipality (including Councillor budgets) for any election campaign or campaign related activities.
- No candidate shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

Rationale and Legislative Authority:

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interest of both the Members of Council and the Corporation. The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. The Act 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 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.

Application:

This Policy is applicable to all candidates, including members of Municipal Council.

Specific Policy:

Further to the Council Code of Conduct and in accordance with the provisions of the *Municipal Elections Act, 1996*:

- Corporate resources, assets and funding shall not be used for any election-related purposes;
- Staff shall not canvass or actively work in support of a municipal candidate or registered third party during the employee's working hours;

- During a campaign period the use of equipment, supplies, services, staff, promotional materials or other resources of the municipality for any campaign or campaign related activities is not permitted. This prohibition includes, but is not limited to:
 - Use of Municipal funds to acquire any resources for any campaign related activities such as stationery, office supplies, or photocopying.
 - Use of Municipal brand, logo, crest, coat of arms, slogan or corporate program identifiers, or the Municipal Election logo and any related identifiers on any election campaign material
 - Use of corporate information technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, municipal email addresses, municipal business cards, web pages, blogs, municipally issued cell phones) to communicate campaign related messages.
 - Use of Municipal facilities without compensated contract to host campaign related activities such as candidate meet and greets.
 - Print or distribute any material paid by municipal funds that illustrate that a member of Council or any other individual is registered in any election or where they will be running for office; (Agenda and Minutes of municipal Council and Committee meetings etc. are exempt from this policy.
- Members of Council are responsible for ensuring that the content of any communication material, printed, hosted or distributed by the Town of Petrolia, is not election-related;
- Once the voting period begins Candidates, or registered third parties shall not use the hyperlink to the voting website on any of their campaign materials or social media accounts;
- All campaign-related email shall be directed to and from personal email addresses during the campaign period;
- To avoid any confusion with any website or social media accounts used for Council work, members of Council who choose to create or use their own websites or social media accounts shall throughout the period from May 1st of the municipal election year until Voting Day, include a clear statement, easily found and readable, on each website or social media account's home or bio page indicating that the account is being used:
 - Solely for Council work or
 - For both Council work and/or election campaign purposes; or
 - Solely for election campaign purposes
- In any material printed or distributed by the Town of Petrolia, candidates are not permitted to:

- Indicate that an individual (either a Member of Council or any other individual) is a candidate registered in any election;
- Identify where they or any other individual will be running for office; and
- Profile or make reference to candidates in any election.

Websites or domain names that are funded by the Town of Petrolia shall not include any election-related campaign material;

The municipality's voice mail system shall not be used to record election related messages or the computer network (including the Municipality's e-mail system) to distribute election related correspondence;

Photographs produced for and owned by the Town of Petrolia shall not be used for any election purposes;

Distribution lists or contact lists developed utilizing corporate resources or through contact in a Member of Council's role shall not be utilized for election purposes. (A candidate's use of the voters list is exempt from this policy.)

Photos taken utilizing Municipal cameras or sent through Municipal e-mail accounts also shall not be utilized; and

The above recommendations also apply to an acclaimed Member or a Member not seeking re-election.

Clarification – Use of Town Facilities

In the course of its day-to-day business the Municipality offers advertising opportunities to the general public and the availability of room rentals in certain facilities. Candidates are permitted to avail themselves of these opportunities at market rates, the same as any other member of the public.

Candidates are generally permitted to campaign (such as hand out flyers) in public spaces (such as the Farmers' Market, parks, or walkways) and at public events (such as the Canada Day Events) provided they do not disrupt the event or staff functions and provided they comply with all applicable laws.

Application:

In accordance with the *Municipal Elections Act, 1996*, 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, nor inhibit them from representing the interest of the constituents who elected them.