



The Municipal Corporation of the Town of Fort Erie

By-law No. 62-2018

Being a By-law to Adopt a Policy for the Use of Corporate Resources for Election Purposes for the Town of Fort Erie and to Repeal By-law No. 80-10

Whereas the *Municipal Elections Act, 1996*, as amended, prohibits a municipality from making a contribution to a candidate or a third party advertiser and it also prohibits a candidate or third party advertiser, or someone acting on their behalf, from accepting a contribution from a person who is not entitled to make a contribution; and

Whereas By-law No. 80-10 was passed by the Municipal Council of the Town of Fort Erie on the 19th day of July, 2010 to adopt a policy for the use of corporate resources for election purposes; and

Whereas Report No. COS-01-2018 was approved at the Council-in-Committee meeting of April 16, 2018 to adopt a new policy for the use of corporate resources for election purposes to include third party advertisers; and

Whereas it is deemed desirable to adopt a new policy in the form of Schedule "A" attached to this by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the policy for the use of corporate resources for election purposes in the form of Schedule "A" attached to and forming part of this by-law is authorized, approved and adopted.
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of April, 2018.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 62-2018 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

GENERAL POLICY STATEMENT

The purpose of this policy is to regulate and provide that all registered candidates, including candidates who are Members of Council, and third party advertisers as defined in the *Municipal Elections Act, 1996*, as amended (the “*Act*”) are required to follow the provisions of the *Act*, and that:

- No Member/candidate/third party advertiser shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Town letterhead, business cards, email accounts, computers, photocopiers, any municipally-funded Councillor newsletters) for any election campaign or campaign-related activities.
- Subject to the provisions set out herein, no Member/candidate/third party advertiser shall undertake campaign-related activities on municipal property.
- Subject to the provisions set out herein, no Member/candidate/third party advertiser shall use the services of persons during hours in which those persons receive any compensation from the municipality.

This policy shall apply to any government election, including municipal, provincial and federal elections.

APPLICATION

This policy is applicable to all registered candidates, including candidates who are Members of Municipal Council, and to all third party advertisers under the *Act*.

SPECIFIC POLICY

- (1) In accordance with the provisions of and during the election campaign period described in the *Act*:
 - (a) Corporate resources (money, goods and services) may not be used for any election-related purposes;
 - (b) Staff may not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, vacation leave or statutory holiday;

SPECIFIC POLICY ...continued

- (c) Members of Council/candidates/third party advertisers may not use any municipally-provided facilities for any election-related purposes. Campaign-related signs or any other election-related material shall not be displayed in or upon any municipally-provided facilities or property (excluding road allowances), in accordance with Section 8.0 of the Town's Sign By-law No. 119-2017, as amended or replaced from time to time;
- (d) The prohibitions set out in Clause 1(c) are not applicable where the Town equipment, facilities or services are available for such use by the public generally, the Member of Council/candidate/third party advertiser is receiving no special preference with respect to its use, and any applicable fee for such use has been paid;
- (e) 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, or
 - (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.
- (f) Members of Council are responsible for ensuring that the content of any communication material printed, hosted or distributed by the Town of Fort Erie is not election-related.
- (g) Websites or domain names that are funded by the municipality may not include any election-related campaign material. The biographies for each of the Members of Council shall be removed from the Members of Council section of the web page on or about the date nominations may be filed under the *Act*. The pictures and contact information will remain on the website. No changes to the contents of the information on the website will be entertained from the date nominations may be filed under the *Act* through to Election Day in an election year.
- (h) Members of Council may not use the municipality's voice mail system to record election-related messages.

SPECIFIC POLICY ...continued

- (i) The municipality's logo, crest, slogan, etc. may not be printed or distributed on any election materials or included on any election campaign-related website, except in the case of a link to the Town's website to obtain information about the municipal election.
 - (j) The above provisions also apply to an acclaimed member or a member not seeking re-election, and a third party advertiser.
- (2) The Town 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 his/her work as a Councillor nor inhibit him/her from representing the interests of the constituents who elected him/her.

RATIONALE & LEGISLATIVE AUTHORITY

The *Act* requires municipalities to establish rules and procedures with respect to the use of corporate resources during the election campaign period. The *Act* prohibits a municipality from making a contribution to a candidate or third party advertiser. The *Act* also prohibits a candidate or third party advertiser or someone acting on their 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 Members of Council/candidates/third party advertisers, of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality, which is a violation of the *Act*.