

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS  
BYLAW 2018-010

A BYLAW TO ADOPT A COUNCIL POLICY ENTITLED  
"Use of Corporate Resources During an Election Year"

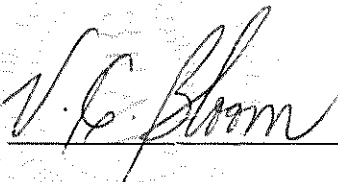
**WHEREAS** the Council of The Municipality of Hastings Highlands deems it advisable to adopt a Policy regarding the use of Corporate Resources during an Election Year;

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

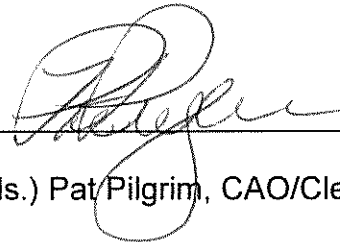
**NOW THEREFORE BE IT RESOLVED THAT** the Council of The Corporation of the Municipality of Hastings Highlands enacts as follows:

1. **THAT** the Council Policy entitled "Use of Corporate Resources during an Election", attached hereto as Schedule "A", is hereby adopted; and
2. **THAT** this bylaw comes into force on the day it is passed.

**ENACTED AND PASSED IN COUNCIL THIS 17<sup>th</sup> day of January, 2018.**



Vivian Bloom, Mayor



(Ms.) Pat Pilgrim, CAO/Clerk





Schedule "A"

Municipality of Hastings Highlands- Corporate Policies and Procedures			
<b>DEPARTMENT:</b> Council/Clerk Services/Administration			<b>POLICY #:</b>
<b>PROCEDURE:</b> Use of Corporate Resources During an Election Year Policy			
<b>DATE:</b> JAN/18	<b>REV. DATE:</b>	<b>COVERAGE:</b> Members of Council, potential and registered election candidates/third party advertisers, Municipal Staff, members of the public.	<b>PAGE #:</b> 1-6

**Policy Statement:**

The Corporation of the Municipality of Hastings Highlands is committed to ensuring accountable and transparent election practices, relating to the use of corporate resources.

**Scope**

This policy applies to Members of Council, Municipal Staff, potential candidates, registered election candidates (including acclaimed candidates), registered third parties, and members of the public.

**Purpose:**

The purpose of this Policy is to clarify that the coverage group listed above are required to follow the provisions of the *Municipal Elections Act, 1996*, S.O. 1996 with regard to the use of corporate resources for election purposes.

This Policy also ensures that the Municipality's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.

## DEFINITIONS

**"Acclaimed"** means a Candidate elected by acclamation pursuant to section 37 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 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, etc.

**"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, c. E.2, as amended.

**"Clerk"** means the Clerk of the Municipality or his/her designate.

**"Council"** means the Council of the Municipality.

**"Member"** means a Member of the Council of the Municipality, and includes the Mayor of the Municipality.

**"Municipality"** means The Corporation of the Municipality of Hastings Highlands.

**"Municipal Facility"** means a building, park or property owned and/or operated by the Municipality of Hastings Highlands.

**"Municipal or Corporate Resources"** means real property, goods and/or services owned, controlled, leased, acquired, and/or operated by the Municipality including but not limited to: materials, municipal branding or visual identity, equipment, community recreation centres/arenas/halls, libraries and other facilities, technology, social media, Municipal databases, intellectual property and supplies.

**"Nomination Day"** means the deadline to file a nomination, for a regular Election will be the fourth Friday in July.

**"Policy"** means this document -Use of Corporate Resources during Election Year

**"Social Media"** refers to web-based applications that allow users to interact, share and publish content such as text, links, photo and video. Social media platforms include, but are not limited to: Facebook, Flickr, Google+, Blogs, Flickr, Instagram, LinkedIn, Pinterest, Reddit, Snapchat, Twitter, Tumblr, Wikipedia, YouTube).

**"Staff"** means all full-time and part-time persons hired by the Municipality, including but not limited to the Chief Administrative Officer, Managers, Supervisors,

Coordinators, salaried employees, union employees, administrative staff, and contract, temporary, student, intern and co-operative placement staff.

**Third Party Advertiser** – means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

**Third Party Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.

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

## **POLICY: USE OF CORPORATE RESOURCES DURING AN ELECTION YEAR**

### **CONDUCT**

Municipal staff is expected to discharge their duties in a professional, objective manner at all times. Given that the municipal operations are usually under more scrutiny in an election year, staff is expected to take extra care to ensure that they behave in a manner that residents, members of the existing Municipal Council, candidates and potential candidates for election see as impartial, fair and unbiased. Staff is not to let any political activity interfere with the performance of their duties as an employee of the Corporation of the Municipality of Hastings Highlands.

Outside of the work place, staff is expected to use discretion and judgment when discussing election issues so that their comments do not call into question their professionalism or cause discredit to the Corporation.

Staff owes a duty to ensure that his/her office is not used to confer a benefit on any one candidate.

### **WORK OF A POLITICAL NATURE**

Staff is discouraged from assisting with election campaigns outside of working hours due to a perceived conflict of interest based on their privileged position as an employee of the Municipality.

## **VOTING**

At least three consecutive hours are required to be available to allow staff to vote either before starting or after finishing work. Based on the method of voting being utilized in the 2018 Municipal Election, staff will be able to vote via internet or telephone. If they need assistance at the Voter Help Centre, they may visit during business hours.

## **REQUESTS FOR INFORMATION AND COMMUNICATION WITH CANDIDATES/POTENTIAL CANDIDATES AND THIRD PARTY ADVERTISERS**

Staff is to remember the formal relationship which exists between The Municipality of Hastings Highlands' candidates/potential candidates and third party advertisers. In order to ensure the protection of the integrity of the election process, a procedure for the use of Corporate Resources during an Election Year has been established to provide a common and anonymous process for candidates/potential candidates and third party advertisers to request information for use during their campaign and to ensure that municipal staff is able to maintain their neutrality.

## **ENFORCEMENT**

This policy must be strictly monitored and enforced. Staff who contravenes this policy may be subject to disciplinary action. Any concerns of non-compliance are to be brought to the attention of the Clerk immediately. Nothing in this Policy shall preclude a Member of Council from performing their job as a Mayor, Deputy Mayor or Councillor, nor inhibit them from representing their interests of the constituents who elected them.

## **POLICIES/LEGISLATION**

*Municipal Elections Act, 1996*

*Ontario Municipal Act, 2001*

*Municipal Conflict of Interest Act, 1990*

Bill 212

## **PROCEDURE: USE OF CORPORATE RESOURCES DURING AN ELECTION YEAR**

The purpose of this policy is to set out guidelines and expectations for existing members of Hastings Highlands Council, staff, candidates, potential candidates and third party advertisers to follow during municipal election campaigns including the provisions of the *Municipal Elections Act, 1996*.

This Policy also ensures that the Municipality's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.

This policy will clarify that all Hastings Highlands staff shall maintain the highest standards of ethical conduct throughout the election campaign period, generally recognized as beginning with the municipal election candidate registration date, being **May 1st, through to Voting Day**, in a Municipal Election year.

In order to maintain fairness and transparency for all existing members of Council, candidates, potential candidates and third party advertisers during the nomination and

campaign period for the Municipal Election, the following procedure shall be utilized for answering any questions related to municipal operations:

- 1) All staff, existing Council, candidates and third party advertisers will be provided with a copy of this procedure.
- 2) A copy of this procedure will be placed on the Hastings Highlands municipal website (election page).
- 3) The Clerk's department will provide notification to staff by e-mail when a candidate has filed their nomination papers. Department Heads and/or Managers are to provide the information to any of their staff who the municipality does not have email addresses for or do not have access to e-mail.
- 4) Candidates/potential candidates and third party advertisers are requested to not ask questions directly of municipal staff regarding the operations of the municipality for campaign purposes.
- 5) No candidate/potential candidate or third party advertiser shall compel staff to engage in partisan political activities or subject staff to threats or discrimination for refusing to engage in such activities.
- 6) All municipal staff has been directed to not respond directly to questions from candidates/potential candidates or third party advertisers regarding the operations of the municipality for campaign purposes, but rather to refer all questions to the Clerk's department.
- 7) Questions shall be posed in writing addressed to the Clerk's department. The preferred method of contact shall be by email to [election@hastingshighlands.ca](mailto:election@hastingshighlands.ca)
- 8) The Clerk/Deputy Clerk shall remove any email addresses, or identifying information and immediately circulate the question to the appropriate Department Head for a response, if needed.
- 9) Where the Clerk/Deputy Clerk determines that:
  - a. The question requires more research time or, where appropriate, staff are not available to respond within a reasonable time, the candidate/potential candidate or third party advertiser will be provided with an estimate of when the response will be available;
  - b. The question cannot be answered appropriately, for whatever reason, the Clerk/Deputy Clerk shall immediately inform the candidate/potential candidate or third party advertiser that an answer will not be forthcoming and shall provide a reason for such a decision.
- 10) The Clerk/Deputy Clerk shall respond by e-mail to the candidate/potential candidate or third party advertiser who originally asked the question.
- 11) Once a response has been provided, clarification may be requested of the Clerk/Deputy Clerk who will follow the above process.
- 12) Questions and answers will then be shared via personal email address to all candidates/potential candidates and third party advertisers.
- 13) Questions and answers will be posted on the municipal website under 2018 Election, under the Frequently Asked Questions tab (FAQ) at the Clerk's

- department's earliest convenience, to ensure fairness to all.
- 14) A candidate/potential candidate, third party advertiser or member of the public may not use any corporate facility/property for any election-related purpose unless a market value rental fee has been established and the rental of such is available to all candidates/potential candidates and third party advertisers to attend the event eg. "All Candidates Meeting(s).
  - 15) A candidate/potential candidate or third party advertiser may not use municipal materials, municipal branding or visual identity, municipal crest or logo, (eg. municipal business cards and logo jackets) equipment, technology, municipal email and supplies for election **campaigning and advertising**.
  - 16) Hastings Highlands Council shall not use their municipal email addresses for **campaigning**. All campaign-related email will be directed to and from their personal email address during the campaign period.
  - 17) 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 either:
    - solely for Council work
    - for both Council work and/or election campaign purposes; or
    - solely for election campaign purposes
  - 18) Only the photos and contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the corporate website. Links to Council member-related web sites or social media links will be removed during the campaign period.

### **CAMPAIGNING AND CAMPAIGN ADVERTISING MUNICIPALLY OWNED/LEASED FACILITIES**

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted.

The use of corporate resources is not permitted by Candidates for election purposes (ie. the assistance of staff, use of municipal electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

Candidates are prohibited from offering electronic equipment to electors to vote (eg. cell phone, laptop).

Candidates and third party advertisers are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk's Department.