

Use of Corporate Resources for Election Purposes

**General Committee
December 5, 2017**

Background

- Staff presented draft Policy on Use of Corporate Resources for Election Purposes at November 20, General Committee meeting.
- Committee suggested the following be clearly defined in Policy:
 - Opening of Nominations
 - Nomination Period
 - Close of Nomination period (Nomination Day)
- Committee questioned the appropriateness of:
 - Electronic newsletters
 - Annual events, such as Golf Tournaments or BBQs, during the municipal campaign period
- Staff requested to return to December 5, 2017 General Committee for further discussion on Policy.

Definitions

Regular municipal Election (includes Regional Councillors, Regional Chair and School Board)	The period commences on the first day nominations may be filed and ends on Voting Day.
Municipal by-election (includes Regional Councillors, Chair and school board)	The period commences on the first day nominations may be filed and ends on Voting Day.
Provincial or federal Election	The Election period commences the day the writ for the Election is issued and ends on Voting Day.
Provincial party leadership contests	The period commences with the date of registration as a Candidate with the Chief Electoral Officer of Ontario and ends with the date fixed for the leadership vote as filed with the Chief Electoral Officer of Ontario.
Federal party leadership and nomination contests	The period commences when a contestant receives contributions, incurs expenses or borrows money or is deemed to be a contestant as stated in sections 478.2 (2) and 476.2 of the Canada Elections Act and ends with the date of selection.

Definitions (Cont'd)

“NEWSLETTER” means a printed or electronic publication.

"NOMINATION DAY" is the date in a regular election or a by-election as defined in Municipal, Provincial or Federal legislation where nominations close.

“NOMINATION PERIOD” is the period of time between the opening of nominations and Nomination Day, in a regular election or a by-election as defined in Municipal, Provincial or Federal legislation.

“OPENING OF NOMINATIONS” is the first date in a regular election or a by-election as defined in Municipal, Provincial or Federal legislation where nominations can be filed.

“VOLUNTEER” means an individual working for the Mayor or Councillors or the City that does not receive financial payment from the City for their work.

General Revisions

- Purpose Statement: revised to include: “This Policy should be interpreted as a general prohibition against the use of corporate resources for any election related purposes.”
- Applicability and Scope Statement: revised to include volunteers, “This Policy applies to Mayor and Councillors, City Staff and Volunteers who are running for office, or assisting someone who is running for office.”
- Roles and Responsibilities: revised to include: “In addition to repayment resulting from a breach of this policy Candidates, Councillors and/or City staff could be subject to an investigation under the Council Code of Conduct or Staff Code of Ethics and Conduct.”

Clarification on Budgets

- 3.2 The budgets for Councillors in a Municipal Election year will be restricted to 11/12^{ths} of the approved annual discretionary budget amount:
- Examples of Permitted Expenses after May 1st in a Municipal Election year:
 - Mileage for travel undertaken for City business
 - 407 charges for travel undertaken for City business
 - Non-election related training seminars/conferences
- If unsure about a permitted expense, Councillors are encouraged to contact the Returning Officer.

Clarification on Budgets (Cont'd)

- 3.3 The budgets for Mayor and Councillors seeking Provincial or Federal Election will be prorated based on the month the Election occurs.
 - If the election occurs in June, Councillors seeking Provincial or Federal office would have access to 6/12^{ths} of their discretionary budget for City business;
 - If unsuccessful in the Federal or Provincial election, Councillors would be given access to the remaining 5/12^{ths} of their discretionary budget for City business following the posting of the election results;
 - If successful in the Federal or Provincial election, Councillors would be required to reimburse the City for any expenses incurred in excess of 6/12ths of their budget.

Regulatory Realms

Use of Resources (Regulated)	Election Realm (Regulated)	Private Citizen Realm (Unregulated)
<ul style="list-style-type: none"> • Councillors have access to City resources to fulfill their duties as Councillors. • These resources include technology, newsletters, discretionary budgets etc. and can be used throughout their term to communicate and effectively resolve issues for residents. • The use of City resources is regulated via this Policy. 	<ul style="list-style-type: none"> • City resources may not be utilized for election purposes. • Expenditures on election related items are regulated by legislation. • Candidates are required to file financial statements to account for campaign contributions and expenditures. 	<ul style="list-style-type: none"> • If acting as a private citizen this policy does not apply. • As a private citizen you could host an event or sponsor an event and this policy would not apply. • If contributing personal money to any type of election campaign (whether it is your own or someone else's campaign) you are governed by the spending limits/donation limits outlined in the relevant legislation.

FAQs

- **Can I host a golf tournament during an election year?**
 - Yes - if you are acting as a private citizen, and no City resources are used and no electioneering takes place, there is nothing in the Policy that would prevent you from hosting a golf tournament.
- **Can I hand out literature that identifies me as a Candidate (for any election) at a City sponsored or Ward event?**
 - No - if the event is a City sponsored event or a Ward event you are not allowed to undertake any campaigning or distribute election related material.
- **Can I hand out literature at a non-City event that identifies me as a Candidate for any election?**
 - Maybe - with permission from the event organizer, you could distribute election related material. However, if the event is being held at a City-owned facility, you must have the permission of the permit holder and abide by the rental rules relating to election material at City owned facilities.

FAQs Cont'd

- **Can my Assistant help with campaign activities/events outside of their City work hours?**
 - Yes - Assistants who wish to do so are permitted to help with campaign activities/events but not during their City work hours.
- **How do I ensure my Assistant is not contravening the Policy?**
 - Each Councillor should ensure their Assistants have read and understood the Policy. They should also have an established work schedule for their Assistant (clearly identifying the hours in which the Assistant is receiving compensation from the City).
- **Can I respond to resident emails or meet with residents to resolve issues after May 1st?**
 - Yes - Nothing in this Policy prevents a Councillor from fulfilling their duties as an elected representative.