



Report to: General Committee

Meeting Date: November 6, 2017

SUBJECT: Use of Corporate Resources for Election Purposes
PREPARED BY: Carlie Turpin, Manager, Elections ext. 2083

RECOMMENDATION:

- 1) That the report titled, “Use of Corporate Resources for Election Purposes,” be received;
- 2) That Section 8 of the, “Business Conference and Expense Policy,” be repealed;
- 3) That the Policy titled, “Use of Corporate Resources for Election Purposes Policy,” be adopted; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council approval for the proposed “Use of Corporate Resources for Election Purposes” Policy. Provisions regarding the use of municipal resources for election purposes were previously contained in the “Business Conference and Expense Policy”.

BACKGROUND:

The Municipal Elections Act, 1996 (the Act) was reviewed following the 2014 Municipal Election and a number of changes have been subsequently enacted. Bill 181, the Municipal Elections Modernization Act, 2016 (“Bill 181”), received Royal Assent on June 9, 2016. Section 88.18 of the amended Act requires Ontario municipalities to establish “rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.”

Currently, Markham’s Business Expense and Conference Policy outlines the expenses for which staff are eligible for reimbursement. Within this Policy, the section entitled, “Use of Corporate Resources for Election Purposes,” prescribes how Councillors can utilize corporate resources during an election year. In order to comply with the amended legislation, staff have removed this section of the Business Expense and Conference Policy and have created a standalone draft policy on the Use of Corporate Resources for Election Purposes.

OPTIONS/ DISCUSSION:

The proposed Use of Corporate Resources for Election Purposes Policy clarifies many of the definitions and specific rules currently contained within the Business Expense and Conference Policy. The proposed changes are consistent with the amendments made to the Municipal Elections Act, and best practices, and include the following:

1. Definitions

- Election Campaign – the current definition has been clarified to include all elections, including municipal, regional, provincial, federal and party leadership contests. This will affect Councillors who choose to become candidates in any election.
- Registered Third Party – a new definition has been added to reflect its inclusion in the Act to address concerns with election-related advertising by non-candidates.

2. General Provisions

- Provide better guidance and clarity regarding the use of personal time for City Staff considering participation in election campaigns.

3. Campaign Activities at City Owned/Operated Facilities

- Section has been clarified to state Candidates are permitted to use any City facility that provides for public rentals, with the exception of the Civic Centre, for election-related purposes, providing that all proper processes are followed and applicable fees are paid.
- Election-related material is permitted to be displayed at a City facility during the approved rental period. All election-related material must be removed after the rental period is over.

4. Election Period

- Adjusts the dates where services provided to Members of Council are discontinued, as a result of the change in the Nomination Period, while ensuring that Members are able to continue to fulfill their legislated duties as Council Members.

A detailed list of changes is included with this report as Appendix “A”.

CONCLUSION

In order to provide clarity around the use of corporate resources for election purposes and to ensure compliance with the amended Act, it is recommended that the proposed standalone Policy be adopted.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance and Legal Services staff have been consulted in the preparation of this report.

RECOMMENDED BY:

2017-11-01

X



Kimberley Kitteringham
City Clerk
Signed by: cxa

X



Trinela Cane
Commissioner Corporate Services
Signed by: cxa

ATTACHMENTS:

[Attachment "A" – Detailed Overview of Changes](#)

[Attachment "B" – Proposed Use of Corporate Resources for Election Purposes Policy](#)

Attachment “A” - Detailed Overview of Changes

Current Policy	Revised Policy	Explanation
Sec. 8.3 c) Members of Council may not display any election related materials or distribute any election-related material in municipally-provided facilities, this excepts the use of facilities such as community centers, libraries or the theatre, provided the application process is followed, including payment of the required fee	<p>2.1. Candidates and Registered Third Parties may not display any election related material or undertake any campaigning at City facilities except under the following circumstances:</p> <p>Sec. 2.1.2. Candidates may use any City owned facility that provides for public rentals, with the exception of the Civic Centre, provided the application process for use of the facility is followed, and that all applicable fees for use of the facility are paid.</p> <p>2.1.3. Candidates and Registered Third Parties will set up and remove all election related material, including but not limited to, signs, posters, and other campaign material within the allotted rental period; and,</p> <p>2.1.4. Election Related material can only be displayed within the rented area designated within the rental agreement.</p>	Wording has been clarified to allow for the rental of any City facility that allows public rentals (except the Civic Centre) provided the proper application process is followed and fees are paid. Clarifies that election related material may be displayed during rental period.
Sec. 8.2 This policy is applicable to all Members of Council.	Applicability & Scope Statement: This Policy applies to Mayor and Councillors and City Staff who are running for office in municipal, regional, school board, provincial or federal elections (or who have been acclaimed) or political party nominations.	The scope of Policy has been expanded to cover both Councillors and City staff who are seeking elected office. This reflects the legislative intent to ensure no municipality contributes to any election campaign through the use of municipal resources.
Sec. 8.3 e) The following be discontinued for Members of	Sec. 1.9. Councillors may not use any City printers and/or	Revised to reflect current practice of monitoring printing

<p>Council, on April 30 in each election year:</p> <p>(i) All printing, high speed photocopying and distribution, including printing and general distribution of ward-wide notices, unless authorized by Council;</p> <p>(ii) Production or distribution of Newsletters</p>	<p>photocopiers to produce election related material. Once a Councillor has filed their nomination paper with the Clerk their printing and/or photocopying levels shall not exceed the monthly average from the previous year as determined by the Clerk. Sec. 3.2. The following will be discontinued for Councillors on May 1 in a municipal election year until the end of the Council term:</p> <p>3.2.1. Newsletters or other ward-wide communication, unless specifically authorized by Council;</p> <p>3.2.3. All printing, high speed photocopying distribution;</p>	<p>levels to ensure election-related material are not produced using City printers/photocopiers.</p> <p>Revised to coincide with recent legislative changes to the Nomination Period, which now begins May 1 in an election year.</p>
<p>Sec. 3.8 f) The following be discontinued for Members of Council on June 30th:</p> <p>(i) All forms of advertising, including in municipal publications;</p>	<p>Sec. 3.2. The following will be discontinued for Councillors on May 1 in a municipal election year until the end of the Council term: 3.2.2. All forms of advertising, including municipal publications;</p>	<p>Revised to coincide with the legislated changes to the campaign period, which now begins May 1 in an election year.</p>
<p>Sec. 3.8 g) The following be discontinued for Members of Council from July 30th in a municipal election year to Election Day:</p> <p>(i) Disbursement of Notices for the Opening of Parks, Open Spaces and Facilities.</p>	<p>Sec. 3.2. The following will be discontinued for Councillors on May 1 in a municipal election year until the end of the Council term:</p> <p>3.2.5. All expenses related to ward or community meetings, facility openings and business cards;</p>	<p>Revised to coincide with the legislated changes to the campaign period, which now begins May 1 in an election year.</p>
<p>Sec. 8.3 h) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:</p> <p>(i) The ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and</p>	<p>Sec. 3.2. The following will be discontinued for Councillors on May 1 in a municipal election year until the end of the Council term:</p> <p>3.2.4. The ordering of stationery;</p> <p>3.2.6. The ordering or moving of office furniture and furnishings, except those of an emergency nature.</p>	<p>Revised to coincide with the legislated changes to the campaign period, which now begins May 1 in an election year.</p>

furnishings; and (ii) The ordering of stationery.		
Sec.8.3 i) 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; (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; and that minutes of municipal Council and Committee meetings be exempt from this policy;	3.3. Councillors and Candidates may not: 3.3.1. Print or distribute any material paid for with City funds (or produced with the use of City owned equipment or facilities) that makes reference to any other Councillor or individual that is running for elected office in a school board, municipal, provincial or federal election, or political party context, or by-election; 3.3.2. Print or distribute any material paid for with City funds (or produced with the use of City owned equipment or facilities) that identifies that they or another individual will be running for elected office;	Expanded to include all elections, not just municipal elections.