The Corporation of the Town of South Bruce Peninsula

By-Law Number 71-2014

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Use of Corporate Resources for Election Purposes)

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas Section 11 of the Municipal Act, 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

And whereas Section 270 (1) 5 of the Municipal Act, 2011, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

And whereas Section 70(4)2 of the Municipal Elections Act, 1996 provides that a municipality or local board may not contribute to an election candidate;

And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by adding a policy with regard to Use of Corporate Resources for Election Purposes.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1) That a policy with regard Use of Corporate Resources for Election Purposes be numbered appropriately and added to the Municipal Policy Manual.

2) That all by-laws and polices inconsistent with this by-law are hereby repealed and replaced with this by-law.

3) That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 15th day of July, 2014.

Mayor

Clerk
Read a third time and finally passed this 15th day of July, 2014.

[Signature]
Mayor

[Signature]
Clerk
Use of Corporate Resources for Election Purposes

Purpose:

This policy is to clarify that candidates are required to follow the provisions of the Municipal Election Act with respect to the use of corporate resources for election purposes.

The Municipal Elections Act prohibits a municipality from making a contribution to a candidate. Any use by a candidate of the Town’s resources for campaign purposes would be viewed as a contribution by the municipality to the candidate which is a violation of the Municipal Elections Act.

This policy is established to protect the interests of both the Town and any candidate in a municipal election.

Policy:

1. Corporate resources including but not being limited to staff, equipment, computers, supplies, services, facilities, business cards, letterhead, assets and funding may not be used for any election related purposes.

2. Candidates may not campaign and/or distribute campaign literature during any function or meeting being hosted by the Town whether on municipal property or not.

3. Candidates may not use the corporate logo or any trademarks of the Town (including but not being limited to the Wiarton Willie image) for any election related purpose or on any website.

4. Websites or domain names that are funded by the Town may not be used by candidates to include links to campaign materials or any campaign related material.

5. The Town’s voicemail system may not be used to record election campaign messages nor may the computer network (including the Town’s email system) be used to distribute election campaign materials.
6. In any material distributed by the Town, candidates are not permitted to illustrate, identify, reference or profile that an individual is a candidate registered in any election.

Limitation:

1. Nothing in this policy shall preclude a member of Council from performing their duties as an elected member of Council, nor prohibit them from representing the interests of the constituents who elected them to office.

2. Candidates may present their election platform and campaign materials at any all candidates meetings which may be held in Town facilities.

3. Candidates shall not use any municipally owned/provided facilities for any election related purpose unless rented in accordance with the Town rental procedures. Facilities are rented at the fee as established in the Fee By-Law. Candidates may not rent the Town Hall facilities for any election related purpose.

4. The Town may provide lists of candidates for general information for the public. The Town candidate lists will not make reference to any platform or other political position of any candidate.

5. References to the Municipal Election Act herein shall include any amendment or regulation thereto as adopted by the Province of Ontario.

Enforcement:

In accordance with the Municipal Elections Act, the Clerk of the Town is authorized and directed to take the necessary actions to give effect to this policy.

All complaints received from the public shall be in writing and signed and addressed to the Town Clerk.

If a breach of this policy is confirmed, the candidate shall be required to personally reimburse the Town for any of the costs associated with the breach.