



Committee Report

To:	Warden Hicks and Members of Grey County Council
Committee Date:	April 14, 2022
Subject / Report No:	CCR-CW-06-22
Title:	Election Protocol for Members of County Council
Prepared by:	Heather Morrison
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	
Status:	Recommendation adopted by Committee as presented per Resolution CW54-22; Endorsed by County Council April 28, 2022;

Recommendation

1. **That Report CCR-CW-06-22 regarding an update to the Election Protocol for Members of Grey County Council Policy be received and the policy be endorsed.**

Executive Summary

Under *The Municipal Elections Act, 1996*, the use of municipal resources for an election campaign or during an election period is strictly prohibited. Both the updated Election Protocol for Members of County Council and the Code of Conduct provide Council members with guidance related to the use of municipal resources during an election campaign while still ensuring they have the necessary resources available to continue to perform their duties as a member of Grey County Council.

Background and Discussion

Grey County does not formally participate in the municipal elections. Clerk's staff do work with the local municipal Clerks during the lead up to a municipal election for resource sharing, holding candidate information sessions, and preparing for joint elected official training at the beginning of the new term of council.

All municipalities are required to have an Election Protocol Policy in order to establish some guidelines for members of council during this time period. The Election Protocol for Members of County Council was established in 2018, prior to the 2018 municipal election. The policy provides general guidance related to the use of County resources including marketing and promotion services, use of email, social media, and attendance at events during an election campaign.

Its intent is to maintain a balance between ensuring Council members have the resources necessary to continue to perform their duties during a municipal election period, while setting guidelines to ensure that during an election campaign, current members do not receive any benefits by virtue of their office. Little has changed in the policy since its inception. Staff have added the Code of Conduct as a reference document as well as updated language under the Email section in relation to the use of Council members Grey County email address.

Rule 6 of The Code of Conduct, approved in 2021, also speaks to election campaigns and clearly lays out member's responsibilities related to election campaigns in relation to resources, social media, and municipal facility use among other items.

Also included in the policy is information related to those who may wish to pursue offices at either the federal or provincial level of government.

Legal and Legislated Requirements

The Municipal Elections Act, 1996 provides information related to the use of municipal resources during an election. The Integrity Commissioner may be consulted by members in relation to questions on the use of municipal resources during an election campaign.

Financial and Resource Implications

There are no financial implications related to this policy.

Relevant Consultation

- Internal
- External

Appendices and Attachments

Election Protocol for Members of County Council (attached)

[Grey County Code of Conduct for Councillors By-law 5107-21](#)



Corporate Policy

Election Protocols for Members of County Council Policy

Approved by: County Council
Last Revision Date: April 2022
Scheduled for Review by: 2026

Date Approved: March 8, 2018
Replaces: G-GEN-012

Policy Number: 3-11

Section: Governance

References and Related Documents

Municipal Elections Act, 1996
Canada Elections Act
Grey County Code of Conduct for Members of Council

Policy Statement

This policy will provide guidelines related to election protocols for Members of County Council.

Purpose

The purpose of this guideline is to clarify provisions outlined in the Municipal Elections Act, the Elections Act and the Canada Elections Act pertaining to elected officials running as candidates for other levels of government (Provincial, Federal, or Municipal re-election). This outline provides background on the following topics:

- When an elected official (County Councillor, Warden) will resign from the County of Grey as a result of an election
- Use of Grey County corporate resources during a campaign
- Use of Grey County marketing/promotions and services/channels during a campaign

Scope

Candidates Running for Provincial or Federal Seat

Elected officials are not required to immediately resign from their municipal roles and may continue to represent the public, represent the municipality at official functions, and preside over council meetings while registered and/or actively running as a candidate for another level of government-including Legislative Assembly of Ontario (MPP), House of Commons (MP) or appointment to the Canadian Senate.

However, the Legislative Assembly Act and the Municipal Elections Act deem the individual to have resigned their municipal council seat when his or her election to the Legislature is

published in the Ontario Gazette or the Canada Gazette as official records-not withstanding any swearing in/inaugural election.

Conversely, for information only, a member of the Legislative Assembly of Ontario (MPP), of the House of Commons (MP), must resign their office by nomination day in order to run as a candidate in a municipal election.

Use of County Resources During a Campaign

During any election process (municipal, provincial, or federal), the appropriate Elections Act specifies that candidates are required to report all contributions, whether financial or in-kind, and that the placement of limitations on contributions is intended to level the playing field to prevent a candidate from outspending his or her opponents. Any use of Grey County resources or services by a candidate for his or her election campaign to any level of government would be viewed as a contribution by the County to the Member.

Therefore, no elected official, candidate or campaign will use municipal cellphones, computers, vehicles, property, facilities, equipment, supplies, services, staff, or other resources of the County for any election campaign or campaign-related activities.

Use of County Marketing/Promotions Services During a Campaign

During an election, “third party advertisers”, are required to register with the election authority. A “third party” is defined as any person or entity that is not a political party, candidate or constituency association that engages in political advertising. Third parties include corporations, partnerships, unincorporated businesses, and associations. The County, through its role as an upper-tier government in the Province of Ontario, is obligated and mandated not to contribute to a campaign.

This mandate includes the following marketing and promotions services:

Email

Elected officials and campaigns will not use the municipal distribution/contact list for election purposes; the elected official may use their own distribution/contact list developed in connecting with their constituents. They may not use their Grey County email address for any matters related to an election campaign.

Print and Promotional Material

Materials paid by municipal funds or managed by the municipality may at all times identify and picture duly elected officials in the execution of their official duties. However, all print or promotional material paid by municipal funds or managed by the municipality will not illustrate or communicate that a Member of Council is registered in any election or about their campaign, whether municipal provincial or federal.

Social Media

It is understood that the County will discontinue following all registered election candidates on its corporate channels during the election process. All channels managed by the County will not illustrate or communicate that a Member of Council is registered in any election or about their campaign, whether municipal, provincial, or federal.

Events

An elected official may continue to, and is reasonably expected to, perform regular municipal duties while registered/running as a candidate for election as long as the event and the promotions associated with the event does not illustrate or communicate that a Member of Council is registered in any election or about their campaign, whether municipal, provincial, or federal.

Given the above impacts, when a marketing/promotional activity or event by the municipality could appear to support an elected official's campaign, perceived or real, it is appropriate to err on the side of caution and utilize alternate persons or methods to further distance the County from a perceived or real campaign alignment. This decision should be determined between senior staff, Head of Council, Integrity Commissioner, and/or candidate.