

To:	Warden Halliday and Members of Grey County Council
Committee Date:	February 22, 2018
Subject / Report No:	CCR-CW-04-18
Title:	Election Protocol for Members of Council Policy
Prepared by:	Heather Morrison
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	Grey County
Status:	Recommendation adopted by Committee as presented per Resolution CW68-18; Endorsed by County Council March 8, 2018 per Resolution CC30-18;

Recommendation

1. That Report CCR-CW-04-18 regarding the Election Protocol for Members of Council be received and that policy G-GEN-012 Election Protocol for Members of Council be endorsed.

Executive Summary

Under the Municipal Elections Act, 1996, the use of municipal resources for election related activity is strictly prohibited. The Elections Protocol Policy will provide guidance to Council members on election related items such as use of municipal resources, seat vacancy requirements etc. while ensuring that Council members still have the necessary resources available to them to perform their duties.

Background and Discussion

While Grey County does not operate municipal elections, it would be prudent for Grey County to have an election protocol in place to provide guidance to members of County Council on the use of municipal resources during an election campaign as well as requirements of a member should they choose to run for provincial or federal election in the riding.

The policy also provides general guidance related to use of County marketing and promotion services, use of email, social media and attendance at events during an election campaign. It is the intent that the policy strikes a balance between ensuring that council members have the resources to perform their duties as a member of Grey County Council while establishing guidelines to ensure that, during an election campaign, members do not receive any benefits by

virtue of their office.

Legal and Legislated Requirements

This policy will provide guidance in relation to the Municipal Elections Act, 1996 in the use of municipal resources during an election as well as the Canada Elections Act pertaining to elected officials running for other levels of government.

Financial and Resource Implications

There are no financial or resource implications related to this policy.

Relevant Consultation

Internal CAO Kim Wingrove

External

Appendices and Attachments

Election Protocol Policy (attached)

Election Protocols for Members of County Council Policy

Approved by:
Last Revision Date: January 2018
Scheduled for Review by: 2022

Date Approved:
Replaces: N/A

Policy Number: G-GEN-012
Sub Section: General

Section: Governance

References and Related Documents

Municipal Elections Act, 1996
Canada Elections Act

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 the 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.

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 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.

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, whether that appearance is perceived or real, it is appropriate to err on the side of caution and utilize alternate persons or methods to further distance the municipality from a perceived or real campaign alignment. This decision should be determined between senior staff, Head of Council and/or candidate.