



DATE: March 28, 2022
TO: Mayor and Council
FROM: Municipal Clerk
SUBJECT: For your decision: Use of Corporate Resources For Election Purposes Policy

Issue

For Council to repeal the previously adopted Use of Corporate Resources for Election Purposes.

Facts

- Section 88.8 (4) of the Municipal Elections Act (MEA) prohibits a Municipality from making a contribution towards the promotion of or opposition to the candidacy of a person for elected office in any form. This includes assets, resources, services, and employees.
- Section 88.18 of the Municipal Elections Act requires a municipality to enact a Policy governing the use of municipal resources during the election campaign period.
- The Town of Fort Frances currently has a Policy in place per Consent item 310 (04/18) on 2018-04-23.
- It is proposed that the resolution Consent item 310 (04/18) rescinded with the new Policy to be adopted by By-Law in accordance with the Municipal Act as amended section 5(3) provides that a municipal power shall be exercised by by-law.
- It is important that policies be reviewed to incorporate the modernization of the MEA and of the electronic world we live in.
- The modernization of this existing policy represents a positive step by the municipality in delivering an election process that achieves the following principles
 - The election should be fair and non-biased;
 - The integrity of the process should be maintained throughout the election; and
 - Candidates and Registered Third Party Advertisers should be treated fairly and consistently within a municipality.
 - This revised Policy also enhances section 12 of the Council Code of Conduct pertaining to election campaign work.
- The Administrative and Finance Executive Committee reviewed the policy on February 8, 2022 and February 22, 2022 and requested additional information relating to provincial and federal elections contained within this report.

Analysis

- This policy was created to comply with the Municipal Elections Act. The MEA prohibits a municipality from making a contribution to a Candidate or a Registered Third Party in a municipal election during an Election Campaign Period. Any use of the Town of Fort Frances resources by or on behalf of a Candidate or Registered Third Party during an Election Campaign Period would be considered a contribution by the Town. The Election Finances Act and the Canada Elections Act impose similar prohibitions for provincial and federal election campaigns.
- The Election Finance Act, 1990, as amended, and the Canada Elections Act, 2000, as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29(1) of the Election Finance Act and Section 363(1) of the Canada Elections Act prohibit municipal corporations from contributing to any candidate, constituency association, nomination contestant, leadership contestant, or political party. As campaign contributions may take the form of money, goods and services, any use of a corporate resource for an election-related purpose, by a member of Council, candidate, third party advertiser or staff, is prohibited.
- With respect to provincial and federal elections similar language can be found in most municipal policies relating to use of corporate resources across Ontario.
- Various policies from other municipalities were reviewed to incorporate best practices, fair reasonable treatment for all candidates and Third Party Advertisers and protection for both candidates, and the Corporation.
- This revised policy clarifies the expectations to all candidates, with the intent to reduce the possibility that either an individual candidate, Council Member or Staff unintentionally violate the Municipal Elections Act.
- Highlights of some of the proposed changes include the following:
 - The Policy will apply to all candidates and Registered Third Party Advertisers, acclaimed members, or a member not seeking re-election, Council Members and Staff
 - Provides further detail with respect to the requirements to ensure compliance to the MEA
 - The Policy addresses the use of IT resources such as cell phones, tablets and computers
 - The Policy provides new requirements for Social Media use
 - Candidates may not use any municipal logo on any election campaign material
- Staff consulted with the Towns Solicitor for input and comments relating to this policy.

RECOMMENDATION

<p>THAT Council rescind the Use of Corporate Resources for Election Purposes adopted by resolution Consent Item 310 (04/18) on 2018-04-23</p>
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AND THAT a By-Law be prepared to adopt the new proposed Use of Corporate Resources for Election Purposes Policy