

# Elections

Policy number:	G-ELE-001
Section:	Governance
Sub-section:	Election
Author:	Clerk's Department
Authority:	Council
Effective date:	2008-12-15
Review by date:	<u>2022</u> <u>2025</u>
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## Policy statement

The Corporation of the Town of Oakville (town) is committed to ensuring accountable and transparent election practices through the systematic application of procedures during a municipal election, relating to the use of municipal corporate resources, election recounts, Council vacancies and other applicable election related matters.

## Purpose

This policy will provide for the introduction of procedures to ensure transparent and equitable services are provided relating to municipal elections.

## Scope

This policy applies to the public, town employees, Members of Council, ~~and~~ registered candidates, and third party advertisers.

## References and related documents

Use of Corporate Resources during a municipal election Procedure  
Notice of Close Vote Procedure  
Council Vacancies Procedure  
Access to Records and Information Policy  
Access to Records Procedure  
*Municipal Elections Act*  
*Municipal Act*

# Use of Corporate Resources During Municipal Elections

Procedure number: G-ELE-001-001  
Parent policy number: G-ELE-001  
Section: Governance  
Sub-section: Election  
Author(s): Clerk's Department

Authority: Council  
Effective date: 2005-12-19  
Review by date: 2023  
Last modified: 2018-04-03

## Purpose statement

The *Municipal Elections Act, 1996*, as amended, prohibits municipalities from making campaign contributions to municipal candidates or registered third parties. As a campaign contribution may take the form of money, goods or services, this procedure provides a fair and consistent approach on how municipal corporate resources can and cannot be used during a municipal election. This procedure supports compliance with the *Municipal Elections Act, 1996*, as amended, the [Council Code of Conduct](#), [Code of Conduct](#) for Members of ~~Council and~~ Local Boards [and Advisory Committees](#) ~~Members~~, and the Employee Code of Conduct.

## Scope

This procedure applies to all Members of Council, municipal staff, registered election candidates, registered third parties, and members of the public.

## Procedure

Corporate resources, assets or funding may not be used for any election-related purposes, except as identified in this procedure.

1. Election campaigning

- a. Election campaign activities are not permitted at Town Hall (located at 1225 Trafalgar Road).
- b. Election campaign materials may not be displayed at Town of Oakville (town) facilities, unless otherwise outlined in this procedure.
- c. Municipally owned or run assets and facilities, excluding Town Hall, may be rented in accordance with municipal agreements and current rates and fees for election campaign activities providing that the rental is available to all registered candidates and registered third parties. Use of rentals are subject to the following conditions:
  - i. all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement; ~~and~~
  - ii. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and
  - ~~iii.~~ the town reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the contract, should it conflict with the town's corporate values or established policies or procedures, or presents a health and safety concern.
- d. The town will not host, organize, or advertise all-candidates meetings or debates. With the exception of Town Hall, use of town facilities for all-candidates meetings or debates is permitted, provided that the rental fee is paid and all candidates for an office are invited to attend and participate.
- e. Election signs on town property are only permitted in compliance with the town's current Sign By-law.
- f. ~~Registered~~ Ccandidates and registered third parties may attend town organized, hosted, or funded events during a campaign period, but may not display or distribute any campaign materials, or engage in any election related activities.

2. Use of corporate identifiers and resources

- a. The town's corporate logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers or that of its affiliates, is permitted for use by The Corporation of the Town of Oakville only and shall not be used by any other body or person for any election campaign-related purposes.
- ~~a.b.~~ Registered candidates and registered third parties may not use photographs, videos, electronic images, or graphics, produced by the town or its affiliates.
- ~~b.c.~~ Use of photographs or videos not produced by the town or its affiliates, and taken from a publicly accessible place, in campaign advertising containing the corporate logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers is not in contravention of paragraph 2(a) of this procedure.
- ~~c.d.~~ Corporate resources shall not be used for:
  - i. the printing or distribution of any material that illustrates that a member of Council or any other individual is registered or intends to run for office; or
  - ii. the printing or distribution of any campaign material that makes reference to, or contains the names or photographs, or identifies registered candidates ~~for municipal office.~~

- ~~d.e.~~ No town consumable materials, such as toner and paper, associated with computer systems shall be used for election campaign-related purposes.
- ~~f.~~ Lists and files produced using town resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996*, may not be used for any election campaign-related purposes.
- ~~e.g.~~ In accordance with the Online Communications policy, the town will not publish any material used to promote individual political opinions or campaigns.

### 3. Town staff

- a. In accordance with the Employee Code of Conduct, municipal staff, including any contractor providing services to the town shall not canvass or actively work for any registered candidate or registered third party during hours in which the staff/contractor is receiving compensation from the town.

### 4. Town services

- a. The following town based services shall be discontinued for Members of Council as of nomination day:
  - i. all forms of advertising, including advertising in town publications; and
  - ii. all printing, photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council.
- b. Corporate resources (such as town issued phones and email addresses) shall be provided to current members of council for council related purposes and to serve their constituents and shall not be used to support an election campaign.

### 5. Technology related provisions

- a. Any links to external personal sites from an individual Member of Council's landing page on the oakville.ca website will be removed the date nomination papers are filed during a municipal election year. These links may include election-related web sites, social media links or domain names.
- b. Websites, domain names, emails, or other corporate systems that are funded by the town shall not include any election-related campaign material or links to sites that feature election-related campaign material. The exception being the official Town of Oakville election website where links to external election campaign websites will be posted during the election period.
- c. Registered c~~Candidates, registered third parties,~~ and Members of Council may not use the town website, domain names, and other corporate systems, for campaigning or display of any election-related materials. Links to the town's website are permitted from a campaign candidate's election website for the purpose of obtaining information about the election or sharing program/service information.

## References and related documents

Council Code of Conduct

Code of Conduct for Members of ~~Council and~~ Local Boards and Advisory Committees

Employee Code of Conduct

Public Notice and Engagement policy

Communications Procedure  
Online Communications Policy  
Advertising Sales Procedure  
*Municipal Elections Act, 1996, as amended*

## Definitions

Campaign contribution: anything of value given to influence an election, may take the form of money, goods, or services.

Campaign period: in accordance with Section 88.24 of the *Municipal Elections Act, 1996*, as amended, and begins on the day in which nomination papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

Campaign related activities: any activity by or on behalf of a registered candidate, registered third party, or question on a ballot meant to elicit support during the election period

Campaign materials: any materials including political advertising, used to solicit votes for a candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. Including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials also include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media. Campaign materials do not include election signs, which are governed by the town's Sign By-law.

Corporate resources: may include facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the town.

Political advertising: advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered third party or candidate.

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# Notice of Close Vote

Procedure number: G-ELE-001-002  
Parent policy number: G-ELE-001  
Section: Governance  
Sub-section: Election  
Author(s): Clerk's Department

Authority: Council  
Effective date: 2005-12-19  
Review by date: 2023  
Last modified: *Council approval date*

## Purpose statement

This procedure defines a process to identify a close vote pertaining to municipal election results for any office on Municipal Council to enable Council to determine whether or not a recount shall be conducted.

## Scope

This procedure applies to a close vote between the first and second place candidates for any office on the Municipal Council.

## Procedure

At the final meeting of the outgoing Council after the municipal election, the Clerk shall provide notice of any close vote with respect to any office on the Municipal Council in order that Council may determine if a recount shall be conducted. Should Council authorize a recount by resolution, such recount shall be conducted in accordance with the *Municipal Elections Act*.

## References and related documents

*Municipal Elections Act*  
Election Policy

## **Definitions**

Close Vote: means the difference of one tenth of one percent (.001) of the total votes cast, for the office in question, between the first and second place candidates for an office on Municipal Council.

## **Responsibilities**

The Town Clerk is responsible to provide notice of any close vote in accordance with this procedure.

# Council Vacancies

Procedure number: G-ELE-001-003  
Parent policy number: G-ELE-001  
Section: Governance  
Sub-section: Election  
Author(s): Clerk's Department

Authority: Council  
Effective date: 2008-12-15  
Review by date: 2025  
Last modified: 2017-09-25

## Purpose statement

The purpose of this procedure is to provide for an accountable and transparent process for filling vacancies on Town of Oakville Council.

## Scope

This procedure applies to any office declared vacant on Town of Oakville Council during the term of Council.

## Procedure

When a vacancy is declared on or:

- prior to December 31 of the second year after a regular election the position shall be filled through the conduct of a by-election. (e.g.: for the 2018-2022 election this would mean on or prior to December 31 of 202~~40~~)
- after January 1 of the third year after a regular election the vacancy may be filled by appointment or by by-election. (e.g.: for the 2018-2022 election this would mean on or after January 1 of 2021-2025)
  - The amount of time remaining in the term and the cost efficiency of filling the position by appointment shall be considered when determining how the position will be filled
- after January 1 of a regular election year and 90 days prior to voting day, the position shall be filled by appointment only.



- within 90 days before voting day of a regular election the position shall remain vacant until it is filled through the regular election process.

*In accordance with the Municipal Act, if a vacancy occurs within 90 days before voting day of a regular election, the municipality is **not required** to fill a vacancy on Council.*

## **Filling a vacancy for the position of ~~a~~-Town Council or ~~a~~-Town and Regional Council Member by appointment**

*(An appointment shall be made within 60 days of the Council declaration of the vacancy in accordance with section 262 of the Municipal Act)*

1. Council shall declare the seat of the Member of Council to be vacant in accordance with the *Municipal Act*.
2. The Town Clerk or ~~his/her~~ designate (the Clerk) shall post a notice on the Town website and in the local newspaper. The notice shall indicate Council's intention to appoint a person to the vacancy and outline the process any interested person must follow to become nominated. In addition, notice will be sent to all resident groups and to any individual in the town who has requested notice.
3. No sooner than 14 days after a notice of vacancy has been given, an ~~i~~information session shall be conducted by staff for potential nominees.
4. ~~All nominees must complete and sign a Consent of Nominee form and a Statement of Qualification, which will be provided at the Information session. All nominations must confirm in writing, on the forms provided by the Clerk's department their consent of nomination, endorsements of nomination (in accordance with the MEA requirement for a general election), and declaration of qualification". Official forms to be provided on or before the information session.~~
5. The vote to fill the vacancy by appointment shall occur at a Council meeting.
6. At the meeting, the following shall take place:
  - (a) The Chair shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - (b) The Clerk will provide to the Chair a list of the names of those nominees who have submitted the required documentation in accordance with this procedure~~completed the Consent of Nominee and Statement of Qualification.~~
  - (c) The Chair will call for a motion from Council in the following form:

"THAT the following persons, who have signified in writing that they are legally qualified to hold the office of councillor and consented to accept the office if they are appointed to fill the vacancy of councillor, be considered for appointment to fill such vacancy."
  - (d) Each of the nominees shall be afforded the opportunity to address Council for a period of not more than ten minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all nominees in a container and randomly draw the names.)

~~(e) All nominees shall be asked the same five (5) questions which will be pre-determined based on input by Council.~~

(e) With respect to presentations, candidates may wish to consider and address the following questions in their presentation:

- Name three things that a Councillor does?
- Name the main issues facing the ward at this time?
- What is the role of Council?
- Do you intend to run in the next general municipal election?
- What makes you think you will be a good Councillor?
- What are our most important challenges facing the community?
- What qualities does an ideal candidate possess?
- Describe the type of leader you will be, by describing your two highest priorities for change in our municipality.
- What do you cherish the most about your community?
- Would you support the strategic plan of Council?

(f) Upon hearing all the submissions of the nominees, Council will proceed to vote as follows:

- i. In accordance with Section 244 of the *Municipal Act*, Members of Council will vote by way of public vote;
  - ii. where the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all Members of Council, the nominee or nominees who received the fewest number of votes shall be excluded from the voting and the vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the nominee or nominees who receive the fewest number of votes in the preceding vote, until the nominee receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
  - iii. where the votes cast are equal for all the nominees and if:
    - (1) there are three or more candidates remaining, the Clerk shall by lot select one such nominee to be excluded from the subsequent voting;
    - (2) only two nominees remain, the tie shall be broken and the vacancy shall be filled by the nominee selected by lot conducted by the Clerk;
- (g) Upon conclusion of the voting, the Clerk will declare to be elected the nominee receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (h) A by-law confirming the appointment shall be enacted by Council appointing the successful nominee to the office for the remainder of the term of the present Council.

## Filling a vacancy for the position of mayor by appointment

*(An appointment shall be made within 60 days of the Council declaration of the vacancy in accordance with section 262 of the Municipal Act)*

1. Council shall declare the seat of the Mayor to be vacant in accordance with the *Municipal Act*.
2. The vote to appoint a member to the position of Mayor shall occur at a Council Meeting.
3. Any Member of Council wishing to be considered for appointment to the vacancy shall advise the Clerk in writing by 12:00 noon, five business days prior to the meeting.
4. At the meeting, the following shall take place:
  - (a) The Chair shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - (b) Members of Council seeking appointment (candidates) shall declare a pecuniary conflict of interest
  - (c) The Clerk will provide to the Chair a list of the names of those Members of Council who have indicated in writing their interest in being appointed to the vacancy and the Chair will call for a motion from Council in the following form:

THAT the following candidates, who have signified in writing their interest in being appointed to the office of Mayor, be considered for appointment to fill such vacancy.

- (d) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates in a container and randomly draw the names.)
- (e) Each Member of Council not being considered for the appointment will be allowed no more than one question to each candidate.
- (f) Upon hearing all the submissions of the candidates, Council will proceed to vote as follows:
  - i. Members of Council will vote by way of public vote;
  - ii. if the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting Members of Council, the candidate or candidates who received the fewest number of votes shall be excluded from consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who receive the fewest number of votes. This shall be repeated until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting Members of Council;
  - iii. where the votes cast are equal for all the candidates:
    1. if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;

2. if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot, as conducted by the Clerk.
- (g) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the voting Members of Council.
  - (h) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

## **Filling a vacancy by by-election**

A by-election shall be held in accordance with the *Municipal Elections Act*.

## **References and related documents**

Elections Policy  
*Municipal Act*  
*Municipal Elections Act*

## **Definitions**

Lot: for the purpose of this procedure, means a method of determination by placing the names of the nominees on equal size pieces of paper and placed in a container with one name being drawn by the Clerk, or ~~his/her~~ designate.

## **Responsibilities**

The Town Clerk or ~~his/her~~ designate shall be responsible for interpreting and where appropriate administering the Council Vacancies Procedure.

The Town Clerk or ~~his/her~~ designate shall be responsible for conducting any by-election in accordance with the *Municipal Elections Act* and all applicable policy and procedure.