



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: April 7, 2026

Prepared by: Joe Malandruccolo, Director, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2026-12

Subject: Prohibition on the Use of Corporate Resources During Elections Policy

Number of Pages: 6 plus attachments

### Recommendation(s)

That Legal and Legislative Services-2026-12 entitled Prohibition on the Use of Corporate Resources During Elections Policy prepared by Joe Malandruccolo, Director, Legal and Legislative Services dated March 16, 2026, be received for information.

### Purpose

To create a framework of responsibilities and a consistent approach for prohibiting the use of Town of Essex resources during an election by Town Staff, candidates, registered third party advertisers and electors.

## Background and Discussion

Section 88.8 (3) of the *Municipal Elections Act* (“**MEA**” or the “**Act**”) prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, third party **advertiser, or someone acting on the candidate’s behalf, from accepting a contribution from a** person who is not entitled to make a contribution. A contribution may take the form of money, goods or services. Any use by a Council Member/Candidate/third party **advertiser/town staff of the Town’s resources for an election campaign could be viewed as a** contribution by the municipality to that campaign, which is a violation of the Act.

It is therefore necessary to establish guidelines on the appropriate use of corporate resources (those resources of The Corporation of the Town of Essex) during a municipal election period in order to protect the independence and integrity of the Election, meet the requirements of the MEA (and other applicable legislation) and serve the best interests of the electorate.

The Act provides the Clerk with special duties and powers as it relates to the conduct of Municipal elections. It is these legislated duties and powers that provides the Clerk with the required authority, independence and integrity so as to be able to conduct municipal elections in the required objective, fair and transparent manner so that public confidence in our electoral systems is maintained.

While electoral discretion and its reasonable exercise thereof is always going to be required of the Clerk when conducting an election, a “Use of Corporate Resources Policy” that better defines from the outset the expectations and better clarifies what is permitted and what is not permitted will always be preferred. Such a policy will help Candidates, Council Members and Town Staff proactively make more consistent and reliable decisions as far as taking actions that are appropriate versus not appropriate.

**Attached hereto as Schedule “A” to this report is the proposed Policy entitled**

*“Prohibition on the Use of Corporate Resources during an Election” .*

The highlights of the Policy include:

- An **expansive definition of “Town Facilities” and the prohibited use thereof during an election period.** The Policy includes prohibitions on the use of any Town facilities, equipment, (including computer hardware and software and cellular devices), supplies, services, staff, staff offices or *any other resources of the municipality*;
- Prohibitions relating to access to and use of Town information and resources during an election period. This includes specific examples of restrictions on the use of the Town’s corporate identity or the use of any Town intellectual property or other town materials during the election period. For example the use of Town logos, crest, coat of arms, the use of town apparel, Strategic Plan Statements, tagline, etc. are all prohibited;
- Protocols and restrictions with respect to Town cell phone use by sitting members of council during an election period and the prohibition of the use of any Town electronic devices to respond to campaign inquiries/matters or post or re-post matters on social media relating directly or indirectly to campaign matters. Included in that are protocols giving the Town the right to audit such Town issued electronic devices from time to time as may be reasonable and necessary;
- Confirmation as to access to Town IT property/resources and the use of social media use by candidates during the election;
- Confirmation **as to information sharing protocols by the Clerk’s Office and candidates** during the election;
- Confirmation and protocols as to procedures and restrictions as to candidate access to Town staff and Town information during an election period;
- Confirmation on the specific restrictions applicable to sitting members of Council from Nomination Day until the end of the Election;

- Confirmation that the provisions of this Policy shall apply to third-party advertisers during the election period;
- Confirmation that the provisions of this Policy shall also apply to Provincial and Federal election activities in the Town of Essex; and
- Specific and enhanced sign-off from candidates attesting to and acknowledging that non-compliance with this Policy may further expose a candidate to personal costs and/or further investigation/enforcement including under the MEA or such other applicable legislation.

With regard to administration and enforcement, the Town Clerk, or designate, shall have the delegated authority under the Policy to review and resolve many of the issues arising from any written complaint regarding an alleged contravention of this policy. The Clerk or designate shall further be authorized and directed to take the necessary action to give effect to the Policy. All complaints received from the public shall be in writing and addressed to the Clerk. If a breach of this Policy is confirmed, a candidate may be required to personally reimburse the Municipality for any of the costs associated with the breach. Candidates will also be reminded that their actions may also possibly subject them to offences and/or penalty provisions for violations under the MEA.

Specifically as it relates to the conduct of candidates during a municipal election, a key point to note from the proposed policy is that the Clerk performs largely an administrative and procedural function related to the conduct of the Municipal Election but within the framework established by the MEA. While Section 12 of the MEA gives the Clerk a wide range of powers to provide for any matter necessary *for conducting the election*, the Act specifically does not provide the Clerk with investigative or enforcement powers as it relates to allegations that the MEA or such other applicable legislation was violated. Concerns that a candidate or other person may have violated either the MEA and/or any other legislation (i.e. *Criminal Code*, etc.) should be addressed by contacting:

- Independent legal counsel for further advice, if necessary;

- the Ministry of Municipal Affairs which has ministerial responsibility for the MEA; or
- the Ontario Provincial Police.

The Policy set out in **Schedule “A” to this Report** will continue to be reviewed from time to time on an as needed basis including after each Municipal election.

## Financial Impact

There is no financial impact currently associated with this Policy. This Policy will be administered in accordance with the **Town’s** budget set for the 2026 municipal election.

## Consultations

**Kate Giurissevich**, Chief Administrative Officer

Jake Morassut, Director, Community Services/Deputy CAO

Marc Tortola, Manager, Strategic Communications

Jack Baron, Manager, Information Technology

Kelly Walters, Elections Co-Ordinator

## **Link to Strategic Priorities**

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

## Report Approval Details

Document Title:	Use of Corporate Resources During an Election Policy-2026-12.docx
Attachments:	- Prohibition on the Use of Corporate Resources during an Election 2026.docx
Final Approval Date:	Mar 30, 2026

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink that reads "Kate Giurissevich". The signature is written in a cursive style and is positioned above the printed name.

**Kate Giurissevich, Chief Administrative Officer - Mar 30, 2026 - 7:24 PM**