

POLICIES AND PROCEDURES

Policy Name: **Use of Corporate Resources for Election Purposes**

Effective: **February 12, 2018**

Approved by Council: **February 12, 2018**

1. Policy Statement

- 1.1. Section 88.18 of the Municipal Elections Act, S.O. 2001, as amended, requires municipalities and school boards to establish rules and procedures with respect to the use of municipal and board resources during the election campaign period.
- 1.2. The Municipal Elections Act, 1996, as amended, establishes rules and regulations governing the financing of municipal election campaigns in Ontario. Section 88.8(4) prohibits a municipality from making any contribution to a candidate running in a municipal election, or any individual, corporation or trade union registering to support or oppose a candidate or question on a ballot.
- 1.3. The Municipal Elections Act, 1996, s. 88.12 (4) 3 also states that municipalities cannot make a contribution to registered third party advertisers.
- 1.4. 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.
- 1.5. As well, the Municipal Elections Act, 1996 prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods and services, any use of a Corporate Resource for an election campaign could be viewed as a contribution by the Township, which is a violation of the Municipal Elections Act, 1996.

2. Purpose

- 2.1. The purpose of the Use of Corporate Resources for Election Purposes Policy (the Policy) is to meet the Township of Scugog's responsibilities under the Municipal Elections Act, the Election Finance Act and the Canada Elections Act, by establishing for the benefit of candidates, current members of Township Council, Township Staff and members of the public, the requirements and restrictions relating to campaign finances, the use of municipal resources and municipal contributions to election campaigns. The

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Policy is also to ensure that all candidates and third party advertisers are treated fairly and consistently.

3. Application

- 3.1. This Policy applies to all Township Staff, Candidates, political parties, constituency associations, Third Party Advertisers and persons or groups supporting or opposing a question on a ballot.
- 3.2. All provisions contained within this Policy shall serve to ensure the protection of freedom of expression while maintaining that:
 - 3.2.1. Corporate Resources shall not be used during an Election Period to promote or provide an unfair advantage to any Candidate, political party, constituency association, Third Party Advertiser, or a person or group supporting or opposing a question on a ballot;
 - 3.2.2. Members shall not be precluded from performing their duties as an elected official, nor inhibit them from representing the interests of their constituents; and
 - 3.2.3. Information and communication related to an election shall continue to be open and accessible to the public.
- 3.3. Nothing in this Policy will preclude the Township Clerk from performing his or her statutory duties, restricts him or her from distributing information respecting election activities, or that assists residents in exercising their right to vote.
- 3.4. This Policy also applies to an acclaimed Member of Council and a Member of Council not seeking re-election.
- 3.5. Each section of this Policy is an independent section and the holding of any section or part of any section of this Policy to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this Policy.

4. Definitions

- 4.1. **“Campaign(ing)”** – shall mean any activity by or on behalf of a Candidate, political party, constituency association, Third Party Advertiser, or question on a ballot meant to elicit support during the Campaign Period. This does not include the appearance of elected officials, other candidates or their supporters, or registrants at an event in their personal capacity without the

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display of any signage or graphic which identifies the individual as a candidate or registrant and without the solicitation of votes.

- 4.2. **“Campaign Material”** means any material, regardless of format, that promotes or opposes any Candidate, or a response to any question on a ballot or referendum and includes, but is not limited to, printed literature, banners, posters, pictures, buttons, clothing, signs, magnets and vehicle signs / decals and in any format which includes print, electronic, radio, television, websites, social media etc.
- 4.3. **“Campaign Period”** – shall mean:
 - 4.3.1. In the case of a municipal or school board election; the Campaign Period commences on the first day prescribed for the filing of nominations in accordance with the MEA and ends on voting day.
 - 4.3.2. In the case of a provincial or federal election; the Campaign Period commences the day the writ for the election is issued and ends on voting day.
 - 4.3.3. In the case of a question on the ballot; the Campaign Period commences the day Council passes a by-law to put a question to the electorate and ends on voting day.
 - 4.3.4. In the case of a by-election; the Election Period commences when the by-election is called and ends on voting day.
- 4.4. **“Canada Elections Act”** – shall mean the Canada Elections Act, S.C. 2000, c. 9, as amended.
- 4.5. **“Candidate”** – shall have the same meaning as contained within the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, as applicable, and shall be deemed to include a person registered pursuant to any of the above-noted statutes or an agent for a registered person seeking to influence anyone to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, as amended.
- 4.6. **“Clerk”** – shall mean the Township Clerk of the Township of Scugog or his or her designate, or a returning officer appointed under Section 7(1) of the Ontario Election Act, or Section 24(1) of the Canada Elections Act, or his or her delegate.

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- 4.7. **“Corporate Resource”** – shall mean any physical, intellectual or financial asset owned, leased or otherwise controlled by the Township including but not limited to: materials, equipment, vehicles, facilities, land, technology, intellectual property, images, logos and supplies. Working hours, the time where the Township pays its Staff to complete certain duties or tasks, is also considered to be a Corporate Resource.
- 4.8. **“Election”** – shall mean a municipal, provincial or federal election, or by-election, held in accordance with the Municipal Elections Act, 1996, S.O. 1996, c.32, the Election Act, R.S.O. 1990, c. E.6, or the Canada Elections Act, S.C. 2000, c. 9.
- 4.9. **“Election Act”** – shall mean the Election Act, R.S.O. 1990, c. E.6, as amended.
- 4.10. **“Election Activities”** – shall mean any election-related session, event or activity hosted by or at the direction of the Township Clerk, or a returning officer appointed under the Ontario Election Act, or the Canada Elections Act.
- 4.11. **“Election Finances Act (Ontario)”** – shall mean the Election Finances Act, R.S.O. 1990, c. E.7, as amended.
- 4.12. **“Member”** – shall mean an individual elected or appointed to Township Council and holding public office during a Campaign Period.
- 4.13. **“Municipal Elections Act”** or **“MEA”** – shall mean the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched., as amended.
- 4.14. **“Technology”** – shall mean computers, laptops, servers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology controlled, leased or owned by the Township.
- 4.15. **“Third Party Advertiser”** means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, Section 37.5 of the Election Finance Act, or Section 353 of the Canada Elections Act.
- 4.16. **“Township”** or **“Municipality”** – shall mean the Corporation of the Township of Scugog, located within the Regional Municipality of Durham and includes its agencies, local boards and commissions.

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- 4.17. **“Township Contractor”** – shall mean any individual, company, or individual employed by a company, contracted to provide goods or services to the Township.
- 4.18. **“Township Council”** means the Council of the Corporation of the Township of Scugog.
- 4.19. **“Township Facility”** means any land, building or other structure owned, leased, operated or otherwise controlled by the Township, other than a Township road and includes administrative offices, operation centres, libraries, community and recreation centres, parks, sports fields and open space.
- 4.20. **“Township Staff”** – shall mean all full-time or part-time employees of the Township, including the Chief Administrative Officer, Directors, Managers, Supervisors, non-unionized Staff, unionized Staff, Fire Fighters, and all contract and temporary employees, students, co-op placement Staff and volunteers.

5. Guidelines

- 5.1. Corporate Resources shall not be used by anyone for Campaigning. Further clarity is provided below.
- 5.2. The Township shall not make a contribution of money, goods or services to any Member, Candidate or Third Party Advertiser.

6. Corporate Resources – Technology

- 6.1. Members of Council are provided access to corporate information technology (I.T.) assets to fulfill their duties and responsibilities as an elected official, but shall not use those assets for Campaigning or the development of Campaign Materials.
- 6.2. The Township’s voice mail system and computer network (including the email system) shall not be used to record Campaign related messages or to distribute Campaign Materials.
- 6.3. Websites or domain names that are funded by the Township may not be used for Campaigning. Candidates and Registered Third Parties may provide a link to the Township’s official election website or webpages in their Campaign Materials in order for electors to access additional information about the election and voting process. The Township’s official election website or

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- webpages will provide Candidate contact information only which does not include a Candidate's website and shall in no way endorse any Candidate.
- 6.4. On the day preceding the commencement of a municipal Campaign Period, biographical information about a Member and links to personal websites shall be removed from any website, domain or social media account controlled, operated or funded by the Township.
 - 6.5. No constituency website, paid for by the Township shall be converted to an election Campaign website at any time.
 - 6.6. On the day the writ is issued for any provincial or federal Election, biographical information about any Member registered as a Candidate, and links to personal websites shall be removed from any website, domain or social media account controlled, operated or funded by the Township.

7. Corporate Resources – Communications

- 7.1. During the Campaign Period, the following shall be discontinued for Members, Candidates or Third Party Advertisers where they are paid for by the Township:
 - 7.1.1. All forms of advertising, including municipal publications;
 - 7.1.2. The ordering of stationery; and
 - 7.1.3. Any other expense, unless such expenses are recurring expenses incurred by all Members.
- 7.2. The Township's logo, crest, coat of arms, tag line, seal and any other images and illustrations owned or under the jurisdiction of the Township, in whole or in part, shall not be used in any Campaign Materials.
- 7.3. Members of Council shall not use Council portraits funded by the Township in Campaign Materials.
- 7.4. Candidates shall not print or distribute reference to any of the Township's email addresses, telephone numbers, or facility addresses on any Campaign Materials. Notwithstanding, Candidates may:
 - 7.4.1. Provide a link to the Township's official election website or webpages in Campaign Materials in order for electors to access additional information about the election and voting process; and

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- 7.4.2. Reference a Township facility in the instance that a Candidate debate is being held there in accordance with the Township's Facility Rental Contract.
- 7.5. Distribution lists or contact lists developed utilizing Corporate Resources and in the custody and control of the Township shall not be utilized for election purposes.
- 7.6. The Clerk may develop and distribute information through various means for the purpose of advising and educating electors. Candidates are permitted to promote and distribute election information provided by the Clerk, provided that such information is not modified in any way.

8. Corporate Resources – Township Facilities

- 8.1. Any Candidate may attend any public Standing Committee, Advisory Committee or Council meeting; however, they shall not use this forum to speak on or address any matter relating to their Campaign.
- 8.2. Township Facilities may not be used for any election related purpose, except as permitted by the following:
 - 8.2.1. Members, Candidates and Third Party Advertisers shall not use any Township Facility for any Campaigning, unless the facility is rented in accordance with the Township's standard rental procedures, where applicable, and at the full rental rate charged. Under no circumstances will the rental fee be waived for any Campaigning.
 - 8.2.2. When rented in accordance with the Township's standard rental procedures, Campaigning will be restricted to the specific area identified in the rental agreement. No person shall engage in Campaigning or displaying, distributing or posting Campaign Material outside of this area.
 - 8.2.3. Township Facilities shall not be rented for Campaigning where any area is being used for Election Activities on the same day.
 - 8.2.4. Notwithstanding the preceding, no Member, Candidate or Third Party Advertiser shall be permitted to engage in Campaigning or displaying, distributing or posting Campaign Materials at or on the grounds of the Township Municipal Office located at 181 Perry Street, Port Perry.
 - 8.2.5. Members, Candidates and Third Party Advertisers shall not engage in Campaigning or displaying, distributing or posting Campaign Materials at any function hosted, managed or coordinated by the Township, whether located at a Township Facility or not.

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- 8.2.6. A facility supervisor may terminate a rental agreement for any failure to abide by the requirements of this Policy.
- 8.3. Campaigning on public sidewalks and highways is permitted, provided that such Campaigning is in compliance with Township By-laws and the Highway Traffic Act and not on the sidewalks and highways surrounding the Township Municipal Office located at 181 Perry Street, Port Perry.

9. Township Staff and Contractors

- 9.1. Township Staff are prohibited from using Corporate Resources for any Campaigning.
- 9.2. Township Staff shall not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a pre-approved leave of absence without pay, time off in lieu of over-time, vacation, flex time, or parental leave. Although Township Staff have the right to engage in political activities, including campaigning, they should be mindful of their responsibilities under the Employee Code of Ethics and Conflict of Interest Policy. Township Staff must be aware of public perception while engaging in Campaigning and ensure that their involvement does not create a perceived or actual conflict of interest with their official positions. Before participating in Campaigning, Township Staff are strongly encouraged to discuss their proposed participation with their supervisor or manager to identify perceived or actual conflicts of interest that may arise.
- 9.3. Township Staff shall not engage in any Campaigning while wearing any Township uniform, badge, crest, or other item that identifies them as an Employee of the Township.
- 9.4. Members, Candidates and Third Party Advertisers shall not use the services of Township Contractors for any Campaigning while the Contractor is directly engaged in the delivery of goods or services for which the Contractor is receiving compensation from the Township.

10. Integrity Commissioner

- 10.1. The Township's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Township and may receive, from time to time, compensation from the Township in accordance with services provided.
- 10.2. Members of Council shall not use the services of the Township's Integrity Commissioner during the Campaign Period for the purposes of seeking advice related to their Campaign.

11. Conflict

- 11.1. If a provision of this Policy conflict with a provision of any applicable Act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall prevail.

12. Effective Date and Repeal

- 12.1. This Policy shall come into force and effect upon the date of its enactment.
- 12.2. The Township's Use of Corporate Resources for Election Purposes Policy, effective November 14, 2005, and any amendments thereto, is repealed and replaced with this Policy.