



Policy #70

Policy Title: Use of Corporate Resources During an Election Policy

Approved by Council on: April 20, 2022

Policy Statement:

The *Municipal Elections Act, 1996*, as amended, establishes regulations governing campaign finances for Candidates and Registered Third Parties participating in a municipal election. Sections 88.8 (4) and 88.12 (4) of the act prohibits municipalities from making campaign contributions to municipal Candidates or Registered Third Parties.

The Election Finances 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 Finances Act* and Section 363 (1) of the *Canada Elections Act* prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

Any use of corporate resources for election related purposes, by Candidates or Registered Third Parties, is not permitted.

Scope:

This policy applies to all members of Council (including those not seeking re-election), members of its local boards and committees, Township and local board employees, registered election candidates (including acclaimed candidates), registered third parties, and members of the public.

Purpose:

The purpose of this Policy is to clarify that all municipal election Candidates, Members of Council, and Township Staff are required to follow the provisions of the Act with regard to the use of corporate resources for election purposes. Where Township, municipal or related terms are used, it shall also be read to include its local boards, as applicable.

This Policy also ensures that the Township's operations, events, and facilities are used for non-partisan purposes and are not used for election campaign related purposes/activities.

1.0 DEFINITIONS

"Acclaimed" means a Candidate elected by acclamation pursuant to section 37 of the Act. "Act" means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.

"Campaigning" means a municipal election-related activity for the purpose of supporting or opposing the election of a Candidate or a question on the ballot, and includes, without limiting the generality of the foregoing, the distribution of materials, advertising, display of signage, etc.

“Candidate” means a person who has filed a nomination for an office pursuant to section 33 of the Act, and includes a person who has filed a nomination for election to a school board pursuant to the Education Act, R.S.O. 1990, c. E.2, as amended.

“Clerk” means the Clerk of the Township or his/her designate.

“Council” means the Council of the Township.

“Election” means any municipal, provincial or federal election, including by-elections.

“Election Period”:

- for a municipal election means the first date Candidate nominations or Third Party registrations may be filed (May 2 for a regular election), through to December 31 in a municipal election year, or 45 days after voting day in the event of a by-election;
- for a provincial or federal election, means the day the writ is dropped, through to voting day.

“Member” means a member of the Council of the Township, and includes the Mayor of the Township.

“Nomination Day” means the deadline to file a nomination, for a regular election will be the third Friday in August.

“Policy” means this Use of Corporate Resources for Election Campaign Purposes – Policy No. 70.

“Staff” means all full-time and part-time persons hired by the Township, including but not limited to the Chief Administrative Officer, Directors, Managers, Supervisors, Coordinators, salaried employees, union employees, administrative staff, and contract, temporary, student, secondment, and co-operative placement staff.

“Township” means The Corporation of the Township of Southgate.

“Township resources” means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Township including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Township IT systems and resources, databases, social media, intellectual property, and supplies.

“Voting Day” means, in the case of a regular election, the fourth Monday in October in the year of the election -or- in the case of a by-election, the 45th day after Nomination Day, as noted in section 5 and subsection 65(4) of the Act.

2.0 POLICY

2.1. General Provisions:

2.1.1. In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- a) Corporate resources and funding may not be used for any election-related purposes;
- b) Staff may not canvass or actively work in support of a municipal candidate or third party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave;
- c) Municipal facilities/property may not be used for any election related purposes, which includes displaying of any campaign related signs or materials on such premises unless all candidates are afforded the same opportunity.

2.2 Specific Regulations:

2.2.1 The following, if supplied by the Township, shall be discontinued for all members of Council throughout the period from January 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election:

- a) All forms of advertising, including advertising in municipal publications;
- b) All printing, high speed photocopying and distribution, including printing and general distribution and display of newsletters unless so directed and approved by Council;
- c) The ordering of any stationery or office supplies or furnishings unless approved by the Municipal Clerk;
- d) Links to Council member-related web sites or social media links;
- e) The posting of information relating the activities of Council or any member of Council on the township's website, excluding the minutes of Council and committee meetings. Only the photos and contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the corporate website.

2.2.2 To avoid any confusion with any website or social media accounts used for Council work, members of Council who choose to create or use their own websites or social media accounts shall throughout the period from January 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election:

- a) Include a clear statement, easily found and readable, on each website or social media account's home page indicating that the account is being used either solely for Council work, for both Council work and election campaign purposes, or solely for election campaign purposes;

- b) Include the statement in clause a) for as long as the website or account is accessible by the public.

2.2.3 Members of Council shall not:

- a) Print or distribute any material paid for by municipal funds that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office;
- b) Profile (name or photograph), or make reference to, in any material paid for by municipal funds, any individual who is registered as a candidate in any election;
- c) Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs, or identifies registered candidates for municipal elections;
- d) Use the corporate website, domain names, other corporate systems, the township crest or logo for campaigning/advertising or as a substitute to distributing newsletters or flyers throughout the period from January 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day;
- e) Use the municipality's voicemail system to record election-related messages;
- f) Use the township's computer network (including the Township email system) for election-related correspondence;
- g) Use any photographs produced for and owned by the Township of Southgate or any photos taken utilizing town equipment or sent through township email accounts for any election-related purposes;
- h) Use municipal property or staff in any campaign photos or images unless all candidates are afforded the same opportunity. Photos/images of external Township facilities are permitted. Photos/images of internal Town facilities are not permitted;
- i) Use any corporate facility/property for any election-related purpose unless a market value rental fee has been established corporately and the rental of such is available to all candidates and third parties. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, candidates, third parties, or the public during any day that voting is taking place on the property, including set-up, hosting, or take-down activities;
- j) Benefit from the use of any corporate pricing established under the townships purchasing policy;
- k) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any candidate, third party or any position related to any questions which may be authorized to be placed on the ballot.

2.2.4 Clauses d) g) h) i) above shall also apply to registered candidates, third parties and the public.

3.0 Staff Involvement

3.1 Staff, are discouraged from assisting with or any involvement in municipal election campaigns, including posting election signs on their property, phone and e-mail solicitations, signing nomination papers, distribution of brochures and wearing candidate buttons; due to a perceived conflict of interest.

3.2 Staff, including full time, part time and contract employees shall:

- a) Behave in a manner that is impartial, fair and unbiased toward all registered candidates and third parties;
- b) Consult with their direct Supervisor prior to agreeing to perform any task requested by a member of Council, registered candidate, or third party that exceeds their normal duties or could be construed as contributing to an election campaign;
- c) Not rent any corporate facility/property for any municipal election-related purpose to members of Council, candidates, third parties, or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities;
- d) Take care to separate personal activities from their official positions and shall not canvass or actively work in support of a municipal candidate or third party during normal working hours unless on a leave of absence without pay, lieu time, float day or vacation leave;
- e) Request and obtain a leave of absence without pay should they wish to run for federal, provincial or municipal office and abide by the respective legislation governing such elections.

3.3 Staff may be involved in provincial and federal campaigns as long as this involvement does not affect the objectivity with which they must discharge their duties as a representative of the Township.

4.0 POLICY MANAGEMENT

4.1 Staff are authorized and directed to take the necessary action to give effect to this policy.

4.2 The Integrity Commissioner may at any time be consulted by members of Council with regard to complying with any part of this policy and will be responsible for enforcement of this policy through Council's Code of Conduct (Policy No. 9).

4.3 Nothing in this policy shall preclude a member of Council from performing their duties as a Councillor, nor inhibit them from representing their constituents.

4.4 The Clerk is delegated the authority to make administrative changes to this

policy that may be required from time to time due to legislative changes or if, in the opinion of the Clerk, the amendments do not change the intent of the policy during an election period.

5.0 LIMITATION

Nothing in this Policy shall preclude a member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents who elected them.