

Use of Corporate Resources Policy (Elections)

Preamble

Section 88.18 of the Municipal Elections Act, 1996 (MEA) now requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or board resources during the election Campaign Period.

The MEA specifies that a municipality or local board cannot contribute to or for a municipal election Candidate (Section 88.8 (4)) or a Registered Third-Part (Section 88.12 (4)).

A “contribution”: includes:

- a. Money, goods and services given to and accepted by or on behalf and under the direction of a person for his or election campaign (Section 88.15 (1)).
- b. Money, goods and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements (Section 88.15 (2)).

Since a “contribution” may take the form of money, goods or services, any use of the Township’s resources for an election campaign by a Member of Council who is a Candidate or by any other Candidate or any Registered Third-Party, would be considered a contribution by the Township for the purposes of the MEA.

It is recognized that subject to the provisions of the Municipal act, 2001, persons elected to an office on Township Council (“Member of Council”) are holders of their office until the end of their term and until their successors are elected and the newly elected Council is formed. Nothing in this Policy shall preclude and Elected Official or member of a local board from performing their job responsibilities, nor inhibit them from representing the interests of their constituents.

Definitions

Campaign: means any activity performed with the intention to solicit votes for a candidate in a federal, provincial, or municipal election or by-election, or question on a ballot.

Campaign Period: means

- a. For Candidates, the date on which their Nomination Form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed or a different date has been adopted through legislation).
- b. For Registered Third Parties, the date on which the Notice of Registration as a third-party advertiser is filed until December 31 in year of an election (unless a request for extension of campaign period has been filed or a different date has been adopted through legislation).
- c. For a provincial or federal election, the date on which the writ of election is issued or a by-election is called and ending on Voting Day. Voting Day for a provincial or federal election or by-election is the day set out in the Elections Act (provincial) or Canada Elections Act (federal).

Candidate: means a person who has filed a Nomination Form as a Candidate in the Township's municipal or local board election or by-election, or a person who is a Candidate or who is seeking a nomination in a provincial or federal election or by-election, including acclaimed Candidates.

Township Clerk: means the Clerk of the Corporation of the Township of Asphodel-Norwood, and election official in accordance with the Municipal Elections Act, 1996, and the position responsible for conducting municipal elections within the municipality.

Township-organized Event(s): means events organized or funded solely or jointly by the Township.

Township Property: means all Township-owned, leased or operated and/or controlled properties and facilities, including but not limited to indoor and outdoor recreation fields; parks and parkland; gardens; open space and road allowances; buildings and rooms; furniture; equipment and fixtures; vehicles; fleet vehicles; parking lots and offices.

Corporate: means The Corporation of the Township of Asphodel-Norwood.

Elected Official: means a person elected to an office of municipal, provincial, or federal government, or a local board.

Member of Council: means a person elected to an office of the Council of the Township of Asphodel-Norwood.

Municipal Publication: means any Township publication.

Nomination Day: means the third Friday in August in the year of the election, as prescribed in the Municipal Elections Act, 1996 (MEA). Nomination Day ends at 2:00 p.m. local time.

Nomination Form: means the prescribed form and declaration of qualification and filed by the Candidate.

Registered Third Party: means an individual, corporation or trade union that has filed a Notice of Registration as a third-party advertiser in the federal, provincial, or municipal election.

Social Media: means online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs) social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.

Staff: means all full-time, part-time, volunteer and contract employees of the Corporation including members of Council.

Voting Day: means the fourth Monday in October in the year of the election, as prescribed in the Municipal Elections Act, 1996 (MEA). In the case of a provincial election, Voting Day is referred to as Polling Day and occurs on the fifth Thursday after the date of the writ. For federal elections, Voting Day is also referred to as Polling Day and generally occurs on the third Monday of October in the fourth calendar year following polling day for the last general election.

Scope

This Council Policy applies to all Members of Council (including those not seeking re-election), members of local boards, Candidates, Registered Third Parties in a municipal and school board trustee election or by-election, including all Staff during a Campaign Period.

Where applicable, this Policy also applies to all registered Candidates and Registered Third Parties for a provincial or federal election or by-election.

Exceptions:

- a. Municipal information prepared, posted and maintained by the Township, names and photographs of Elected Officials, their contact information, and a list of current representation on committees that is prepared, posted and maintained by the Township.
- b. Agendas and minutes of Council and Committee/Board meetings.
- c. Media releases and Township materials and describe inter-governmental activities.
- d. A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.
- e. Municipal election-related education meetings that are organized by Township staff may be held at any municipal property.

Outcomes

This policy is intended to:

- a. Ensure compliance with the Municipal Elections Act, 1996, in regards to the prohibitions against the Township contributing to a municipal and trustee election campaign.
- b. Ensure Candidates and Registered Third-Parties are treated fairly and consistently within the municipality.
- c. Ensure that the integrity of the election process is maintained at all times.
- d. Establish the appropriate use of Corporate resources during an election period in order to:
 - i) Protect the interests of Elected Officials, Candidates, Registered Third Parties, Staff, and the Corporation, and
 - ii) Ensure accountable and transparent election practices.
- e. Maintain non-partisanship and demonstrate impartiality towards provincial and federal partisan political activities during the Campaign Period.

Policy Statement

The statements contained herein provide a consistent approach to the use of Township Corporate resources during a Campaign Period, and expressly prohibit contributions and the use of Corporate resources for campaign purposes. The following applies to Elected Officials, Candidates, Registered Third parties, and Township staff.

In accordance with the MEA, Candidates and/or Registered Third parties in a Campaign Period are not permitted to the use of Corporate resources. The sections below outline the Townships position with respect to the use of Corporate resources.

Activities:

The following activities are not permitted during an election campaign period:

- a. Use of Township property, whether directly or indirectly booked, for any election purpose(s).
- b. Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing) within any Township Property.
- c. Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing, etc.) at a Township-organized Event (e.g. Canada Day etc.).
- d. Use of equipment, supplies, services, Staff or other resources of the municipality for any Campaign or Campaign-related activities.
- e. Use of Township funds to acquire any resources for any Campaign or Campaign-related activities, including ordering of stationary and office supplies.
- f. Campaigning on Township Property, whether it is during or outside of an election campaign period, is not permitted at any time.
- g. Candidates may accept an invitation to address a group that regularly meets at a park or open space. Any campaigning must not disrupt the enjoyment or use of the space by others, including the distribution of campaign material.

Campaign Material

The following restrictions apply to campaign related material:

- a. Use of Township funds or resources to print or distribute any material that refers to, or contains the names or photographs of, or identifies Candidates or Registered Third Parties.
- b. Use of lists, data and files produced using Township resources, with the exception of lists to which a particular Candidate is entitled, pursuant to the Municipal Elections Act, for the current election (e.g. permitted use of Voters' List for election purposes only).
- c. Display of Campaign material, including clothing, in any Township property.
- d. Display of Campaign material at any voting location, including the voting location's parking lot.
- e. Display of Campaign material, including clothing, by any Township Staff, during working hours.

Election Signs

Placement of election signs for municipal, provincial and federal elections must be in accordance with the Township's sign By-law 2018-25. The governance of election signs on property owned by Peterborough County is detailed in the election sign By-law in effect at the time of the Campaign Period.

Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

- a. Refer to and/or identify any individual as a Candidate, political party, Registered Third Party or a supporter or opposer of a question on a ballot during an election, on any social media sites, blogs, and other media created and/or managed by the Township and/or Township staff.
- b. Use Township owned or managed Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to

communicate election- related messages.

Note: The Township's online list of Candidates and Registered Third Parties shall be the only area of the Township of Asphodel-Norwood's website where a link to external election campaign contacts, websites may be posted during the campaign period. This will be at the discretion of the Clerk.

Member of Council Use of Social Media

The following restrictions apply to Member of Council use of social media during a Campaign Period:

- a) Members are not permitted to use electronic materials paid for by the Township for municipal election campaign purposes.
- b) Councillors and candidates may not include election related material on websites or domain names paid for by the Township.

Use of Township Logo and Identifiers

The Township's brand, logos and identifiers are registered trademarks and owned by the Township of Asphodel-Norwood. Use of a video, photo, logo, crest, coat of arms, slogan, or identifier with the Township has proprietary rights, including municipal election logos, in any capacity is strictly prohibited.

Candidate and Registered Third party Conduct

Candidates and Registered Third Parties who attend Township-organized Events are not permitted to campaign, including without limitation, distribute campaign material, wear campaign buttons or shirts. The Township's Staff supervising a Township-organized Event may request that a Candidate or Registered Third Party leave the event if campaigning is reported or suspected.

Members of Council attending Township-organized Events, or events held at a Township property may act as a representative participant in their capacity as an elected official, including speaking and offering greetings. Elected Officials and Members of Council who are also Candidates at the time of their attendance and participation at the Township-organized Event may not campaign. No election signs or Campaign materials, including clothing, may be publicized at the event.

Candidates or Registered Third Parties are not permitted to engage in Campaign activities directed at Township employees while those employees are at their workplace or engaged in work for the Township.

** The above extends to registered Candidates and Registered Third Party advertisers for a provincial or federal election or by-election.

Township Staff Conduct

In recognizing the right of employees and volunteers to participate in political activity the provisions set out below ensure the requirement for public service by politically impartial. Township Staff, including volunteers, shall not:

- a. Use Township owned or managed Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election-related messages.

Note: The Township's online list of Candidates and Registered Third Parties shall be the only area of the Township of Asphodel-Norwood's website where a link to external election campaign contacts, websites may be posted during the campaign period. This will be at the discretion of the Clerk.

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Township Staff Conduct

In recognizing the right of employees and volunteers to participate in political activity the provisions set out below ensure the requirement for public service by politically impartial. Township Staff, including volunteers, shall not:

- a. Canvass or perform any work in support of a Candidate or Registered Third party (e.g. campaign), during hours in which a person is working for and/or receiving any

compensation from the Township, except during scheduled time off (e.g. scheduled vacation time). Township Staff shall not post or distribute Campaign material on behalf of a Candidate or Registered Third party at Township facilities or Township property including Township parks.

- b. Engage in any political activity while wearing a Township uniform or identifier (e.g. name badge, hat, lanyard, clothing).
- c. Engage in any political activity while wearing clothing or buttons that advertise any Candidate, Registered Third Party or political party while wearing a Township uniform or identifier.
- d. Use their title or position within the Township in a way that may lead a member of the public to infer that the Township is endorsing a Candidate, Registered Third Party or political party.

Note: The Township Clerk and Election Staff may not engage in political activity in any election. Township staff that support the Township Clerk in the administration of municipal election may not engage in political activity during such election.

Role and Responsibilities

The Township Clerk is responsible for:

- a. Communicating this policy to municipal Candidates and Registered Third Parties.
- b. Ensuring this policy is reviewed and updated as required, prior to municipal elections and by-elections, or as required by legislative change.

The Chief Administrative Officer and Managers are responsible for:

- a. Communicating this policy to their Staff
- b. Ensuring compliance with this policy
- c. Investigating reported contraventions of the policy and escalating as required

Township staff are responsible for:

- a. Complying with this policy
- b. Seeking clarification from their supervisor if any aspect of this policy is not understood

Integrity Commissioner

Subject to limitations set out in the Municipal Act, 2001, regarding inquiries, the Integrity Commissioner may provide guidance or advice to Members of Council, proactively or in response to requests from Members, regarding conduct in relation to their elected official responsibilities, as it relates to this policy and the Council Code of Conduct.

Monitoring and Compliance

Should a complaint arise regarding the alleged use of Corporate resources in contravention of this policy, the Township Clerk or their designate shall have the authority to investigate and resolve the complaint.

Township staff who observe or are made aware of an apparent contravention of this policy shall address the individual, or shall report the apparent contravention to their direct report.