

# THE CORPORATION OF THE TOWN OF NEW TECUMSETH

## POLICY/PROCEDURE

**Policy or Procedure Title:** Use of Municipal Resources During  
Election Campaign Period

Policy/Procedure Number: AC-001-00-2018

Corporate Policy: (Council Approved) [ x ] Date Approved: April 23, 2018

Administrative Policy: (CAO Approved) [ ] Revised Date:

Department Policy: (Director Approved) [ ] Motion No.: 2018-102

By-Law No.:

Name of Dept: Administration/Clerk

### 1 Policy/Procedure Statement:

1.1 These guidelines establish the appropriate use of Town resources during the election campaign period to protect the interests of Council, the Corporation of the Town of New Tecumseth ("Town") and the public. The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sch., as amended ("*Act*") prohibits a municipality from making contributions to Candidates and Registered Third Parties. It also prohibits a Candidate, a Registered Third Party or someone acting on behalf of a Candidate or Registered Third Party, from accepting a contribution from a person who is not entitled to make a contribution.

1.2 As a contribution may take the form of money, goods or services, any use of Town resources by a Member of Council (Member) for his or her election campaign, another Candidate or Registered Third Party would be considered a contribution by the municipality to the Member, Candidate or Registered Third Party and in violation of the *Act*.

### 2 Purpose:

2.1 The purpose of this policy is to clarify that all election Candidates and/or Registered Third Parties are required to follow the provisions of the *Act*.

**3 Scope:**

- 3.1 This Policy applies to all Town Staff, Candidates (whether for Council or School Board Trustee), any acclaimed Candidate, Registered Third Party and Members of Council (including a Member not seeking re-election) during a municipal election campaign period.
- 3.2 Nothing in this Policy shall preclude a Member of Council from performing their regular duties as Mayor, Deputy Mayor or Councillor nor inhibit them from representing the interests of the constituents who elected them.
- 3.3 Nothing in this Policy shall preclude a Town Employee from exercising his/her civic right and duty to participate in the municipal election process as a private citizen.
- 3.4 Nothing in this Policy shall prevent Town Employees from conducting an election in accordance with the Act or providing non-partisan election information material on behalf of the Town so as to inform the public about the election and election process.

**4 Definitions:**

- 4.1 “Campaign period” means the date a Candidate files their nomination through to Voting Day in a municipal election year or in the event of a by-election.
- 4.2 “Candidate” means any individual running for an elected office, including Mayor, Deputy Mayor, Councillor, School Board Trustee, or anyone acting on their behalf.
- 4.3 “Election” means any municipal elections including by-elections.
- 4.4 “Election related purposes/activities” means any participation in an election that seeks to promote or oppose the candidacy of an individual seeking office.
- 4.5 “Election Sign” means any signage associated with municipal elections regardless of size, type, material etc.
- 4.6 “Member” means Mayor, Deputy Mayor or Councillors or anyone acting on behalf of the Mayor, Deputy Mayor or Councillor.
- 4.7 “Registered Third Party” means an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996 as amended.
- 4.8 “Town employee” means any individual working for, or receiving compensation from, the Town of New Tecumseth including those in part-time, seasonal or contract positions.

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

**5 Policy/Procedure:**

5.1 No Candidate or Registered Third Party shall use the facilities, equipment, supplies, services, letterhead, business cards, staff or other resources of the Town (including Councillor newsletters and Councillor budgets) for any election campaign or campaign related activities, except as permitted in this policy.

**5.2 Municipal Facilities and Property**

5.2.1 Members, Candidates or Registered Third Party shall not undertake any campaign related activities on municipal property during regular working hours.

5.2.2 Members, Candidates and Registered Third Parties may not use any Town owned or operated facilities, including parks, for any election related purposes or display or distribute election related signs and/or materials, including third party advertising unless they have rented and have been permitted the facility/property in accordance with standard Town rental procedures. Election materials may be displayed and distributed only within the premises rented and in accordance with the permit. All materials must be removed immediately following the event (rental).

5.2.3 Members, Candidates or Registered Third Parties may not conduct any election related activities including, but not limited to, displaying and/or distributing election related material inside or outside of the Town Administration Centre unless in accordance with the Town Sign By-law.

5.2.4 Campaigning shall not be permitted at any Town-operated or hosted event, e.g., Canada Day celebrations, etc. However, campaigning on public walkways, thoroughfares and rights of way is permitted provided all campaigning is in accordance with all laws including municipal by-laws.

5.2.5 All Candidates’ Meetings may be held in a Town owned facility, subject to the usual rental charges and permit procedures for such use provided no election signs or materials are displayed however, election materials may be distributed. All materials must be removed immediately following the event (rental).

5.2.6 Members, Candidates or Registered Third Parties may not rent Town owned or operated facilities for election related activities on a date when the facility is being utilized by the Town for any election related activity i.e. voting location.

### 5.3 Technology

- 5.3.1 Websites or domain names that are funded, owned or operated by the Town shall not include any election related campaign material or links to any sites which include election related material, other than non-partisan election information material that is required for the proper administration of the election under the Act and basic contact information for Candidates.
- 5.3.2 The Town's voicemail system shall not be used to record election related messages and/or third party advertisements and the Town resources such as computers, computer network, e-mail, related IT systems, cell phones, telephones, tablets, printers, scanners, copiers, file storage or any other equipment or technology owned and/or leased by the Town shall not be used for election related purposes/activities or third party advertising.
- 5.3.3 Photographs and videos produced for and owned by the Town may not be used for election related purposes/activities or third party advertising.
- 5.3.4 When a Member registers as a Candidate, all links to social media accounts and personal external websites will be removed from the Town run or funded websites and domains.

### 5.4 Communications

- 5.4.1 The Town's logo, brand, flag, other marks, chain of office etc. shall not be used for any election related purpose/activity or third party advertising or included on any campaigning or third party related material including, but not limited to, print, signs, website, social media, or electronic publication.
- 5.4.2 Existing social media accounts used by Members for their work as a Member of Council should not be re-designated as a campaign or third party advertising site. If a Member uses a social media account for election related purposes/activities, such account may not be used for Town purposes, must not be created or supported by Town resources, and must not use the elected Member's title or the Town logo. To avoid confusion, Members who choose to use social media accounts for election related communications must include a clear statement on each campaign account's homepage indicating that the account is being used for campaign purposes.

### 5.5 Town Employees

- 5.5.1 No Member, Candidate or Registered Third Party shall use the services of Town Employees for election related purposes/activities or third party

advertising purposes unless such Employee is on a leave of absence without compensation.

5.5.2 Town Employees shall not use any Town resources such as vehicles, technology or other resources that are owned, leased or operated by the Town for election related purposes/activities.

5.5.3 Town Employees shall not use their official authority or influence for the purposes of interfering with or affecting the result of a municipal election or a question on the ballot, nor use their official title nor wear any clothing, such as uniform or badge which identifies them as a Town employee while participating in otherwise permissible election related purposes/activities.

5.5.4 Town Employees are encouraged to be especially mindful of public perception during municipal elections and to ensure that their activities neither conflict with nor adversely affect their duties as members of Town staff.

## 6 **Implementation:**

6.1.1 This Policy shall become effective immediately upon approval by Town Council.

6.1.2 Procedures may be defined and amended from time to time at the discretion of the Clerk to address specific implementation of this Policy.

6.1.3 That, in accordance with the *Act*, the Town Clerk take the necessary action to give effect to this policy.