

<i>SUBJECT</i>	Use of Corporate Resources for Election Purposes
<i>Department/Category</i>	All Departments
<i>Related Documents</i>	<p><i>Employee Policy D-3.20 regarding Staff Conduct and Use of Corporate Resources During an Election Period</i></p> <p><i>Council Code of Conduct</i></p> <p><i>Election Sign By-law</i></p> <p><i>Municipal Elections Act, 1996 as amended, Election Finance Act, 1990, as amended, and the Canada Elections Act, 2000 as amended</i></p>

1. Policy Statement

The *Municipal Elections Act, 1996*, as amended, establishes the election campaign finance rules for Candidates running in a municipal election. Section 88(8)(4) prohibits municipalities such as the Corporation of the Township of Guelph/Eramosa from making campaign contributions.

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 a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

As campaign contributions may take the form of money, goods or services, any use of corporate resources for election related purposes, by candidates, Third Party Advertisers, or Township staff, is not permitted.

No candidate or registered Third Party Advertiser shall use the facilities, equipment, supplies, services, staff or other resources of the Township for any election campaign or campaign-related activities.

2. Legislative Authority

In accordance with Section 88.18 of the *Municipal Elections Act, 1996*, before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period. 2016, c. 15, s. 56.

3. Application

The policy provides direction to candidates, Third Party Advertisers, members of Council and all Township staff on the administration of corporate resources with

respect to election-related matters. The purpose of this policy is to clarify that all election candidates at the municipal, provincial and federal level, including Members of Township Council and third-party advertisers are required to follow the provisions of the *Municipal Elections Act, 1996* as amended, *the Election Finance Act, 1990* as amended, *Elections Act, 1990* and the *Canada Elections Act, 2000* as amended, as applicable.

The Policy is intended to:

- Ensure compliance with the *Municipal Elections Act, 1996*, *Elections Finance Act, 1990* and the *Canada Elections Act, 2000*, in regards to the role of the Township contributing to a candidates or registered third party campaign;
- Ensure that candidates and registered third parties are treated fairly and consistently within the municipality;
- Ensure the integrity of the election process is maintained at all times;
- Establish the appropriate uses of resources during an election period, in order to:
 - Protect the interests of the members of Council, Candidates, Registered Third Parties, Township staff and the Corporation; and
 - Ensure accountable and transparent practises

This policy is applicable to all candidates (including any candidate acclaimed), Members of Township Council (including a member who is not seeking re-election), Third Party Advertisers and Township of Guelph/Eramosa staff.

5. Definitions

Election Campaign-Related Activities and Materials means any resources used to promote, support or oppose a candidate or a “yes” or “no” vote related to a question on the ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing or other paraphernalia. Activity means any action or event by or on behalf of a candidate, political party, or Third Party Advertiser meant to promote, support or oppose a candidate or a “yes” or “no” vote related to a question on the ballot during the election period. Campaign-related activities do not include the appearance of elected officials acting in their capacity of Councillor, School Board Trustee, Member of Provincial Parliament, or Member of Parliament.

Campaign Period means the official campaign period of an election.

- For a municipal election, the campaign period commences on the day on which the clerk receives his or her nomination for the office under section 33 of the *Municipal Elections Act* and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
- For a provincial or federal election, the election period commences on the day the writ for the election is issued and ends on voting day.
- For a by-election, the period commences the day the by-election is called and ends on voting day.

Candidate means any individual running for an elected office, including Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf.

Election-related purpose refer to the occurrence of a municipal election or by-election. It also includes any participation in federal and provincial elections that is partisan in nature.

Nomination Day refers to the fourth Friday in July in a municipal election year.

Third Party or Third Party Advertiser means an individual, corporation or trade union that promotes, supports or opposes a candidate or a “yes” or “no” vote related to a question on the ballot in accordance with the *Municipal Elections Act*.

4. Policy

Communications Related Provisions

At no time shall corporate resources and/or the municipal budget be used to sponsor or produce any election campaign-related materials (municipal, provincial and federal).

Members of Council are responsible for ensuring that the content of any communication material, printed, hosted or distributed by the Township of Guelph/Eramosa is not election campaign-related.

Members of Council shall not deliver any unsolicited material outside of their existing ward where the printing and/or distribution costs are being paid by the municipality. This provision shall be effective not only during an election year, but at all times.

Members of Council shall not:

- Create, print, publish, sponsor or distribute any material paid 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;
- Profile (name or photograph), or make reference to, in any material paid for using municipal funds, any individual who is registered as a candidate in any election; and
- Create, print, publish, sponsor or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections.

In a municipal election year or in the event of a by-election, corporate resources are not to be used to sponsor any advertisements, flyers or newsletters from the day prior to Nomination Day up to and including the final voting day.

Candidates shall not create, print, publish sponsor or distribute any election campaign-related materials using municipal funds. This prohibition also applies to the use of any Township equipment, facilities, social media or websites, if the access is Township-sponsored/funded.

In any material created, printed sponsored or distributed by the Township of Guelph/Eramosa, candidates are not permitted to:

- Illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election;
- Identify where they or any other individual will be running for office; or
- Profile or make reference to candidates in any election.

Notwithstanding the above, the minutes of Council and Committee meetings shall be exempt from this policy.

The municipality's logo, crest, coat of arms, slogan, etc. shall not be printed or distributed on any election campaign-related materials, or included on any election campaign website, except in the case of a link to the Township's website to obtain information about the municipal election.

Photographs produced for and owned by the Township of Guelph/Eramosa shall not be used for any election campaign-related purposes.

Photographs taken utilizing Township equipment or sent through Township accounts shall not be utilized.

Candidates and third-party advertisers are not permitted to engage in election campaign-related activities directed at Township employees while those employees are at their workplace or engaged in work for the Township.

Where an emergency occurs, a non-emergency related community issue arises or where an annual community event is held during the period beginning the day prior to Nomination Day up to and including final voting day, a Member of Council may use corporate resources to advise or contact their ward constituents with the approval of the Township Clerk.

Use of Municipal Facilities, Services and Property Provisions

Candidates shall not campaign and/or distribute campaign literature during any function hosted by the Township of Guelph/Eramosa, whether on municipal property or not.

Members of Council, Candidates and third-party advertisers shall not use any municipally provided facilities for any election-related purposes. Neither campaign related signs nor any election related material will be displayed in any municipally-owned facility. An exemption to this clause of this policy will be provided for All Candidates Events hosted by a local organization any time after Nomination Day and prior to Voting Day and to which all registered candidates are invited.

In accordance with the Election Sign By-law, no election campaign-related signs nor any other election-related material shall be displayed in any municipally owned facilities.

Candidates, registered Third Party Advertisers, or political parties may not distribute campaign materials on or in Township facilities or at Township events, but are permitted to distribute campaign materials on public right of way sidewalks and thoroughfares, during all-candidates meetings, and at public parks.

Technology Related Provisions

Candidates, Members of Council and third-party advertisers shall not use corporate resources or services such as computers, cell/smart phones, telephones, tablets, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology owned by the Township of Guelph/Eramosa, for election related purposes.

Websites, domain names or Township email addresses that are operated or funded by the Township of Guelph/Eramosa shall not include any election campaign-related materials or links to any sites that feature election campaign-related information, including but not limited to Twitter, Facebook and other social media accounts to any sites that feature election campaign-related material.

The on-line Candidate's List shall be the only area of the Township's website where links to external election campaign websites will be posted during the Campaign Period.

The municipality's voice-mail system or voicemail set up on any Township issued phone shall not be used to record election related messages or the computer network (including the Township's email system) to distribute election related correspondence.

Distribution lists or contact lists developed utilizing corporate resources or through a contact in a Member of Council's role shall not be utilized for election purposes.

Township of Guelph/Eramosa Staff

Township of Guelph/Eramosa staff are expected to preserve the public trust and confidence in the Township. Employees engaged in political activities must take care to separate those personal activities from their official positions.

Employees may participate in political activity at the federal, provincial or municipal levels providing that such activity does not take place during work hours or utilizing Township assets, resources, or property. Notices, posters or similar material promoting, supporting or opposing a particular candidate or political party are not to be produced, displayed or distributed by employees on Township of Guelph/Eramosa work sites or property.

Employees shall not canvass or actively work in support of a candidate or political party during normal work hours, unless they are on a leave of absence without pay, lieu time, flex time or vacation leave.

Employees shall not canvass or actively work in support of a municipal candidate or political party while wearing a uniform, badge, logo or any other item identifying them as an employee of The Corporation, or using a vehicle owned or leased by the Township.

Employees wishing to run for federal, provincial or municipal office must request and obtain a leave of absence without pay and abide by the respective legislation governing such elections.

5. Policy Management

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

The Township Clerk (or designate) is responsible for communicating the policy to members of Council, Candidates, Third Party Advertisers and Township staff.

Members of Council, Candidates, Third Party Advertisers and Township staff are accountable to comply with this policy.

In accordance with the Municipal Elections Act, the Township Clerk is authorized and directed to take the necessary action to give effect to this policy.

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.

Adopted by Council on: (15/01/2018)

Amended by Council: (17/01/2022)