



Policy

POL.COR.18.01

Use of Corporate Resources for Election Purposes

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| Policy Type: | Corporate Policy (Approved by Council) |
| Date Approved: | February 12, 2018 |
| Date Revised: | October XX, 2021 |
| Department: | Clerk's Department |
| Staff Reports: | FAF.18.10 Use of Corporate Resources for Election Policy FAF.21.172 Proposed Revisions to "Use of Corporate Resources for Election Purposes Policy POL.COR.18.10" |

By-Law No.:

Policy Statement

The Corporation of the Town of The Blue Mountains and its local boards and committees are committed to ensuring accountable and transparent election practices relating to the use of corporate resources.

Purpose

The purpose of this policy is to provide a consistent approach and direction regarding the use of Corporate Resources during the election campaign period in accordance with the *Municipal Elections Act, 1996*.

This policy is an update to the "Use of Corporate Resources for Election Purposes Policy, POL.COR.18.01". This policy shall become effective immediately upon approval by Council of the Town of The Blue Mountains.

Application

This Policy applies to all Members of Council, Candidates, Registered Third Parties in a municipal election, and Staff during a campaign period.

This Policy is intended to:

- i) ensure compliance with the *Municipal Elections Act, 1996*, with respect to the role of the Town contribution to a municipal and trustee election campaign;
- ii) ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality;
- iii) ensure the integrity of the election process is maintained at all times;

- iv) establish the appropriate use of resources during an election period, in order to:
 - a. protect the interests of Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - b. ensure accountable and transparent election practices.

Definitions

“Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended.

“Campaign Period” for a Candidate is the date on which the nomination is filed until December 31 in the year of a regular election, and 45 days after voting day in the case of a by-election, unless a request for extension of campaign period has been filed. See section 88.24 of the *Municipal Elections Act, 1996*.

“Campaign Period” for a Registered Third Party is the date on which the registration as a third party advertiser is filed until December 31 in the case of a regular election, and 45 days after voting day in the case of a by-election, unless a request for extension of campaign period has been filed. See section 88.28 of the *Municipal Elections Act, 1996*.

“Candidate” means a person who has filed a nomination, and not withdrawn that 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 Town or their designate.

“Corporate 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 system and resources, databases, social media, intellectual property, and supplies.

“Members of Council” means the Council of the Town of The Blue Mountains.

“Member” means a Member of the Council of the Town of The Blue Mountains.

“Nomination Day” for a regular election is the third Friday in August in the year of the election, as prescribed by the *Municipal Elections Act, 1996*.

“Policy” means this Use of Corporate Resources for Election Purposes Policy, POL.COR.18.01

“Registered Third Party” means an individual, corporation or trade union that has filed a registration as a third party advertiser in the municipal election.

“Staff” means all full-time, part-time and contract persons hired by the Town.

“Town” means The Corporation of the Town of The Blue Mountains.

Use of Corporate Resources for Election Purposes

“Voting Day” in a regular election, is 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 *Municipal Elections Act, 1996*.

Policy

1. In accordance with the provisions of the *Municipal Elections Act, 1996*, as amended, Members of Council, Candidates, and/or Registered Third Parties in a Campaign Period are not permitted to:
 - a) Use equipment, supplies, services, Staff, or other resources of the Town for any campaign or campaign related activities;
 - b) Use Town funds to acquire any resources for any campaign or campaign related activities, including order of stationary and office supplies;
 - c) Use Town facilities or property for campaign events, unless the facility or property is rented in accordance with Town agreements and the appropriate rates are paid by the Candidate or Registered Third Party. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, Candidates, Registered Third Parties, or the public during any day that voting is taking place on the property, including the set-up, hosting or take-down activities;
 - d) Benefit from the use of any corporate pricing established under the Town’s Purchasing Policy;
 - e) Use Town funds to print or distribute any material that makes reference to, or contains the names or photographs, or identifies Candidates or Registered Third Parties.
 - f) Use the Town logo, crest, or corporate program identifiers on any election campaign related material, either printed or on a campaign website. This includes any Town municipal election logo and any related identifiers.
 - g) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any Candidate, Registered Third Party or any position related to any questions which may be authorized to be placed on the ballot.
 - h) Use corporate Information 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 Clerk will include the contact information for Candidates and Registered Third Parties on the Town’s website, on the “Election” page of the Town website during the Campaign Period.

Use of Corporate Resources for Election Purposes

2. The following services will be discontinued for Members of Council who are Candidates as of the end of Nomination Day:
 - a) all forms of advertising, including in Town publications (i.e. paper or web-based);
 - b) all printing services, including printing, photocopying and distribution of publications, such as newsletters, with the exception of communications specifically related to an authorized or scheduled Town event (i.e. Public Meeting);
 - c) the ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and,
 - d) the ordering of stationary and business cards.
3. The budgets for Members of Council for the period of January 1 to Voting Day in a municipal election year be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to Voting Day:
 - a) new Members of Council be allocated a budget equal to 1/12th of the approved budget for the month of December; and
 - b) re-elected Members of Council have available to them the balance of the funds remaining as of Voting Day;
4. Candidate, Registered Third Party and Staff Conduct
 - a) A Member of Council attending an event as a representative of Town Council is not permitted to campaign while conducting Town business. A Member of Council may speak at an event as a representative of Town Council, but is not permitted to use the event as an opportunity to campaign;
 - b) Candidates or Registered Third Parties are not permitted to engage in campaign activities directed at Town Staff while those Staff are at their workplace or engaged in work for the Town.
 - c) Town Staff shall not perform any work in support of a Candidate or Registered Third Party during hours in which the Town Staff is receiving any compensation from the Town, except during scheduled time off (i.e. vacation, leave of absence without pay, lieu time). Town Staff shall not post or distribute campaign material on behalf of a Candidate or Registered Third Party at Town facilities or on Town property.

Exclusions

It is recognized that Members of Council are holders of their office until the end of the Council term. 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.

References and Related Policies

1. Schedule "A" to Policy POL.COR.18.01, "Election Year Activities Frequently Asked Questions" dated October 8, 2021, as prepared by Suzanne Craig, Integrity Commissioner of the Town of The Blue Mountains
2. *Municipal Elections Act, 1996*
3. Code of Conduct for Members of Council and Local Boards Policy, POL.COR.07.07
4. Progressive Discipline Policy, POL.COR.13.24

Consequences of Non-Compliance

The Town Clerk is authorized and directed to take the necessary action to give effect to this policy.

Review Cycle

This policy will be reviewed by the Town Clerk following each Municipal Election, and will be updated in accordance with legislative requirements.

**Office of the Integrity Commissioner
32 Mill Street, P.O. Box 310
Thornbury, ON N0H 2P0**

October 8, 2021

TO: Mayor and Members of Council
FROM: Suzanne Craig, Integrity Commissioner
RE: Election Year Activity FAQs

PURPOSE

This Election Year Activities Information Bulletin ("FAQs") is written to provide Members of Council and Local Boards ("Members") with guidance on how the Code of Conduct for Members of Council (the "Code") rules govern their role as elected officials of the Town of The Blue Mountains in respect of election and campaign-related activities.

The Office of the Integrity Commissioner is available as a confidential resource for advice. Members are urged to take advantage of this by seeking advice about how to separate their work as Members from their activities as candidates or in support of election campaigns.

An underlying principle of the Code is that Members will conduct themselves in a manner that promotes public confidence and will bear close public scrutiny. A campaign period is a time of heightened scrutiny upon everyone involved in an election. Members are advised to transparently and clearly establish a separation between their election-related activities and their private activities and to avoid any use of Town resources to support election-related activities which may be in contravention of the Code.

FAQs

- Q. Can a Member endorse a political candidate?
- A. It is recognized that while Members are political representatives, they are also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties and candidates. Members must take care to clarify that they do so as a private individual and must not be seen as using their office to endorse political candidates for election. In order to preserve the public trust and the integrity in the elections process, Members should make every effort to separate their work and activities as Town elected and appointed

officials from activities in support of municipal, provincial or federal election candidates.

Q. Can a candidate distribute materials, signs, pamphlets or buttons on Town property?

A. All candidates are prohibited from election activities on Town property, including distribution of election related signs, pamphlets or buttons and the use of Town resources.

Q. Can Town staff lend support to a Member's campaign?

A. Members cannot use the services of any Town staff (during hours in which those persons receive any compensation from the Town) to assist in any communication activity related to the preparation or distribution of election related materials or events.

Q. Can Members establish or use existing social media or other electronic media for campaign purpose?

A. Personal social media accounts for election activity cannot be created or supported using Town resources.

Members (including their staff) are prohibited from using pictures, videos or recording audio of Town staff and volunteers for any election activity.

Members are prohibited from the use of their Town office or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities.

Members shall not use Town stationary, printing or photocopying resources and other Town materials for election activities.

Members will not use the Town's email/voice mail system to record, distribute or disseminate election activity messages or correspondence. Members should not use contact information gathered for responding to constituent inquiries for any purposes related to an election campaign, nor for any other purpose than the one for which it was provided to the member.

Q. Can a Member use or distribute pictures, videos or audio recordings in an election year– through social media channels, emails or newsletters- with sitting elected officials (including Members of Parliament, Members of Provincial Parliament, other Town Councillors, School Board Trustees) that is not campaign-related as part of continuation of normal business of an elected official?

- A. Yes, provided the activity or event is related to fulfilling official business and is not for any election related activity. Members may continue to update their constituents on Town projects and intergovernmental initiatives.
- Q. Can a Member send out newsletters during the municipal election period?
- A. Yes, as long as the Newsletter content does not announce or illustrate the Member's intention to run for election or the announcement of a candidate in the election. Generally, a listing of a sitting elected official's accomplishments over the previous term is not deemed to be election related.
- Q. Are there specific rules around the use of a Member's social media sites and phones/other devices?
- A. Members must be mindful of how they use various social media sites. If a Facebook account is used as Councillor's Facebook page, the messages should not contain any campaign related information. Whether a social media account is paid for with Town funds or personal funds, Members are cautioned to not upload to the Member site, links to other social media that contain campaign content. The Town logo must not be used in any campaign materials.

Town funded cellular/android devices cannot be used for campaign related purposes, even for occasional use. Campaign event scheduling shall not be included in Town funded devices.

For the purposes of a campaign, the Town's public website is available to any member of the public, including election candidates and therefore, any information that can be downloaded publicly from the Town's website, may be linked to a candidate running for election on their campaign website, including photographs, if not protected by copyright. A Member will not be penalized under the Code if a Member's publicly available photographs are used by an election candidate. However, photographs stored on Town-funded devices and/or Town servers cannot be uploaded to campaign websites or forwarded to campaign staff.

It is not permissible to use a social media account that (1) identifies the Member as a Councillor or Mayor, or (2) is supported by Town resources, to: post content or record audio that promotes any candidate or political party in any municipal, provincial, or federal election, including leadership campaigns.

If there are any questions regarding the above or other election campaign related question, please contact:

Suzanne Craig, Integrity Commissioner

Town of The Blue Mountains

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