



## **USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY**

**Approved by Council on: March 3, 2022**

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### **Policy Statement**

The purpose of this policy will provide a consistent approach and ensure accountable and transparent election practices regarding the use of corporate resources during an election campaign period.

This policy also ensures that the Municipality's operations, events, and facilities are not used for political purposes and are not used for election campaign related purposes/activities.

### **Legislative Authority**

The following legislative provisions are highlighted as they relate to these rules and procedures:

The Municipal Act, 1996 s. 88.8 (4) states that municipalities shall not make a contribution to a candidate.

The Municipal Elections Act, 1996 s. 88.8 (1) also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods and services, any use of the Corporation's resources for an election campaign could be viewed as a contribution by the Municipality, which is a violation of the Municipal Elections Act, 1996.

### **Scope**

This policy applies to Members of Council and its local boards, registered election candidates (including acclaimed candidates), registered third parties in a municipal election, and Municipal staff during a campaign period.

The following exceptions apply:

1. Municipal information prepared, posted and maintained by the Municipality; names and photographs of Members of Council and its local boards; their

contact information; and a list of current representation on committees and local boards that is prepared, posted and maintained by the Municipality;

2. Agendas and minutes of Council, local board, and Committee meetings; and
3. Media releases and Municipal materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council and Chief Executive Officer of the Municipality.

This policy is intended to:

1. Ensure compliance with the Municipal Elections Act, 1996, in regards to the role of the Municipality contributing to a municipal and/or trustee election campaign.
2. Ensure candidates and registered third parties are treated fairly and consistently within the municipality.
3. Ensure the integrity of the election process is maintained at all times.
4. Establish the appropriate use of resources during an election period, in order to:
  - a. Protect the interests of Members of Council and its local boards, candidates, registered third parties, Municipal staff and the Corporation;
  - b. Ensure accountable and transparent election practices.

## **Policy**

### **General Provisions:**

In accordance with the provisions of the Municipal Elections Act:

- a. Corporate resources and funding may not be used for any election-related purposes;
- b. Municipal 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, personal 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.

### **Specific Provisions:**

1. Candidates, Registered Third Parties and Members of Council and its local boards

Candidates, Registered Third Parties and Members of Council and its local boards shall NOT:

- a. Use equipment, supplies, services, staff or other resources of the municipality for any campaign or campaign related activities;
- b. Use Municipal funds to acquire any resources for any campaign or campaign related activities, including ordering of stationery and office supplies;
- c. Benefit from the use of any corporate pricing established under the Municipality's purchasing policy;
- d. Use Municipal facilities or property for campaign events, unless the facility or property is rented in accordance with municipal agreements and the appropriate rates are paid;

Note: Such rental must be paid from the campaign account of the candidate or registered third party.

Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose during any day that voting is taking place on the property;

- e. Use Municipal 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. Make reference 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 new media created and managed by Municipal employees;
- g. Use the Municipality's brand, logo, crest, coat of arms, slogan or corporate program identifiers on any election campaign related material, either printed or on a campaign website;

Note: This provision includes any Municipal Election related identifiers.

- h. Use corporate Information Technology (IT) assets, infrastructure, or data (e.g. computers, networks, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election related messages;

Note: A list of Candidate's or Registered Third Parties' shall be posted on the Township of Malahide's website.

- i. Include corporate web sites, domain names, or social media accounts that are funded by the Municipality in any election related campaign material;
- j. Use any photographs produced for and owned by the Municipality or any photo taken utilizing town equipment or sent through Municipal email accounts for any election related purposes;
- k. Use Municipal property or staff in any campaign photos or images. Photos/images of external Municipal facilities are permitted. Photos/images of internal Municipal facilities are not permitted; and
- l. Use the Municipality's voicemail system to record election-related messages.

2. Members of Council and its Local Boards

a. Advertising and Publications

The following services shall be discontinued for the Members of Council and its local boards from the day prior to Nomination Day in a municipal election year to Election Day:

- i. All forms of advertising, including municipal publications, paid for by the municipality;
- ii. All printing, photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council and its local boards;
- iii. The ordering of office furniture and furnishings, except those of an emergency nature, as well as, no movement of furniture and furnishings; and
- iv. The ordering of business cards, other stationary or office supplies.

b. Budgets

The budgets for Members of Council for the period January 1 to Election Day in a municipal election year be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to election day:

- i. New members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and

- ii. Re-elected Members of Council have available to them the balance of funds remaining as of Election Day.

- c. Printing and/or Distribution of Materials

The Members of Council may not deliver any unsolicited material outside their existing ward where the printing and/or distribution costs are paid by the Municipality. Care should be taken to ensure that the mailing of newsletters be restricted to the member's ward only (with accommodation made for the normal spillage associated with Canada Post postal walks). This recommendation to be effective not only during an election year but at all times.

- d. Communications

The Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the Municipality for the operation of each Councillor's Office, is not directly election-related.

- e. Acclaimed Council Members

The above recommendations also apply to an acclaimed member or a member not seeking re-election.

- 3. *Municipal Staff Involvement*

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

Municipal Staff, including full-time, part-time, and contract employees shall:

- a. Behave in a manner that is impartial, fair and unbiased towards 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 or its local boards, 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, or third parties during any

day that voting is taking place anywhere on the property;

- 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.

Municipal 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 Municipality.

### **Policy Management**

The Municipal Clerk's Office is responsible for communicating this policy to candidates and registered third parties. Staff are authorized and directed to take the necessary action to give effect to this policy.

Members of Council and its local boards, election candidates, registered third parties and Municipal staff are accountable to comply with this policy.

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.

### **Authorization**

In accordance with the Municipal Elections Act, 1996 the Clerk and authorized designate(s) are responsible for the administration of these rules and procedures.

### **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.