

Corporate Services Policy	Section: Legislative Services
Policy: Corporate Use of Resources For Election Purposes	Effective: April 5, 2022
Application: Elected Officials / Candidates/Municipal Staff	Approved: April 5, 2022
Exclusion(s): N/A	By-law:
Supercedes: By-law 09/2010	Resolution:

Policy Statement

The Municipal Elections Act, the Election Finances Act (Ontario), and the Canada Elections Act prohibit the Municipality from making contributions in any form to a Candidate or Registered Third Party.

All provisions contained within this policy shall serve to ensure the protection of freedom of expression while maintaining that:

- Corporate Resources shall not be used during an Election Period to promote or provide an unfair advantage to any Candidate, political party, constituency association, Registered Third Party, or a person or group supporting or opposing a question on a ballot;
- Members of Council shall not be precluded from performing their duties as an elected Official, nor inhibit them from representing the interests of their constituents; and,
- Information and communication related to an election shall continue to be open and accessible to the public.

Purpose

The purpose of this policy is to create guidelines in the Municipality of Port Hope for all Candidates running for an elected office during the Election Period and to establish parameters on the use of Corporate Resources for election related purposes.

Scope

This policy applies to all employees of the Municipality, Candidates, political parties, constituency associations, Registered Third Parties, and persons or groups supporting or opposing a question on a ballot.

1 Definitions

- 1.1 Campaign(ing)** means any activity by or on behalf of a Candidate, political party, constituency association, Registered Third Party, or question on a ballot meant to elicit support during the Election Period. This does not include the appearance of elected officials, other candidates or their supporters, or registrants at an event in their personal capacity without the display of any signage or graphic which identifies the individual as a candidate or registrant and without the solicitation of votes.
- 1.2 Campaign Materials** means any materials used to solicit votes for a Candidate(s) or question during the Election Period including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign Materials include materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.
- 1.3 Candidate** means any person who has filed and not withdrawn a nomination in a municipal, school board, provincial or federal election or by-election. Where referred to herein, the term Candidate can also be substituted to read political party, constituency association, Registered Third Party, or a person or group supporting or opposing a question on a ballot.
- 1.4 Corporate Resource** means items, services, or resources which are the property of the Municipality of Port Hope including but not limited to: materials, equipment, vehicles, facilities, land, technology, intellectual property, images, logos, electronic meeting platform(s), social media platforms and supplies. Working hours, the time where the Municipality pays its employees to complete certain duties or tasks, is also considered to be a Corporate Resource.
- 1.5 Election Period** means the official Campaign period of an election for:
- A municipal or school board election; the Election Period commences on the first day prescribed for the filing of nominations in accordance with the MEA and ends on voting day.
 - A provincial or federal election; the Election Period commences the day the writ for the election is issued and ends on voting day.
 - A question on the ballot; the period commences the day Council passes a by-law to put a question to the electorate and ends on voting day.
 - A by-election; the period commences when the by-election is called and ends on voting day.
- 1.6 MEA** means the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.
- 1.7 Registered Third Party** shall have the same meaning as “Registered Third Party” under the MEA or “Third Party” under the Election Finances Act (Ontario) and Canada Elections Act.

2 Responsibilities

2.1 It is the responsibility of Candidates to:

- Adhere to the guidelines and parameters established by this policy.

2.2 It is the responsibility of Municipal Clerk to:

- Administer this policy and provide for any related procedures as deemed necessary or desirable for conducting an election.

2.3 It is the responsibility of Municipal Staff to:

- Ensure that Corporate Resources, as identified by this policy, are not used for Campaigning.

3 General Provisions

3.1 Corporate Resources shall not be used by a Candidate for Campaigning during the Election Period.

3.2 Members of Council may not be reimbursed for certain expenses during an Election Year.

3.3 All printing, high speed photocopying and distribution, including printing and general distribution of newsletters (unless so directed and approved by Council) will be discontinued for Members of Council from the day prior to Nomination Day in a municipal election. This includes all forms of advertising, including in municipal publications.

3.4 Members of Council may not deliver any unsolicited material where the printing and/or distribution costs are paid by the municipality.

3.5 Members of Council that are Candidates are expected to adhere to the Council Code of Conduct and all applicable municipal policies at all times during the Election Period.

4 Corporate Resources - Technology

Further to Section 3.1 above, the following is provided for greater clarity when considering the use of technology that is considered a Corporate Resource:

4.1 Members of Council are provided access to corporate information technology (I.T) assets to fulfill their duties and responsibilities as an elected official but may not use those assets for Campaigning or the development of Campaign Materials.

- 4.2** Websites, domain names and electronic meeting platforms that are funded by the Municipality of Port Hope may not be used for Campaigning. Candidates and Registered Third Parties may provide a link to the Municipality’s official election website or webpages in their Campaign Materials in order for electors to access additional information about the election and voting process. The Municipality’s official election website or webpages will provide Candidate contact information, that may include a link to a Candidate’s website and social media platforms. The website may include other information supplied by the Candidate to educate electors but shall in no way endorse any Candidate.
- 4.3** Once a Member of Council registers to be a Candidate, any links from a Municipality website or social media account to his or her website or social media pages will be removed from the Municipality’s webpages if the Member’s website or social media page contains or will contain Campaign Material. Members shall advise the Municipal Clerk of any intention to use a website or social media page for Campaign Material so that links may be removed from the Municipal website prior to any material being published.
- 4.4** Members of Council shall not convert a constituency website and/or social media account to an election Campaign website/account if all or a portion of the costs associated with the creating or maintaining of the site were paid by the Municipality at any point in time.

5 Corporate Resources - Communications

Further to Section 3.1 above, the following is provided for greater clarity when considering the use of communication that is considered a Corporate Resource:

- 5.1** Members of Council may not use Council portraits and/or photographs funded by the Municipality, either as a corporate or Member expense, in Campaign Materials.
- 5.2** Candidates may not print or distribute reference to any of the Municipality’s email addresses, telephone numbers, social media accounts or facility addresses on any Campaign Materials.

Notwithstanding, Candidates may:

- provide a link to the Municipality’s official election website or webpages in Campaign Materials in order for electors to access additional information about the election and voting process (see also Section 4.2); and
 - reference a Municipality facility in the instance that a Candidates’ Debate is being held there.
- 5.3** The Clerk may develop and distribute information through various means for the purpose of advising and educating electors. Candidates are permitted to promote and distribute election information provided by the Clerk, provided that such information is not modified in any way.

- 5.4** The Municipality’s logo, crest, coat of arms, and slogans, or any other images or illustrations owned or under the jurisdiction of the Municipality, may not be used in any Campaign Materials.

Notwithstanding, Candidates may:

- Capture their own photos of Municipal property for use in Campaign Material (e.g. take a photo of a Municipal park). However, the photo must not be taken while on or over Municipal property and should not contain a Municipality sign, logo, crest, coat of arms or slogan in the background
- 5.5** Distribution lists or contact lists developed using Corporate Resources and in the custody and control of the Municipality shall not be used for election purposes.
- 5.6** Per 3.1.6 of the Communications Policy, in an election year, from Nomination Day until the day after Election Day, any member of Council taking part in a regular municipal media opportunity, as arranged by the Communications office, must not engage in actions that could be seen as campaigning and can only discuss the topic of the municipal election to provide general information on processes and procedures.
- 5.7** In an election year, Council Photo shoots will not be entertained, and photos of Council members will only be taken as part of regular municipal business conducted by the Communications office. Photos will not be provided to candidates.

6 Corporate Resources - Municipal Facilities

Further to Section 3.1 above, the following is provided for greater clarity when considering the use of Municipal Facilities, including Municipal owned or leased lands, as Corporate Resources:

- 6.1** Any Candidate may attend any public Committee, Advisory Committee, Council meeting or Municipality-hosted or funded events; however, they shall not use this forum to speak on or address any matter relating to their Campaign.
- 6.2** Campaigning and Campaign Material is not permitted in any Municipal facilities, on Municipal land, or at Municipal operated events. Refer to the Municipal Facility and Park Booking Policy for more details.

Notwithstanding,

- Campaigning on public sidewalks and highways is permitted, provided that such Campaigning is in compliance with Municipal by-laws.

- A vehicle or trailer displaying Campaign Material, whether the Campaign Material is displayed on the outside or inside of the vehicle or trailer, shall be prohibited during the Election Period from parking in a Municipality owned or operated parking lot, and shall not be prohibited from parking on Municipal highways provided the vehicle is parked in accordance with the Municipality's Traffic By-law. That being said, campaign vehicles or vehicles displaying campaign information may be parked in a municipal parking lot if it is for the purpose of a normal operation or visit to a municipal facility. However, they may not be parked there for an extended period of time, outside of normal operating hours.
- A vehicle or trailer displaying Campaign Material, whether the Campaign Material is displayed on the outside or inside of the vehicle or trailer, shall be prohibited from parking on Municipal property or a Highway within 150 meters of a polling location for the dates such locations are open for voting from two hours before the polling location opens for voting until two hours after the polling location is closed for voting.

7 Municipal Staff

- 7.1** In accordance with the Standards of Conduct Policy, Municipal Staff are prohibited from using Corporate Resources for the benefit of a Candidate or Campaign.

8 Integrity Commissioner

- 8.1** The Municipality's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Municipality and may receive, from time to time, compensation from the Municipality in accordance with services provided.
- 8.2** In accordance with applicable legislation, Members of Council shall not use the services of the Municipality's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

9 Enforcement

- 9.1** Any complaints arising regarding the alleged use of Members' budgets or other Corporate Resources in contravention of this Policy must be made in writing, and include the complainant's full name and address.
- 9.2** The Municipal Clerk, or their designate, shall have the delegated authority to investigate complaints and resolve any issues.