

## Use of Corporate Resources For Election Purposes Policy



Section	Date	By-law Number	Page	Of
City Council	May 17, 2022	59-2022	1	8
Subsection	Repeals By-Law Number		Policy Number	
Elections	210-2010		CC-10-1	

### Policy Statement

The Municipal Elections Act (MEA), 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 inhibited 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 with content to be produced, and approved, by City of Kenora's Corporate Communications Division, in conjunction with the Clerk's Division

### Purpose

The purpose of this policy is to create guidelines in the City of Kenora for all Candidates running for an elected office and Registered Third Parties during the Election Period and to establish parameters on the use of Corporate Resources for election related purposes. It further clarifies that members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No member shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Councillor newsletters and Councillor budgets) for any election campaign or campaign related activities.
- No member shall use the services of persons during hours in which those person receive any compensation from the municipality.
- Current member(s) seeking re-election and who are so nominated, shall be authorized, following Nomination Day, to participate in activities on municipal property when so invited, provided all candidates nominated (for the offices of Mayor and Council) in the municipal election are also invited to participate. Otherwise, no member shall undertake campaign-related activities on municipal property during regular working hours.

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### 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, as well as anyone acting on their behalf.

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### 1.0 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 graphics which identify the individual as a candidate or registrant 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, or a candidate seeking nomination for a political party. Where referred to in this Policy, 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, staff, services, or resources which are the property of the Municipality of City of Kenora including, but not limited to: materials, equipment, vehicles, facilities, land, technology (computers, smartphones, tablets, etc.), intellectual property, images, logos, 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.

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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 nomination for a political party, the Election Period is the nomination contesting period as determined by the Party.
- 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 municipal or school board by-election; the period commences on the first day nominations may be filed and ends on voting day.

1.6 Local Board has the same meaning as found in Section 1 of the Municipal Act, 2001.

1.7 MEA means the Municipal Elections Act, 1996, as amended, S.O. 1996, c. 32, Sched.

1.8 Municipal Facility/Building means any building or facility owned or operated by the City of Kenora.

1.9 Registered Third Party shall have the same meaning as "Registered Third Party" as found in section of the Municipal Elections Act, 1996 or the term "Third Party" as defined in section 1 of the Election Finances Act (Ontario) and Canada Elections Act, as the context requires.

### 2.0 Responsibilities

2.1 Candidates and Registered Third Parties to:

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

2.2 Municipal Clerk to:

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

2.3 Municipal Staff to:

- Ensure that Corporate Resources, as identified by this Policy, are not used for campaigning.

### 3.0 General Provisions

In accordance with the spirit and intent of the election related legislation,

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3.1 Corporate Resources and funding shall not be used by a Candidate or Registered Third Party for Campaigning or election-related purposes.

3.2 This Policy also applies to an acclaimed Member or a Member not seeking reelection.

3.3 The Municipal Clerk is authorized, and directed to take the necessary action, to give effect to this Policy.

3.4 This Policy does not preclude a Member of Council from performing their duties as a Councillor, nor inhibit a Member of Council from representing the interests of their constituents.

3.5 Individuals who have questions about this Policy are encouraged to contact the City Clerk to obtain further clarification.

### **4.0 Corporate Resources –**

Technology Further to Section 3.1 above, the following is provided for greater clarity when considering the use of corporate technology resources:

4.1 Members of Council are provided access to corporate information technology (IT) 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. This includes, but is not limited to, functionality through municipally issued smartphones such as calendar, email, texts, etc.

4.2 Websites or domain names that are funded by the City of Kenora may not be used for campaigning. The Municipality's official election website or webpages will provide Candidate contact information, including a link to a Candidate's website, but shall in no way endorse any Candidate. Notwithstanding, a Candidate or Third Party Advertiser may provide a link to the Municipality's official election website or webpages in their campaign materials for electors to access additional information about the election and the voting process.

4.3 Once a Member of Council registers to be a Candidate, any links from a Municipal 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.

Notwithstanding the foregoing, information contained on the "Personal Information Release Form - Candidate Consent", as part of the nomination process, may be included on the City of Kenora Elections webpage(s).

4.4 During the election period, Mayor and Council biographies on the Municipal website shall be reduced to council-related contact information only.

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4.5 The Municipality's voicemail system shall not be used by Candidates to record campaign-related messages nor shall the computer network, including the email system, be used to distribute campaign-related correspondence.

### 5.0 Corporate Resources – Communications

Further to Section 3.1 above, the following is provided for greater clarity when considering the use of corporate communication resources:

5.1 Members of Council may not use Council portraits funded by the Municipality, either as a corporate or Member expense, in Campaign Materials.

5.2 Photographs produced for, and owned by, the Municipality may not be used for any election purposes.

5.3 Candidates or Registered Third Parties may not print, distribute, or make reference to any of the Municipality's email addresses, telephone numbers, or facility addresses on any Campaign Materials.

Notwithstanding the foregoing, Candidates or Registered Third Parties may provide the election telephone number, election email address, or a link to the Municipality's official election website or webpages in Campaign Materials for electors to access additional information about the election and the voting process (see also Section 4.2).

5.4 The Clerk may develop and distribute information through various means for the purpose of advising and educating electors. Candidates or Registered Third Parties are permitted to promote and distribute election information provided by the Clerk, provided that such information is not modified in any way.

5.5 The Municipality's logo, crest, coat of arms, and slogans, or any other images or illustrations or videos owned or under the jurisdiction of the Municipality, may not be used in any Campaign Materials. As per the Use of Corporate Logo Policy or any related material shall not be available for use as of January 1st in a regular municipal election year.

Notwithstanding the foregoing, Candidates or Registered Third Parties may capture their own photos of Municipal property for use in Campaign Material, provided the photo is taken from a publicly accessible area, and does not contain a Municipal sign, logo, crest, coat of arms or slogan in the background.

5.6 Distribution lists or contact lists developed utilizing Corporate Resources and in the custody and control of the Municipality shall not be utilized for election purposes.

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5.7 The following shall be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Voting Day:

- All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council, and
- The ordering of business cards and stationery.

5.9 Members of Council may not:

- Print, post 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 by municipal funds, any individual who is registered as a candidate in any election,
- Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections (minutes of Council and Committee meetings are exempt from this policy).

5.10 Municipal resources that have been published to the Municipal website (e.g., strategic plans, staff reports, minutes, agendas, press releases) may be linked on Candidate and Registered Third Parties' websites, but may not be housed on the candidate website, and may not be taken out of context/modified/reproduced for use in any campaign related material.

5.11 Messages posted to the Municipal social media accounts (including Facebook and Twitter) may be shared in the case of Facebook or re-tweeted on Twitter by a candidate to their personal or campaign social media accounts using social media official channels and not partially reproduced.

### **6.0 Corporate Resources - Municipality Facilities/Buildings**

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

6.1 Any Candidate may attend any public Standing Committee, Advisory Committee or Council meeting; however, they shall not use this forum to speak on, or address, any matter relating to their Campaign.

6.2 Candidates or Registered Third Parties are prohibited from renting space (e.g., a booth) as part of a Municipally organized event.

6.3 All Candidates and Registered Third Parties must adhere to the provisions set out in any other Municipal Policies pertaining to Municipal Facilities/Buildings.

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6.4 Members of Council, Registered Third Parties, and Candidates may not use their constituency office, municipal or any municipally provided facilities for any election related purpose, which includes the display of any campaign-related signs in the window or on the premises, as well as the display of election-related material in the office.

6.5 Campaigning and the distribution or display of campaign material is not permitted in any municipal, on municipal land, or at municipal event including any municipal or board meeting.

6.6 Candidates or Registered Third Parties are prohibited from using a Municipal Facility/Building as a campaign office.

6.7 The rental, to candidates or Registered Third Parties of advertising space on arena boards and lobby monitors, or any other municipal social media site, is prohibited.

Notwithstanding,

- Section 6.5 does not prohibit the erection of a temporary election or campaign signs on municipal land in accordance with the Municipality's Election Sign Bylaw.
- Campaigning on public sidewalks and highways is permitted, provided that it is in compliance with prevailing legislation and Municipal by-laws.
- Sections 6.4 and 6.5 do not prohibit a candidate or external organization or Registered Third Party from renting space within a municipal facility/building (other than City Hall, City of Kenora Library facilities and the Museum/Art Centre Buildings) for election related purposes. If a municipal facility/building is rented, campaigning and the distribution or display of campaign materials is only permitted during the rental period and only within the rented area. This exception does not apply to Section 6.6.
- Vehicle and/or mobile signs may be displayed as per the Municipality's Election Sign By-law.

### **7.0 Municipality Staff**

7.1 In accordance with the City's Employee Conduct Policy #HR-2-1, sets out the rules for participation in political activities by staff.

7.2 Staff shall not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;

### **8.0 Integrity Commissioner**

8.1 The City's appointed Integrity Commissioner is considered to be a Corporate Resource.

8.2 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.

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

- New Members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
- Re-elected Members of Council have available to them the balance of funds remaining as of Election Day;

### 9.0 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.

This policy is subject to the exception of Members' actions associated with fulfilling their normal and ongoing representative roles as Members of Council (such as attending annual or regular scheduled events), up until the official end of the term they are serving.

### Effective Date

This policy shall become effective immediately upon approval by Council.

### Authority

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Corporation. The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. The Act 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 or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the Member, which is a violation of the Act.