

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW NO. 22-41

A BY-LAW TO ADOPT A COUNCIL POLICY ENTITLED

“Use of Corporate Resources During an Election”

WHEREAS the Council of the Township of Adjala-Tosorontio wishes to enact a policy and procedure to provide for the use of corporate resources during an election year; and

WHEREAS section 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows:

1. **THAT** the Council Policy entitled “Use of Corporate Resources During an Election”, attached hereto as Schedule “A”, is hereby adopted; and
2. **THAT** this By-law shall come into force and take effect on and from the date of passage hereof;
3. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law, be introduced and read a first and second time and be considered read a third time and finally passed this 17th day of May, 2022.



Floyd Pinto, Mayor



Dianne Gould-Brown, Clerk



Use of Corporate Resources During an Election

POLICY # ADM 2022-01

ENACTED BY COUNCIL: May 11, 2022

MOTION NUMBER:

REVISED BY COUNCIL:

Policy Statement

The Corporation of the Township of Adjala-Tosorontio is committed to ensuring accountable and transparent election practices, relating to the use of corporate resources and to protect the interests of Council, the Township, and the public. The *Municipal Elections Act (MEA)* prohibits a municipality from making contributions to candidates. It also prohibits a candidate, or someone acting on a 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 of Township resources by a Member of Council for their election campaign would be considered a contribution by the municipality to the Member in violation of the MEA.

2. Purpose

The purpose of this policy is to provide clarify that all municipal election Candidates, Members of Council, and Township Staff are required to follow the provision of the Act with regard to the use of corporate resources for election purposes. Where Township, municipal or related terms are used, it shall also be read to include its local boards, as applicable.

This policy also ensures that the Township's operation, events, and facilities are used for non-partisan purposes to ensure accountable and transparent election practices and are not used for election campaign related purposes/activities. This policy is intended to:

1. Ensure compliance with the MEA, regarding the prohibitions against the Township contributing to a municipal and trustee election campaign.

2. Ensure Candidates and Registered Third Parties are treated fairly and consistently and protect the interest of Elected Officials, Candidates, Registered Third Parties, Staff and the Corporation within the municipality.
3. Ensure that the integrity of the election process is always maintained.

3. Definitions

“Campaign” means any activity performed with the intention to solicit votes for a candidate in a federal, provincial, or municipal election or by-election, or a question on a ballot.

“Campaign Period” means:

- a. For Candidates, the date on which their Nomination Form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed).
- b. For Registered Third Parties, the date on which the Notice of Registration as a Third-Party Advertiser is filed until December 31 in the year of an election (unless a request for extension of Campaign Period has been filed).

“Candidate” means a person who has filed a nomination for an office pursuant to section 33 of the Act, and includes a person who had 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 Township or his/her designate.

“Council” means the Council of the Township.

“Committee” means a committee appointed by Council, regardless of whether Council Member(s) sit on the committee.

“Corporate” means The Corporation of the Township of Adjala-Tosorontio.

“Elected Official” means a person elected to an office of municipal, provincial, or federal government, or a local board.

“Integrity Commissioner” means the individual appointed by the municipality who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the Codes of Conduct, the Municipal Conflict of Interest Act, and the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.

“Member of Council” means a person elected to an office of the Council of The Corporation of the Township of Adjala-Tosorontio.

“Nomination Day” means the deadline to file a nomination, for a regular election will be the third Friday in August in the year of the election, as prescribed in the Municipal Elections Act, 1996 (MEA). Nomination Day ends at 2 pm local time.

“Nomination Form” means the prescribed form and declaration of qualification, executed, and filed by the Candidate.

“Registered Third-Party” means an individual, corporation or trade union that has filed a Notice of Registration as a third-party advertiser in the federal, provincial, or municipal election.

“Social Media” means online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos, and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs), social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating, and bookmarking.

“Staff” means all full-time, part-time, volunteer, and contract employees of the Corporation.

“Township-organized Event(s)” means events organized or funded solely or jointly by the Township.

“Township Property” means all Township-owned, leased, operated and/or controlled properties and facilities, including but not limited to indoor and outdoor recreation fields; parks and parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; transit and fleet vehicles, including parking lots and Members of Council offices.

“Voting Day” means in the case of a regular election, the fourth Monday in October in the year of the election, as prescribed in the MEA, 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 Act.

4. Responsibility

4.1 Township Clerk

The Township Clerk is responsible for:

- (a) Communicating this policy to municipal Candidates and Registered Third Parties.
- (b) Ensuring this policy is reviewed and updated as required, prior to municipal elections or by-elections, or as required by legislative change.

- (c) Ensuring all municipal Candidates and Registered Third Parties are treated equally.

4.2 Senior Leadership

The Chief Administrative Officer, Directors, Managers and Supervisors, or their designates are responsible for:

- (a) Communicating this policy to their Staff.
- (b) Ensuring compliance with this policy.
- (c) Investigating reported contraventions of the policy and escalating as required.

4.3 Staff

Township Staff are responsible for:

- (a) Complying with this policy.
- (b) Seeking clarification from their supervisor if any aspect of this policy is not understood.

4.4 Members of Council, Candidates and Registered Third Parties

Without exception, all Members of Council, election Candidates, and Registered Third Parties shall comply with this policy.

4.5 Integrity Commissioner

Subject to limitations set out in the *Municipal Act, 2001*, regarding inquiries, the Integrity Commissioner may provide guidance or advice to Members of Council, proactively or in response to requests from Members, regarding conduct in relation to their elected official responsibilities, as it relates to this Policy and the Council Code of Conduct.

5. Application

This policy applies to all Members of Council (including those not seeking re-election), members of Committees, local boards, Candidates, Registered Third Parties in a municipal and school board trustee election or by-election, and all Staff during a Campaign Period.

6. Administration

6.1 Use of Corporate resources that are not permitted during an election campaign period:

- (a) Use of Township Property, whether directly or indirectly booked, for any election purpose(s).
- (b) Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing) within any Township Property.
- (c) Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing, etc.) at a Township-organized Event (e.g. Canada Day, flag raisings, etc.).
- (d) Use of equipment, supplies, services, Staff or other resources of the municipality for any Campaign or Campaign-related activities.
- (e) Use of Township funds to acquire any resources for any Campaign or Campaign related activities, including ordering of stationery and office supplies.

Note: Campaigning on Township Property, whether it is during or outside of an election campaign period, is not permitted at any time.

Note: Candidates may accept an invitation to address a group that has booked a Township Property (e.g. clubs or groups who meet on a regular basis), but they are not permitted to distribute or wear any campaign material during the address/meeting.

Note: Candidates may accept an invitation to address a group that regularly meets at a park or open space. Any campaigning must not disrupt the enjoyment or use of the space by others, including the distribution of campaign material.

6.2 Campaign Material

Campaign materials means any materials used to solicit votes for a Candidate(s) during the Election Period including, but not limited to, literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign Material include material in all media, for example, print, displays, electronic radio or television,

online including websites or social media.

6.3 Election Signs

Placement of election signs for municipal, provincial, and federal elections must be in accordance with the Township's Sign By-law 2010-18.

6.4 Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

- (a) No reference to and/or identify any individual as a Candidate, 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/or managed by the Township and/or Township staff.
- (b) No use of Township owned or managed Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election-related messages.

6.5 Member of Council Use of Electronic Communications and Social Media

The following restrictions apply to Member of Council use of social media during a Campaign Period:

- (a) Members are not permitted to use electronic materials paid for by the Township for municipal election campaign purposes.
- (b) Councillors and candidates may not include election related material on websites, social media accounts or domain names owned or paid for by the Township.

6.6 Use of Township Logo and Identifiers

The Township's brand, logos and identifiers are registered trademarks and owned by the Township of Adjala-Tosorontio. Use of a video, photo, logo, crest, coat of arms, slogan, or identifier for which the Township has proprietary rights, including municipal election logos (e.g. Adjala-Tosorontio Votes logo), in any capacity, **is strictly prohibited.**

6.7 Member of Council Advertising and Publications

The following services will be discontinued for Members of Council who are a Candidate as of the end of Nomination Day:

- (a) All forms of advertising, including Municipal Publications (e.g. 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 Township organized Event (e.g. Public Meeting).
- (c) Links to Member of Council related websites or social media platforms, unless those platforms are clearly marked as an official Member of Council site and are not used for election Campaign purposes.

Note: If a compelling Corporate need arises between Nomination Day and Voting Day, a Member of Council who is a Candidate may use Corporate Resources to advise or contact their constituents, in keeping with this policy and subject to the consent of the Township Clerk.

6.8 Candidate and Registered Third Party Conduct

- (a) Candidates and Registered Third Parties who attend Township-organized Events are not permitted to campaign, including without limitation, distribute campaign material, wear campaign buttons or shirts. The Township's Staff supervising a Township-organized Event may request that a Candidate or Registered Third Party leave the event if campaigning is reported or suspected.
- (b) Members of Council attending Township-organized Events, or events held at a Township Property may act as a representative participant in their capacity as an elected official, including speaking and offering greetings. Elected Officials and Members of Council who are also Candidates at the time of their attendance and participation at the Township-organized Event may not campaign. No election signs or Campaign materials, including clothing, may be publicized at the event.

- (c) Candidates or Registered Third Parties are not permitted to engage in Campaign activities directed at Township employees while those employees are at their workplace or engaged in work for the Township.

Note: There should be no additions to the Council approved Township-led events listing scheduled between Nomination Day and Voting Day during the year of a municipal election unless extenuating circumstances require an official Township event to take place. Previously approved and recognized, annual Township-funded events will continue to take place during the election period.

6.9 Township Staff Conduct

In recognizing the right of employees and volunteers to participate in political activity, the provisions set out below ensure the requirement for public service to be politically impartial. Township Staff, including volunteers, shall not:

- (a) Canvass or perform any work in support of a Candidate or Registered Third Party (e.g. campaign), during hours in which a person is working for and/or receiving any compensation from the Township, except during scheduled time off (e.g. scheduled vacation time). Township Staff shall not post or distribute Campaign material on behalf of a Candidate or Registered Third Party at Township facilities or on Township property including Township parks and vehicles/equipment.
- (b) Engage in any political activity while wearing a Township uniform or identifier (e.g. name badge, hat, lanyard).
- (c) Engage in any political activity while wearing clothing or buttons that advertise any Candidate, Registered Third Party or political party while wearing a Township uniform or identifier.
- (d) Use their title or position within the Township in a way that may lead a member of the public to infer that the Township is endorsing a Candidate, Registered Third Party or political party.

Note: The Township Clerk and Township Clerk's Office Election Staff may not engage in political activity in any election. Township Staff that support the Township Clerk in the administration of a municipal election may not engage in political activity during such election.

6.10 Monitoring and Compliance

The Office of the Clerk shall ensure this policy is reviewed on a regular basis (not to exceed three years) and remains relevant to the needs of the Corporation, in accordance with legislative requirements and good business practices.

6.11 Non-Compliance

Should a complaint arise regarding the alleged use of Corporate resources in contravention of this policy, the Township Clerk or their designate shall have the authority to investigate and resolve the complaint.

Note: Township Staff who observe or are made aware of an apparent contravention of this policy shall address the individual or shall report the apparent contravention to their direct report.

7. Exceptions

- 7.1 Municipal information prepared, posted, and maintained by the Township, names and photographs of Elected Officials, their contact information, and a list of current representation on committees that is prepared, posted and maintained by the Township.
- 7.2 Agendas and minutes of Council and Committee meetings.
- 7.3 Media releases and Township materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council.
- 7.4 A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.
- 7.5 A Township Hall event or debate, involving Candidates in a provincial or federal election or by-election, that is Township-organized, or an event organized by nonpartisan individuals or organizations, may be held at a Township Property, provided that necessary rental agreements have been secured by the event organizer.
- 7.6 A Township Hall event or debate, involving Candidates in a municipal election or byelection for one or more specific office(s), that is organized by non-partisan, individuals or organizations may be held at a Township Property, subject to the consent of the Township Clerk, and provided that the necessary rental agreements

have been secured by the event organizer. The Township will not host or organize any Township Hall events or debates for municipal election candidates.

- 7.7 Municipal election-related education meetings that are organized by Township Staff may be held at any Township property.