

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO.: 11-2022

**Being a By-Law to Establish and Adopt a Use of Corporate Resources
for Election Purposes Policy for the Township of Wollaston**

WHEREAS Section 5(3) of the **Municipal Act**, 2001, S.O., C.25 as amended provides that a municipal power shall be exercised by by-laws.

AND WHEREAS Section 9 of the **Municipal Act**, 2001, S.O., C.25 as amended, provides a municipality with the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority.

AND WHEREAS Section 88.8(4) of the **Municipal Elections Act**, 1996, S.O. C.32 as amended prohibits a municipality from making contributions towards the promotion of or opposition to the candidacy of a person for elected office in any form.

NOW THEREFORE The Council of the Township of Wollaston does hereby enact as follows:

1. **That** any policy of the Township of Wollaston approved, adopted, or amended by Municipal Council on a day prior to the day this By-Law is in force and effect, pertaining to Use of Corporate Resources for Election Purposes is hereby revoked.
2. **That** the Township of Wollaston Use of Corporate Resources for Election Purposes Policy attached hereto as Schedule "A" of this By-Law is hereby adopted.
3. **That** this By-Law shall come into force and take effect immediately upon the passing thereof.

PASSED this 14th day of February, 2022

MAYOR: LYNN KRUGER

CLERK: BERNICE CROCKER

SEAL

Corporation of the Township of Wollaston

Use of Corporate Resources for Election Purposes Policy

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 the Clerk.

Purpose

The purpose of this policy is to create guidelines in the Township of Wollaston 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.

Scope

This policy applies to all employees of the Municipality, Municipal Boards, 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.

Index

1. Definitions
2. Responsibilities
3. General Provisions
4. Corporate Resources – Technology
5. Corporate Resources – Communications
6. Corporate Resources – Municipal Facilities
7. Municipal Staff
8. Integrity Commissioner
9. Limitation

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 Township of Wollaston 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.
- 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 Township of Wollaston or a local municipal board.

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.

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.

General Provisions

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

- 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 re-election.
- 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 Municipal Clerk to obtain further clarification.

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 Websites or domain names that are funded by the Township of Wollaston may not be used for campaigning. The Municipality's official election website or webpages will provide Candidate contact information.

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.

- 4.2 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 Wollaston Election webpage(s).

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

- 4.4 The Municipality's computer network, including the email system shall not be used by Candidates to distribute campaign-related correspondence.

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 telephone number, election email address, or 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 (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.

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.
- 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.

5.8 Announcements and quotations by all Members of Council which normally may appear in all public communications from the Municipality as set forth below shall be made by the Clerk/Administrator on behalf of the Municipality, and not a Member of Council, and none of the following shall include photographs of any Member of Council:

- (i) all municipally sponsored advertising;
- (ii) all news releases from the Municipality, unless same is required as part of the Township of Wollaston's emergency bylaws.

5.9 Any corporate editorial columns (i.e., Mayor's Report or Councillor's Report) prepared or assisted by corporate staff shall be discontinued as of January 1st in a regular municipal election year.

5.10 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 Municipal Council and Committee meetings are exempt from this policy).

5.11 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.

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

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 Committee, Advisory Committee, or local Board 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.
- 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 or local board facility, on municipal land, or at municipal or local board 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,

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

Municipality Staff

- 7.1** Municipal Staff are prohibited from using Corporate Resources for the benefit of a Candidate or Campaign.

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** 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.

Limitation

- 9.1** Nothing in this Policy shall prohibit 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).