# Town of Whitby Policy

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| **Policy Title:** | Use of Corporate Resources for Election Purposes |
| **Policy Number:** | G 070 |
| **Reference:** | Municipal Elections Act, 1996, Council Resolution # 528-17 |
| **Date Approved:** | November 20, 2017 |
| **Date Revised:** | Not Applicable |
| **Approval:** | Council |
| **Point of Contact:** | Town Clerk |

## Policy Statement

The Municipal Elections Act, the Election Finances Act (Ontario), and the Canada Elections Act prohibit the Town 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 Town of Whitby 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 Town, Candidates, political parties, constituency associations, Registered Third Parties, and persons or groups supporting or opposing a question on a ballot.

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## 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 Town of Whitby including but not limited to: materials, equipment, vehicles, facilities, land, technology, intellectual property, images, logos and supplies. Working hours, the time where the Town 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** Candidates to:

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

**2.2** Town Clerk to:

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

**2.3** Town 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 shall not be reimbursed for certain expenses during an Election Year, as specified within Council Expense Policy G 050.

## 4 Corporate Resources - Technology

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

**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.

**Notwithstanding, a Member of Council may:**

- use a Town issued device for Campaigning provided the Member pays the full operating costs of the device and the residual value of the hardware in accordance with Council Expense Policy G050.

**4.2** Websites or domain names that are funded by the Town of Whitby may not be used for Campaigning. Candidates and Registered Third Parties may provide a link to the Town’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 Town’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.

**4.3** Once a Member of Council registers to be a Candidate, any links from a Town website or social media account to his or her website or social media pages will be removed from the Town's webpages if the Member's website or social media page contains or will contain Campaign Material. Members shall advise the Town Clerk of any intention to use a website or social media page for Campaign Material so that links may be removed from the Town website prior to any material being published.

**4.4** In accordance with the Council Expense Policy G 050, Members of Council shall not convert a constituency website to an election Campaign website if all or a portion of the costs associated with the creating or maintaining of the site were paid by the Town 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 Corporate Resources:

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

**5.2** Candidates may not print or distribute reference to any of the Town's email addresses, telephone numbers, or facility addresses on any Campaign Materials.

**Notwithstanding, Candidates may:**

- provide a link to the Town'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 Town facility in the instance that a Candidates debate is being held there in accordance with the Community Use of Town Facilities Policy.

**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 Town's logo, crest, coat of arms, and slogans, or any other images or illustrations owned or under the jurisdiction of the Town, may not be used in any Campaign Materials.

**Notwithstanding, Candidates may:**

- Capture their own photos of Town property for use in Campaign Material, provided the photo is not taken while on or over Town property and does not contain a Town sign, logo, crest, coat of arms or slogan in the background.

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

## 6 Corporate Resources - Town Facilities

Further to Section 3.1 above, the following is provided for greater clarity when considering the use of Town Facilities, including Town 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** All Candidates must adhere to the provisions set out in the Community Use of Town Facilities Policy.

**6.3** Further to the provisions outlined in the Community Use of Town Facilities Policy, Campaigning and Campaign Material is not permitted in any Town facilities, on Town land, or at Town operated events.

**Notwithstanding,**

- Section 6.3 does not prohibit the erection of a temporary election or campaign signs in accordance with the Town's Temporary Sign By-law.
- Campaigning on public sidewalks and highways is permitted, provided that such Campaigning is in compliance with Town 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 Town owned or operated parking lot, save and except municipal parking lots 1 through 9, as identified in the Municipal Parking Lot By-law and shall not be prohibited from parking on Town highways provided the vehicle is parked in accordance with the Town's Traffic By-law.

- 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 Town 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 Town Staff

**7.1** In accordance with the Employee Code of Conduct H 070, Town Staff are prohibited from using Corporate Resources for the benefit of a Candidate or Campaign.

## 8 Integrity Commissioner

**8.1** The Town's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Town and may receive, from time to time, compensation from the Town in accordance with services provided.

**8.2** Members of Council shall not use the services of the Town's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

**This Policy is hereby approved by Council Resolution #528-17 on this 20th day of November, 2017.**