

CITY OF THOROLD POLICY AND PROCEDURE MANUAL

COUNCIL		
POLICY NO: 100-01	USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES	Page 1 of 5
APPROVED: 11-24-2017		

The purpose of this policy is to notify all registered candidates, including members of City Council that you are required to follow the provisions of the *Municipal Elections Act, 1996, (the Act)* as amended, and that:

- No member/candidate shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including City letterhead, City business cards, City e-mail accounts, City computers and any Councillor budgets) for any election campaign or campaign-related activities;
- No member/candidate shall undertake campaign related activities on municipal property during regular working hours; and
- No member/candidate shall use the services of persons during hours in which those persons receive any compensation from the municipality.

PURPOSE

To ensure that members of City Council, registered candidates and staff adhere to the provisions of the *Act, 1996*, as amended.

SCOPE

This policy is applicable to all registered candidates, including sitting members of Municipal Council.

DEFINITIONS

“**The Act**” means the Municipal Elections Act, 1996, as amended from time to time, and includes any regulation made there under.

“**Blackout Period**” is a term which refers to the temporary period from the day prior to Nomination Day in a municipal election year to Election Day in which certain privileges are discontinued for members of Council and the Mayor.

“**Candidate**” means a person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.

“Campaign Material” means material in any media (i.e. print, radio, websites and social media) used to promote or oppose a candidate or ballot question. Campaign Material also includes but is not limited to banners, literature (pamphlets, brochures, cards), posters, placards/signs, buttons/pins, clothing and car wraps.

“Campaign Period” begins the date a candidate files their nomination through to voting day in a municipal election year. For federal and provincial elections, the campaign period begins with the issuance of the writ through to voting day.

“City Facility” means any property under the care and control of the City, including property owned, leased, occupied or used by the City, which can include but is not limited to libraries, community centres, meeting rooms, lobbies, sports fields, parks, pools, arenas, museums and ferry.

“City of Thorold” means The Corporation of the City of Thorold.

“Corporate Resources” includes but is not limited to The Corporation’s employees, events, funds, information and assets.

“Election Year” or **“Election Period”** means May 1 through to Voting Day, third Monday in October, during a regular municipal election year.

“Employees” or **“Staff”** includes full-time, part-time, and contract employees, paid by The Corporation of the City of Thorold.

“Nomination Day” for a regular municipal election is the fourth Friday of July in the year of the election.

“Official City Openings/Events” are held in Thorold have a Citywide impact; are identified as a project and endorsed by the Senior Management Team and/or Council. An Official City Opening/Event includes an opening ceremony component, followed by a main public program. The ceremony must include:

- An official invitation sent to a guest list and
- All or some of the following elements: attendance of the Mayor and/or Members of Council, agenda, speakers, plaque unveiling, ribbon cutting

POLICY

1) That in accordance with the provisions of the *Act, 1996*, as amended:

- (a) Corporate resources, assets and funding may not be used for election-related purposes;
- (b) Staff will not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
- (c) Members of Council/candidates may not use any municipally-provided facilities for any election-related purposes. Campaign-related signs or

any other election-related material shall not be displayed in any municipally-provided facilities;

- (d) The following, referred to as the Blackout Period, is to be discontinued for members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
- All forms of advertising, including in municipal publications;
 - All printing, photocopying and distribution, including printing and general distribution of any newsletters unless so directed and approved by Council;
 - The ordering of office furniture and furnishings, except those of an emergency nature; and
 - The ordering of any stationery and business cards within reason.
- (e) Members of Council may not deliver any unsolicited material where the printing and/or distribution costs are paid by the municipality.
- (f) Members of Council may not:
- Print or distribute any material using municipal funds that make reference to, or contains the names or photographs, or identifies registered candidates for Municipal Elections; and that the Minutes of Municipal Council and Committee meetings be exempt from this policy; and
 - Enter into joint ventures using municipal funds from July 27 to Election Day, in the year of a municipal election, unless specifically approved by Council.
- (g) Members of Council are responsible to ensure that the content of any communications, material, including printed material such as newsletters, advertising, etc. funded by the municipality, is not directly election-related.
- (h) Web sites or domain names that are funded by the municipality may not include any election-related campaign material;
- (a) Candidates are permitted to link to any City document available to the public or on a public City webpage from their campaign website.
- (b) Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the City has proprietary rights on their own web page.
- (c) Sitting members of Council shall not use the City's IT resources, including individual websites linked through the City's website and social media accounts for any election campaign and/or campaign-related activities.

- (d) If a sitting member of Council uses any social media account for campaigning, such accounts must not be created or supported by City resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers;
 - (e) Sitting members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the Election Campaign period, a clear statement on each campaign website or social media account's home page indicating that the account is being used for Election Campaign purposes and is not related to their duties as an Elected Official; and
 - (f) Sitting members of Council are allowed to place campaign phone numbers, websites, and e-mail addresses on the election pages of the City's website, which is available and authorized for use by all Municipal Candidates.
 - (g) Candidates must not, under any circumstances, use a City logo or any variation of it on any campaign material, election signs, social media or campaign websites.
 - (h) Members of Council may not use the municipality's voicemail system and/or cell phones to record election related messages; and
 - (i) The above recommendations also apply to an acclaimed member or a member not seeking re-election; and
- 2) That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

ATTENDANCE AT OFFICIAL CITY OPENINGS/EVENTS

There will be no Official City Openings/Events scheduled after Labour Day until after voting day during the year of the municipal election.

Otherwise, the following applies in relation to Official City Openings/Events that occur prior to Labour Day:

- Campaigning does not include the attendance of Candidates and/or Elected Official or their supports at Official City Openings/Events, such as City-sponsored festival, in their capacity as a resident of the City but not as a Candidate.
Note: Candidates are responsible for ensuring that their staff and supporters are aware of this distinction.

- Elected Officials may participate in Official City Openings/Events in their current role (e.g. as Mayor or Deputy Mayor). City events that are expected to occur annually, such as Canada Day will take place in an election year.
- Elected Officials identified may be invited to speak at Official Openings/Events or external events but campaigning for election is not permitted (e.g. campaign related remarks).
- Campaign booths are not permitted at Official City Openings/Events.
- Where campaign booths are permitted at events organized by an external group and taking place at a City facility, Candidates and/or their supporters/staff are not permitted to actively solicit attendees (e.g. may not approach attendees or hand them campaign material).

Limitation: This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor, nor inhibit them from representing the interests of the constituents who elected them.

Implementation: This policy shall become effective immediately upon approval by the Municipal Council.

Rationale and Legislative Authority: It is necessary to establish on the appropriate use of Corporate resources during an election period to protect the interests of both members of Council and the Corporation. The *Act, 1996* prohibits a municipality from making a contribution to a candidate. The *Act, 1996*, as amended 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, 1996*.