



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	69
Effective Date:	March 22, 2022
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Approval:	RCM March 22, 2022 (RCM-98/22)
Subject:	Policy 069 Use of Corporate Resources for Elections

1.0 Purpose

1.1 The purpose of this policy is to clarify that all Council Members, Candidates, Registered Third Parties, and Staff are required to follow the provisions of the Municipal Elections Act, 1996 and that no Candidate, Registered Third Party or Staff shall:

- use facilities, equipment, supplies, services, staff or other resources of the Town for any election campaign or campaign related activities.
- undertake campaign-related activities on Town property during regular working hours.
- use the services of persons during hours in which those persons receive any compensation from the Town.

2.0 Federal and Provincial Elections

2.1 The Town continues to emphasize the importance of strengthening relationships with all levels of government and actively engages in political advocacy campaigns including during elections to promote the interest of the Town.

2.2 To avoid the appearance of Town support for partisan political activities, discretion will be used in considering requests from government events

leading up to and during the period when the writ of an election (dissolution of parliament [federal] or legislature [provincial]) is issued.

3.0 Application

- 3.1 This policy is applicable to all Council Members, Candidates, Registered Third Party, Committee Members and Staff in an election campaign period.
- 3.2 Where applicable, this policy also applies to all registered Candidates, Registered Third Parties in a provincial or federal election campaign..

4.0 Definitions

- 4.1 **Act** means the *Municipal Elections Act*, 1996, S.O, c.32, (Act) as amended;

- 4.2 **Campaign Period** means the following:

For Candidates, the date on which the nomination form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed);

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 an extension or campaign has been filed);

- 4.3 **Candidate** means a person who has filed a nomination form for an election pursuant to: Section 33 of the Act; a school board pursuant to the *Education Act*, R.S.O. 1990; a Member of Provincial Parliament pursuant to the *Elections Act*; R.S.O.1990; and a Member of Parliament pursuant to the *Canada Elections Act*, s.c.2000; as amended.

- 4.4 **Committee Member** means any person who has been appointed as a member to a Statutory or Advisory Committee or Local Board for the Town.

- 4.5 **Corporate Resources** means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Town including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, the Town's information technology (IT) network and resources, databases, social media, intellectual property, and supplies;

- 4.6 **Council Member** means a Member of Council of the Town of Tecumseh;

- 4.7 **Nomination Day** means for a regular election the third Friday in August in the year of the election, as prescribed in the Act;

- 4.8 **Registered Third Party** means an individual, corporation or trade union that has filed a notice of registration as a Third Party Advertiser. in the municipal election.
- 4.9 **Social Media** means the Town's Facebook, Twitter, YouTube.
- 4.10 **Staff** means all full-time, part-time, and contract persons employed by the Town;
- 4.11 **Town** means The Corporation of the Town of Tecumseh;
- 4.12 **Voting (Election) Day** means in a regular election, the fourth Monday in October in the year of the election 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.

5.0 Policy

- 5.1 In accordance with the provisions of the Act, Corporate resources and funding may not be used for any election-related purposes. Resources include but are not limited to:
- Telephones, voicemail
 - Cell phone
 - Computer/Tablets
 - Town website, Social Media and, virtual meeting software
 - Printer/Copier/Scanner
 - E-mail/ Town computer network system, wireless devices, portals
 - Fax Machine
 - Consumables related to the above equipment such as paper, toner, etc.
 - Town Official Mark or Wordmark
- 5.2 Candidates and Registered Third Party must use their personal website and/or social media accounts that are not managed or affiliated with the Town.

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- 5.3 Candidates may not use Town owned or operated facilities for any election-related purposes, which includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office.
- 5.4 Placement of election signs for municipal, provincial and federal elections must be in accordance to the Town's Elections Sign By-law.
- 5.5 The following will be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
- i) All forms of advertising, including in Town publications;
 - ii) The ordering of stationery and business cards;
 - iii) Links to Council Member-related websites, social media sites and Town App;
 - iv) Use of Town email addresses or email distribution lists accumulated in their role as a Member of Council, except for municipal business;
 - v) The posting of information relating to the activities (profile) of Council, or any Member of Council on the Town's website or Social Media, excluding the minutes of Council and committee meetings. Only contact phone and/or email posted for each Member of Council at the commencement of each term shall remain on the Town's website.
- 5.6 Members of Council, Candidates, Third Parties, Committee Members and Staff may not:
- i) Print or distribute any material paid by Town funds that illustrate that a Member of Council or any other individual is registered in any election or where they will be running for office,
 - ii) Profile (name or photograph), or make reference to, in any material paid by Town funds, any individual who is registered as a Candidate or Third Party in any election,
 - iii) Print or distribute any material using Town funds that makes reference to, or contains the names or photographs, or identifies registered Candidates ; and that minutes of Town Council and Committee meetings be exempt from this policy,
 - iv) Use of website(s) or domain names that are funded by the Town;
 - v) Use the Town's voice mail system to record election-related messages;

- vi) Use of the Town's computer network (including the Town's email system) for election-related purposes;
- vii) Use of Town issued computer/tablet or cell phone for election-related purposes;
- viii) Benefit from the use of any corporate pricing established under the Town's purchasing policy;
- ix) Use any Council or Councillor budgets for election-related correspondence and advertising.

5.7 The above prohibitions also apply to an acclaimed Member or a Member not seeking re-election.

5.8 A Council Member attending an event as a representative of the Town is not permitted to campaign while conducting Town business.

5.9 Candidates or Registered Third Parties are not permitted to engage in campaign activities directed at Staff while those Staff are at their workplace or engaged in work for the Town.

5.10 Staff and Committee Members engaged in political activity must take care to separate those personal activities from their official positions. Staff and Committee Members may participate in political activity at the federal, provincial and Town levels providing that such activity does not take place during work hours or use corporate assets or resources, or property. Notices, posters or similar material in support of a Candidate are not to be produced, displayed or distributed by Staff on Town property or using Town resources.

5.11 Staff may not canvass or actively work in support of a Candidate or Registered Third Party during normal working hours.

5.12 Staff and Committee Members will not canvass or actively work in support of a Candidate while wearing a uniform, badge, logo or any other item identifying them as an employee of Town, or using a Town vehicle.

5.13 That the Town Clerk or designate, be authorized and directed to take the necessary action to give effect to this policy.

6.0 Limitation

6.1 Nothing in this Policy shall preclude a Member of Council from performing their duties as a Member of Council, nor inhibit them from representing the interests of the constituents who elected them.

7.0 Implementation

- 7.1 This policy shall become effective immediately upon approval by Tecumseh Council.

8.0 Rationale and Legislative Authority

- 8.1 It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interest of both Members of Council and The Corporation of the Town of Tecumseh. The *Municipal Elections Act, 1996* prohibits a Town 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.
- 8.2 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 Town to the Member, which is a violation of the *Municipal Elections Act, 1996*.
- 8.3 The *Ontario Election Finances Act, 1990* and the *Canada Elections Act, 2000* include similar prohibitions with respect to provincial and federal election campaigns. Specifically, Section 29 of the *Election Finances Act, 1990* prohibits contributions from corporations, which includes municipal corporations. Section 363 of the *Canada Elections Act, 2000* similarly provides that only individuals may make campaign contributions.