

# Corporate Policy

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## Subject: Use of Corporate Resources for Election Campaign Purposes

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### Policy Statement:

The *Municipal Elections Act, 1996*, as amended, prohibits municipalities from making campaign contributions to municipal candidates or registered third parties. As a campaign contribution may take the form of money, goods or services, this policy provides a fair and consistent approach on how municipal corporate resources can and cannot be used during a municipal election. This policy complies with the *Municipal Elections Act, 1996*, as amended, the Code of Conduct for Members of Council and Designated Boards, and the Employee Code of Conduct.

### Scope:

This policy applies to all Members of Council, Town staff, candidates, registered third parties, and members of the public. Further, this policy applies to campaigns for municipal and School Board, provincial and federal office and includes all campaign related activity.

This policy does not preclude a Member of Council from performing their duties as Mayor or Councillor, nor does it inhibit them from representing the interests of their constituents.

### Purpose:

As a campaign contribution may take the form of money, goods or services, any use by a Member of Council or candidate of the Town's resources for their election campaign would be viewed as a contribution by the Town, which is a violation of the Act. Should an individual launch a legal challenge, the offence provisions of the Act provide for a penalty of up to \$25,000 for an individual and of not more than \$50,000 for a Corporation.

### Application:

In accordance with the *Municipal Elections Act, 1996*, as amended, the Town Clerk and authorized designate(s) are responsible for the administration of this policy and nothing herein shall preclude the Clerk or designates from performing statutory and/or election related duties. Complaints received regarding the use of corporate resources during an election are managed by the Town Clerk; including the interpretation and decisions on whether or not a breach of the policy has occurred.

### Definitions:

Campaign contribution means anything of value given or otherwise provided that may influence an election and may take the form of money, goods, or services.

Campaign materials mean any materials, including political advertising, used to solicit votes for a candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. Including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials also include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media. Campaign materials do not include election signs, which are governed by the Town's Sign By-law.



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Campaign period means the period of time established in accordance with the *Municipal Elections Act, 1996*, as amended, and begins for candidates on the day which nomination papers are filed and for registered third parties begins on the day an individual, corporation or trade union registers. The campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

Campaign related activities mean any activity by or on behalf of a candidate or registered third party meant to elicit support or opposition during the election period.

Corporate resources include Town facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the Town.

Political advertising means advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered third party or candidate.

Town Property and/or Facility means any fully or partially owned or leased Town of Caledon facility, including all Town owned land such as parks, sports fields and civic event spaces, and associated premises of that facility such as parking areas.

## **Members of Council Budget**

In a municipal election year, a portion of the annual budget for each Council Member's office is to be reserved for the new term of Council. Therefore, an incumbent shall only spend up to 11/12 of the budget for that year and 1/12 is to be reserved for the next term. This shall be monitored to ensure that the budget threshold is not exceeded.

## **Social Media**

To comply with the *Municipal Elections Act, 1996*, as amended, and the Code of Conduct for Members of Council and Designated Boards, candidates must take affirmative steps to clearly distinguish between use of social media for personal or election purposes. To take such steps, candidates who are members of Council must, upon filing their nomination to initiate candidacy, follow one of the below approaches:

### 1. **Maintain Separate Election Accounts During a Campaign Period.**

Establish separate and distinct social media accounts for election purposes that are clearly labelled as election accounts, do not use publicly-funded resources that are not identified as a Member of Council's account.

### 2. **Maintain a Single Account Subject to Restricted Use During a Campaign Period.**

Members of Council who choose not to maintain separate and distinct election accounts and who intend to use social media accounts that have been identified as their personal social media account must (as applicable):

- a) during the campaign period cease producing and distributing any publication related to the role as a Member of Council which contains social media account information (i.e. usernames, handle names);
- b) ensure any reference to the Town of Caledon, Town logos, or images proprietary to the Town of Caledon, and reference to the Member's title from the account handle name, the username, the profile description are not used;



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- c) ensure that the account's information does not use any caledon.ca email addresses or Town of Caledon contact information; and
- d) not make references to the account from a Member's website; expressly notify followers or friends on the social media platform that the account will be used for purposes related to re-election, provide an alternative source of information for followers interested in constituency services, and label the account appropriately.

For greater clarification, the above approaches apply to social media accounts from the point at which a nomination is filed and not prior.

### **Technology**

Corporate resources, shall not be used for any election related purposes, including computers, cell/smart phones, tablets, printers, scanners, or other services such as email, internet and file storage or other technology assets.

With the exception of the candidate's list, web sites or domain names that are provided, funded or maintained by the Town shall not include any election related campaign material or links to sites that feature election-related campaign material.

Any links to external personal sites from an individual Member of Council's landing page on the caledon.ca website will be removed the date nomination papers are filed during a municipal election year.

Candidates, registered third parties, and Members of Council may not use the Town website, domain names, and other corporate systems, for campaigning or display of any election-related materials. Links to the Town's website are permitted from a campaign election website for the purpose of obtaining information about the election or sharing program/service information.

### **Town Property and Facilities**

Election campaign materials shall not be displayed at any Town property and/or facility.

Candidates and registered third parties may attend Town organized or funded events during a campaign period, but shall not display or distribute any campaign materials, or engage in any election related activities.

All-candidate debates may be held at any Town facility, including Town Hall, provided that all candidates for an office are invited to attend and no campaign materials are used or distributed during the debate.

Facility rentals for general election-related events, such as teaching members of the public how to become a candidate and run for office, can be held as long as no one particular candidate or registered third party is promoted or endorsed during the event and no campaign materials are used or distributed during the event.

### **Town Services**

Members of Council are responsible for ensuring that the content of any communication material, printed; hosted or distributed by the Town of Caledon, is not election campaign related.



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Candidates shall not create, print or distribute campaign materials using municipal funds and shall not use municipal funds for any campaign related activities.

Information provided by the Town to a candidate or registered third party may be made available to all other candidates and registered third parties including where such information was initially requested from the Town.

The Town of Caledon's logo, crest, coat of arms, slogan, etc. shall not be printed, distributed or used on any campaign materials or included on any campaign related website, except in the case of a link to the Town's website to obtain information about the municipal election.

Photographs, videos or images produced for, created by or owned by the Town of Caledon shall not be used by candidates or registered third parties for any election campaign purposes. Notwithstanding this section, candidates and registered third parties may capture their own photos of Municipal property for use in campaign materials, 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.

Distribution lists or contact lists developed utilizing corporate resources or through contact in a Member of Council's role shall not be utilized for campaign purposes.

No Member of Council shall use any information such as reports or pictures for campaign related activities that has not been made public or which was received by virtue of their position as a Member of Council.

Corporate resources and Members of Council's budgets shall not be used to create any advertisements, flyers or newsletters for campaign related activities from the day after Nomination Day up to and including the final Voting Day. This prohibition also applies to the use of any Town of Caledon equipment, facilities or websites if the access is Town-sponsored.

## **Town Staff**

Town staff, including any contractor providing services to the Town shall not canvass or actively work for any candidate or registered third party during hours in which the staff/contractor is receiving compensation, unless in the case of Town staff they are on a leave of absence without pay, lieu time, flex day or vacation leave.

Town staff shall not use corporate resources of any kind, or Town property or facilities to support a candidate or political party.

Town staff shall not canvass or actively work in support of a candidate, registered third party or political party using their title, wearing a uniform, badge, logo or any other item identifying them as an employee of the Town, or while using a vehicle, technology device or other asset owned or leased by the Town.

Town staff need to ensure that they act in compliance with the Employee Code of Conduct.

