

Use of Corporate Resources for Election Purposes

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Modified		

1. General Policy Statement

The purpose of this policy is to clarify that members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No member shall use the facilities, equipment, supplies, services, staff or other Corporate Resources of the Municipality (including Councillor newsletters and Councillor budgets) for any election campaign or Campaign Activities.
- No member shall undertake Campaign Activities on Municipal Facilities during regular working hours.
- No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

2. Application

This policy is applicable to all Members of Council, Candidates, Third Party Advertisers, political parties, constituency associations, Municipal Staff, persons or groups supporting or opposing a Candidate or question on the ballot, as well as anyone acting on their behalf and endeavors to ensure accountable and transparent practices in the Municipality of Brighton.

3. Definitions

Act means the *Municipal Elections Act, 1996*.

Campaign Activity means any action or event by or on behalf of a Candidate or Registered Third Party meant to promote, support or oppose a Candidate or a question on a ballot in the Campaign Period. Campaign-related activities do not include the appearance of elected officials acting in their official capacities.

Campaign Material means any material, regardless of format, that promotes or opposes any Candidate, or a response to a question on the ballot or referendum and includes, but is not limited to, printed literature, electronic communications, banners, posters, pictures, buttons, clothing, signs, magnets, and vehicle decals.

Campaign Period means the official campaign period of an election beginning on May 1st of an election year, the beginning of the nomination period, and ends on December 31st of an election year. For a by-election, the period commences on the day the election is called and ends on voting day. In the case of a provincial or federal election or by-election, the date the writ is issued until voting day.

Candidate means any individual who has filed for nomination for an elected office, including Mayor, Deputy Mayor, Councillor, Member of Provincial Parliament, Member of Parliament, School Board Trustee, or anyone acting on their behalf.

Corporate Resources means any resources used to promote, support, or oppose a Candidate or question on a ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing and any other physical or technological resource that supports the operation of City programs and services. It also includes those in all media such as print, displays, radio or television, online including websites or social media.

Election-Related Purpose refers to any participation in an election that is partisan in nature.

Municipality means the Municipality of Brighton

Municipal Facility means any land, building or other structure owned, leased, operated, or otherwise controlled by the Municipality, other than a municipal road, and includes but is not limited to Brighton Municipal Centre, operation centres, libraries, community and recreation centres, parking lots, parks, trails, sports fields, and open space.

Member of Council means the Mayor and all other Members of Municipal Council.

Municipal Staff includes full-time, part-time, temporary and contract employees paid by the Municipality. It also includes volunteers that are working for the Municipality,

Nomination Day refers to the third Friday in August in the year of an election.

Registered Third Party or Third Party Advertiser means an individual, corporation or trade union that promotes, supports or opposes a Candidate or question on the ballot in accordance with the Act.

4. Responsibilities

Candidates and Registered Third Parties to:

- Adhere to guidelines and parameters established by this policy.

Municipal Clerk to:

- Communicate the policy to Members of Council, Candidates, Third Party Advertisers and Municipal Staff,

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

Municipal Staff to:

- Ensure that Corporate Resources, as identified by this Policy, are not used for campaigning.

5. General Provisions

- a. Corporate Resources and funding shall not be used by a Candidate or Registered Third Party for campaigning or Election-Related Purposes.
- b. This policy also applies to an acclaimed Member or a Member not seeking reelection.
- c. Campaign Material may not be displayed at any Municipal Facility.
- d. The Clerk is authorized, and directed to take the necessary action, to give effect to this policy.
- e. 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.
- f. Individuals who have questions about this policy are encouraged to contact the Clerk to obtain further clarification.

6. Corporate Resources – Technology

- a. Members of Council are provided with access to information technology resources to aid in their duties as an elected official but may not use those assets for campaigning, developing or storing Campaign Materials. This includes, but is not limited to, functionality through municipally issued smartphones, tablets, computers, printers and copiers, web streaming licenses, etc.
- b. Municipally funded websites shall not be made for campaigning; however, Candidates and Third Party Advertisers may provide a link to the Municipality's official election website or webpage in their Campaign Materials for electors to gain additional information about the election and the voting process. The Municipality's election webpage or website will outline some Candidate information including name but shall in no way endorse any Candidate.
- c. If a Candidate has a personal website, it will be removed from the municipal website during the Campaign Period.

- d. During the Campaign Period, Mayor and Council biographies on the Municipal website shall be reduced to council-related contact information only.
- e. The Municipality's voicemail system shall not be used by Candidates to record campaign-related messages nor shall the computer network such as in an out of office message or email signature, be used to distribute campaign-related correspondence and information.

7. Corporate Resources – Communications

- a. Members of Council may not use photographs produced for and owned by the Municipality for any Election-Related Purposes.
- b. Candidates or Registered Third Parties may not print, distribute, or refer to any of the Municipality's email addresses, telephone numbers or Municipal Facility addresses on any Campaign Materials. This does not apply to the election telephone number, election email address or link to the Municipality's election website or webpages in Campaign Materials for electors to access additional information about the election and the voting process.
- c. 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 the information has not been modified in any way.
- d. The Municipality's logo, coat of arms and slogans or any other images, illustrations or videos owned or under the jurisdiction of the Municipality, may not be used in any Campaign Materials. Notwithstanding, 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.
- e. Distribution lists or contact lists developed utilizing Corporate Resources and in the custody or control of the Municipality shall not be utilized for Election-Related Purposes to comply with the *Municipal Freedom of Information and Protection of Privacy Act*.
- f. The following shall be discontinued for Members of council from the day prior to Nomination Day in a municipal election year to voting day:
 - i. All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless used in the elected official capacity of a Member of Council and so directed and approved by Council, and

- ii. The ordering of business cards and stationery.
- g. Members of Council may not:
 - i. Print, post or distribute any Campaign 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,
 - ii. Profile (name or photograph), or refer to, in any Campaign Material paid by municipal funds, any individual who is registered as a Candidate in any election,
 - iii. Print or distribute any Campaign Material using municipal funds that refers to, or contains the names or photographs, or identifies registered Candidates for municipal elections (minutes of Municipal Council meetings are exempt from this policy).
- h. Municipal resources that have been published to the Municipal website (ex. strategic plans, staff reports, minutes, agendas, press releases, etc.) may be link on Candidate and Registered Third Parties' websites but may not be housed there and may not be taken out of context, modified or reproduced for use in any Campaign Material.
- i. Messages posted to the Municipal social media accounts (including Facebook, Instagram and Twitter) may be shared or retweeted by a Candidate to their personal or campaign social media accounts using social media channels and not partially reproduced.

8. Corporate Resources – Municipal Facilities

- a. Any Candidate may attend any public Council, Planning or Advisory Committee meeting; however, they shall not use this forum to speak on or address any matter relating to their campaign.
- b. Candidates or Registered Third Parties are prohibited from renting Municipal Facility space.
- c. All Candidates and Registered Third Parties must adhere to the provisions set out in any other municipal policies pertaining to Municipal Facilities.
- d. Members of Council, Candidates and Registered Third Parties 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 Campaign Material in the office.

- e. Campaigning and the distribution or display of Campaign Material is not permitted in any local board or Municipal Facility, on municipal land or local board event including any municipal or board meeting.
- f. Candidates or Registered Third Parties are prohibited from using a Municipal Facility as a campaign office.
- g. 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. This does not include what is permitted through the Municipality's Election Sign By-Law. Campaigning on public sidewalks and highways is permitted, provided that it is in compliance with prevailing legislation and municipal by-laws.

9. Municipal Staff

- a. Municipal Staff are prohibited from using Corporate Resources for the benefit of a Candidate or campaign.
- b. Staff may not canvass or actively work in support of a Candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave. During these Campaign Activities, Municipal Staff may not wear any uniform, badge, logo or any other item identifying them as an employee of the Municipality, or using a vehicle owned or leased by the Municipality.
- c. Employees wishing to run for federal, provincial or municipal office must request and obtain a leave of absence without pay and abide by the respective legislation governing such elections.

10. Limitations

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

11. Implementation

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

12. Rationale and Legislative Authority

It is necessary to establish guidelines on the appropriate use of Corporate Resources during a Campaign Period to protect the interests of both the Members of Council and the corporation as per section 88.18 of the Act.

Section 88.8 (4) of the Act prohibits a municipality or local board 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. 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.

The *Election Finances Act, 1990*, as amended, and the *Canada Elections Act, 2000*, as amended, establish regulations for Candidates and parties running for election. Section 29(1) of the *Election Finance Act* and Section 363(1) of the *Canada Elections Act* prohibit a municipal corporation from making campaign contributions to any Candidate, political party or constituency association in a provincial or federal election.