

**Policy:** Use of Corporate Resources for Election Purposes

**Department:** Council

**Effective Date:** May 2, 2022

**Revision Date:**

**Review Date:** January 2026

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## 1. Purpose

This policy provides Township of Tyendinaga Councillors, Candidates, Staff and Township Volunteers with guidelines on the use of Corporate Resources for election purposes to ensure compliance with the Council Code of Conduct, the *Municipal Elections Act, 1996*, (the "Act") as amended, and other applicable federal and provincial legislation.

## 2. Policy Statement

Members of Council are required to conduct themselves in accordance with the Act. The use of Corporate Resources, both actual municipal property and Staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Candidate's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

This policy clarifies that all election Candidates, including members of Council, are required to follow the provisions of the Act, and that:

- i. No Candidate shall use Township facilities, equipment, supplies, services, Staff or other resources of the Township for any election campaign or campaign-related activities;
- ii. No Candidate shall undertake campaign-related activities on Township property or at Township events; and
- iii. No Candidate shall use the services of persons during hours in which those persons receive any compensation from the Township. This policy does not preclude a Member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.

## 3. Definitions

**"Act" or "The Act"** means the *Municipal Elections Act, 1996*, as amended from time to time, and includes any regulation made thereunder.

**"Blackout Period"** refers to the temporary period from the day upon which a Candidate has filed their nomination up to and including Election Day, during which time certain privileges are discontinued for Members of Council, the Reeve and any Registered Candidate.

**“Candidate”** or **“Registered Candidate”** means a person who is running 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 Act.

**“Campaigning”** means any activity by, on behalf of, or in opposition to a Candidate, political party or ballot question during an election Campaign Period that is meant to elicit support or opposition, including display of Campaign Material.

**“Campaign Material”** means material in any media (i.e., print, radio, television, website and Social Media) used to promote or oppose a Candidate, political party or ballot question. Campaign Material includes, but is not limited to, banners, literature, posters, place cards/signs, buttons/pins, clothing, car wraps, etc.

**“Campaign Period”** commences on the date a Candidate files their nomination paper, and extends through to December 31 of the election year (45 days after voting in the case of a by-election). For a federal or provincial election, the Campaign Period begins with the issuance of the Writ through to Voting Day.

**“Clerk”** or **“Township Clerk”** means the Clerk of the Township of Tyendinaga, or their designate.

**“Corporate Resources”** includes, but is not limited to, the Township of Tyendinaga’s Employees, events, funds, information, Information Technology\* (IT) Resources/application and Corporate assets.

**“Election Period”** begins on the first day upon which nominations may be filed and extends through to Voting Day, during a regular election year.

**“Employees”** or **“Staff”** includes full-time, part-time and contract Employees paid by the Corporation of the Township of Tyendinaga.

**“Facility”** means any property under the care and control of the Township, including property owned, leased, occupied, or used by the Township, including but not limited to libraries, community centres, meeting rooms, lobbies, sports fields, parks, and associated parking areas, etc.

**“Information Technology (IT) Resources”** means Township-owned or issued IT

Resources, including but not limited to:

- i. Hardware such as laptops, tablets, portable and computing devices and related peripherals, and wireless communication devices (e.g., smart phones, cell phones, etc.);
- ii. All internet and email systems, including websites or domain names that are funded by the municipality;
- iii. Electronic data transmission equipment, devices and networks;

- iv. Business systems and services and all Township-managed data and software (i.e., Public Service Request);
- v. All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks, including voicemail;
- vi. Local and network storage media used in the operation of these resources, including but not limited to, CD's, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc.;
- vii. Data, information and other work products such as computer programs, databases, spreadsheets, etc.; and
- viii. This is deemed to include Township data and information accessed, stored, created, processed, transmitted, or filed in a personal electronic device.

**"Nomination Day"** for a regular municipal election or by-election is the date determined in accordance with the Act.

**"Social Media"** means publicly-available, third party-hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Examples include blogs, podcasts, Facebook, Twitter, Instagram, Bang the Table etc.

**"Township" or "Township of Tyendinaga"** means the Corporation of the Township of Tyendinaga.

**"Registered Third Party Advertiser" or "Third Party Advertiser"** means a person or entity, who is not a Candidate, who has registered with the Clerk to engage in political advertising, to support, promote or oppose a Candidate or a yes or no question on the ballot.

**"Voting Day"** means:

- i. For a municipal election, the day on which the final vote is taken as the date set out in the Act; and
- ii. For a provincial or federal election or by-election, the day set out according to the Elections Act (provincial) and Canada Elections Act (federal).

#### **4. General Provisions**

- 4.1. No person shall use any Township of Tyendinaga resources for campaigning or any partisan election-related activity.
- 4.2. The terms 'campaigning', 'election campaign', 'election-related activity', 'partisan', and other terms having the same or similar meaning, shall be interpreted broadly to ensure compliance with the principles of this Policy.
- 4.3. Neither campaign related signs nor any other candidates' election-related material will be displayed in or on any Township of Tyendinaga Facilities except as otherwise permitted by and in compliance with any Township of Tyendinaga by-law that regulates elections signs.
- 4.4. The Township of Tyendinaga's voice mail system shall not be used to record any partisan election-related messages and the computer network and related

information technology systems (including Township of Tyendinaga's e-mail and telephone system) shall not be used to distribute partisan election-related correspondence or any other election campaign related material.

- 4.5. Candidates may only undertake campaigning on properties of Township facilities provided they have paid full-market rental fees and rates for use of such facilities, and have otherwise complied with any other Township policy pertaining to the use of such facilities. The Municipal Office, located at 859 Melrose Road, Shannonville shall be an exception to this section and shall not be rented for any campaigning purposes.
- 4.6. No candidate, or person under the direction of a candidate, shall use the services of Township staff for any campaigning, or any activity related to the candidates' election campaign, during hours in which those persons receive any compensation from the Township, unless such staff are on an approved lieu time, maternity/parental leave, or vacation leave. Township staff in the Clerks or Administration Department or those staff members who work as an Election Worker anytime during the election period shall not provide services to any Township of Tyendinaga candidate for campaigning purposes outside of working hours.
- 4.7. The Township's logo, crest, slogan, brand or identifying marks etc. may not be printed or distributed, in whole or in part, on any election materials or included on any election campaign related website, domain or social media site, except in the case of a link to the Township's website to obtain information about the municipal election processes.
- 4.8. Photographs produced for and owned by the Township shall not be used for campaigning or any campaign materials, including candidate websites, social media, printed materials etc.
- 4.9. The following shall be discontinued for all Members of Council and Registered Candidates or Third Party Advertisers during the Blackout Period:
  - i. Advertising in municipal publications or on municipally-owned property;
  - ii. All printing, photocopying and distribution, unless so directed and approved by Council; and
  - iii. Contacting municipal Staff to request attention to a matter raised by a constituent during a campaign-related event, including door-to-door Campaigning.
- 4.10. Members of Council shall not:
  - i. Print or distribute any 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 make reference to, in any material paid by municipal funds, any individual who is registered as a Candidate in any election;
  - iii. Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies Registered Candidates for

- municipal elections (Minutes of Municipal (Minutes of Municipal Council and Committee meetings are exempt from this policy);
- iv. Enter into joint ventures using municipal funds during the Blackout Period, unless specifically approved by Council (i.e., Memorial Events). Where such an event is scheduled, Members of Council may attend to bring greetings from the Township, but Campaigning is not permitted; and
  - v. Use the Township's IT Resources, including Social Media accounts, for any election campaign or campaign-related activities.

4.11. The policies contained herein also apply to an acclaimed Candidate(s), a Member of Council not seeking re-election, or to a Registered Third Party.

4.12. Campaign Materials are not permitted to be placed on Township bulletin Boards, Township Library, or other facilities, at any location marked as a voting location and may not be worn/displayed when carrying out the duties of an office, including Township Staff during working hours. Campaign Materials will be required to be removed from non-municipal voting places once advance polling or voting commences. A car "wrapped" to reference a Candidate or containing campaign signs may be covered or removed from the parking lot of the polling location, whereupon recovery will be at the expense of the Candidate.

4.13. Election signs cannot be posted on Township property and are permitted only in accordance with the Election Signs By-Law.

4.14. The Clerk is authorized and directed to take the necessary action to give effect to this policy.

## **5. Limitations**

5.1. Nothing in this Policy shall prohibit a Member of Council from performing his/her job as a Member, nor impede them from representing the interests of his/her constituents.

5.2. Nothing in this Policy shall preclude staff from exercising his/her civic right and duty to participate in an election process, including a municipal election process, as a private citizen, except as provided for in section 4.6. Any staff involved in the election process, as an election worker shall remain neutral and shall not participate in any campaigning or other campaign related activities for candidates of the Township of Tyendinaga.

5.3. Nothing in the Policy shall prevent the Clerk or staff from conducting an election in accordance with the Municipal Elections Act, 1996, or providing, using Township of Tyendinaga resources, non-partisan election information material on behalf of the Clerk or the Township of Tyendinaga so as to inform the public about a municipal election and municipal election process. This includes routine election information and resources provided to candidates.