



Corporate Policy

Policy: C-LS-13 Use of Municipal Resources Policy
Main Contact: Legislative Services
Last Revision: May 18, 2018

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PURPOSE

To establish rules and procedures with respect to the use of municipal resources during the municipal election campaign period.

Further, to ensure compliance with the Municipal Elections Act, 1996, as amended, by clarifying for candidates, current members of Township Council, registered third party advertisers and Township employees the legislative requirements relating to campaign finances.

SCOPE

The use of municipal resources for municipal election campaign purposes is strictly prohibited. Municipal resources includes items, services, supplies or resources which are the property of The Corporation of The Township of Muskoka Lakes, including but not limited to: materials, equipment, vehicles, facilities (including community centres, arenas, libraries, fire stations, public works yards, municipal office, health hub and other facilities, excluding public highways, roadways, sidewalk, and shoulders not prohibited



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under the Township's current Election Sign By-law), land, technology, Township developed computer programs or technological innovations, databases, intellectual property, Township owned images, logos, coat of arms, chain of office, corporate crest, photos, videos, municipal uniforms, graphics, and any other item of Township intellectual property. These items are prohibited from use for any election related purposes or campaign promotional materials including, but not limited to signs, printed and electronic publications, flyers, brochures, e-mail, website, social media, business cards, postcards, letterheads, leaflets, posters, magnets and any other promotional items.

DEFINITIONS AND EXAMPLES

"by-election" means an election other than a regular election.

"campaign period" means the date a candidate files their nomination through to Voting Day in a municipal election year or in the event of a by-election.

"campaign promotional material" means election campaign promotional material by a candidate or registered third party, including but not limited to: signs, printed and electronic publications, flyers, brochures, e-mail, website, social media, business cards, postcards, letterheads, leaflets, posters, magnets and any other promotional items.

"candidate" means any individual running for an elected office in a municipal election, including District Chair, Mayor, Councillor, School Board Trustee, or anyone acting on their behalf

"Clerk" means the Clerk (or his or her designate) of The Corporation of The Township of Muskoka Lakes.

"community centre" means a community centre facility owned or run by The Corporation of The Township of Muskoka Lakes.

"Corporation" means The Corporation of The Township of Muskoka Lakes.

"council" means the Council of The Corporation of The Township of Muskoka Lakes.

"District" means The District Municipality of Muskoka.

"election" means any municipal election including by-elections.



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“election related purposes / activities” means any participation in an election that seeks to promote or oppose the candidacy of an individual seeking office.

“employee” means an individual employed by The Corporation of The Township of Muskoka Lakes, including those in part-time, seasonal or contract positions, but does not include members.

“member” means a member of the Council of The Corporation of The Township of Muskoka Lakes.

“MEA” means the Municipal Elections Act, 1996, as amended.

“municipal resources” means items, services, supplies or resources which are the property of the The Corporation of The Township of Muskoka Lakes, including but not limited to: materials, equipment, vehicles, facilities (including community centres, arenas, libraries, fire stations, public works yards, municipal office, health hub and other facilities, excluding public highways, roadways, sidewalk, and shoulders not prohibited under the Township’s current Election Sign By-law), land, technology, Township developed computer programs or technological innovations, databases, intellectual property, Township owned images, logos, coat of arms, chain of office, corporate crest, photos, videos, municipal uniforms, graphics, and any other item of Township intellectual property.

“registered third party” means, in relation to a municipal election, an individual, corporation or trade union that is registered with the municipality in accordance with the MEA.

“third party advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing, as a candidate, but does not include an advertisement by or under the direction of a candidate.

“Township” means The Corporation of The Township of Muskoka Lakes.

RESPONSIBILITIES

1. With the approval of Township Council, the Clerk or designate is responsible for the development and implementation of this policy.
2. The Clerk or designate shall review and administer this policy to ensure that it continues to be relevant and current and to support the achievement of the desired results.



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3. Amendments to this policy, as required by legislation, from time to time, are hereby authorized and delegated to the Clerk.

PROCEDURES/STEPS

1. General – The following general section applies to this policy.

- a. The Municipal Elections Act, 1996, as amended, (“MEA”), establishes regulations governing campaign finances for candidates running in a municipal election and campaign finances for registered third party advertisers.
- b. For greater certainty, section 88.8 (4) of the MEA prohibits a municipality from making an election campaign contribution to a municipal candidate.
- c. For greater certainty, section 88.12 (4) of the MEA prohibits a municipality from making a contribution to a registered third party in relation to the election in the municipality.
- d. As a campaign contribution may take the form of money, goods or services, any use of municipal resources for election related purposes, by candidates, registered third parties or Township employees, is not permitted.
- e. The provisions identified in this policy are in effect throughout the duration of the municipal election campaign period in a municipal election year or in the event of a by-election.
- f. Other documents that should be consulted in conjunction with this policy are the most current Township Election Sign By-law, Township Council Members’ Code of Conduct Policy C-GG-06, Township Internet Resource Policy C-HR-14, Township Code of Ethics and Conduct Policy C-HR-16, and the Township Municipal Election Procedures.

2. Members of Council, Candidates and Registered Third Parties - The following section applies to council members, candidates, registered third parties and those acting on behalf of a member, candidate or registered third party.

- a. Township facilities, services and property may not be used for any election related purpose except as identified in this policy. This provision does not prevent current members of Township council from conducting their regular duties as representatives for their constituents. Current members of Township council who are also candidates, should draw strong boundaries between the two roles and any potential conflicts between the roles should be resolved in favour of the public interest.



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b. Current members of Township council who are also candidates, are responsible for ensuring that any materials and communications produced in their role as a member of council do not make any reference to an election, candidate, or campaign and that no municipal resources are used for election related purposes or campaign promotional materials.

c. Members of council, candidates and registered third parties may not use Township employees for any election related purposes during regular business hours or while the employee is receiving compensation from the Township.

d. Members of council, candidates and registered third parties may not use any Township owned or run facilities (inside or outside) for any election related purpose.

e. Notwithstanding section 2.d. above, if a Township community centre facility is rented in accordance with standard Township community centre rental procedures, organized all candidate meetings may be held, in which the public can receive exposure to the various candidates who are running in the municipal election, subject to the following conditions:

i. The meeting must be open, accessible, operationally transparent and fair to all candidates;

ii. Campaign promotional material must not be posted on the premises prior to, during or following the meeting by or on behalf of any candidate promoting their campaign or registered third party;

iii. Candidates, registered third parties, and their supporters should not be permitted to bring campaign promotional material onto the Township community centre facility for display or distribution;

iv. Candidates participating in the meeting shall be identified by name and position through the use of plain text style cards or other similar means to assist the public in attendance; and

v. The meeting must be open to the public without restriction subject to compliance with fire code and capacity restrictions.



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vi. These conditions are intended to ensure that no particular candidate, regardless of position or resources, obtains a campaign advantage through the use of the Township community centre facility.

f. For greater certainty, no election related activities, including campaigning and the distribution of campaign promotional material, are permitted to take place at the Township municipal office (inside or outside).

g. Members of council, candidates and registered third parties may not campaign, distribute campaign promotional material or engage in election related activities at any function hosted by the Township.

h. Election campaign promotional material may not be displayed in, or on the property of, any Township owned or run facilities.

i. Any group or organization who receives funding from the Township, shall not seek to promote or oppose, directly or indirectly, a particular candidates' election campaign or to advance the interests of a particular candidate at any time during the course of an election campaign.

j. Municipal resources or services such as computers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, e-mail, file storage, voicemail, or any other equipment or technology owned by the Township, may not be used for any election related purposes.

k. Websites and domains that are operated or funded by the Township shall not include any election related campaign materials or links to any sites which include election related campaign promotional material.

l. Notwithstanding the ban on election related campaign promotional materials and links on websites and domains operated or funded by the Township, the Township election website, which lists candidates and registered third parties may include candidate and registered third party information as provided on the candidate's filed nomination paper or third party advertiser notice of registration, as their campaign contact information.

m. When a current member of Township council registers as a candidate, all links to social media accounts and personal external websites will be removed from Township run or funded websites and domains.



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n. The Township logo, coat of arms, chain of office, corporate crest, flag, slogan, uniforms, graphic or other similarly branded municipal resource, image or property shall not be used by any candidate or registered third party for any election related campaign promotional materials, including printed literature, signage, electronic publications and websites.

o. In any material printed or distributed by the Township, candidates or registered third parties may not convey that they, or any other individual, are a candidate or registered third party in an election.

p. All candidates, including current members of Township council, and registered third parties, shall be required, upon filing a candidate nomination paper or third party advertiser notice of registration, to complete the Acknowledgement and Undertaking Form regarding the use of municipal resources, as attached in Appendix "A" to this policy.

3. Township Employees - The following section applies to all Township employees.

a. Employees may not engage in election related activities during their normal working hours or anytime they are receiving compensation from the Township. This includes providing administrative support to candidates such as photocopying campaign promotional material or providing technical assistance.

b. Employees may engage in election related activities as long as those activities are separate from their official positions and duties as Township employees. Employees must ensure that their political activities do not create a perceived or actual conflict in their day-to-day work.

c. While engaging in election related activities, Township employees shall not wear any clothing, such as a uniform or badge, which identifies them as a Township employee.

d. While engaging in election related activities, Township employees shall not use any vehicles, technology, or other municipal resources that are owned or leased by the Township.

e. Township employees are expected to observe and maintain the highest standard of conduct while carrying out their duties as employees and to promote accountability, responsibility, respect, and civility in the workplace.



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RECORDS MANAGEMENT AND PRIVACY

All records relating to any issue pursuant to this policy shall be maintained in accordance with the Municipality's record retention schedule. Throughout all processes outlined in this policy, all Members of Council and municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Individuals should be aware that certain circumstances may identify them during an investigation.

CHANGE HISTORY

Policy Name	Effective Date	Significant Changes	By-law/Resolution No.
C-LS-13	May 18, 2018		COW-9-12/04/18 C-4-18/05/18 Conf BL # 2018-49

**ACKNOWLEDGEMENT AND UNDERTAKING
USE OF MUNICIPAL RESOURCES POLICY**

**Township Council Policy C-LS-13 – Use of Municipal Resources Policy - Appendix “A”
MUNICIPAL ELECTION
*Municipal Elections Act, 1996, Sections 88.8 (4), 88.12 (4), 88.18***

I, the undersigned, being a nominated candidate seeking election for the office indicated below, or a registered third party advertiser, _____, in the _____ Township of Muskoka Lakes (the “Township”) municipal election;

- Mayor
- District Councillor, Ward _____
- Township Councillor, Ward _____
- Registered Third Party Advertiser

hereby acknowledges that municipal resources, pursuant to Sections 88.8 (4), 88.12 (4), and 88.18 of the Municipal Elections Act, 1996, as amended, and Township Council Policy C-LS-13 – Use of Municipal Resources Policy, are prohibited from use for any purpose other than those directly permitted in Township Council Policy C-LS-13 – Use of Municipal Resources Policy, and that municipal resources are not to be used to advance my candidacy for municipal election or registered third party advertising.

The undersigned undertakes to the Township that the restrictions on the use of municipal resources shall be strictly adhered to and that municipal resources shall not be used for any purpose.

Dated at the Township of Muskoka Lakes this _____ day of _____, _____.

(Signature of Candidate or Registered Third Party)

(Signature of Clerk or designate)

ACKNOWLEDGEMENT AND UNDERTAKING USE OF MUNICIPAL RESOURCES POLICY

Municipal Elections Act, 1996

Use of municipal, board resources

88.18 Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

Contributions to candidates

88.8 (1) A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

Only during election campaign

(2) A contribution shall not be made to or accepted by a candidate or an individual acting under the candidate's direction outside the candidate's election campaign period described in section 88.24.

Who may contribute

(3) Only the following persons may make contributions:

1. An individual who is normally resident in Ontario.
2. Subject to subsection (5), the candidate and his or her spouse.

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
3. A corporation that carries on business in Ontario.
4. A trade union that holds bargaining rights for employees in Ontario.
5. The Crown in right of Canada or Ontario, a municipality or a local board.

Contributions to registered third parties

88.12 (1) A contribution shall not be made to or accepted by an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality, or made to or accepted by an individual acting under his, her or its direction, unless the individual, corporation or trade union is a registered third party in relation to the election in the municipality.

ACKNOWLEDGEMENT AND UNDERTAKING USE OF MUNICIPAL RESOURCES POLICY

Only during campaign period

(2) A contribution shall not be made to a registered third party, or to an individual acting under his, her or its direction, if the contribution is made outside the campaign period described in section 88.28 for the registered third party in relation to an election in the municipality.

Who may contribute

(3) Only the following may make contributions:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.
4. Subject to subsection (5), the registered third party and, in the case of an individual, his or her spouse.

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following shall not make a contribution:

1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
3. The Crown in right of Canada or Ontario, a municipality or local board.

Note

For full details regarding Contributions, please see the Municipal Elections Act, 1996, as amended, in its entirety