



POLICY CAO 09: Use of Corporate Resources during an Election Campaign Period

Clerks and By-law

Approval Date: March 22, 2022
Approval Authority: Council resolution No.
Effective Date: March 22, 2022
Revision Date/s: Replacing original policy of February 23, 2010 and revisions made January 4, 2018

Purpose:

The purpose of this Policy is to provide a consistent approach and clear direction regarding the use of corporate resources during a Campaign Period. This Policy should be interpreted as a general prohibition against the use of corporate resources for any election-related purpose.

It is intended to ensure:

- Compliance with the *Municipal Elections Act, 1996 (MEA)* and the *Canada Elections Act S.C. 2000, c. 9*
- The integrity of the election process is maintained at all times
- The interests of Elected Officials, Candidates, registered Third Parties, Staff and the Corporation are protected
- Accountable and transparent election processes
- A consistent approach to the use of County corporate resources during a Campaign period
- Prohibiting the contributions and use of Corporate resources for campaign purposes

Background

Section 88.18 of the MEA requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or board resources during the election Campaign Period.

The MEA specifies that a municipality or local board cannot contribute to or for a municipal election Candidate (Section 88.8 (4)) or a Registered Third Party (Section 88.12 (4)).

A “contribution” includes:

- a) money, goods, and services given to and accepted by or on behalf and under the direction of a person for his or her election campaign (Section 88.15 (1))
- b) money, goods, and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements (Section 88.15 (2)).

Since a “contribution” may take the form of money, goods or services, any use of the County’s resources for an election campaign by a Member of Council who is a Candidate, or by any other Candidate or any Registered Third Party, would be considered a contribution by the County for the purposes of the MEA. The *Election Finances Act* and the *Canada Elections Act* impose similar prohibitions for provincial and federal election campaigns in that a contribution can only be made by an individual.

It is recognized that subject to the provisions of the *Municipal Act, 2001*, persons elected to an office on Norfolk County Council (“Member of Council”) are holders of their office until the end of their term and until their successors are elected and the newly elected Council is organized. Nothing in this Policy shall preclude an Elected Official or member of a local board from performing their job responsibilities, nor inhibit them from representing the interests of their constituents.

Federal and Provincial Elections

The County 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 interests of the County.

To avoid the appearance of County support for partisan political activities, discretion will be used in considering requests for government events leading up to and during the

period when the writ of election (dissolution of parliament [federal] or legislature [provincial]) is issued.

Application and scope

This Policy applies to all Members of Council (including those not seeking re-election), members of local boards, Candidates, Registered Third Parties in a municipal and school board trustee election or by-election, and all Staff.

Where applicable, this Policy also applies to all registered Candidates and Registered Third Parties for a provincial or federal election or by-election.

Exceptions:

1. Municipal information prepared, posted, and maintained by the County, names and photographs of Elected Officials, their contact information, and a list of current representation on committees that is prepared, posted, and maintained by the County.
2. Agendas and minutes of Council and Committee meetings.
3. A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.
4. Municipal election-related education meetings that are organized by County Staff may be held at any County Property.

Implementation Procedure:

Activities

The following activities are not permitted during an election campaign period:

- a) Use of County Property and Facilities, whether directly or indirectly booked, for any election purpose(s).
- b) Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaigning buttons or clothing) within any County Property or at any County-organized Event (flag raisings, public consultations, etc.).
- c) Use of Norfolk County equipment, supplies, services, Staff, or other resources of the municipality for a Campaign or Campaign-related activities.

- d) Use of County funds to acquire any resources for any Campaign or Campaign-related activities, including ordering stationary and office supplies.
- e) In respect to the 25 nomination signature forms required to run for the office of Council no signatures are to be solicited inside or immediately outside of any County facility.
- f) Notwithstanding clause (a), all-candidate debates may be held at any County facility, rented in accordance with standard Norfolk County rental procedures, and provided that all candidates or political parties for an office are invited to attend.
 - i. Election signs, or other election material, may not be distributed or displayed, with exception of campaign buttons and t-shirts, in or on the rented property during candidate debates.

Note: Campaigning on County Property, whether it is during or outside of an election campaign period, is not permitted at any time.

Campaign Material

The following restrictions apply to campaign related material:

- a) Use of County funds or resources to print or distribute any material that refers to, or contains the names or photographs of, or identifies Candidates or Registered Third Parties
- b) Use of lists, data and files produced using County resources, with the exception of lists to which a particular Candidate is entitled, pursuant to the *Municipal Elections Act*, for the current election (i.e. permitted use of Voter's List for election purposes only).
- c) Display of Campaign material, including clothing, in any County Property.
- d) Display of Campaign material at any voting location, including the voting location's parking lot.
- e) Display of Campaign material, including clothing, by any County Staff, during working hours.

Elections Signs

Placement of election signs for municipal provincial and federal elections must be in accordance with the County's Sign By-law.

Election signs, or other election material, may not be displayed in, or on the property of, any County-owned or run facilities.

Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

- a) Make reference to and/or identify any individual as a Candidate, political party, Registered third Party or support or oppose a question on a ballot during an election, on any social media sites, and other media created and/or managed by the County and/or County staff; this is inclusive of tagging or use of hashtags to comment on posts.
- b) Use County owned or managed Technology (IT) assets, infrastructure or data (i.e. computers, printers, scanners, wireless devices, portals, corporate emails, web pages, cell phones, telephone) to communicate election-related messages.
- c) Use of County owned or paid for electronic materials for municipal election campaign purposes.
- d) Web sites or domain names that are funded by Norfolk County may not include any election-related campaign material.
- e) The municipality's voice mail system may not be used to record election campaign related messages or to distribute election campaign related correspondence.
- f) When a current member of Norfolk County Council registers as a candidate all links to social media accounts and personal external websites will be removed from Norfolk run or funded websites and domains.
- g) In an Election Year, Mayor and Council biographies will remain static, and no changes to these pages will be allowed.

Use of County Logos and Identifiers

The County's brand, logos and identifiers are registered trademarks and owned by Norfolk County. Use of video, photo, logo, crest, coat of arms, slogan, or identifier for

which the County has proprietary rights, including municipal election logos, in any capacity, is strictly prohibited.

Photographs produced for and owned by Norfolk County may not be used for any election purposes.

Candidate and Registered Third Party Conduct

- a) Candidates and registered Third Parties who attend County-organized Events are not permitted to campaign, including without limitation, distribute campaign material, or wear campaign buttons or shirts. County Staff supervising a County-organized Event may request that a Candidate or Registered Third Party leave the event if campaigning is reported or suspected.
- b) Members of Council attending County-organized Events, or events held at a County Property may act as a representative participant in their capacity as elected official, including speaking and offering greetings. Elected Officials and Members of Council who are also Candidates at the time of their attendance and participation at the County-organized Event may not campaign. No election signs or Campaign materials, including clothing, may be publicized at the event.
- c) Candidates or registered Third Parties are not permitted to engage in Campaign activities directed at County employees while those employees are at their workplace or engaged in work for the County.

Note: The above extends to registered Candidates and Registered Third Party advertisers for a provincial or federal election or by-election.

County Staff Conduct

In recognizing the right of employees and volunteers to participate in political activity, the provisions set out below ensure the requirement for public service to be politically impartial. County Staff, including volunteers, must adhere to the County's Code of Conduct Policy HR-01 at all times and further shall not:

- a) Canvass or perform any work in support of a Candidate or Registered Third Party (i.e. campaign), during hours in which a person is working for and/or receiving any compensation from the County including Work-From-Anywhere days or sick time, except during scheduled time off (i.e. leave of absence without pay, lieu time, flex day, or vacation leave). County Staff shall not post or distribute Campaign material on behalf of a Candidate or Registered Third Party at County facilities or on County property including County parks or road allowances.

- b) Engage in any political activity while wearing clothing or buttons that advertise any Candidate, Registered Third Party or political party while wearing a County uniform or identifier (i.e. name badge, hat, lanyard) or while using a County identified vehicle.
- c) Use their title or position within the County in a way that may lead a member of the public to infer that the County is endorsing a Candidate, registered Third Party or political party.

Note: The County Clerk and County Clerk's Office Election staff may not engage in political activity in any election. County staff, including contract staff, and volunteers that support the County Clerk in the administration of the municipal election, including but not limited to Information Technology, Communications, poll workers, trainers, etc., may not engage in political activity during such election.

Roles and Responsibilities

County Clerk

The County Clerk, and delegated employees, are responsible for:

- Communicating this policy to municipal Candidates and Registered Third Parties.
- Ensuring this policy is reviewed and updated as required, prior to municipal elections or by-elections, or as required by legislative change.
- Ensuring all municipal Candidates and Registered Third Parties are treated equally.

Senior and Operational Leadership

The Chief Administrative Officer, General Managers, Directors, Managers and Supervisors are responsible for:

- Communicating this policy to their staff.
- Ensuring compliance with this policy.
- Investigating and reporting contraventions of the policy and escalating as required.

Staff

County Staff are responsible for:

- Complying with this policy.
- Seeking clarification from their supervisor if any aspect of this policy is not understood.

Members of Council, Candidates and Registered Third Parties

Without exception, all members of Council, election Candidates and Registered Third Parties shall comply with this policy.

Integrity Commissioner

Subject to limitations set out in the *Municipal Elections Act*, regarding inquiries, the Integrity Commissioner may provide guidance or advice to members of Council, proactively or in response to requests from members, regarding conduct in relation to their elected official responsibilities, as it relates to this Policy and the Council Code of Conduct.

Monitoring and Compliance

Should a complaint arise regarding the alleged use of corporate resources in contravention of this policy, the County Clerk or their designate shall have the authority to investigate and resolve the complaint.

Limitation

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

Definitions

“Campaign” means any activity performed with the intention to solicit votes for a candidate in a federal, provincial, or municipal election or by-election, or a question on a ballot.

“Campaign Period” means:

- a. For Candidates, the date on which their Nomination Form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed).

- b. 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 extension of Campaign Period has been filed).
- c. For a provincial or federal election, the date on which the writ of election is issued or a by-election is called and ending on Voting Day. Voting day for a provincial or federal election or by-election is the day set out in the *Elections Act* (provincial) or *Canada Elections Act* (federal).

“Candidate” means a person who has filed a Nomination Form as a Candidate in the County’s municipal or local board election or by-election, or a person who is a Candidate or who is seeking a nomination in a provincial or federal election or by-election, including acclaimed Candidates.

“Corporate” means the Corporation of Norfolk County.

“County Clerk” means the clerk of Norfolk County, an election official in accordance with the *Municipal Elections Act, 1996*, and the position responsible for conducting municipal elections within the municipality.

“County-organized Event(s)” means events organized or funded solely or jointly by the County.

“County Property and facilities” means all County-owned, leased, operated and/or controlled properties and facilities, including but not limited to indoor and outdoor recreation fields; parks and parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; transit and fleet vehicles; and transit shelters, including parking lots.

“Elected Official” means a person elected to an office of municipal, provincial, or federal government, or a local board.

“Member of Council” means a person elected to an office of the Council of Norfolk County.

“Nomination Day” means the 3rd Friday in August in the year of the election, as prescribed in the *Municipal Elections Act, 1996* (MEA). Nomination Day ends at 2 pm local time.

“Nomination Form” means the prescribed form and declaration of qualification, executed and filed by the Candidate.

“Registered Third Party” means an individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the federal, provincial, or municipal election.

“Social Media” means online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs), social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.

“Staff” means all full-time, part-time, temporary, casual, volunteer, volunteer firefighter and contract employees of Norfolk County.

“Voting Day” means the fourth Monday in October in the year of the election, as prescribed in the *Municipal Elections Act, 1996* (MEA). In the case of a provincial election, Voting Day is referred to as Polling Day and occurs on the fifth Thursday after the date of the writ. For federal elections, Voting Day is also referred to as Polling Day and generally occurs on the third Monday of October in the fourth calendar year following polling day for the last general election.

Implementation

This Policy shall become effective immediately upon approval by Council.

References and Resources External references

- [Municipal Elections Act, 1996](#)
- [Canada Elections Act, 2000](#)
- [Election Act, 1990](#)
- [Election Finances Act, 1990](#)