

The Corporation of the Township of North Kawartha

By-law 2022-0033

Being a by-law of the Corporation of the Township of North Kawartha to adopt a policy for Use of Corporate Resources for Election Purposes.

Whereas under the Municipal Elections Act, 1996, S.O. 1996, c.32, Section 88.18 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;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it necessary to adopt a policy for Use of Corporate Resources for Election Purposes;

Now Therefore the Council of the Corporation of the Township of North Kawartha hereby enacts as follows:

1. That the Use of Corporate Resources for Election Purposes Policy is attached hereto and forms part of this by-law;
2. That By-Law 2019-0065 and any other by-laws contrary to this by-law be repealed.

This by-law shall come into effect on the 5th day of April, 2022.

Read and Adopted in open Council on the 5th day of April, 2022.

Signed by [Redacted] (2022/04/07)
Verify with verifio.com or Adobe Reader.



Carolyn Amyotte, Mayor

Connie Parent

Signed with ConsignO Cloud (2022/04/07)
Verify with verifio.com or Adobe Reader.



Connie Parent, Clerk

The Corporation of the Township of North Kawartha
Corporate Policy and Procedures

Subject: Use of Corporate Resources for Election Purposes

Effective:	Revised:	Revision No.:	Page 1 of 5	Policy No.: 2022-0033
Review Date / Associated Documents / Legislation (if applicable) Reviewed by the Municipal Clerk following each Municipal Election, and / or in accordance with legislative requirements. <i>Municipal Elections Act, 1996; Municipal Act, 2001, Council Code of Conduct</i>				

Purpose

It is recognized that Members of Council are holders of their office until the end of the Council term. Nothing in this Policy shall preclude a Member of Council from performing their job as a Member of Council, nor inhibit them from representing the interests of the constituents who elected them.

In accordance with the provisions of the *Municipal Elections Act, 1996*, as amended, Members of Council (including an acclaimed member or a member not seeking re-election), Candidates, and / or Registered Third Parties in a Campaign Period are not permitted to use Corporate Resources for election purposes.

This policy shall provide a consistent approach and provide direction and guidance regarding the use of corporate resources during the election campaign period in accordance with the *Municipal Elections Act, 1996*, as amended.

This policy is intended to:

- a) Ensure compliance with the *Municipal Elections Act, 1996*, as amended with respect to the role of the municipal contribution to a municipal and school board election campaign;
- b) Ensure Candidates and Registered Third Parties are treated fairly and consistently within the Township of North Kawartha;
- c) Ensure the integrity of the election process is maintained at all times;
- d) Establish the appropriate use of resources during an election period, in order to:
 - i. Protect the interests of Members of Council, Candidates, Registered Third Party(ies), Staff and the Corporation; and
 - ii. Ensure accountable and transparent election practices.

Strategic Plan

The Policy aligns with the Corporate Strategic Plan Pillar 3 Governance – Maintain a Strong, Accountable, Municipal Government.

Scope

This policy applies to all members of Council (including an acclaimed member or a member not seeking re-election), Candidates, and Registered Third Parties in a municipal election, and Staff during a campaign period.

This policy also applies to any individual acting on behalf of a member of Council, a Candidate or a Third Party Advertiser.

Responsibilities

Candidates, Third Party Advertisers, Council Members (including an acclaimed member or a member not seeking re-election) and Township Staff are responsible to comply with this Policy.

Definitions

“**Act**” means the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended.

“**Campaign Period**” for Candidates, the date on which the Nomination Form is filed with the Clerk until December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, unless a request for extension of campaign period has been filed. (refer to the *Municipal Elections Act* for further details)

for Registered Third Parties, “**Campaign Period**” is the date on which the Notice of Registration as a Third Party advertiser is filed with the Clerk until December 31 in the year of an election, unless a request for extension or campaign period has been filed. (refer to the *Municipal Elections Act* for further details)

“**Candidate**” means a person who has filed a Nomination Form for an office pursuant to section 33 of the Act, and includes a person who has filed a nomination for election to a school board pursuant to the Education Act, R.S.O. 1990, c. E.2, as amended.

“**Clerk**” means the Clerk of the Township of North Kawartha or their designate.

“**Corporate Identity**” means the manner in which the Township presents itself to the public and is typically visualized by branding, for example: mission statement, vision statement, tagline, website photos, logo, wordmark, communication style.

“**Corporate Resources**” means real property, goods and / or services owned, controlled, leased, acquired, or operated by the Township of North Kawartha, including but not limited to: facilities, parks, equipment, monetary funds, technology, websites, domain names, Township IT system and resources, databases, social media platforms, audio / video recordings, intellectual property, and supplies.

“**Equipment**” means vehicles, desktop / laptop computers and general office equipment such as printers, photocopiers, folding machines.

“**Material**” means campaign related newsletters, brochures, flyers, mail-outs, electronic messaging and signage.

“**Members of Council**” means the Council of the Township of North Kawartha.

“**Member**” means a Member of the Council of the Township of North Kawartha.

“**Nomination Day**” means, in a regular election, the third Friday in August in the year of the election, or as prescribed by the *Municipal Elections Act*, 1996.

“**Policy**” means this Use of Corporate Resources for Election Purposes Policy.

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

“**Social Media Platforms**” means computer-based technology that facilitates the sharing of ideas, thoughts and information through virtual networks and communities and includes but is not limited to: Facebook, Twitter, Instagram, Pinterest, YouTube, blogs etc...

“**Staff**” means all full-time, part-time and contract employees hired and currently employed by the Township of North Kawartha, including volunteer firefighters.

“**Township Logo**” means the current logo or wordmark, symbol or insignia adopted by or created by the Corporation of the Township of North Kawartha which is displayed on the Township website, social media platforms, letterhead, signage or

equipment and vehicles owned by the Corporation of the Township of North Kawartha.

“**Township**” means The Corporation of the Township of North Kawartha.

“**Voting Day**” means, in a regular election, the fourth Monday in October in the year of the election, or, in the case of a by-election, the 45th day after Nomination Day, or as prescribed in the *Municipal Elections Act, 1996*.

Implementation or Procedures

1. The following is not permitted:

- a) Use of Township corporate resources and Township staff for any campaign or campaign related activities;
- b) Use of Township funds to acquire any resources for any campaign or campaign related material, events or activities, including but not limited to: technology, stationary, business cards, office supplies;
- c) Use of Township owned or leased property, facilities or equipment for campaign events or activities and / or for display of campaign related signs, messaging, or materials;
- d) Display of campaign related signs or materials on Candidate or Third Party vehicles while parked or located on Township property;
- e) Use of any corporate pricing established under the Township purchasing / procurement policy;
- f) Use of Township funds to print or distribute any material that makes reference to, or contains the names or photographs, or identifies Candidates or Registered Third Parties;
- g) Use of, or reference to, photographs or audio and / or video recordings which are owned, controlled or have been or may be created or produced by Township staff or with corporate resources in or on any campaign related materials, websites and /or social media platforms;
- h) Use of the Township logo or corporate identity on any campaign material, signage, websites or social media platforms, or use of any other image or text that suggests endorsement by the Township are similarly prohibited.
- i) Use any Council or Councillor budgets for campaign or election-related purposes or to advertise, promote or support any Candidate, Registered Third Party or any position related to any questions which may be authorized to be placed on the ballot;
- j) Canvassing or campaigning while wearing an article of clothing, or any other item such as a pin, nametag etc...that bears a Township logo;
- k) Use corporate information technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate emails, email distribution lists, mailing addresses, web pages, blogs, telephone, cellular phone) to communicate campaign / election related messages.
 - i) Where election-related communications are received through the corporate computer network / email account / phone system, the persons to which this policy applies is obligated to provide the individual sending the election-related communication with campaign-related contact information without embellishment.

2. The following is permitted:

- a) Use of photographs or videos **not** owned or produced by the Township, its staff or its affiliates, taken at Township facilities or property in locations that are accessible to the general public, **provided that the Township logo or Corporate Identity are not visible and the photographs or videos are not taken at the Township of North Kawartha Municipal Administration Building.**
- b) Council member profiles that exist on the Township website in an election year are permitted to remain on the Township website but may **not** be revised or linked to Campaign websites or social media platforms.
- c) All-Candidate meetings / debates are permitted at any rentable Township facility or property, provided all required fees are paid and applicable policies are adhered to. Registered Candidates must all be invited, though not all may attend. The sponsor of the meeting / debate is required to sign a declaration indicating they have sent invitations to all registered Candidates. Township audio / visual equipment may be used to record the meeting / debate, if the rental of the equipment is available to other organizations / associations. **Any recordings produced are not permitted to be posted or linked on Township YouTube channels, social media platforms or websites;**
 - i) Notwithstanding the foregoing, no facility / property shall be rented or used for any municipal election related purpose by members of Council, Candidates, Registered Third Parties, or the public during any day that voting or election demonstrations / voter information sessions are taking place on the property, including the set-up, hosting or take-down activities.

3. Discontinued Services

The following services will be discontinued for Members of Council during the Campaign Period:

- a) Printing, photocopying and / or staff assistance that is unrelated to Township business or business activities;
- b) The ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and,
- c) Amendments to Mayor and Council biographies on the Township website.

4. Members of Council shall not:

- a) Print or distribute any material paid by Township 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;
- b) Profile (name or photography), or make reference to, in any material paid by Township funds, any individual who is registered as a Candidate in any election;
- c) Print or distribute any material using Township funds that makes reference to, or contains the names or photography, or identifies registered Candidates for municipal elections.

5. Members of Council Responsibilities and Conduct:

- a) Ensure that the content of any communications, including printed material funded by the Township for the operation of the Township, is not campaign related.
- b) Ensure that websites or domain names that are funded by the Township do not include any election-related campaign material. Note: Contact information

- for each Candidate (ie. address, phone number, email address, website and social media platform address) may be included.
- c) A Member of Council attending an event as a representative of Council is not permitted to campaign while conducting Township business. A Member of Council may speak at an event as a representative of Township Council, but is not permitted to use the event as an opportunity to campaign.
 - d) Members of Council shall not use the Township voice mail system to record election related messages and shall not utilize corporate email addresses for election or campaign related messages or purposes.
 - e) The budgets for Members of Council for the period of January 1 to Voting Day in a municipal election year be restricted to 11/12^{ths} of the approved annual budget amount with the provision that subsequent to Voting Day:
 - i) New Members of Council be allocated a budget equal to 1/12th of the approved budget for the month of December; and
 - ii) Re-elected Members of Council have available to them the balance of the funds remaining as of Voting Day.

6. Candidate, Registered Third Party and Staff Conduct:

- a) Candidates (including an acclaimed Member or a Member not seeking re-election) or Registered Third Parties are not permitted to engage in campaign activities directed at Township staff while those staff are at their workplace or engaged in work for the Township of North Kawartha.
- b) Township staff must take care to separate those personal activities from their official positions. Staff may participate in political activity at the federal, provincial and municipal levels providing that such activity does not take place during normal working hours or use corporate assets or resources or property. Election material in support of a particular Candidate, Third Party Advertiser or political party are not to be produced, displayed or distributed by employees on Township work sites or property.
- c) Township staff shall not perform any work in support of a Candidate or Registered Third Party during hours in which the staff person is receiving any compensation from the Township, except during scheduled time off (i.e. vacation, leave of absence without pay, lieu time). Staff shall not post or distribute campaign material on behalf of a Candidate or Registered Third Party at Township facilities or on Township property.
- d) Township staff shall not canvass or actively work in support of a Candidate, Third Party Advertiser or political party while wearing a uniform, badge, nametag, logo or any other item identifying them as a staff of the Township, or use a vehicle owned or leased by the Township.

7. Limitations

Nothing in this policy will preclude the Township Clerk, or his or her designate or appointed election officials, from performing his or her statutory duties, restrict him or her from distributing information respecting election activities, or under taking actions that assist residents in exercising their right to vote.

8. Consequences of Non-Compliance

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