

POLICY

POLICY TITLE: Use of Corporate Resources during an Election Year

POLICY NUMBER: PLCY-2022-0001

DATE: February 7, 2022

1. Purpose

The Municipal Elections Act (the Act), 1996, as amended, requires municipalities to establish rules and procedures regarding the municipal or board resources, before May 1 in an Election year.

The purpose of this policy is to ensure compliance with the Act by clarifying for candidates, current members of Council and Town staff the legislative requirements relating to campaign finances.

The provisions identified in this policy are in effect throughout the duration of the campaign period in a municipal election year or in the event of a by-election and apply to candidates, current members of Council, Registered Third Party Advertisers, and staff.

2. Definitions

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

“Campaign materials” means any materials used to solicit votes for a candidate(s) or question in an election including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.

“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.

“Candidate” means any individual running for an elected office, including Mayor, Councillor, Regional Chair or School Board Trustee.

“Common Areas” means areas within Town facilities including but not limited to foyer, halls, atriums, and parking lots.

“Corporate Resources” means anything that a person would have access to only by virtue of their elected Office or employment with the Town of Halton Hills. This includes but is not limited to town facilities; town funds; town events; town employees; information and infrastructure.

“Town of Halton Hills employee” means any individual working for, or receiving compensation from, the Town of Halton Hills, including those in part-time, seasonal or contract positions.

“Election” means any municipal election including by-elections.

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

“Members” means Councillors, the Mayor or anyone acting on behalf of a Councillor or the Mayor.

“Registered Third Party” Advertiser means in relation to a municipal election, an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996 as amended.

3. Scope

This policy is applicable to all, current members of council, candidates, registered third party advertisers and those acting on behalf of the same as well as Town staff.

4. Use of Town Facilities, Services and Properties

Town of Halton Hills facilities, services and property may not be used for any election related purposes except as identified in this policy.

5. Town of Halton Hills Employees

Members and candidates may not use Town of Halton Hills staff for any election related purposes during regular business hours or while the employee is receiving compensation from the Town.

6. Municipal Facilities and Property

- Members, candidates and registered third parties may not use the interior of any Town-owned or run facilities for any election related purposes unless rented in accordance with standard Town of Halton Hills rental procedures. No campaign materials are to be displayed within common areas of a facility; and common areas cannot be used for any election related purposes.
- Notwithstanding the ability to use the interior of any Town-owned or run facilities for election related purposes, if rented in accordance with standard Town of Halton Hills rental procedures, NO election related activities, including campaigning and the distribution of campaign materials are permitted to take place inside Town Hall.
- Members, candidates and registered third parties may engage in election related activities, such as the distribution of campaign materials outside of Town-owned or run facilities.
- Notwithstanding the ability to engage in election related activities outside of Town-owned or run facilities, NO election related activities, including campaigning and the distribution of campaign materials are permitted to take place outside on the property of Town Hall.
- Members, candidates and registered third party advertisers may not campaign or distribute campaign literature at any function hosted by the Town of Halton Hills.
- Election signs, or other election material, including third party advertising may not be displayed in, or on the property of, any Town of Halton Hills owned or run facilities.

7. Technology and Communications

- Websites and domains that are operated or funded by the Town of Halton Hills shall not include any election related campaign materials or links to any sites which include election related campaign material.
- Member's social media accounts, domain names or websites, that are funded by the Town, may not include any election-related campaign material and may not be re-designated for campaign purposes or provide a link to a campaign site or campaign activities.
- Notwithstanding the ban on election related campaign materials and links on websites and domains operated or funded by the Town of Halton Hills, the Town of Halton Hills election website which lists candidates may include one link per candidate to a website which features the candidate's specific election related campaign material.

- The Town of Halton Hills logo, crest, coat of arms, flag, slogan, or other similarly branded corporate resources or property shall not be used by any candidate or registered third party advertiser for any election related campaign materials, including printed literature, signage, and websites.
- In any material printed or distributed by the Town of Halton Hills, candidates may not convey that they, or any other individual, are a candidate in an election.
- Corporate resources or services that are funded by the Town of Halton Hills such as computers, cell phones, smart phones, telephones, tablets, e-mail, voicemail or virtual meeting platforms shall not be used to communicate election related messages.

8. Budget Administration

The budgets for Council members for the period January 1 to election day in a municipal election year is restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to election day:

- i. New Council members be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
- ii. Re-elected Council members have available to them the balance of funds remaining as of election day.

The restricted budgets apply to all Council members, including those not seeking re-election.

The following is to be discontinued for Council members from the day prior to Nomination Day in a municipal election year to election day:

- i. All forms of advertising, including municipal publications which are paid through corporate resources;
- ii. The ordering of stationery.

No printing, reproduction, mailing or other distribution of material in a quantity of more than 50 pieces per occasion is permitted through Town resources or at Town cost, regardless of any funding available within a Councillor's budget, after June 30th in any election year. All printing, reproduction, mailing or distribution occurring after June 30th in any election year shall be reported to Council at the end of each calendar month. For the purposes of this policy "per occasion" is defined to mean within a one-week period or less.

Should any written complaint arise regarding the alleged use of Council members' budget or other corporate resources in contravention of this policy, the Town Clerk shall have the delegated authority to investigate and resolve any issues. If a breach of this policy is confirmed, the Council member will be required to personally repay any of the costs associated with the breach.

9. Employees of the Town of Halton Hills

- Staff are expected to take extra care to ensure that they behave in a manner that residents, members of Town Council and potential candidates for election see as impartial, fair, and unbiased.
- Staff are to consult with their manager prior to agreeing to perform any task asked by an incumbent member of Council, registered candidate or registered third party advertiser that is beyond their normal duties and/or could be construed as contributing to an election campaign.
- Staff are discouraged from assisting with municipal election campaigns in Halton Hills, including posting election signs on their property, phone and e-mail solicitations, distribution of brochures and wearing candidate buttons; due to a perceived conflict of interest.
- As in non-election years, corporate project meetings/public information centres will continue to be planned and coordinated by Town staff during a municipal election year.

10. Nominations

To keep staff apprised of candidates for office, the Clerk will send an electronic broadcast to all Town staff upon receipt of a candidate's nomination form. Upon the receipt of and verification of a completed nomination form, the Clerk will ensure a list of all registered candidates is included on the Town's website.

11. Limitations

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

12. Policy Effective Date and Review

This policy shall come into effect immediately upon approval by Town Council. It will be reviewed every four years, prior to the commencement of a municipal election.