

**Corporation of the City of The City**

**By-law No. 2022-067**

**Being a by-law to adopt a Use of Corporate Resources During an Election Policy**

**Whereas**, Subsection 88.18 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, states, “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; and

**Whereas** Council considered Administrative Report No. CS-017-2022 at the April 5, 2022 Regular Council meeting, and directed staff to prepare the necessary by-law to adopt a Use of Corporate Resources During an Election Policy, for consideration at the April 19, 2022 Regular Council meeting; and

**Whereas**, the Council of the Corporation of the City of The City deems it expedient to adopt the aforementioned policy.

**Now therefore**, the Council of The Corporation of The City of The City enacts as follows:

1. The “Use of Corporate Resources During an Election Policy” is hereby adopted as set out in Schedule “A” attached hereto and forming part of this By-law.
2. This By-Law shall come into force and effect on the date of final passing thereof.

**Read a first, second and third time and finally passed** this 19<sup>th</sup> day of April, 2022.

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Mayor

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Clerk



Schedule “A” to

**By-law No. 2022-067**

**Adopt a Use of Corporate Resources During an Election Policy**

## **City of Temiskaming Shores Use of Corporate Resources During and Election Policy**

### **1. Policy Statement**

The Corporation of the City of Temiskaming Shores and its local boards and committees are committed to ensuring accountable and transparent election practices relating to the use of Corporate Resources.

In compliance with Section 88.18 of the Municipal Elections Act, 1996, S. O. 1996, Chapter 32, as amended, 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, during the Election Campaign Period.

### **2. Purpose**

The purpose of this policy is:

- (i) to establish guidelines for Members of Council, Candidates, Registered Third Parties in a municipal election and school board election, and Municipal Employees on the appropriate use of Corporate Resources during the Election Campaign Period to protect the interests of both the Members of Council and the City of Temiskaming Shores; and
- (ii) to ensure transparent, accountable and equitable practices during elections.

### **3. Scope**

This policy is applicable to all Members of Council, Candidates, Registered Third Parties in a municipal election, and Municipal Employees. This policy shall be in effect during an Election Campaign Period, including by-elections.

### **4. Definitions**

For the purpose of this policy,

- (i) "The Act" means the Municipal Elections Act, 1996, S. O. 1996, Chapter 32, as amended, and includes any regulation made there under.
- (ii) "Campaign Related Materials" means materials that promote or oppose the candidacy of a person for elected office, or a question on the ballot, and includes, but is not limited to the distribution of materials (paper and electronic), advertising (including any form of electronic advertising), any form of promotion and/or communications (including by means of social media, website), display of signage, etc.

- (iii) "Candidate" means any person who has filed and not withdrawn a nomination for an elected office at the municipal and school board level in an election or by-election.
- (iv) "Clerk" means the Clerk for the City of Temiskaming Shores or his/her designate.
- (v) "Corporate Resources" means real property, goods and/or services owned, controlled, leased, acquired, or operated by the City of Temiskaming Shores including, but not limited to: facilities, equipment, supplies, services, Staff, information technology (IT) assets, infrastructure or data.
- (vi) "Election Campaign Period" means the interval of time wherein campaigning is permitted by law. In the case of municipal elections, the period between filing nomination for office and voting day, the latter being the fourth Monday in October.
- (vii) "Member of Council" means a person elected to an office of the Council of The Corporation of the City of Temiskaming Shores.
- (viii) "Municipal Employees" means full-time, part-time, contract, seasonal employees, paid by the City of Temiskaming Shores.
- (ix) "Nomination Day" for a regular municipal election means the third Friday in August in the year of the election.
- (x) "Registered Third Party" means an individual, corporation or trade union that has filed a registration as a third party advertiser in the municipal election.
- (xi) "City" means The Corporation of the City of Temiskaming Shores.

## **5. Policy Applications**

- (i) Technology Related Resources
  - a. Members of Council, Candidates, Registered Third Parties in a municipal election or school board election, and Municipal Employees shall not use the following City Corporate Resources as applicable, for the creation of Campaign Related Material, or the recording of election campaign-related messages:
    - 1. Computers;
    - 2. cell phones;
    - 3. tablets;
    - 4. printers;
    - 5. scanners;
    - 6. photocopiers;
    - 7. electronic or other signage that can be used to display messages;

8. email or social media accounts;
9. web sites or domain names;
10. telephone system including the voice mail system; and/or
11. any other technology resources.

Notwithstanding the foregoing, this does not apply to the Candidates list on the City's website. In addition, messages posted to the City's social media accounts (including Facebook, Instagram and/or Twitter) may be shared in the case of Facebook and Instagram or re-tweeted on Twitter by a Member of Council, a Candidate, Registered Third Party, and/or a Municipal Employee, to their personal or campaign social media accounts using social media official channels and not partially reproduced.

- b. Corporate Resources, such as City-issued tablets and email addresses shall be provided to current Members of Council for council related purposes and to serve their constituents; however, shall not be used to support an election campaign.

Should a current Member of Council receive a message on their City-issued email address or telephone from a member of the public regarding his/her election campaign, the current Member of Council shall respond using his/her personal email address and/or telephone, and report to the Clerk.

(ii) The City Facilities/Property

Members of Council, Candidates, Registered Third Parties in a municipal election or school board election, and Municipal Employees shall not:

- a. Use any City facility or property for campaign events, unless the facility or property is rented in accordance with City rental agreements and the appropriate rates are paid. Facilities are booked on a first come first serve basis, subject to availability, and rentals are subject to the following conditions:
  1. all election Campaign Related Materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement;
  2. rentals of a City facility/ building cannot be used as a campaign office;
  3. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and
  4. the City reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the rental agreement, should it conflict with the City's corporate values or established policies or procedures, or presents a health and safety concern.

- b. Notwithstanding the foregoing:
  - 1. Rentals of space or boardrooms at City Hall, or at City Library facilities is not permitted.
  - 2. The display of campaign related signs and any other election-related material must be in accordance with the City's Sign By-law.

(iii) Communications

Members of Council, Candidates, Registered Third Parties in a municipal election or school board election, and Municipal Employees shall not:

- a) print or distribute, through electronic or non-electronic means, any election Campaign Related Materials using the City's Corporate Resources; except in the case of a link to the City's website to obtain information about the municipal election only;
- b) campaign, distribute and/or display Campaign Related Materials in any municipal or local board facility, or at municipal or local board event including any municipal or board meeting;
- c) rent space (e.g., a booth) as part of a City organized event;
- d) print, distribute and/or display the City logo, slogan, Chain of Office, for any election Campaign Related Material;
- a) use City agreements with local media to print or distribute any election Campaign Related Materials, including but not limited to the City Bulletin in the Temiskaming Speaker and Temiskaming Weekender, or through CJTT FM;
- b) use photographs produced for and/or owned by the City for any election campaign related purposes; and/or
- c) Take a photograph or video recording of his or her marked ballot, in accordance with Section 49(3)(a) of the Act.

Notwithstanding the foregoing, Members of Council, Candidates, Registered Third Parties in a municipal election or school board election, and Municipal Employees may capture their own photos of City property for use in Campaign Related Materials, provided the photo is taken from a publicly accessible area, and does not contain a Municipal sign, logo, Chain of Office, or slogan in the background.

(iv) City Corporate Resources

- 1. The City is prohibited from making contributions in any form, using Corporate Resources, towards the promotion of, or opposition to the candidacy of a person for elected office.
- 2. City Employees shall not actively work in support of a Candidate's election campaign unless they are on a leave of absence without pay.
- 3. City Employees shall not post, promote or distribute Campaign Related Material on behalf of a Candidate or Registered Third Party at City facilities,

on City property or through City communication channels such as social media or media releases.

4. The City's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the City and may receive, from time to time, compensation from the City in accordance with services provided. As such, current Members of Council shall not use the services of the City's Integrity Commissioner during the Election Campaign Period for the purposes of seeking advice related to their campaign.

## **6. Limitation**

- (i) 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 Members of Council from performing their duties as a Member of Council, nor inhibit them from representing the interests of their constituents, including attending annual or regular scheduled events, until the official end of the term they are serving.
- (ii) Photographs, contact information and biographies of sitting members of Council shall remain static on the City's website.
- (iii) City election-related education meetings that are organized by City Employees may be held at any City facility and/or property.

## **7. Administration of the Policy**

- (i) Individuals who have questions about this policy are encouraged to contact the Clerk.
- (ii) The Clerk is delegated the authority to make administrative changes to this policy that may be required from time-to-time due to legislative changes or if, in the opinion of the Clerk, the amendments do not change the intent of the policy.
- (iii) Should a written complaint be received alleging contravention of this policy, the Clerk or his/her designate, shall have the delegated authority to take the necessary action to give effect to this policy.

## **8. Review Period**

- (i) This policy will be reviewed by the Clerk following each Municipal Election, and will be updated in accordance with legislative requirements.