

Township of Brock Corporate Policy



Policy Name: Use of Corporate Resources for Elections Policy

Policy Type: Administration & Personnel

Policy Number: AP30

Reference: COW-2022-032

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Date Revised:

Approval By: Council of the Corporation of the Township of Brock

Point of Contact: Clerks Department

1. General Policy Statement

The following principles apply to this policy, and to the interpretation and understanding of the policy:

- 1.1 The Township of Brock is committed to a fair and transparent municipal election process, and abides by the principles of the *Municipal Elections Act, 1996*, as amended, including but not limited to the principles that:
 - a) elections must be fair, unbiased, and accessible to all voters; and,
 - b) voters and Candidates should be treated fairly and consistently.
- 1.2 The Township is prohibited from making any contribution to any Candidate's election campaign or Registered Third Party Advertiser.
- 1.3 The use of any Township resources for any campaigning, or any election-related purpose, is prohibited.
- 1.4 Township resources, events and other activities should be non-partisan.
- 1.5 Members of Council should not be impeded from fulfilling their representative duties, nor should they be impeded from representing the interests of their constituents, during an election period.

2. Purpose

- 2.1 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.

3. Definitions

- 3.1** “Campaign” or “Campaigning” 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.
- 3.2** “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).
- 3.3** “Candidate” means a person who has filed a Nomination Form as a Candidate in the Township’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.
- 3.4** “Clerk” means the clerk of The Corporation of the Township of Brock, an election official in accordance with the Municipal Elections Act, 1996, and the position responsible for conducting municipal elections within the municipality.
- 3.5** “Corporate Resource” means items, staff, services, or resources which are the property of the Township of Brock including, but not limited to: materials, equipment, vehicles, facilities, land, technology (computers, smartphones, programs, tablets, etc.), intellectual property, images, logos, and supplies. Working hours, the time where the municipality pays its employees to complete certain duties or tasks, is also considered to be a Corporate Resource.
- 3.6** “Township Facility” means any land, building or other structure owned, leased, operated or otherwise controlled by the Township, other than a Township road and includes administrative offices, operation centres, libraries, community and recreation centres, parks, sports fields and open space.
- 3.7** “Township” or “Municipality” means The Corporation of the Township of Brock located in the Regional Municipality of Durham.
- 3.8** “Member of Council” means a person elected to an office of the Council of The Corporation of the Township of Brock.
- 3.9** “Municipal Publications” means any Township publication issued by the Township of Brock.

This document is available in alternate formats upon request.

Please contact the Clerk’s Department at 705-432-2355 or clerks@brock.ca.

- 3.10** “Nomination Day” means the 3rd Friday in August in the year of the election, as prescribed in the Municipal Elections Act, 1996. Nomination Day ends at 2 pm local time.
- 3.11** “Nomination Form” means the prescribed form and declaration of qualification, executed and filed by the Candidate.
- 3.12** “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.
- 3.13** “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.
- 3.14** “Staff” means all full-time, part-time, volunteer, and contract employees of the Corporation.
- 3.15** “Voting Day” means the fourth Monday in October in the year of the election, as prescribed in the Municipal Elections Act, 1996. 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.

4. Application & Scope

- 4.1** This policy applies to all employees of the Municipality, Candidates, political parties, constituency associations, Registered Third Parties, and persons or groups supporting or opposing a question on a ballot, as well as anyone acting on their behalf, during a Campaign Period.

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

5. General Provisions

- 5.1** No person shall use any Township Resource for Campaigning or any election-related activity, during a Campaign Period.
- 5.2** Township Facilities shall not be used for any Campaign related purposes unless the Candidate or Registered Third Party has paid the market value rental rate and any campaigning is limited to the rented space. Under no circumstances will the rental fee be waived for any Campaigning.
- 5.3** Any event whereby an organizer has a permit to rent, or a lease agreement with the Township, for a Township Facility and sublets rentable booth/space to Candidates or Registered Third Parties, is permitted. Subject to the rentable

booth/space being made available, without bias, to all Candidates or Registered Third Parties.

- 5.4** The Township's voice mail system shall not be used to record any partisan election-related messages and the computer network and related information technology systems shall not be used to distribute partisan election-related correspondence or any other election campaign related material.
- 5.5** Candidates or Registered Third Parties may only undertake Campaigning or election-related activities at Township Facilities provided they have paid full-market rental fees and rates for use of such facilities.
- 5.6** No Candidate, Registered Third Party, or person under the direction of either, shall use the services of Township Staff for any Campaigning, or any election-related activities, during hours in which Township staff are at work.
- 5.7** Photographs produced for and owned by the Town shall not be used for campaigning.
- 5.8** The Township's logo, crest, coat of arms, slogan, brand, etc. may not be printed or distributed on any election materials or included on any election Campaign related website, domain or social media site, except in the case of a link to the Township's website to obtain information about the municipal election process.
- 5.9** Constituent information (including email and mailing addresses) collected by Members of Council as part of their constituent communications shall not be used for election related purposes.
- 5.10** Political involvement and activity by Staff is governed by the Township's Employee Code of Conduct No. AP21, or as amended.
- 5.11** Political involvement and activity by Members of Council is governed by the Township's Council Code of Conduct By-Law No. 2843-2019-AP, or as amended.

6. Roles and Responsibility

6.1 Clerk

6.1.1. The Clerk is responsible for interpreting and administering this Policy.

6.1.2 Any complaints of non-compliance with this policy shall be processed as follows:

- i) Complaints must be submitted in writing to the Clerk along with evidence of non-compliance.
- ii) The Clerk shall review the complaint within 5 days and provide an interpretation and recommendation to the Chief Administrative Officer (CAO).
- iii) Upon the review by the Clerk and CAO, the Clerk will issue an interpretive decision or bulletin to the affected parties.

6.1.3 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.

6.2 Senior Leadership

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

- a) Communicating this policy to their Staff.
- b) Ensuring compliance with this policy.
- c) Investigating reported contraventions of the policy and escalating as required.

6.3 Staff

6.3.1 Township Staff are responsible for:

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

6.4 Members of Council, Candidates and Registered Third Parties

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

6.5 Integrity Commissioner

6.5.1 Subject to limitations set out in the Municipal Act, 2001, 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.

6.5.2 Members of Council that become a Candidate, shall not use the services of the Municipality's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

7.0 References and Resources

7.1 External references

- a) [Municipal Elections Act, 1996](#)
- b) [Canada Elections Act, 2000](#)
- c) [Election Act, 1990](#)

7.2 References to related bylaws, Council policies, and administrative directives

- a) [Council Code of Conduct By-law No. 2843-2019-AP](#)
- b) Employee Code of Conduct No. AP21