

Clerks Division – Corporate Services Department

Use of Corporate Resources for Election Purposes Policy Frequently Asked Questions

The purpose of this document is to provide direction to candidates (municipal, provincial and federal), third party advertisers, members of Council and all Town staff on the administration of Corporate resources with respect to election related matters.

Why does Council have a *Use of Corporate Resources for Election Purposes Policy*?

Town Council first adopted a *Use of Corporate Resources for Election Purposes Policy* at its meeting of March 29, 2010. Recent amendments to the Municipal Elections Act mandated that all municipalities adopt a corporate resources policy by May 1, 2018. This provided an opportunity for the Town to update the prior version of the Policy. New provisions of the Municipal Elections Act state that money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions.

Sections 88.8(4) and 88.12(4) of the MEA prohibit municipalities from making campaign contributions. By defining money, goods and services as being contributions to a campaign, it is clear that the use of the Towns' resources (facilities, equipment, supplies, services, staff technology, or other resources of the municipality) for any election campaign or campaign related activities would be viewed as a contribution by the Town to the candidate, which is a violation of the Act.

On April 11, 2018, Council adopted the latest Use of Corporate Resources Policy. The Policy is intended to balance the interests and rights of candidates (including incumbents) and the legal obligation of the Town not to contribute to an election campaign. The Policy is similar to policies adopted by a number of other Ontario municipalities, particularly other York Region municipal governments.

What does the policy cover?

The *Use of Corporate Resources for Election Purposes Policy* includes provisions related to: campaign-related materials, staff involvement in elections, reimbursement of expense account administration and enforcement. The Policy provides direction to Members of Council and all Town staff on the administration of corporate resources and Members' expense accounts with respect to election-related materials. This prohibition includes producing election-related material using Town resources, using the Members' contact lists/distribution lists for election purposes, sending correspondence from a Town account regarding election matters or campaigning, etc.

The Policy also includes a "blackout period" (starting on July 26, 2018) in which the following are discontinued:

- All forms of advertising, including in municipal publications;
- All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless approved by Council; and
- The ordering of stationery and office furniture and furnishings.

What are considered election-related materials?

Election-related materials are those materials which promote or oppose the candidacy of a person for elected office, illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election, identify where a candidate will be running for office or profile or make reference to candidates in any election.

This prohibition is not meant to restrict Members from routinely communicating with ward constituents via flyers, newsletters or by e-mail. However, Members are responsible for ensuring that any communications or activities reimbursed from expense accounts or funded by the Town are not related to an election.

What general restrictions are in place concerning election-related materials or campaign related activities?

Campaign related signs or any other election-related material cannot be displayed in any municipally-provided facilities.

The Corporation's resources (equipment, supplies, services, staff or other resources of the municipality) are prohibited from being used for any election campaign or campaign related activities. Candidates cannot use any municipally-provided facilities for any election-related purposes (unless the use of the facility is paid for by the candidate and election-related material such as signs, buttons, brochures are not distributed or displayed in areas outside of the rented facility).

What if a campaign related activity occurs on Town property in an outside area (i.e. parks or sports facilities)?

The Town's Policy does not allow for campaign-related materials, specifically, signs of any size or other campaign related materials in outside areas. Therefore, if any person distributes such materials at an outside location that person is in violation of this Policy and/or the Municipal Elections Act.

How does this Policy relate to privately-sponsored public events occurring on Town property?

If an event is sponsored or held by an outside party and is open to the general public on Town property, it is either campaign-related or a general event. If it is campaign-related, the guidelines above apply. If it is not a campaign-related event, no campaign related activities may occur at the event.

Can I send out newsletters during an election year?

Members must distinguish between an Elected Official's newsletters/flyers and a candidate's campaign correspondence. Content of Elected Official's newsletters must not pertain to the municipal election and you cannot address any successes you've had as the Elected Official.

As of July 26, 2018, all forms of advertising, including in municipal publications, all printing, high speed photocopying and distribution, including printing and general distribution of newsletters are prohibited.

Can I continue hosting Town Hall meetings/community events during an election year?

The policy permits 'routine' activities, but prohibits all other forms of advertising, flyers, newsletters, householders, etc. Generally, if an event has been held the last two consecutive years and occurs roughly during the same time period/same frequency, it is considered to be 'routine' and in compliance with the policy.

However, given the "blackout period" beginning on July 26, 2018, prohibiting all forms of advertising, including in municipal publications, all printing, high speed photocopying and distribution, including printing and general distribution of advertising are prohibited. As a result, Members of Council will not be permitted to host Ward/Town Hall meetings and/or community events.

Can I use the Town voice mail system, computer network or equipment to distribute election related correspondence or record election related messages?

No. Use of the Town's voice mail system, computer network (including the Town's e-mail system (including website, social media, etc.) and/or equipment to distribute election related correspondence or record election related messages is prohibited. Distribution lists or contact lists developed utilizing Corporate resources or through contact in an Elected Official's role cannot be utilized for election purposes.

Can I use Town of Georgina logo, crest, photos, etc. in election materials?

No. The municipality's logo, crest, coat of arms, slogan, etc. cannot be included on any election materials. Photographs produced for and owned by the Town of Georgina cannot be used for any election purposes. Photos taken utilizing Town cameras or sent through Town email accounts also cannot be utilized. Any original content by or on behalf of a candidate cannot contain the Town logo, crest, brand, etc.

Can I still use social media sites to communicate with constituents?

Members must distinguish between an Elected Official's social media account and a candidate's account. A separate account is to be created for election or campaign related activities. If your social media account is branded as "Councillor" or "Ward," it should not be used for campaign-related purposes.

Members and/or staff are not permitted to use Corporate resources to access or update social media accounts related to their election campaign.

Can I use distribution lists or contact lists I have generated in my role as a Member of Council for elections?

Distribution lists or contact lists developed utilizing Corporate resources or through contact in your role as a Member of Council cannot be utilized for election purposes.

In my capacity as an Elected Official, am I allowed to attend Town-organized events?

Yes, the Member can attend. However, speeches must not pertain to the municipal election and no campaigning is permitted (e.g. handing out campaign material, wearing campaign clothing, etc.). It is recommended that any speech given must not be related to the election or to your respective successes as Member of Council.

Is my expense account impacted during an election year?

During an election year, Members have access to 11/12ths of their expense account. At any time, a Member's expense account cannot be used for campaign/election-related purposes.

When does the "blackout period" come into effect?

In the case of the 2018 Municipal Election, the "blackout period" is in effect from July 26, 2018 up to and including October 22, 2018 (Final Voting Day).

What restrictions are in place during the "blackout period"?

In addition to the general restrictions, during the period beginning July 26, 2018 up to and including, the Final Voting Day, the following are discontinued:

- All forms of advertising, including in municipal publications;
- All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless approved by Council; and
- The ordering of stationery.

Can a member of Council reserve a Town facility for a community association's all-candidates debate using their expense account?

Members' expense accounts cannot be used to sponsor any election-related materials or activities. This prohibition is in place for any election (municipal, provincial or federal) at any time. All groups or community associations wishing to host all-candidates meetings in Town facilities must absorb the associated costs for these events. Civic Centre facilities are not available for debates/meetings.

Can staff be involved in my campaign?

Employees engaging in political activities must ensure they are doing so on their personal time and separate from their position as a staff member. Campaign-related work must not occur during work hours unless the staff member is on an unpaid leave of absence or utilizing lieu or vacation time and must not utilize Town assets (including vehicles), resources or property or be in uniform. If constituency-related work is received at an election event, it must be forwarded to the office for follow-up and not handled by the campaign staff.

Does the Policy apply to those Members who are acclaimed or are not returning?

Yes, the Policy applies to those Members who are acclaimed or are not returning.

How does the *Use of Corporate Resources for Election Purposes Policy* apply to my day-to-day activities before and during the "blackout period"?

Prior to July 26, 2018, Corporate resources (facilities, equipment, supplies, services, staff or other resources of the municipality) cannot be used for election or campaign-related purposes. Members' expenses will not be reimbursed for any election or campaign-related activities, including the promotion of or opposition to the candidacy of a person for elected office, illustrating that an individual (either a Member of Council or any other individual) is a candidate registered in any election, identifying where a candidate will be running for office or profiling or make referencing to candidates in any election. A maximum of 11/12th of the expense account is available to a Member for use prior to Voting Day.

As of July 26, 2018, all forms of advertising, including in municipal publications, all printing, high speed photocopying and distribution, including printing and general distribution of newsletters and the ordering of stationery are discontinued.

How should I respond to inquiries related to elections received through my Town email account?

Members of Council may be sent election-related inquiries on their Town of Georgina email. To address any inadvertent use of Corporate resources for election purposes (or the perception of such use), it is advisable that Members of Council place an automatic reply on their email advising of the policy as well as a "disclaimer" at the bottom of their messages. In addition, personal websites or social media accounts utilized for election purposes should not be referenced in your email signature. The following wording is provided for consideration:

Potential Email rule – automatic reply when email messages are sent to Council:

"Thank you for your correspondence. As a sitting Member of Council, I must ensure my actions as an elected official are kept separate from any actions related to the forthcoming municipal election. As such, I will not be reading or responding to any campaign-related communications from you to my Town of Georgina office account. Please remove my contact information from your distribution list as this email address is intended solely for the purpose of responding to non-campaign related inquiries and issues."

OR



"In accordance with the Council Policy regarding the Use of Corporate Resources for Election Purposes, this email account is being utilized exclusively for Town of Georgina business. Election campaign-related inquiries should be directed to the appropriate campaign office."

Disclaimer for bottom of response emails:

In accordance with the Council Policy regarding the Use of Corporate Resources for Election Purposes, this email message is strictly related to the business of the Corporation of the Town of Georgina.

How should I respond to a complaint related to *Use of Corporate Resources for Election Purposes Policy*?

A draft response for election-related complaints is noted below.

"Thank you for your correspondence. As a sitting Member of Council, I must ensure my actions as an elected official are kept separate from any actions related to the forthcoming municipal election.

As such, I have copied the Town Clerk who is responsible for the Town's Use of Corporate Resources for Election Purposes Policy and who will be able to address your concerns accordingly or direct your inquiry to the appropriate department for investigation."

How is a breach of the policy handled?

If a written complaint is received by the Town Clerk regarding an alleged breach of the *Use of Corporate Resources for Election Purposes Policy*, the Town Clerk, or her/his designate, has the delegated authority to investigate and resolve any issues. If a breach of the policy is confirmed, the Clerk may publish such occurrences on the Town's website.

If I have more questions about the *Use of Corporate Resources for Election Purposes Policy*, who can I contact?

For more information about the policy, please contact the Town Clerk.

The following are potential scenarios and how the *Use of Corporate Resources for Election Purposes Policy* is applied before and during the “blackout period” (July 26, 2108 to October 22, 2018).

SCENARIO	PERMITTED	NOT PERMITTED	NOT PERMITTED DURING “BLACKOUT PERIOD” ONLY (JULY 26 – OCTOBER 22, 2018)	COMMENTS
Any communication or activities funded by the Town related to an election		X		
Use Town equipment, supplies, staff or other resources for campaign communications		X		
Attend/participate in a Town media event as Member of Council	X			Any speech given must not be related to the election or to your respective successes as a Member of Council
Distributing newsletters or flyers			X	Until the blackout period begins, communication with ward constituents through ads, flyers, newsletters, householders, or by email is permitted as long as it is not related to the election
Host Ward Meeting/Town Hall meeting			X	Permitted until blackout period begins if conducted in past two years with the same general frequency. No advertising of event after blackout period commences
Attend the opening of a Town facility in your ward	X			
Use Elected Official social media accounts for election purposes		X		Be sure not to use Town resources to access/update campaign social media accounts