



Corporate Policy

Sub Topic:	Use of Corporate Resources & Election Campaign Activities Policy	Policy No. Corp.1-01
Topic:	Use of Corporate Resources & Election Campaign Activities Policy	Applicability: Members of Council, Election Candidates, Third Party Advertisers & All Employees
Section: Legislative Services, Corporate Services		Council Adoption Date: December 12, 2005
Effective Date: December 12, 2005		Date: November 27, 2017
	Revision No: 2	

Policy Statement & Strategic Plan Linkages

In order to preserve the public trust and comply with the provisions of the Municipal Elections Act, 1996, as amended it is essential that Members of Town Council, all election candidates, and all Town employees maintain the highest standards of ethical conduct. This Policy reflects both provincial legislation and the conduct necessary to set a leading example in meeting the objectives of the Town's Strategic Plan for being well equipped, and managed through decision-making processes that reflect sound governance and accountability.

Purpose

This Policy provides a consistent approach and direction to Town employees, elected officials, candidates and third party advertisers on how Town resources can and cannot be used for election related purposes. It also ensures that incumbent municipal candidates do not enjoy any material advantage over other candidates through the use of corporate resources. This Policy develops a framework for addressing any real or perceived advantages that incumbent candidates may have over non-incumbent candidates.

Scope

This Policy applies to all, Town **employees, candidates**, including **Members**, an acclaimed **Member** or a **Member** not seeking re-**election**.

Definitions

Note: Defined terms in this Policy have been bolded.

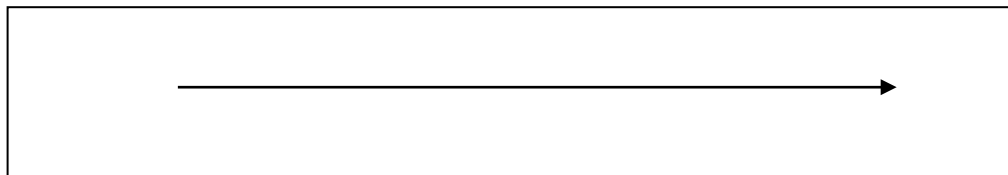
Candidate means any person who has filed, and not withdrawn a nomination, for an elected office at the municipal, regional, school board, provincial or federal level, or political party in an **election** or by-**election**.

Campaign Activity means any activity, using **campaign materials**, by or on behalf of a candidate, political party, or registered third party meant to elicit support during the election period.

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.

Corporate Resource means anything that a person would have access to only by virtue of their elected Office or employment with the Town of Newmarket. This includes the items such as use of: an Office title (such as “Mayor”, “Deputy Mayor & Regional Councillor”, or “Councillor”); Town **employees**; Town events; **Town facilities**; Town funds; information; and infrastructure.

Directional Sign means a temporary sign that is a maximum of 11” in length and 17” in width which is used to advise individuals of the specific location of an event within a facility. **Directional signs** must only include: 1) the first and/or last name of the **candidate** or the name of the **registered third party** followed by the word “event”; and, 2) an arrow pointing to the direction of the room within the facility; and, 3) the name of the room within the facility. As an example, **directional signs** must follow the below format (note: example is not to scale):



Election means an **election** or by-election at the municipal, regional, school board, provincial and federal level of government, political party election or the submission of a question or by-law to the electors.

Election-Related means anything that relates directly to an **election** as defined above.

Election Period is defined for the purposes of this policy as follows:

Regular municipal election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day .
Municipal by-election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day
Provincial or federal election	the election period commences the day the writ for the election is issued and ends on Voting Day ;
Provincial party leadership contests	the period commences with the date of registration as a candidate with the Chief Electoral Officer of Ontario and ends with the date fixed for the leadership vote as filed with the Chief Electoral Officer of Ontario
Federal party leadership and nomination contests	the period commences when a contestant receives contributions, incurs expenses or borrows money/is deemed to be a contestant as stated in sections 478.2 (2) and 476.2 of the Canada Elections Act and ends with the date of selection.

Employee means all full-time and part-time individuals hired by the Town and Central York Fire Services, including all contract, temporary, student, secondment or co-operative placement persons.

Event means an organized activity that is not a **campaign activity**.

Member means an elected **Member** of the Council of the Corporation of the Town of Newmarket.

Registered Third Party means in relation to an **Election** in a municipality, an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996 as amended.

Town Facility means any Town of Newmarket owned or leased facility, including Town parks, sports fields and civic event spaces, and designated premises of that facility such as parking areas. Including but not limited to: The Magna Centre, Ray Twinney Recreation Complex, Lions Hall, Community Centre, and Riverwalk Commons, etc.

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

Ward Meeting means an informal public meeting or gathering hosted by a **Member** of Council to discuss local issues with residents, including but not limited to drop-ins, barbeques, information sessions and more.

1. General Policy Principles

- 1.1 Pursuant to the Municipal Elections Act, the Town of Newmarket cannot make a contribution, including money, goods and services, to any **candidate, registered third party**, or in support of or opposition of a question on the ballot during an **election period**.
- 1.2 Nothing in this Policy shall preclude a **Member** from performing his/her duty as an elected official, nor inhibit him/her from representing the interests of the constituents who elected him/her.
- 1.3 Subject to section 2.0 of this Policy, **campaign activities**, or **election signs** or any other **election-related campaign material** will not be displayed in any Town-owned and/or operated facility.
- 1.4 The municipality's logo, crest, coat of arms, slogans, etc. shall not be printed or distributed on any **election-related campaign materials** or included on any **election-related** website, except in the case of a link to the Town's website to obtain information about the municipal **election**.
- 1.5 Photographs produced for and owned by the Town of Newmarket shall not be used for any **election** purposes.
- 1.6 Town **employees** may not engage in political activity during working hours and shall not identify as Town **employees** when engaged in any kind of political activity in accordance with section 5 of this Policy.
- 1.7 **Members** may not use **corporate resources** for **campaign activities**, to print or distribute campaign material, or for any **election-related** purpose.
- 1.8 **Members** are responsible for ensuring that the content of any communication material, including printed materials such as newsletters, advertising, etc. funded by the Town for the operation of each **Member's** Office, is not **election-related**.
- 1.9 **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**.

2. Campaign Activities at Town-owned and/or operated facilities

- 2.1 **Candidates and registered third parties** may not display **campaign materials** or hold/host **campaign activities** at **Town facilities** except subject to the following:
 - 2.1.1 **Candidates and registered third parties** pay the full market rental fees and rates for use of such facilities; and,
 - 2.1.2 **Candidates and registered third parties** set up and remove all **campaign materials**, including, but not limited to, signs, posters, and other campaign-related paraphernalia within the allotted rental period; and,
 - 2.1.3 **Campaign materials** may only be displayed within the rented area designated within the rental agreement; and,
 - 2.1.4 **Candidates and registered third parties** are permitted up to a maximum of 3 **directional signs** within the facility. The **directional signs** must be temporarily affixed to the wall, using non-permanent tape that can easily be removed, without causing damage to the wall and/or paint. **Directional signs** cannot obstruct or interfere with any existing signage.
- 2.2 Despite subsection 2.1 of this Policy, **Candidates and registered third parties** shall not use the Municipal Offices (located at 395 Mulock Drive) or the Town's Operations Centre (located at 1275 Maple Hill Court) to display **campaign material** or undertake **campaign activities**.
- 2.3 **Candidates and registered third parties** shall not rent **Town facilities** for **campaign activities** on a date when there is a Voter Assistance Centre or Voting Location established at that facility or property.

3. Campaign Activities at Events

- 3.1 **Candidates and registered third parties** may attend Town organized **events** during the **election** period, but may not display or distribute **campaign materials** or undertake any **campaign activities** for themselves, a political party, registered third party, or in support of or opposition of a question on a ballot.
- 3.2 With the exception of the Municipal Offices (395 Mulock Drive), and the Operations Centre (1275 Maple Hill Court), **candidates and registered third parties** may attend, campaign, and undertake **campaign activities** at non-Town organized **events** held at Town-owned facilities only with the permission of the **event** permit holder.

4. Activities not permitted for: 1) Members of Council during a Municipal Election Period; and, 2) Candidates during other Election Periods

- 4.1 In any material printed or distributed by the Town of Newmarket, using **corporate resources**, **Members** during a municipal **election period**, or **candidates** in other **election periods**, are not permitted to:
 - 4.1.1 Illustrate that an individual (either a **Member** or any other individual) is a **candidate** registered in any **election**;
 - 4.1.2 Identify where they or any other individual will be running for office; or,
 - 4.1.3 Profile or make reference to a **candidate** in any **election**.
- 4.2 **Members** during a municipal **election period**, or **candidates** in other **election periods**, may not hold **Ward Meetings** during this period.
- 4.3 The Town shall not provide the following to **Members** during a municipal **election period**, or **candidates** in other **election periods**, and will resume these services the day after the end of the **election period**:
 - 4.3.1 All forms of advertising, including in municipal publications;
 - 4.3.2 All printing, high speed photocopying for distribution including but not limited to distribution of publications such as newsletters;
 - 4.3.3 The ordering and use of custom branded stationery; and,
 - 4.3.4 All expenses related to ward or community meetings, business cards.
- 4.4 Notwithstanding section 4.3 **Members**, or **candidates** in other **election periods**, may make a request to Council to direct staff to use **corporate resources** to inform constituents of emerging, urgent community issues during an **election period**.
- 4.5 Subject to the Elected Officials Expense Policy and the Guidelines for Discretionary Expenses, all expenses as outlined in section 4.3 of this Policy are subject to the following:
 - 4.5.1 Received and used prior to May 1 in a municipal **election** year, or the date a **candidate** files his/her nomination papers with the Clerk in a by-election.

4.5.2 Submitted before May 1, in a municipal **election** year or the date a **candidate** files his/her nomination papers with the Clerk in a by-election, or within 2 months of the expense being incurred.

4.6 **Members** during a municipal **election period**, or **candidates** in other **election periods**, shall not use **corporate resources** to organize/host an **event**, seek donations for an **event**, or seek sponsorships for an **event**.

4.7 Ward publications will not be distributed following the start of the **election period** in a municipal **election** year, or the day after a **candidate** files his/her nomination papers in other **election periods**.

5. Procedures for Town of Newmarket Employees

5.1 **Employees** shall not use **corporate resources** in support of or in opposition to a **candidate**, political party, or **registered third party**.

5.2 **Employees** shall not canvass nor actively work in support of or in opposition to a **candidate** or party during normal working hours, unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.

5.3 **Employees** shall not canvass nor actively work in support of or in opposition to a **candidate** or party while wearing a Town uniform, badge, crest or other item identifying them as a Town of Newmarket **employee**, or while using a Town owned or leased vehicle.

5.4 **Employees** working directly for a **Member(s)** of Council (i.e., Executive and Administrative Assistants), shall not be assigned to work as **election** officers in a municipal **election**.

5.5 **Employees**, who are also relatives of any **Member** of Council or **candidate** for municipal **election**, shall not be assigned to work as **election** officers in a municipal **election**.

5.6 **Employees** shall not use their official authority or influence for the purpose of interfering with or affecting the result of an **election**, nor use their official title while participating in otherwise permissible political activities.

5.7 **Employees** are advised to be especially mindful of public perception during municipal **elections**, and to ensure that their activities do not conflict with nor adversely affect their duties as **employees** of the Town. Moreover, **employees** have a responsibility to ensure that public resources are not used for political campaign purposes.

6. Administration and Contact

- 6.1 This Policy shall be administered by the Legislative Services Department. Procedures may be defined, and amended from time to time, by the Clerk to address specific implementation of this Policy.
- 6.2 All questions, or concerns with respect to this Policy should be directed to the Director of Legislative Services/Town Clerk.

Cross-References

Municipal Elections Act, 1996, as amended
Canada Elections Act, S.C. 2000, c.9, as amended
Election Act, R.S.O. 1990, c. E.6, as amended
Municipal Act, 2001, as amended
Municipal Conflict of Interest Act, 1990, as amended
Council Code of Conduct
Employee Code of Conduct
Use of Corporate Logo, Crest and Images Policy