

**THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE  
P O L I C Y**

**POLICY NO.:** GG.1.1.5

**SECTION:** GENERAL GOVERNMENT

**TITLE/SUBJECT:** USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

**ADOPTED DATE:** March 17, 2010

**REVISION DATE:** April 7, 2010  
**April 18, 2018 (Resolution #04/18/18-08)**  
**April 14, 2022 (Administrative Amendment)**

**General Policy Statement:**

The purpose of this policy is to provide a consistent approach regarding the use of municipal corporate resources during an election campaign and to clarify that all election Candidates, including Members of Council and Committees, and Third Party Advertisers are required to follow the provisions of the *Municipal Elections Act, 1996* (the *Act*) and that they shall not:

- use the facilities, equipment, supplies, services, staff or other resources of the Municipality (including newsletters and budgets) for any election campaign or campaign-related activities;
- use the services of persons during hours in which those persons receive any compensation from the Municipality;
- undertake election campaign-related activities on Municipality property during regular working hours, except as set out in 1) (b) below;
- with exception being made where community groups conduct all-candidates meetings at municipal facilities, provided all registered candidates within each specific category are invited to attend such meetings.

**Definitions:**

"Act" means the *Municipal Elections Act 1996*, SO 1996 c.32, as amended;

"Candidate" means a person nominated under section 33 of the *Act* and includes a person who has filed a nomination for election to a school board;

"Corporate Resources" means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Municipality including but not limited to facilities, parks, materials, equipment, monetary funds, technology, Municipality's IT system and resources, databases, social media, intellectual property, and supplies;

"Members of Council" means members of the Council of The Corporation of the Municipality of Kincardine

"Municipality" means The Corporation of the Municipality of Kincardine;

"Third Party Advertiser" means an individual, corporation, or trade union that is registered under section 88.6 of the *Act*.

### **Application:**

This policy is applicable to all Candidates, Third Party Advertisers, Members of Council and Committees.

### **Specific Policy:**

- 1) Consistent with the Municipality's Code of Conduct and Tripartite Agreement and in accordance with the provisions of the *Municipal Elections Act, 1996*:
  - (a) Candidates/Third Party Advertisers may not use corporate resources, assets or funding for any election-related purposes;
  - (b) Staff may not canvass or actively work in support of a Candidate/Third Party Advertiser during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
  - (c) Candidates/Third Party Advertisers may not use any municipally-provided facilities for any election-related purposes. Neither campaign-related signs nor any other election campaign-related material will be displayed in any municipally-provided facilities or on any Municipality property, except in compliance with the Election Sign By-law No. 2022-023;
  - (d) The following be discontinued for Members of Council and Committees from the day prior to Nomination Day in a municipal election year to Voting Day:
    - i. all forms of advertising, including in municipal publications;
    - ii. all printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council;
    - iii) the ordering of stationery, business cards;
  - (e) Candidates/Third Party Advertisers may not:
    - i. print or distribute any material paid by municipal funds that illustrates that a Candidate or any other individual is registered in any election or where they will be running for office;
    - ii. profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a Candidate in any election;
    - iii. print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered Candidates for municipal elections; and that minutes of Council and Committee meetings be exempt from this policy;

- (f) Candidates/Third Party Advertisers are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the Municipality is not election-related;
  - (g) Candidates/Third Party Advertisers may not print or distribute any election-related matter using municipal funds.
  - (h) Web sites or domain names that are funded by the Municipality may not include any election campaign-related material, excluding contact, or other, information for Candidates/Third Party Advertisers posted by the Clerk on the Election section;
  - (i) The Municipality's voice mail system may not be used to record election campaign-related messages nor the computer network, including its email system, to distribute election campaign-related correspondence;
  - (j) Corporate resources or services such as computers, cell phones, telephones, tablets, printers, scanners, copiers, file storage, or any other equipment or technology owned by the Municipality, may not be used for any election related purposes;
  - (k) The Municipality's logo, crest, coat of arms, slogan, etc. may not be printed or distributed on any election campaign-related materials or included on any election campaign-related website, except in the case of a link to the Municipality's website to obtain information about the municipal election;
  - (l) Photographs produced for and owned by the Municipality may not be used for any election purposes;
  - (m) The above also applies to an acclaimed Member, a Member of Council not seeking re-election, and staff.
- 2) In accordance with the Act, the Clerk is authorized and directed to take necessary action to give effect to this policy.

**Limitation:**

Nothing in this Policy shall preclude a Member of Council or a Committee from performing their job as such Member, nor inhibit them from representing the interests of the constituents of the Municipality.

**Implementation:**

This policy shall become effective immediately upon approval by Council.

**Rationale and Legislative Authority:**

It is appropriate to establish a policy on the appropriate use of corporate resources during an election period to protect the interests of both the Corporation and the Members of Council and Committees. Section 88.8 of the *Municipal Elections Act, 1996*, prohibits a municipality from making a contribution to a Candidate/Third Party Advertiser. The *Act* also prohibits a Candidate/Third Party Advertiser, or someone acting on the Candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods or services, any use of the Municipality's resources by a Candidate/Third Party Advertiser, including Members of Council or Members of municipal Committees, for his or her election campaign would be viewed as a contribution by the Municipality, which is a violation of the *Act*.