



CORPORATE SERVICES - LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL

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Authority/Reference: Council/Regional Clerk

Subject: Policy on the Use of Corporate Resources for Election Purposes

Purpose

This policy provides guidance on the appropriate use of corporate resources during municipal, school board, provincial and federal elections, and campaigns on a question on a ballot.

Legislative Authority

The following legislative provisions are highlighted as they relate to this policy:

The *Municipal Elections Act*, 1996, s. 88.8 (4) 5 states that municipalities cannot make a contribution (including money, goods and services) to a candidate. The *Election Finances Act* and the *Canada Elections Act* impose similar restrictions for provincial and federal election campaigns.

The *Municipal Elections Act*, 1996, s. 88.12 (4) 3 also states that municipalities cannot make a contribution to registered third party advertisers.

As well, the *Municipal Elections Act*, 1996 prohibits a candidate, 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 and services, any use of the Corporation's resources for an election campaign could be viewed as a contribution by the Region, which is a violation of the *Municipal Elections Act*, 1996.

The *Residential Tenancies Act*, 2006, s. 28 states that "No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material." The Region's long term care homes fall under the definition of "residential complex" and, therefore, canvassing and distribution of election campaign materials by all candidates is permitted, except at Regional events occurring on site.

Access to Durham Regional Local Housing Corporation and Durham Region Non-Profit Housing Corporation premises by all candidates for the purpose of canvassing and distribution of election campaign materials is also permitted under the *Residential Tenancies Act*, 2006, except at Regional events occurring on site.

Principles

This policy clarifies that all candidates, including members of Council, and registered third parties, are required to follow the provisions of the *Municipal Elections Act, 1996*. The policy is also to ensure that all candidates and registered third parties are treated fairly and consistently.

In compliance with the *Municipal Elections Act, 1996*, public funds are not to be used for election campaigns, including the promotion of or opposition to the candidacy of a person for an elected office, or in support of or opposition to a question on a ballot.

Corporate resources including facilities, infrastructure, equipment, supplies, services, staff or any resource that belongs to or is funded by the Region may not be used for the purposes of an election campaign or for any campaign-related activities.

There can be no campaign-related activities in any Regional workplace or in any Regionally owned or operated buildings.

This policy recognizes that the business of the Region must continue to be carried out throughout the term of Council and that Members of Council are holders of their office until the end of their term, and supports Members of Council in continuing to fulfill their responsibilities as Members of Council. This policy does not preclude Members of Council from representing the interests of the constituents who elected them.

The following guidelines apply to all Members of Council and also apply to an acclaimed Member or a Member not seeking re-election.

Guidelines

1. Use of Regional Facilities

A candidate or registered third party may not use Regional facilities for election campaign purposes or for any campaign-related activities. Campaign signs and materials that identify a candidate may not be displayed in/at any Regional facilities. Election campaign materials means those materials that promote or oppose the candidacy of a person for elected office, or that support or oppose a question on a ballot.

2. Regional Events

A candidate or registered third party may not campaign or distribute election campaign materials at any event/function being hosted by the Region, whether on Regional property or not.

3. Regional Infrastructure

A candidate or registered third party may not use any Regional infrastructure and equipment for election campaign purposes or for any campaign-related activities. This includes any physical or technology systems that support the operation of the Region's programs and services including but not limited to computer and telephone networks and

applications, photocopiers, fax machines, email system, voicemail, wireless equipment, internet, intranet, smart phones, tablets and Regional provided electronic devices.

4. Regional Staff

A candidate or registered third party may not use the services of staff during those hours in which staff receive any compensation from the Region.

5. Supplies

A candidate or registered third party may not use Regional supplies for election campaign purposes.

6. Printing/Distribution

A candidate or registered third party may not print or distribute election campaign materials using Regional funds.

7. Websites/Social Media

Websites, domain names and social media sites that are funded by the Region may not include any campaign material, make reference to and/or identify any individual as a candidate or profile any slogan or symbol associated with a candidate.

8. Communications Material

The Region's communication materials, whether for internal or public distribution, cannot:

- i) Profile (name or photograph), make reference to and/or identify any individual as a candidate.
- ii) Advocate for or against a particular candidate.

(Communication materials include but are not limited to: news releases, media advisories, invitations for special events, flyers, posters, banners, brochures, newsletters, e-newsletters and social media accounts.)

9. Photographs/Videos

Photographs and videos produced for and owned by the Region of Durham cannot be used for election campaign purposes.

10. Corporate Identifiers/Logo

The Region's corporate identifiers (i.e. the Durham logo, coat-of-arms, its slogans; and the DRPS and DRT logos) may not be printed or distributed in election campaign material or included on an election campaign website. Links to the Region's website are permitted from a candidate's or third party's election website for the purpose of obtaining information about the municipal election or sharing Regional program/service information.

11. Contact Information

The Region's email addresses, telephone numbers and facility addresses are not to be used by a candidate or registered third party as their election campaign contact information.

Exemptions to this policy:

Municipal election information prepared, posted and maintained by Legislative Services. Names and photographs of Members of Council, their contact information, and a list of their current representation on committees that is prepared, posted and maintained by Legislative Services.

Agendas and minutes of Committee and Council meetings.

Administration:

The Regional Clerk and authorized designate(s) are responsible for the administration of this policy.