



Regional Municipality of Durham
Corporate Services
Council Policy Manual

Title: Policy on the Use of Corporate Resources for Election Purposes		
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Revised: N/A		
Approved by: Regional Council		
Responsibility: Regional Clerk	Section: Council Services	

1. Purpose

1.1. The purpose of this policy is to:

- i) Maintain compliance with the Region of Durham’s (the “Region’s”) legal obligations under the Municipal Elections Act by ensuring that corporate resources are not used for campaign-related purposes;
- ii) Uphold the integrity of the election process and ensure that all candidates and registered third parties are treated fairly and consistently; and
- iii) Ensure Regional business is conducted in a manner that demonstrates impartiality towards municipal, provincial, and federal electoral activities.

2. Definitions

The following definitions shall apply for the purposes of this policy:

- 2.1. “Campaign-Related Activity” means any action, event, or pursuit that promotes or opposes any Candidate, or a response to a question on a ballot or referendum, and includes any display, posting or distribution of campaign material.
- 2.2. “Campaign Sign or Election Sign” means a device which is used to promote or oppose a Candidate or a response to a question on a ballot or referendum in a federal, provincial, or municipal election.
- 2.3. “Campaign Materials” means any materials regardless of format that promote or oppose the candidacy of a person for elected office, or that support or oppose a question on a ballot and include, but are not limited to, printed literature, electronic communications, banners, posters, pictures, buttons, clothing, signs, magnets and vehicle decals.

- 2.4. "Candidate" means a person who is nominated to seek election to a municipal, provincial, or federal office.
- 2.5. "Public Domain" refers to being available to the public as a whole, and therefore not subject to copyright. Materials in the public domain include, but are not limited to, those posted on the Region's website and social media channels and accounts.

3. Policy

- 3.1. No person shall use Regional Municipality of Durham corporate resources for election purposes at any time, unless otherwise specified in this policy.
- 3.2. Corporate resources including but not limited to public funds, facilities, infrastructure, equipment, supplies, services, employees, images, promotional materials and any other resource that belongs to or is funded by the Region shall not be used for Campaign-Related Activity, including the promotion of or opposition to the candidacy of a person for an elected office, third party advertising, or in support of or opposition to a question on a ballot.
- 3.3. Employees shall take extra care to ensure that they conduct themselves in a manner that the public, members of Council, candidates for election, and registered third parties view as impartial, fair and unbiased.
- 3.4. The business of the Region shall be carried out throughout the term of Council, and Members of Council are holders of their office until the end of their term. As such, this policy does not prevent Members of Council from representing the interests of the constituents who elected them, or from advocating for matters under Council's authority to another level of government when they may simultaneously be a sitting Member of Council as well as a candidate for election.

4. Corporate Resources

4.1. Regional Facilities

No person shall engage in Campaign-Related Activity at any Regional workplace or in any Regionally owned or operated facilities. Campaign Signs and Campaign Materials shall not be displayed in or at any Regionally owned or operated facilities.

Notwithstanding this provision, Candidates, third party advertisers, individuals supporting or opposing a question on the ballot, or their representatives may canvass at the Region's long-term care homes and Housing Durham properties in accordance with s. 28 of the Residential Tenancies Act. However, no person shall engage in Campaign-Related Activity or distribution

of Campaign Materials in common spaces of these facilities or at an event hosted by the Region at these locations.

4.2. Public Meetings

No person shall engage in Campaign-Related Activity or distribute Campaign Materials during a public meeting held by the Region, including but not limited to meetings of Regional Council or any of its Agencies, Boards, or Committees.

4.3. Regional Events

No person shall engage in Campaign-Related Activity or distribute Campaign Materials at any event or function hosted by the Region, whether on Regional property or elsewhere.

During a municipal election campaign period (beginning May 1 in the year of an election and ending on voting day), the Region shall attempt to reasonably limit public ceremonies and events organized by the Region which do not otherwise regularly occur.

Ceremonies and events planned by external organizations and agencies, including other levels of government, may continue during election periods, and this policy does not preclude Members of Council from participating in such events as part of their regular duties.

4.4. Regional Infrastructure, Equipment & Supplies

No person shall use any Regional infrastructure, equipment, or supplies for any Campaign-Related Activity or to produce or distribute Campaign Materials. This includes any physical or technological systems owned or operated by the Region.

Notwithstanding this provision, Election Signs may be erected on Regional roads in accordance with the provisions of the Election Sign By-law of the applicable local area municipality in which the Regional road is located, as specified in Regional By-law #52-2020.

4.5. Websites/Social Media

Websites, domain names, and social media sites that are funded by the Region shall not engage in Campaign-Related Activity, publish any Campaign Materials, make reference to and/or identify any individual as a Candidate, or profile any slogan or symbol associated with a Candidate.

Notwithstanding this provision, the Region's official Municipal Election webpage may contain a list of Candidates including a link to external election campaign contacts, websites and/or social media of a Candidate's choosing, and shall be the only area of the Region's website where such information shall be posted. The purpose of providing this election information

shall be to inform eligible voters of the registered Candidates and shall not be considered an endorsement of or contribution to any Candidate in an election.

Links to the Region's website are permitted from a Candidate's or third party advertiser's election website for the purpose of obtaining information about the municipal election or sharing Regional program/service information.

4.6. Communications Material

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

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

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

4.7. Photography & Videography

No person shall use images or videos produced for and owned by the Region of Durham for any Campaign-Related Activity or in Campaign Materials.

Notwithstanding this provision, any person may use images and videos produced for and owned by the Region of Durham which are in the Public Domain, such as recordings of the Region's public meetings.

4.8. Corporate Identifiers/Logo

No person shall use the Region's corporate identifiers (i.e. the Durham logo, coat-of-arms, its slogans; and the Durham Regional Police Service (DRPS), Region of Durham Paramedic Services (RDPS) and Durham Region Transit (DRT) logos) in any Campaign Materials.

4.9. Contact Information

No person shall use the Region's email addresses, telephone numbers and facility addresses for Campaign-Related Activity.

5. Regional Employees

- 5.1. Regional employees shall not canvass, volunteer, work, or engage in Campaign-Related Activity in support of a Candidate or registered third party advertiser during any time that they

are being compensated to work under the terms of their employment by the Region. Regional employees may engage in Campaign-Related Activity on their own personal time (non-working hours) and in accordance with the provisions of this policy.

- 5.2. Regional employees shall not wear any campaign-related buttons, clothing, pins, hats or similar promotional items, or display any Campaign Materials during working hours or in any Regional facility.
- 5.3. Regional employees shall not wear work uniforms or clothing with corporate identifiers or use their work title or position with the Region while engaging in Campaign-Related Activity on their own personal time, as such actions could reasonably lead a member of the public to infer that a representative of the Region is supporting or endorsing a Candidate, registered third party advertiser, or a preferred response to a question on a ballot.
- 5.4. Regional employees shall make their people leader aware of any intentions to be nominated as a Candidate, register as a third party advertiser, or actively work or volunteer in support of a Candidate, registered third party advertiser, or a question on the ballot in a municipal election. Job duties may be modified during the campaign period to ensure fairness and the integrity of the election and to eliminate any perceived conflict of interest between an employee's responsibilities to the Region and their responsibilities as a participant in the relevant election. An employee of the Region who intends to be a Candidate in an election should consult relevant provincial and/or federal legislation so as not to adversely affect their eligibility for election or their employment status with the Region.
- 5.5. An employee of the Region may be nominated for election to an office on Regional Council, however, the employee must take an unpaid leave of absence before filing their nomination form with the appropriate municipality. If elected, the employee must resign from their employment with the Region in order to retain their elected seat. An employee of the Region may seek election to the council of a lower-tier municipality without taking a leave of absence or resigning, unless election to the lower-tier council means that they would also be a member of the upper-tier council (Regional Council).

6. Exceptions to this Policy

- 6.1. The following regional activities and resources shall not be considered Campaign-Related Activity or Campaign Materials:
 - i) Municipal election information prepared, posted and maintained by Legislative Services;
 - ii) Names and photographs of sitting Members of Council, their contact information, and a list of their current representation on committees that is regularly prepared, posted and maintained by Legislative Services;

- iii) Agendas and minutes of Committee and Council meetings;
- iv) Media releases and materials regularly released by the Region that describe inter-governmental activities; and
- v) Provincial or federal government announcements directly related to regional government business, regardless of whether any of the involved levels of government are currently in an election period.

7. Roles and Responsibilities

- 7.1. The Regional Clerk and their authorized designate(s) shall be responsible for the administration of this policy, including providing guidance and interpretation, and investigating and responding to any complaints regarding alleged contraventions of this Policy.
- 7.2. The Regional Clerk, in consultation with the Regional Solicitor or their designate(s), may approve amendments to this policy, as well as determine the appropriate action to address any circumstances that are not identified in this policy. When amendments are made to this policy, the Regional Clerk shall communicate any changes through the Council Information Package (CIP).
- 7.3. Candidates and registered third party advertisers shall be responsible for following the provisions of this Policy, seeking clarification from the Regional Clerk or their designate(s) as required, and seeking independent legal advice where appropriate.
- 7.4. Regional employees shall be responsible for adhering to the provisions of this policy. Employees who fail to comply with this policy will be subject to discipline, up to and including termination of employment. Employees may also be subject to civil penalties if applicable. Employees shall alert the Regional Clerk to any known or observed contraventions of this policy by e-mailing Clerks@Durham.ca.

8. Inquiries and Complaint Procedure

- 8.1. For inquiries regarding this policy please contact the Regional Clerk at Clerks@Durham.ca.
- 8.2. To submit a complaint related to an infraction of this policy, please contact the Regional Clerk at Clerks@Durham.ca and provide your contact details and information regarding the alleged infraction.
- 8.3. Complaints and concerns related to election signs may be submitted to the local area municipality in which the sign violation has occurred.

9. Legislative Content

The following legislative provisions are applicable to this policy:

- 9.1. The *Municipal Elections Act, 1996*, s. 88.8 (4) 5, states that municipalities cannot make a contribution to a candidate (including money, goods and services). The *Election Finances Act* and the *Canada Elections Act* impose similar restrictions for provincial and federal election campaigns in that a contribution can only be made by an individual. Specifically, Section 29 of the *Election Finances Act, 1990* prohibits contributions from corporations, which includes municipal corporations. Section 363 of the *Canada Elections Act, 2000* similarly provides that only individuals may make campaign contributions.
- 9.2. The *Municipal Elections Act, 1996*, s. 88.12 (4) 3, also states that municipalities cannot make a contribution to registered third party advertisers.
- 9.3. The *Municipal Elections Act, 1996*, s. 88.8 (7), 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*.
- 9.4. 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 Campaign Materials by all candidates are permitted.

The *Residential Tenancies Act, 2006*, s. 28, also permits all candidates to access Durham Regional Local Housing Corporation premises for the purposes of canvassing and distributing Campaign Materials.