

The Corporation of The Municipality of Hastings Highlands
Bylaw 2022-013

A Bylaw to Adopt a Policy for the Use of Corporate Resources for Election Purposes

Whereas section 5(3) of the *Municipal Act*, 2001, s.o. 2001, c.25, as amended, provides that a municipal power shall be exercised by bylaw;

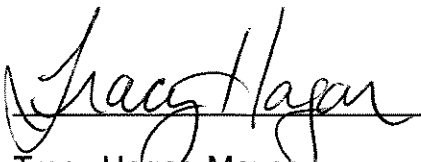
And Whereas section 88.18 of the *Municipal Elections Act*, 1996, s.o. 1996, c.32, provides that a municipality shall establish rules and procedures with respect to the use of municipal resources during the election campaign period;

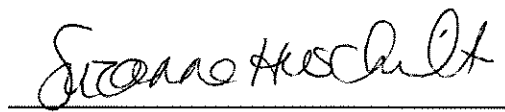
And Whereas the Council of The Municipality of Hastings Highlands deems it necessary to adopt a policy for the use of corporate resources for election purposes;

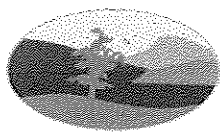
Now Therefore The Council of The Corporation of The Municipality of Hastings Highlands Enacts As Follows:

1. That Schedule 'A' attached hereto shall form part of this Bylaw;
2. That the Mayor and Municipal Clerk be and are hereby authorized to sign this Bylaw and affix the corporate seal thereto;
3. That any former Bylaws pertaining to this matter including 2018-010 are hereby repealed;
4. That this bylaw shall come into force and take effect upon the final passing on the day it is passed.

Enacted and Passed in Council on this 6th day of April 2022.


Tracy Hagar, Mayor


Suzanne Huschilt, Municipal Clerk



Hastings Highlands

Beautiful By Nature

Schedule 'A' to Bylaw 2022-013

| Municipality of Hastings Highlands - Corporate Policies and Procedures | | | |
|--|------------|---|-------------------------|
| DEPARTMENT: Clerk's Department | | | POLICY #: |
| POLICY: Use of Corporate Resources for Election Purposes | | | |
| DATE: April 6/22 | REV. DATE: | COVERAGE: Candidates, Acclaimed Candidates, Council Members, Registered Third Parties and municipal employees | PAGE #: 11 pages |

1. Policy Statement:

The *Municipal Elections Act*, 1996, as amended, establishes the election campaign finance rules for Candidates running in a municipal election. Section 88(8)(4) prohibits municipalities such as The Corporation of the Municipality of Hastings Highlands from making campaign contributions.

The *Election Finance Act*, 1990, as amended, and the *Canada Elections Act*, 2000 as amended, establish regulations for Candidates and parties running in provincial and federal elections. Section 29(1) of the *Election Finance Act* and Section 363 (1) of the *Canada Elections Act* prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

As campaign contributions may take the form of money, goods or services, any use of corporate resources for election related purposes by Candidates, Registered Third Parties or municipal employees, is not permitted.

No Candidate or Registered Third party advertiser shall use the facilities, equipment, supplies, services, employees or other resources of the municipality for any election campaign or campaign-related activities.

2. Purpose:

This policy provides direction to Candidates, Registered Third Parties, Members of Council and all employees of the municipality on the administration of Corporate resources and with respect to election-related matters. The purpose of this policy is to clarify that all election Candidates at the municipal, provincial and federal level, including Members of Council and Registered Third Parties are required to follow the provisions of the *Municipal Elections Act*, 1996 as amended, the *Election Finance Act*, 1990 as amended, *Elections Act*, 1990 and the *Canada Elections Act*, 2000 as amended, as applicable.

The Policy is intended to:

- Ensure compliance with the *Municipal Elections Act*, 1996, *Elections Finance Act*, 1990 and the *Canada Elections Act*, 2000, in regards to the role of the Municipality contributing to a Candidates or Registered Third party campaign;
- Ensure that Candidates and Registered Third Parties are treated fairly and consistently within the municipality;
- Ensure the integrity of the election process is maintained at all times;
- Establish the appropriate uses of resources during an election period, in order to:
 - Protect the interests of the Elected Officials, Candidates, Registered Third Parties, municipal employees and the Corporation; and
 - Ensure accountable and transparent election practices
- Maintain non-partisanship and demonstrate impartiality towards provincial and federal partisan political activities during the Campaign Period.

Note: This Policy does not preclude a Member of Council from performing their duties as an Elected Official nor inhibit a Member of Council from representing the interests of their constituents.

3. Scope:

This policy applies to all Candidates (including any Candidate acclaimed), Members of Municipal Council (including a Member who is not seeking re-election), Registered Third Parties and all employees of the Municipality.

Exceptions:

3.1 Municipal information prepared, posted and maintained by the Municipality, names and

photographs of Elected Officials, their contact information, and a list of current representation on Committees that is prepared, posted and maintained by the Municipality.

3.2 Agendas and minutes of Council and Committee meetings.

3.3 Media releases and Municipal materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council.

3.4 A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.

3.5 A Candidates event or debate, involving Candidates in a provincial or federal election or by-election, that is organized by non-partisan individuals or organizations, may be held at a Municipal property, provided that necessary rental agreements have been secured by the event organizer.

3.6 An 'all-Candidates' event or debate, involving Candidates in a municipal election or by-election for one or more specific office(s), that is organized by non-partisan, individuals or organizations may be held at a Municipal property, subject to the consent of the Clerk, and provided that the necessary rental agreements have been secured by the event organizer. The Municipality will not host or organize any 'all-Candidate' events or debates for Municipal election candidates.

3.7. Municipal election-related education meetings that are organized by Municipal employees may be held at any Municipal property.

4. Definitions:

"Acclaimed" means a Candidate elected by acclamation pursuant to section 37 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended.

"Campaign(ing)" means any activity by, or on behalf of a Candidate, political party, constituency association, Registered Third Party, or question on a ballot meant to elicit support during the Election Period. This does not include the appearance of Elected Officials, other candidates or their supporters, or registrants at an event in their personal capacity without the display of any signage or graphics which identify the individual as a Candidate or registrant without the solicitation of votes.

"Campaign-Related Activities and Materials" means any resources used to promote, support or oppose a candidate or a "yes" or "no" vote related to a question on the ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing or other

paraphernalia. Activity means any action or event by or on behalf of a Candidate, political party, or Registered Third Party meant to promote, support or oppose a Candidate or a “yes” or “no” vote related to a question on the ballot during the election period. Campaign-related activities do not include the appearance of Elected Officials acting in their capacity of Council Member, School Board Trustee, Member of Provincial Parliament, or Member of Parliament. Campaign Materials include materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.

“Candidate” means any person who has filed, and not withdrawn, a nomination for an elected office including Mayor, Deputy Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf.

“Corporate Resource” means items, employees, services, or resources which are the property (owned, controlled, leased, acquired, and/or operated by) of the Municipality of Hastings Highlands including, but not limited to: materials, equipment, vehicles, facilities, land, technology (computers, smartphones, tablets, etc.), intellectual property, supplies, business cards, municipal branding/logos, slogans, mission/vision/guiding principles or any other images illustrations or videos owned or under the jurisdiction of the Municipality. Working hours, the time where the Municipality pays its employees to complete certain duties or tasks, is also considered to be a Corporate Resource.

“Election Period” means the official campaign period of an election for:

- A municipal or school board election; in accordance with Section 88.24 of the *Municipal Elections Act*, 1996, as amended, and begins on the day in which nomination papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
- A provincial or federal election, the election period commences on the day the writ for the election is issued and ends on voting day.
- A question on the ballot; the period commences the day Council passes a bylaw to put a question to the electorate and ends on voting day.

“MEA” means the *Municipal Elections Act*, 1996, as amended, S.O. 1996, c. 32, Sched.

“Registered Third Party (Advertiser)” means an individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the federal, provincial, or municipal election.

“Registered Third Party Advertisement” means an advertisement in any broadcast, print,

electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a Candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the Registered Third Party.

5. Activities

The following activities are not permitted during an Election Period:

5.1 Use of municipal property, whether directly or indirectly booked, for any election purpose(s).

5.2 Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing) within any municipal property.

5.3 Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing, etc.) at a municipally organized Event.

5.4 Use of equipment, supplies, services, employees or other resources of the municipality for any Campaign or Campaign-related activities.

5.5 Use of municipal funds to acquire any resources for any Campaign or Campaign-related activities, including ordering of stationery and office supplies.

Note: Campaigning on municipal property, whether it is during or outside of an election campaign period, is not permitted at any time.

Note: Candidates may accept an invitation to address a group that has booked a municipal property (e.g. clubs or groups who meet on a regular basis), but they are not permitted to distribute or wear any campaign material during the address/meeting.

Note: Candidates may accept an invitation to address a group that regularly meets at a park or open space. Any campaigning must not disrupt the enjoyment or use of the space by others, including the distribution of campaign material.

6. Campaign Material

The following restrictions apply to campaign related material:

6.1 Use of municipal funds or resources to produce, print or distribute any material that makes reference to, or contains the names or photographs of, or identifies Candidates or Registered Third Parties.

6.2 Use of lists, data and files produced using municipal resources, with the exception of lists to which a particular Candidate is entitled, pursuant to the *Municipal Elections Act*, for the current election (e.g. permitted use of Voters' List for election purposes only).

6.3 Display of Campaign material, including clothing, in any municipal property.

6.4 Display of Campaign material at any voting location or voter help centre, including the voting location or voter help centre's parking lot.

6.5 Display of Campaign material, including clothing, by any municipal employees, during working hours.

7. Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

7.1 Make reference to and/or identify any individual as a Candidate, political party, Registered Third Party or a supporter or opposer of a question on a ballot during an election, on any social media sites, blogs, and other new media created and/or managed by the Municipality and/or municipal employees.

7.2 Use municipal owned or managed technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, telephone) to communicate election-related messages.

Note: A link to an external webpage or social media that is organized by non-partisan individuals and/or organization promoting an all-candidate event or debate may be placed and/or promoted on the municipal website or social media at the discretion of the Clerk.

8. Member of Council Use of Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

8.1 Members of Council who choose/maintain a website or social media account used for Council work, shall throughout the period from **May 1st of the municipal election year until Voting Day**, include a clear statement, easily found and readable, on each website or social media account's home or bio page indicating that the account is being used either:

- solely for Council work
- for both Council work and/or election campaign purposes; or
- solely for election campaign purposes

Note: Members of Council are provided access to corporate information technology (I.T.) assets to fulfill their duties and responsibilities as an Elected Official but may not use those assets for Campaigning or the development of Campaign Materials. This includes, but is not limited to, functionality through municipally issued laptops/smartphones such as calendar, email, texts, Hastings Highlands issued email addresses, etc.

Hastings Highlands Council shall not use their municipal email addresses for **campaigning**. All campaign-related email shall be directed to and from a personal email address during the campaign period.

Only the photos and contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the corporate website. Links to Council member-related web sites or social media links will be removed during the campaign period.

9. Use of Municipal Logo and Identifiers

The Municipality's brand, logos and identifiers are owned by the Municipality of Hastings Highlands. Use of a video, photo, logo, crest, coat of arms, slogan, mission/vision/guiding principles or identifier for which the Municipality has proprietary rights, including municipal election logos (e.g. 'Hastings Highlands Votes' logo), in any capacity, is strictly prohibited.

10. Election Signs

Placement of election signs for municipal, provincial and federal elections must be in accordance with the Municipality's Election Sign Bylaw.

11. Candidate and Registered Third Party Conduct

11.1 Candidates and Registered Third Parties who attend municipal-organized Events are not permitted to campaign, including without limitation, distribute campaign material, wear

campaign buttons or shirts. The municipal staff supervising a municipality organized Event may request that a Candidate or Registered Third Party leave the event if campaigning is reported or suspected.

11.2 Members of Council attending municipality-organized Events, or events held at a municipal property may act as a representative participant in their capacity as an Elected Official, including speaking and offering greetings. Elected Officials and Members of Council who are also Candidates at the time of their attendance and participation at the municipality-organized Event may not campaign. No election signs or Campaign materials, including clothing, may be publicized at the event.

11.3 Candidates or Registered Third Parties are not permitted to engage in Campaign activities directed at municipality employees while those employees are at their workplace or engaged in work for the Municipality.

Note: The above extends to registered Candidates and Registered Third Party advertisers for a provincial or federal election or by-election.

Note: There should be no additions to the municipality-led events scheduled/planned between Nomination Day and Voting Day during the year of a municipal election, unless extenuating circumstances require an official municipal event to take place and at the discretion of the Clerk.

12. Municipal Employee Conduct

In recognizing the right of employees and volunteers to participate in political activity, the provisions set out below ensure the requirement for public service to be politically impartial. Municipal employees, including volunteers, shall not:

12.1 Canvass or perform any work in support of a Candidate or Registered Third Party (e.g. campaign), during hours in which a person is working for and/or receiving any compensation from the Municipality, except during scheduled time off (e.g. scheduled vacation time). Municipal employees shall not post or distribute Campaign material on behalf of a Candidate or Registered Third Party at municipal facilities or on municipal property including municipal parks and waste disposal sites.

12.2 Engage in any political activity while wearing a municipal uniform or identifier (e.g. name badge, hat, lanyard).

12.3 Engage in any political activity while wearing clothing or buttons that advertise any Candidate, Registered Third Party or political party while wearing a municipal uniform or identifier.

12.4 Use their title or position within the municipality in a way that may lead a member of the public to infer that the municipality is endorsing a Candidate, Registered Third Party or political party.

Note: The Municipal Clerk's Office and Election staff may not engage in political activity in any election. Municipal employees that support the Clerk in the administration of a municipal election may not engage in political activity during such election.

13. Roles and Responsibilities

13.1 Municipal Clerk

The Municipal Clerk is responsible for:

- Communicating this policy to municipal Candidates and Registered Third Parties
- Ensuring this policy is reviewed and updated as required, prior to municipal elections or by-elections, or as required by legislative change
- Ensuring all municipal Candidates and Registered Third Parties are treated equally

13.2 Senior Management Team

The Chief Administrative Officer, Department Heads and Officials are responsible for:

- Communicating this policy to their Supervisors and Employees
- Ensuring compliance with this policy
- Investigating reported contraventions of the policy and escalating to the Clerk as required

13.3 Employees

Municipal Employees are responsible for:

- Complying with this policy
- Seeking clarification from their direct report if any aspect of this policy is not understood

13.4 Members of Council, Candidates and Registered Third Parties

Without exception, all Members of Council, election Candidates, and Registered Third Parties shall comply with this policy.

13.5 Integrity Commissioner

Subject to limitations set out in the *Municipal Act*, 2001, regarding inquiries, the Integrity Commissioner may provide guidance or advice to Members of Council, proactively or in response to requests from Members, regarding conduct in relation to their Elected Official responsibilities, as it relates to Council Code of Conduct and the *Municipal Conflict of Interest Act*. The Municipality's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Municipality and may receive, from time to time, compensation from the Municipality in accordance with services provided.

Members of Council shall not use the services of the Municipality's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

13.6 Monitoring and Compliance

All staff, existing Council, candidates and Registered Third Parties will be provided with a copy of this procedure. A copy of this procedure will be placed on the Hastings Highlands municipal website (election page).

The Clerk's department will provide notification to employees by e-mail when a candidate has filed their nomination papers. Senior Management Team Members are to provide the information to their employees.

Candidates/potential Candidates and Registered Third Parties are requested to not ask questions directly of municipal staff regarding the operations of the municipality for campaign purposes.

No Candidate/potential candidate or Registered Third Parties shall compel employees to engage in partisan political activities or subject staff to threats or discrimination for refusing to engage in such activities.

Municipal employees shall not respond to questions from candidates/potential candidates or Registered Third Parties regarding the operations of the municipality for campaign purposes.

13.7 Non-Compliance

Should a complaint arise regarding the alleged use of Corporate resources in contravention of this policy, the Municipal Clerk or their designate shall have the authority to investigate and resolve the complaint. Bylaw Enforcement may be relied upon to support enforcement of this policy.

Note: Municipal employees who observe or are made aware of an apparent contravention of this policy shall report the apparent contravention to their direct report.

Note: Individuals who have questions about this policy are encouraged to contact the Clerk's Department to obtain further clarification.