



Use of Corporate Resources for Election Purposes for the Town of Fort Erie

1. Purpose

- 1.1. Section 88.18 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended (the “MEA”), provides that municipalities shall establish rules and procedures with respect to the use of municipal resources during the Election Campaign Period. In addition, Subsection 88.8(4)5 of the MEA provides that a municipality shall not make a campaign contribution.
- 1.2. Public funds and resources are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.
- 1.3. The purpose of this policy is to regulate and provide a clear approach and direction regarding the use of municipal resources during the Election Campaign Period in accordance with the MEA, the *Canada Elections Act*, S.C. 2000, c. 9. and the *Election Act*, R.S.O. 1990.

2. Definitions

“**By-election**” means an election other than a regular election;

“**Campaign Material**” means any materials, including political advertising, used to solicit votes for a Candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. This includes but is not limited to literature, banners, posters, pictures, buttons, clothing, print, displays, social and traditional media content. For greater clarity, Campaign Materials do not include election signs, which are governed by the Town’s Sign By-law;

“**Campaigning**” means any activity that may directly or indirectly benefit or oppose a Candidate;

“**Candidate**” means a person who has filed, and not withdrawn, a nomination in a municipal, school board, provincial, or federal election or by-election, in accordance with the *Municipal Elections Act, 1996*, the *Election Act, 1990*, or the *Canada Elections Act*, as applicable. For greater clarity, references in this Policy to a Candidate shall be deemed to include a political party, constituency association, registered third party, or a person or group supporting or opposing a question on a ballot.

“**Corporate Resources**” means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Town of Fort Erie including, but not limited to, facilities, parks, materials, equipment, monetary funds, technology, County IT systems and resources, databases, intellectual property, and supplies;

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“**Election Campaign Period**” means the official Election Campaign Period as determined by the MEA, Canada Elections Act SC 2000, c 9, and the Elections Act, 1990, as the context requires;

“**Employees**” includes full-time, part-time and contract Employees paid by the Corporation of the Town of Fort Erie;

“**Municipal Facility**” means any real property owned or under the control of the Town of Fort Erie, including but not limited to property owned, leased, occupied or used by the Town, such as libraries, community centres, meeting rooms, lobbies, banquet spaces, gymnasiums, sports fields, parks, pools, arenas and associated parking areas;

“**Nomination Day**” means the date in a regular Election or a By-election (as defined in Municipal, Provincial, or Federal legislation) where nominations close.

“**Voting Day**” is the day on which the final vote is to be taken in an election.

3. Application

3.1. This policy applies to:

- i. Members of Fort Erie Council, including the Mayor;
- ii. Members of Fort Erie Committees and Boards;
- iii. Town of Fort Erie Employees;
- iv. Town of Fort Erie Volunteers;
- v. Registered Candidates; and
- vi. Registered Third Party Advertisers.

3.2. This policy is applicable to municipal elections, including By-elections and applies, with necessary modifications, to provincial and federal elections.

3.3. This policy does not apply to:

- i. Municipal information prepared, posted and maintained by the Town;
- ii. Names and photographs of Elected Officials, their contact information, and a list of current representation on committees that are prepared, posted and maintained by the Town;
- iii. Agendas and minutes of Council and Committee meetings;
- iv. Media releases and Town materials that describe inter-governmental activities of the Members of Council and/or Mayor in the capacity as Head of Council and Chief Executive Officer of the Town; and

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- v. Municipal election-related education meetings that are organized by Town Staff.

4. Technology Related Provisions

- 4.1. Candidates and Members of Council shall not use Municipal Resources for any election related purposes, including computers, phones, tablets, printers, scanners, or other services such as email, internet, and file storage.
- 4.2. Websites or domain names that are funded, hosted, or managed by the Town of Fort Erie shall not include any election-related Campaign Material or links to websites that feature election-related Campaign Material, subject to subsection 4.2(i).
 - i. During the Election Campaign Period, links to external election campaign websites may be posted only on the online list of Candidates maintained by the Town of Fort Erie.
- 4.3. The Town of Fort Erie's voicemail system is not to be used to record election related messages nor shall the computer network, including the Town of Fort Erie's e-mail system, be used to distribute election campaign related correspondence.
- 4.4. In an Election year, Mayor and Council biographies will remain static, and no updates to these pages will be allowed. Upon submitting nomination papers, the biographies for the existing Member of Council shall be removed from the Members of Council section of the webpage. The pictures and contact information will remain on the website.
- 4.5. Candidates are permitted to link to any Town document available to the public or on a public Town webpage from their campaign website.
- 4.6. Sitting Members of Council who choose to create or use social media accounts for Campaigning must include, for the duration of the Election Period, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes and is not related to their duties as a member of council.

5. Facility Related Provisions

- 5.1. Candidates shall abide by Section 8 of the Municipal Sign By-law 119-2017 for the posting of signs and notices.
- 5.2. Members of Council, Candidates and Third Party Advertisers shall not

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use any Municipal Facility for any election Campaigning related purposes.

- i. Despite subsection 5.2, a Municipal Facility may be used for a non-partisan organized function, such as an all-Candidate debate, where the applicable rental application and fees for such use have been paid, and no Campaigning is conducted at the Municipal Facility. These events must permit all registered Candidates for that office an equal opportunity to participate.

6. Communications Related Provisions

- 6.1. Candidates shall not print or distribute any election campaign related material using municipal funds or resources.
- 6.2. Content produced for and owned by the Town of Fort Erie shall not be used by Candidates for any election purposes.
- 6.3. No advertising paid for by and owned by the Town of Fort Erie shall contain the name of the Councillor or the Mayor unless consistent with their duties as an elected official.
- 6.4. The Town of Fort Erie's logo, crest or any variation of it shall not be used on any election Campaign Material or included on any election campaign related website, website platforms, social media pages except in the case of a link to the Town's website to obtain information about the municipal election.
- 6.5. Distribution lists or contact lists developed using municipal resources or through contact in a member's official duties shall not be used for election campaign related purposes.

7. Employee Provisions

- 7.1. Employees may participate in political activity at the municipal, provincial or federal levels, but shall not canvass or actively work in support of a municipal, provincial or federal Candidate or party using Corporate Resources or during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave.
- 7.2. Notices, posters or similar material in support of a particular Candidate or political party are not to be produced, displayed or distributed by employees on Town of Fort Erie work sites.
- 7.3. Employees engaged in political activities must take care to separate those personal activities from their official positions.

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- 7.4. Employees may not engage in any political activity while wearing a Town uniform or identifier (e.g. name badge, hat, clothing, lanyard).
- 7.5. Employees may not use their title or position within the Town in a way that may lead a member of the public to infer that the Town is endorsing a Candidate, Registered Third Party or political party.
- 7.6. Any Employee involved in the administration of a municipal election shall remain neutral and impartial and shall conduct themselves in a manner that maintains public confidence in the integrity of the election process. Such Employees shall refrain from any activity or conduct that could reasonably be perceived as compromising their neutrality. Any actual or potential conflict of interest shall be promptly disclosed in writing to the Chief Administrative Officer or designate.

8. Limitations

- 8.1. This policy does not preclude a member of Council or Regional Council from performing their duties as a Councillor, Mayor, Regional Councillor, or Regional Chair nor inhibit them from representing the interests of the constituents who elected them.
- 8.2. Nothing in this Policy shall preclude Staff from exercising their civic right and duty to participate in an election process, including a municipal election process, as a private citizen.

9. Implementation

- 9.1. The Town Clerk is authorized and directed to take the necessary action to give effect to this policy, and shall become effective immediately upon approval by Council

10. Rationale

- 10.1. The MEA requires municipalities to establish rules and procedures with respect to the use of Corporate Resources during the Election Campaign Period.

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Approved by,

Chris McQueen

Chief Administrative Officer

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