

	<i>Use of Corporate Resources for Election Purposes</i>	
	Policy Category: <i>(Follow corporate standard to be developed)</i>	
	Policy No.: <i>(Follow corporate standard, assigned by Clerk's Dept.)</i>	Implementing Procedure No.: <i>(Follow corporate standard, assigned by Policy Author)</i>
Approving Authority: <i>Council</i>	Effective Date: <i>2017</i>	
Approved or Last Reviewed Date: <i>N/A</i>	Next Review Year: <i>2021</i>	
Area(s) this policy applies to: <i>Council Members, City Staff</i>	Owner Department: <i>Legislative Services & Corporate Communications</i>	
Related Policy(ies): <ul style="list-style-type: none"> • Council Code of Conduct • Code of Ethics and Conduct • Business Expense and Conference Policy • Accountability & Transparency Policy • Municipal Elections Act 		

Note: Questions about this policy should be directed to the Owner Department.

1. Purpose Statement *(Outline why the organization is issuing the policy and its desired effect or outcome of the policy)*

The purpose of this Policy is to provide Mayor, Councillors and City Staff with guidelines on the use of corporate resources for election purposes to ensure compliance with the Municipal Elections Act, 1996, (the "Act"), and other applicable Federal and Provincial legislation.

2. Applicability and Scope Statement

This Policy applies to Mayor and Councillors and City Staff who are running for office in municipal, regional, school board, provincial or federal elections (or who have been acclaimed) or political party nominations. Nothing in this Policy precludes the Mayor or Councillors from performing their duties or inhibits them from representing constituent interests during their term of office.

3. Background

The **Act** prohibits a municipality from contributing resources to a **Candidate** on the basis that the use of corporate resources would provide a distinct advantage to **Candidate(s)** able to access them. Corporate resources include discretionary budgets, City facilities, City Staff, and City funded programs and services. Corporate resources also include City funded communication resources, which include but are not limited to, any material sponsored, printed or distributed by the City, the City's voice mail system, websites or domain names that are funded by the City, and the City's computer network or related IT systems. It is the responsibility of Councillors and City Staff to follow the protocol outlined in this Policy to ensure a fair and transparent election process.

4. Definitions



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“ACT” means the Municipal Elections Act, 1996, as amended

"CANDIDATE" means any person who has filed the prescribed nomination form to run in a Municipal, Regional, Provincial or Federal Election, or political party, or by-election.

“CAMPAIGNING” means any election-related activity for the purpose of supporting or opposing the election of a Candidate or a question on the ballot, and includes, without limiting the generality of the foregoing, the distribution of materials (paper and electronic), advertising (including any form of electronic advertising), any form of promotion (including by means of social media), display of signage, etc.

“CITY” means The Corporation of the City of Markham.

“CITY STAFF” means an individual who is hired on a temporary, part-time, contract, consulting, or permanent basis by the City, and receives financial payment from the City for their employment.

“CLERK” means the City Clerk and Returning Officer of the City.

“COUNCIL” means the Council of the City of Markham.

“COUNCILLOR” means a Member of Markham City Council.

“DISCRETIONARY EXPENSE” is an expense that is incurred by choice of an individual COUNCILLOR and is charged to the individual Councillor’s discretionary account. The responsibility for determining the appropriateness of a Discretionary Expense rests with the individual Councillor.

“ELECTION” means an election or by-election at the Municipal, School Board, Regional, Provincial, Federal level of government, political party election or the submission of a question or by-law to electors.

“ELECTION RELATED” means anything that relates directly to an election as defined above.

“ELECTION PERIOD” means the official campaign period of a municipal, regional, provincial or federal election, by-election or political party contest.

“NEWSLETTER” means a printed publication produced and distributed by or on behalf of a Member, using any City Resources, to provide information to residents.

"NOMINATION DAY" is the date in a regular election year or by-election year as defined in Municipal, Provincial or Federal legislation.

“REGISTERED THIRD PARTY” means an individual or corporation as defined Municipal, Provincial or Federal legislation.

1. GENERAL PROVISIONS

- 1.1. Pursuant to the **Act**, the **City** shall not make a contribution, including money, goods and services, to any **Candidate, Registered Third Party** or a supporter of a question on the ballot during an **Election**.
- 1.2. **Candidates** may not use corporate resources, including **City** communication resources, for **Election** purposes.
- 1.3. **Candidates** may not undertake any **Election Related** activities or **Campaigning** in the workplace.
- 1.4. **Candidate** may not undertake any **Election Related** activities or **Campaigning** on any **City** property unless permitted by the **Clerk**, or his or her designate.
- 1.5. **City Staff** may not actively work in support of a **Candidate** during normal working hours or any time they are receiving remuneration from the **City**, unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.
- 1.6. **City Staff** may not use corporate resources, including **City** communication resources, for the purpose of **Campaigning** for, or assisting in the campaign, of a **Councillor(s)** and/or **Candidate(s)**.
- 1.7. **City Staff** may not canvass, or actively work in support of, a **Candidate** or political party while wearing a **City** uniform, badge, crest or other item identifying them as a **City** employee, or while using a **City** owned or leased vehicle.
- 1.8. **Candidates** are prohibited from including the **City** logo, Coat of Arms, slogan, or corporate program identifiers on any **Election Related** materials, or related websites, except in the case of a link to the **City's** website to obtain information about the municipal **Election**.
- 1.9. **Councillors** may not use any **City** printers and/or photocopiers to produce **Election Related** material. Once a **Councillor** has filed their nomination paper with the **Clerk** their printing and/or photocopying levels shall not exceed the monthly average from the previous year as determined by the **Clerk**.
- 1.10. **Candidates** are prohibited from using any photographs produced for and owned by the **City** for any **Election Related** purposes. Unless permission is granted by the **Clerk**.
- 1.11. **Councillors** are responsible for ensuring that any communication material, including printed materials such as **Newsletters**, advertising etc. funded by the **City** do not contain any **Election Related** content.
- 1.12. Links to any personal or **Election** websites, or social media sites will be removed from the **City** owned website after a **Candidate** has filed his or her nomination papers, except where deemed appropriate by the **Clerk** for the purpose of promoting awareness of the **Election** to voters.

2. CAMPAIGN ACTIVITIES AT CITY OWNED AND/OR OPERATED FACILITIES

- 2.1. **Candidates** and **Registered Third Parties** may not display any **Election Related** material or undertake any **Campaigning** at **City** facilities except under the following circumstances:
 - 2.1.1. The facility is a **City** owned long-term care facility, in accordance with the Residential Tenancies Act, 2006.
 - 2.1.2. **Candidates** may use any **City** owned facility that provides for public rentals, with the exception of the Civic Centre, provided the application process for use of the facility is followed, and that all applicable fees for use of the facility are paid.

- 2.1.3. **Candidates** and **Registered Third Parties** will set up and remove all **Election Related** material, including but not limited to, signs, posters, and other campaign material within the allotted rental period; and,
- 2.1.4. **Election Related** material can only be displayed within the rented area designated within the rental agreement.

- 2.2. **Candidates** and **Registered Third Parties** are not permitted to use the Civic Centre to undertake any **Election Related** activities or **Campaigning**.
- 2.3. **Candidates** and **Registered Third Parties** are not permitted to rent **City** facilities for **Election Related** activities or **Campaigning** while there is a Voter Assistance Centre or Voting Location operating out of the facility.

3. PROCEDURES FOR MAYOR & MEMBERS OF COUNCIL DURING AN ELECTION PERIOD

- 3.1. The budgets for Mayor and **Councillors** in a municipal **Election** year will be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to Voting Day:
 - 3.1.1. Newly elected **Councillors** are allocated a budget equal to 1/12th of the approved budget amount for the month of December.
 - 3.1.2. Re-elected **Councillors** will have access to the remaining 1/12 of the year's budget the day after Voting Day.
- 3.2. The following will be discontinued for Mayor and **Councillors** on May 1 in a municipal **Election** year until the end of the **Council** term:
 - 3.2.1. **Newsletters** or other ward-wide communication, unless specifically authorized by **Council**;
 - 3.2.2. All forms of advertising, including municipal publications;
 - 3.2.3. All printing or high speed photocopying distribution; INSERT monthly average clause
 - 3.2.4. The ordering of stationery;
 - 3.2.5. All expenses related to ward or community meetings and business cards; and,
 - 3.2.6. The ordering or moving of office furniture and furnishings, except those of an emergency nature.
- 3.3. **Councillors** and **Candidates** may not:
 - 3.3.1. Print or distribute any material paid for with **City** funds (or produced with the use of City owned equipment or facilities) that makes reference to any other **Councillor** or individual that is running for elected office in a school board, municipal, provincial or federal **Election**, or political party context, or by-election;
 - 3.3.2. Print or distribute any material paid for with **City** funds (or produced with the use of City owned equipment or facilities) that identifies that they or another individual will be running for elected office;
 - 3.3.3. Use the **City's** voice mail system to record **Election Related** messages;
 - 3.3.4. Include any **Election Related** material on websites or domain names that are paid for by the **City**;



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- 3.3.5. Use mobile communication devices, including but not limited to smartphones, cell phones (including Bring Your Own Device and tablets), that are paid for by the **City** for any **Election Related** purpose or **Campaigning**, unless the **City** is reimbursed;
- 3.3.6. Use the services of any **City Staff** to assist in any communication activity related to the preparation or distribution of campaign materials or events or enable a **City Staff** to undertake any **Election Related** activities prohibited in this section on behalf of the **Councillor** or **Candidate**; and,
- 3.3.7. Hold a Ward or community meeting between May 1 and **Election Day**, in a municipal **Election** year, unless authorized by **Council**.

6. Roles and Responsibilities

The Legislative Services and Corporate Communications Department is responsible for reviewing this Policy as appropriate. It is the responsibility of all **Candidates**, **Councillors** and **City Staff** to adhere to this Policy. Should written complaints arise regarding alleged use of corporate resources in contravention of this Policy, the City Clerk or their designate shall have the authority to investigate it and resolve any issues. If a breach of this Policy is confirmed, the applicable **Candidate**, **Councillor** and/or **City Staff** person will be required to personally repay any of the costs associated with the breach.