

Title: Use of Corporate Resources for Election Policy

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Policy Statement

1. Section 88.18 of the Municipal Elections Act, S.O. 1996, c.32, (the Act), as amended, requires municipalities and school boards to establish rules and procedures with respect to the use of municipal and board resources during the election campaign period.
2. The Act establishes rules and regulations governing the financing of municipal election campaigns in Ontario. Section 88.8 (4) 5 prohibits a local board from making any contribution to a candidate running in a municipal election.
3. Section 88.12 (4) 3 of the Act also states that local boards cannot make a contribution to registered third party advertisers.
4. 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 municipal corporations from contributing to any candidate, constituency association, nomination contestant, leadership contestant, or political party.
5. 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 a Corporate Resource for an election campaign could be viewed as a contribution by the Scugog Library Board, which is a violation of the Municipal Elections Act, 1996.

Purpose

The purpose of the Use of Corporate Resources for Election Purposes Policy (the Policy) is to meet the Scugog Library Board's responsibilities under the Municipal Elections Act, the Election Finance Act and the Canada Elections Act, by establishing for the benefit of candidates, current members of the Scugog Library Board, Scugog Library Board Staff and members of the public, the requirements and restrictions relating to campaign finances, the use of local board resources and local board contributions to election campaigns. The Policy is also to ensure that all candidates and third party advertisers are treated fairly and consistently.

Application

1. This Policy applies to all current members of the Scugog Library Board, Scugog Library Board Staff, Candidates, political parties, constituency associations, Third Party Advertisers and persons or groups supporting or opposing a question on a ballot.
2. All provisions contained within this Policy shall serve to ensure the protection of freedom of expression while maintaining that:
 - 2.1. Corporate Resources shall not be used during an Election Period to promote or provide an unfair advantage to any Candidate, political party, constituency association, Third Party Advertiser, or a person or group supporting or opposing a question on a ballot; and
 - 2.2. Information and communication related to an election shall continue to be open and accessible to the public.
3. Each section of this Policy is an independent section and the holding of any section or part of any section of this Policy to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this Policy.

Definitions

1. **"Campaign(ing)"** – shall mean any activity by or on behalf of a Candidate, political party, constituency association, Third Party Advertiser, or question on a ballot meant to elicit support during the Campaign 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 graphic which identifies the individual as a candidate or registrant and without the solicitation of votes.
2. **"Campaign Material"** – shall mean any material, regardless of format, that promotes or opposes any Candidate, or a response to any question on a ballot or referendum and includes, but is not limited to, printed literature, banners, posters, pictures,

buttons, clothing, signs, magnets and vehicle signs / decals and in any format which includes print, electronic, radio, television, websites, social media etc.

3. **“Campaign Period”** – shall mean:
 - 3.1. In the case of a municipal or school board election; the Campaign Period commences on the first day prescribed for the filing of nominations in accordance with the MEA and ends on voting day.
 - 3.2. In the case of a provincial or federal election; the Campaign Period commences the day the writ for the election is issued and ends on voting day.
 - 3.3. In the case of a question on the ballot; the Campaign Period commences the day Council passes a by-law to put a question to the electorate and ends on voting day.
 - 3.4. In the case of a by-election; the Election Period commences when the by-election is called and ends on voting day.
4. **“Canada Elections Act”** – shall mean the Canada Elections Act, S.C. 2000, c. 9, as amended.
5. **“Candidate”** – shall have the same meaning as contained within the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, as applicable, and shall be deemed to include a person registered pursuant to any of the above-noted statutes or an agent for a registered person seeking to influence anyone to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, as amended.
6. **“Clerk”** – shall mean the Township Clerk of the Township of Scugog or his or her designate, or a returning officer appointed under Section 7(1) of the Ontario Election Act, or Section 24(1) of the Canada Elections Act, or his or her delegate.
7. **“Corporate Resource”** – shall mean any physical, intellectual or financial asset owned, leased or otherwise controlled by the Scugog Library Board including but not limited to: materials, equipment, vehicles, facilities, land, technology, intellectual property, images, logos and supplies. Working hours, the time where the Scugog Library Board pays its Staff to complete certain duties or tasks, is also considered to be a Corporate Resource.
8. **“Election”** – shall mean a municipal, provincial or federal election, or by-election, held in accordance with the Municipal Elections Act, 1996, S.O. 1996, c.32, the Election Act, R.S.O. 1990, c. E.6, or the Canada Elections Act, S.C. 2000, c. 9.
9. **“Election Act”** – shall mean the Election Act, R.S.O. 1990, c. E.6, as amended.

10. **“Election Finances Act (Ontario)”** – shall mean the Election Finances Act, R.S.O. 1990, c. E.7, as amended.
11. **“Member”** – shall mean an individual elected or appointed to Township Council and holding public office during a Campaign Period.
12. **“Municipal Elections Act” or “MEA”** – shall mean the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched., as amended.
13. **“Public Libraries Act”** – shall mean the Public Libraries Act, R.S.O. 1990, c. P.44, as amended.
14. **“Scugog Library Board”** – shall mean the Scugog Memorial Public Library Board established under the Public Libraries Act and the Township of Scugog By-law 67-22 as amended, or any subsequent By-law that replaces By-law 67-22
15. **“Scugog Library Board” or “the Board”** – shall mean the Board of Management for the Scugog Library Board.
16. **“Scugog Library Board Contractor”** – shall mean any individual, company, or individual employed by a company, contracted to provide goods or services to the Scugog Library Board.
17. **“Scugog Library Board Facility / Facilities”** – shall mean any land, building or other structure owned, leased, operated or otherwise controlled by the Scugog Library Board
18. **“Scugog Library Board Member(s)”** – shall mean person(s) who are appointed to the Scugog Library Board by the Council of the Township of Scugog.
19. **“Technology”** – shall mean computers, laptops, servers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology controlled, leased or owned by the Scugog Library Board.
20. **“Third Party Advertiser”** means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, Section 37.5 of the Election Finance Act, or Section 353 of the Canada Elections Act.

Guidelines

1. Corporate Resources shall not be used by anyone for Campaigning. Further clarity is provided below.
2. The Scugog Library Board shall not make a contribution of money, goods or services to any Member, Candidate or Third Party Advertiser.

Corporate Resources – Technology

1. Scugog Library Board Members are provided access to corporate information technology (I.T.) assets to fulfill their duties and responsibilities, but shall not use those assets for Campaigning or the development of Campaign Materials.
2. The Scugog Library Board's voice mail system and computer network (including the email system) shall not be used to record Campaign related messages or to distribute Campaign Materials.
3. Websites or domain names that are funded by the Scugog Library Board may not be used for Campaigning.
4. On the day preceding the commencement of a municipal Campaign Period, biographical information about a Member and links to personal websites shall be removed from any website, domain or social media account controlled, operated or funded by the Scugog Library Board.
5. On the day the writ is issued for any provincial or federal Election, biographical information about any person registered as a Candidate, and links to personal websites shall be removed from any website, domain or social media account controlled, operated or funded by the Scugog Library Board.

Corporate Resources – Communications

1. During the Campaign Period, the following shall be discontinued for Members, Candidates or Third Party Advertisers where they are paid for by the Scugog Library Board:
 - 1.1. All forms of advertising;
 - 1.2. The ordering of stationery; and
 - 1.3. Any other expense, unless such expenses are recurring expenses incurred by all Members.
2. The Scugog Library Board's logo, crest, coat of arms, tag line, seal and any other images and illustrations owned by the Scugog Library Board, in whole or in part, shall not be used in any Campaign Materials.
3. Candidates shall not print or distribute reference to any of the Scugog Library Board's email addresses, telephone numbers, or facility addresses on any Campaign Materials.

4. Distribution lists or contact lists developed utilizing Corporate Resources and in the custody and control of the Scugog Library Board shall not be utilized for election purposes.

Corporate Resources – Scugog Library Board Facilities

1. Any Candidate may attend any public Standing Committee, Advisory Committee, Library Board or Council meeting; however, they shall not use this forum to speak on or address any matter relating to their Campaign.
2. Scugog Library Board Facilities may not be used for any election related purpose, except as permitted by the following:
 - 2.1. Members, Candidates and Third Party Advertisers shall not use any Scugog Library Board Facility for any Campaigning. Notwithstanding the preceding, no Member, Candidate or Third Party Advertiser shall be permitted to engage in Campaigning or displaying, distributing or posting Campaign Materials at or on the grounds of the Scugog Library Board.
 - 2.2. Members, Candidates and Third Party Advertisers shall not engage in Campaigning or displaying, distributing or posting Campaign Materials at any function hosted, managed or coordinated by the Scugog Library Board, whether at a Scugog Library Board Facility or not.
3. Campaigning on public sidewalks and highways is permitted, provided that such Campaigning is in compliance with Township By-laws and the Highway Traffic Act and not on the sidewalks and highways surrounding the Scugog Library Board Facility at 231 Water Street or at 181 Perry Street, Port Perry.

Scugog Library Board Members, Staff and Contractors

1. Scugog Library Board Members and Staff are prohibited from using Corporate Resources for any Campaigning.
2. Scugog Library Board Members and Staff shall not engage in any Campaigning while wearing any Scugog Library Board uniform, badge, crest, or other item that identifies them as a Scugog Library Board Member.
3. Members, Candidates and Third Party Advertisers shall not use the services of Scugog Library Board Contractors for any Campaigning while the Contractor is directly engaged in the delivery of goods or services for which the Contractor is receiving compensation from the Scugog Library Board.

Conflict

If a provision of this Policy conflicts with a provision of any applicable Act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall prevail.

Effective Date

This Policy shall come into force and effect upon the date of its enactment.

Contact Person: Board Chair, Chief Executive Officer

Cross Manual Reference:

Relevant Forms:

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Approved by: Library Board