



# Use of Municipal Resources during Election Policy

Policy #C-SLA-435

Date Last Reviewed: April 21, 2022

## 1.0 Purpose and Scope

- 1.1 The purpose of this policy is to set out provisions for the use of Municipality of Lakeshore Resources during an election period.
- 1.2 The provisions for the use of Resources are intended to preserve the public trust and integrity in the election process and to comply with the *Municipal Elections Act, 1996*.
- 1.3 The purpose of this policy is to manage the use of Resources by Candidates while respecting the right to freedom of expression and association while ensuring that that no Candidate, Third Party Advertiser or Political Party is provided with an unfair advantage.
- 1.4 This policy applies to municipal (including school board), provincial or federal elections, including by-elections, and to questions on the ballot.

## 2.0 Interpretation

- 2.1 The Municipality recognizes that Council Members hold their office until the end of the term and supports them in continuing to fulfill their responsibilities as Council Members. Nothing in this policy shall preclude a Council Member from performing their duty as an elected official nor inhibit them from representing the interests of their constituents.

## 3.0 Definitions

- 3.1 In this Policy:
- 3.2 “Campaign Period” means:
  - 3.2.1 In the case of a regular election pursuant to the *Municipal Elections Act, 1996*, the period between the first available day on which a nomination may be filed with the Clerk and Voting Day in the year of a municipal election;



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- 3.2.2 In the case of a by-election pursuant to the *Municipal Elections Act, 1996*, the period between the first available day on which a nomination may be filed with the Clerk and Voting Day;
- 3.2.3 In the case of an election pursuant to the *Canada Elections Act*, the period between the issue of a writ and Voting Day; and
- 3.2.4 In the case of an election pursuant to the *Election Act*, the period between the issue of a writ and Voting Day.
- 3.3 “Campaign Activity” means an activity, event, or pursuit that promotes or opposes, whether directly or indirectly, a Candidate or a response to a question on a ballot and includes but is not limited to the display, posting or distribution of Campaign Material.
- 3.4 “Campaign Material” means material, physical or digital and regardless of format, that promotes or opposes a Candidate, or a response to a question on a ballot and includes, but is not limited to, printed literature, social media posts, banners, posters, pictures, buttons, clothing, signs, magnets and vehicle decals.
- 3.5 “Candidate” means an individual who has filed nomination papers with the Clerk in accordance with the *Municipal Elections Act, 1996* or with a returning officer in accordance with the *Election Act* or the *Canada Elections Act*.
- 3.6 “Clerk” means the Clerk of the Municipality of Lakeshore, appointed pursuant to the *Municipal Act, 2001*, or their designate.
- 3.7 “Council” means the municipal council of the Municipality of Lakeshore.
- 3.8 “Council Member” means an individual elected or appointed to Council and holding public office during a Campaign Period.



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- 3.9** “Election” means a municipal, provincial or federal election, or by-election, held in accordance with the *Municipal Elections Act, 1996*, the *Election Act* or the *Canada Elections Act*.
- 3.10** “Election Activities” means an election-related session, event or activity hosted by or at the direction of the Clerk, or a returning officer appointed pursuant to the *Election Act*, or the *Canada Elections Act*.
- 3.11** “Election Sign” means a sign or other advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons to do one or more of the following:
- a) to give or to refrain from giving their votes to a Candidate;
  - b) to give or to refrain from giving their votes to an individual and/or a Political Party at an Election, or
  - c) to vote in favour of or against any question submitted under the *Municipal Act, 2001* or any other law, to a vote of the electors.
- 3.12** “Employee” means an employee of the Municipality.
- 3.13** “Facilities” means land, buildings or other structures owned, leased, occupied, operated or otherwise controlled by the Municipality, including but not limited to all administrative and operational buildings, libraries, community and recreation centres.
- 3.14** “Infrastructure” means any physical asset owned, leased, occupied, operated or otherwise controlled by the Municipality including roads, parks, trails, sports fields and open space.
- 3.15** “Municipality” means the Municipality of Lakeshore and includes its agencies, boards and committees.



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- 3.16** “Municipal Event” means an activity, occasion or experience for the public which is organized or supported by the Municipality, either through financial or in-kind support.
- 3.17** “Political Party” means a Political Party registered in accordance with the *Elections Act* or the *Canada Elections Act*.
- 3.18** “Resource” means a physical, electronic, intellectual or other asset owned, leased or otherwise controlled by the Municipality and includes email addresses, domains, websites, social media pages, vehicles, equipment, supplies, services and Employees.
- 3.19** “Third Party Advertiser” means an individual, corporation or trade union registered in accordance with the *Municipal Elections Act, 1996*, the *Election Finance Act* or the *Canada Elections Act*.
- 3.20** “Volunteer” means a volunteer of the Municipality, including volunteer firefighters and members of boards and committees of the Municipality.
- 3.21** “Voting Day” means:
- 3.21.1 in the case of a municipal Election, Voting Day as determined in accordance with the *Municipal Elections Act, 1996*;
  - 3.21.2 in the case of a federal Election, polling day as determined in accordance with the *Canada Elections Act*;
  - 3.21.3 In the case of a provincial Election, polling day as determined in accordance with the *Election Act*.



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## 4.0 Policy

### General

- 4.1 No person shall use a Resource for any election-related purpose.
- 4.2 Section 3.1 does not apply to:
  - 4.2.1 an Employee of the Municipality (or in the case of a federal or provincial Election, an employee of one of those) using a Resource in the conduct of an Election; and
  - 4.2.2 use of Facilities or Infrastructure for general purposes in common with electors, such as driving on a municipal road.
- 4.3 No permits, licenses, leases or other agreement for the use of Facilities will be issued to promote, support or oppose a particular Candidate, Third Party Advertiser or Political Party.
- 4.4 A Candidate, Third Party Advertiser or Political Party may not distribute Campaign Materials on or in Facilities, Infrastructure or at a Municipality Event.
- 4.5 The erection and display of signs or Campaign Materials must be in conformity with any applicable sign by-laws.

### Access to Resources during an Election Period

- 4.6 The Municipality's logo, crest, slogans, or any other branding materials may not be printed, posted or distributed on election-related Campaign Materials or included on election-related website, except to link to the Municipality's website to obtain information about the municipal election.
- 4.7 Candidates may not post photographs of themselves with Employees or Volunteers in Campaign Materials.



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- 4.8** Photographic, digital or video materials which were created by, prepared for, or paid for by the Municipality may not be used for an Election purpose.

## **Access to Information during an Election Period**

- 4.9** A Candidate, Third Party Advertiser or Political Party shall not be entitled to access to information in the custody of the Municipality other than to information which is generally available to the public and in the same manner as it is available to the public.
- 4.10** Access to voter information shall only be permitted by the Clerk and as expressly authorized by the *Municipal Elections Act, 1996*.

## **Attending Municipal Events during an Election Period**

- 4.11** A Candidate, Third Party Advertiser or Political Party is permitted to attend a Municipal Event, or events held at Municipality facilities, in either their capacity as elected representatives, where applicable, or as private citizens, but may not campaign while in attendance. No Election Sign may be posted at a Municipal Event and no Campaign Materials may be disseminated at a Municipal Event.

## **5.0 Responsibilities**

- 5.1** The Clerk is responsible for the administration of the policy and, in the case of a municipal Election, for providing each registered Candidate and Third Party Advertiser with a copy of the policy.
- 5.2** Each Candidate and Third Party Advertiser is responsible for following the provisions outlined in this policy.

## **6.0 Reference Documents**

- 6.1** *Municipal Election Act, 1996, S.O. 1996, c.32*



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- 6.2 *Election Act*, R.S.O. 1990, c.E.6
- 6.3 *Canada Elections Act*, SC 2000, c.9
- 6.4 *Election Finances Act*, R.S.O. 1990, c.E.7
- 6.5 *Municipal Act, 2001*, R.S.O. 2001, c.25
- 6.6 Code of Conduct for Council, Local Board & Committee Members

## 7.0 Communication and Training

- 7.1 This policy will be provided to each registered Candidate and Third Party Advertiser pursuant to the *Municipal Elections Act, 1996*.
- 7.2 This policy will be posted on the Municipality of Lakeshore website and provided to Candidates and Third Party Advertisers upon registration.

## 8.0 Review/Revisions

- 8.1 This policy will be reviewed every four years.

#	Date Revised	Author	Section	Details of Change
1				
2				
3				
4				

Refer policy questions to the Clerk.