



Use of Corporate Resources for Election Purposes Policy

Policy Category: Governance - Elections

Approving Authority:

Council

Effective Date:

2017

Approved or Last Reviewed Date:

2022

Next Review Year:

2025

Area(s) this policy applies to:

Councillors, City Staff, City Volunteers, Candidates, Registered Third Parties, Campaign Staff

Owner Department:

Legislative Services & Corporate Communications

Related Policies:

- *Municipal Elections Act, 1996*
- *Election Finances Act, 1990*
- *Canada Elections Act, 2000*
- *Council Code of Conduct*
- *Staff Code of Ethics and Conduct*
- *Business Expense and Conference Policy*
- *Accountability & Transparency Policy*

Please direct any questions about this policy to the Owner Department.

Purpose

This Policy establishes rules around the use of City of Markham funds, services, equipment, facilities, personnel, and other municipal corporate resources during an **Election** period to maintain the non-partisan and transparent operation of the municipal administration. This Policy is designed to achieve the **City's** compliance with the legislated requirements contained in the *Municipal Elections Act*, *Council Code of Conduct*, and other applicable legislation and corporate policies. This Policy should be interpreted as a general prohibition against the use of municipal corporate resources for any **Election-Related** purpose.

Nothing in this Policy is intended to preclude a **Councillor** from performing their legislated duties or representing the interests of their constituents as an elected official for their full term of office.

Applicability and Scope

This Policy applies to **Councillors**, **City Staff** (including **City Volunteers** and other persons acting on behalf of the **City**), **Candidates**, **Registered Third Parties**, and campaign staff in a local municipal, regional municipal, school board, provincial, federal, or political party **Election**.

Background

The *Municipal Elections Act* prohibits municipalities from contributing resources to **Candidates** in a municipal or school board **Election** on the basis that use of these resources would provide an unfair advantage to those **Candidates**

who are able to access them. The *Canada Elections Act* and *Election Finances Act* impose similar restrictions on municipalities for federal and provincial **Elections**.

Municipal corporate resources include (but are not limited to) **Councillor** discretionary budgets; **City** facilities and equipment; **City Staff**, **City Volunteers**, and representatives acting on behalf of the **City**; **City**-funded programs and services; **City**-funded communications (i.e., material sponsored, printed, and/or distributed by the **City**); the **City's** corporate logo, affiliate logos, and corporate program logos; **City** websites and domain names; the **City's** computer networks and related information technology systems; and personal and confidential information acquired in one's capacity as an elected official, employee, or representative of the **City**.

All applicable parties and stakeholders are responsible for following the protocols outlined in this Policy to support a fair and transparent **Election** process.

Definitions

'Affiliate' means any entity that is (in whole or in part) created, owned, controlled, operated, and/or supported by the City, including its subsidiaries, local boards, and foundations.

'Candidate' means any person who has filed the prescribed nomination form to run in a municipal, regional, school board, provincial or federal election or by-election or for a position in a political party.

'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 production and 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 individuals who are hired on a temporary, part-time, contract, or permanent basis by the City, and who receive financial payment from the City for their employment.

'City Volunteer' means an individual who performs duties on behalf of Councillors or the City and who does not receive financial payment from the City for their work as a volunteer.

'City Clerk' means the City Clerk and Returning Officer of the City.

'Council' means the Council of the City.

'Councillor' means a member of Markham City Council.

'Discretionary Expense' means an expense that is incurred by an individual Councillor and is charged to an 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, or federal level of government, political party nomination or leadership contest, or the submission of a question or by-law to voters.

‘Election Period’ means the official campaign period of a municipal, regional, provincial, or federal election or by-election, or political party contest as defined in the applicable electoral legislation.

‘Election-Related’ means anything that relates directly to an election.

‘Newsletter’ means a printed or electronic publication produced and distributed by or on behalf of a Councillor (and using City Resources) to provide information to constituents.

‘Nomination Day’ means the date in a regular election or a by-election (as defined by municipal, provincial, or federal legislation) when nominations for office close.

‘Nomination Period’ is the period of time between the opening of nominations and Nomination Day in a regular election or by-election (as defined by the applicable municipal, provincial, or federal legislation).

‘Opening of Nominations’ means the first date in a regular election or by-election (as defined by the applicable municipal, provincial, or federal legislation) when nominations for office can be filed.

‘Registered Third Party’ means an individual, corporation, or other entity engaging in election-related activities as defined by the applicable municipal, provincial, or federal legislation.

‘Voting Day’ means the final day in which voting takes place in the applicable election.

Policy Statements

1. General

- 1.1. Pursuant to the **Act**, the **City** will 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** will not use corporate resources (including **City** communication resources) for **Election** purposes.
- 1.3. **City Staff** will not work in support of a **Candidate** during their normal working hours, unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.
- 1.4. **City Staff** will 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)**.
- 1.5. **Councillors** who are also **Candidates** shall comply with the *Council Code of Conduct*, including but not limited to sections 9, 12 and 13, and shall not use their influence to compel staff to assist in the campaign of a **Councillor**.
- 1.6. **Candidates** will not undertake any **Election-Related** activities or **Campaigning** in the workplace.

- 1.7. **Candidates** will not undertake any **Election-Related** activities or **Campaigning** on any **City** property unless permitted under Section 2 of this policy.
- 1.8. **City Staff** will not canvass, or work in support of, a **Candidate** or political party while wearing a **City** uniform, badge, crest, or other item identifying them as **City Staff**, or while using a **City-owned/leased** vehicle.
- 1.9. **Candidates** are prohibited from including the **City's** corporate, **Affiliate**, and program logos; the **City's** coat of arms; and **City** slogans 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**.
- 1.10. **Councillors** and **City Staff** will not use any **City** printers and/or photocopiers or paper to produce **Election-Related** material. Once a **Councillor** has registered as a **Candidate**, their printing and/or photocopying levels shall not exceed the monthly average from the previous year as determined by the **City Clerk**.
- 1.11. **Candidates** are prohibited from using any photographs produced for and owned by the **City** for any **Election-Related** purposes, unless prior permission is granted by the **City Clerk**.
- 1.12. **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.
- 1.13. 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 **City Clerk** for the purpose of promoting awareness of the **Election** to voters.

2. Campaign Activities at City-Owned and/or City-Operated Facilities

- 2.1. **Candidates** and **Registered Third Parties** will 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 *Long Term Care Act, 2007*.
 - 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 will 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. Rules for Councillors during an Election Period

- 3.1. Constituent information (including email and mailing addresses) collected by **Councillors** as part of their constituent communications will not be used for **Election** purposes.
- 3.2. The budgets for **Councillors** in a municipal **Election** year will be restricted to 10.5/12^{ths} of the approved annual discretionary budget amount with the provision that:
 - 3.2.1. Councillors are restricted to 6/12^{ths} (or 50%) of their discretionary budget from January 1 until May 1.
 - 3.2.2. Newly elected **Councillors** are allocated a budget equal to 1.5/12^{ths} of the approved discretionary budget amount for the last two weeks of November and the month of December.
 - 3.2.3. Re-elected **Councillors** will have access to the remainder of the year's approved discretionary budget the day after Voting Day.
- 3.3. The budgets for the Mayor and **Councillors** seeking provincial or federal **Election** will be prorated based on the month the **Election** occurs.
- 3.4. **Councillors** are limited to one **Newsletter** in a municipal **Election** year and Regional Councillors receive half of their allotted annual budget for **Newsletters** in a municipal **Election** year. Councillor **Newsletters** must be produced and distributed to Canada Post before May 1. Regional Councillor **Newsletters** must appear in the publication before May 1 in a municipal **Election**.
- 3.5. The following will be discontinued as of May 1 in a municipal **Election** year for all **Councillors** until the day after Voting Day
 - 3.5.1. Ward-wide communications, unless specifically authorized by **Council**;
 - 3.5.2. All forms of advertising, including municipal publications;
 - 3.5.3. All printing or high speed photocopying and distribution of such materials;
 - 3.5.4. The ordering of stationery; and,
 - 3.5.5. The ordering or moving of office furniture and furnishings, except those of an emergency nature.
- 3.6. The services identified under Section 3.5 of this Policy will be re-instated after **Nomination Day** for **Councillors** who have not registered as a **Candidate**.
- 3.7. **Councillors** and **Candidates** will not:
 - 3.7.1. Print or distribute any material paid for with **City** funds (or produced with the use of City owned equipment, resources or facilities) that makes reference to any other **Councillor** or individual who is a **Candidate** in an **Election**;

- 3.7.2. Print or distribute any material paid for with **City** funds (or produced with the use of City owned equipment, resources or facilities) that identifies that a **Councillor** or any other individual will be running in an **Election**;
- 3.7.3. Use the **City's** voice mail system to record **Election-Related** messages;
- 3.7.4. Include any **Election-Related** material on websites or domain names that are paid for by the **City**;
- 3.7.5. 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;
- 3.7.6. 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 that is prohibited in this policy on behalf of the **Councillor** or **Candidate**; and,
- 3.7.7. Hold a ward or community meeting between May 1 and Voting Day in a municipal **Election** year, unless authorized by **Council**.

Roles and Responsibilities

The Legislative Services and Corporate Communications Department is responsible for reviewing this Policy as appropriate. All **Councillors, City Staff, City Volunteers, Candidates, Registered Third Parties** and campaign staff are responsible for adhering to this Policy.

Should a complaint arise regarding the alleged use of corporate resources in contravention of this Policy, the **City Clerk** or their designate shall have the authority to investigate and resolve the complaint. If a breach of this Policy is confirmed, the applicable **Councillor, City Staff** person, **City Volunteer, Candidate, Registered Third Party**, or campaign staff person will be required to personally repay any of the costs associated with the breach. In addition to repayment resulting from a breach of this Policy, **Councillors** and/or **City staff** could be subject to an investigation under the applicable *Council Code of Conduct* or *Staff Code of Ethics and Conduct*.