



The Corporation of the City of Stratford Policy Manual

Policy Number:	C.3.14
Policy Section:	C.3 Council and Committees
Department:	Corporate Services
Date Adopted:	April 27, 2015
Date Amended:	April 23, 2018; April 25, 2022
Scheduled for Review:	January, 2026
Date of Last Review:	April, 2018
Policy Type:	Council-adopted Policy

“Use of Municipal Resources During an Election Period”

Policy Statement:

This Policy establishes rules and procedures on the use of municipal resources of the City by Candidates, political parties, constituency associations, persons or groups supporting or opposing a question on the ballot, Members of Council, Registered Third Party Advertisers, and any Municipal Employee during the Campaign Period.

Purpose:

The purpose of this policy is to ensure compliance with the Municipal Elections Act, the Election Finances Act and the Canada Elections Act for all Candidates, Registered Third Party Advertisers, members of City Council and Municipal Employees during the Election Period and to establish parameters on the use of Municipal Resources for election related purposes.

Scope:

This policy applies to all employees of the City, Candidates, political parties, constituency associations, Registered Third Parties, and persons or groups supporting or opposing a question on a ballot, as well as anyone acting on their behalf.

The rules and procedures of this Policy are in effect throughout the duration of the campaign period in a municipal election year or in the event of a by-election and from the dropping of the writ to Voting Day in a provincial or federal election or by-election.

Nothing in this Policy restricts the use of municipal resources by the City for the conduct of a municipal election or by-election in accordance with the Municipal Elections Act, 1996 as determined necessary by the Clerk.

Definitions:

“CAO” means the Chief Administrative Officer of the City;

“Campaign period” means the date a Candidate files their nomination through to Voting Day in an election year or in the event of a by-election;

“Campaign(ing)” means any activity by, or on behalf of a Candidate, political party, constituency association, Registered Third Party Advertiser, or question on a ballot, that may directly or indirectly promote any Candidate in an Election Period or when the writ is dropped in a provincial or federal election or by-election. 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;

“Campaign Materials” means any materials used to solicit votes for a Candidate(s) or question on the ballot during the Election Period, including but not limited to, literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. This includes materials in all media, for example, print, displays, electronic radio or television, and online including websites or social media;

“Candidate” means any individual who has filed and not withdrawn a nomination for an elected office, including Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf. Where referred to in this Policy, the term Candidate can also be substituted to read political party, constituency association, or a person or group supporting or opposing a question on the ballot;

“City” means The Corporation of the City of Stratford;

“Election Period” means the official Campaign Period of an election for:

- A municipal or school board election: the Election Period commences on the first day prescribed for the filing of nominations in accordance with the MEA and ends on voting day;
- A provincial or federal election: the Election Period commences the day the writ for the election is issued and ends on voting day;
- A question on the ballot: the period commences the day Council passes a by-law to put a question to the electorate, and ends on voting day;
- A municipal or school board by-election: the period commences when the by-law election is called and ends on voting day;

"Election related purposes or activities" means any participation in an Election that seeks to promote or oppose the candidacy of a Candidate;

"Members" means any member of Stratford City Council or anyone acting on behalf of a City Councillor or the Mayor;

"MEA" means the Municipal Elections Act, 1996 as amended;

"Municipal employee" means any individual working for or receiving compensation from the City including those in part-time, seasonal or contract positions;

"Municipal resource" means items, services, or resources which are the property of the City, including but not limited to: materials, facilities, equipment, vehicles, land, intellectual property, supplies, services, systems, software, media, brand, staff or financial resources of the City. Working hours, the time where the City pays its employees to complete certain duties or tasks, is also considered to be a municipal resource;

"Registered Third Party Advertiser" shall have the same meaning as "Registered Third Party" under the MEA, or "Third Party" under the Election Finances Act and Canada Elections Act;

"Third Party Advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- a) a candidate, or
- b) a "yes or no" answer to a question on a municipal ballot referred to in subsection 8(1), (2) or (3) of the MEA,

but does not include an advertisement by or under the direction of a Candidate or an advertisement described in subsection (2) or (2.1) of the MEA

Responsibilities:

1. The City Clerk, or designate, is responsible for communicating the policy to members of Council, Candidates, Registered Third Party Advertisers and municipal employees.
2. Members of Council, Candidates, Registered Third Party Advertisers and municipal employees are accountable to comply with this policy.
3. In accordance with the MEA, the City Clerk or the CAO, is authorized and directed to take the necessary action to give effect to this policy.

General Provisions:

1. Municipal Resources shall not be used by a Candidate or Registered Third Party Advertiser for Campaigning during the Election Period. Furthermore, no

Candidate or Registered Third Party Advertiser shall use the facilities, equipment, supplies, services, staff or other resources of the City for any election campaign or campaign-related activities.

2. Nothing in this Policy shall preclude Members from performing their duties as elected officials of the City, nor inhibit them from representing the interests of their constituents.
3. This Policy does not prohibit the erection of a temporary election or campaign sign in accordance with the City's Sign By-law 159-2004.

Electronic Devices and Technology

1. Corporate standard electronic devices and software for Members shall be determined by the City's Director of Corporate Services in consultation with the City's Chief Technology and Security Officer.
2. In accordance with the City's standard equipment and software guidelines, all Members are provided with access to corporate information technology (I.T.) assets to fulfill their duties and responsibilities as an elected official. Members may not use these assets for Campaigning or the development of Campaign materials.
3. Members receiving all or a portion of costs related to expenses for devices, hardware, and/or software other than that which is corporately issued may not use such devices and/or software for Campaigning or the development of Campaign materials unless the member agrees to pay the full operating costs and any residual value of the device/hardware as may be applicable.
4. During the Election Period, any Mayor and/or Councillor biographies on the City's website shall be reduced to council-related contact information only.
5. Members shall not use City information technology assets, infrastructure or data (i.e. computers, wireless devices, portals, corporate email, web pages, social media links (including Facebook, Twitter and blogs) or telephone to communicate election-related messages or campaign related messages.

Municipal Employees

1. Municipal employees may not engage in Election campaign purposes or activities or Campaign related activities during their normal working hours or anytime they are receiving remuneration from the City. This includes providing administrative support such as photocopying campaign literature or providing technical assistance.
2. Municipal employees may engage in Election campaign purposes or activities or Campaign related activities as long as those activities are separate from their

official positions and duties. Municipal employees must ensure that their political activities do not create a perceived or actual conflict of interest in their day to day work.

3. While engaging in Election campaign purposes or activities or Campaign related activities, municipal employees shall not:
 - wear any clothing such as a uniform or badge which identifies them as a municipal employee; or,
 - use any vehicles, technology or other resources that are owned or leased by the City.

Integrity Commissioner

1. The City's appointed Integrity Commissioner is considered to be a Municipal Resource, under contract with the City and may receive, from time to time, compensation from the City in accordance with services provided.
2. Members shall not use the services of the City's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

Communications

1. The following services shall be discontinued for Members immediately on the day the Member files a nomination with the Clerk in a municipal election year or by-election, to the end of Voting Day:
 - i) all forms of advertising, including in municipal publications;
 - ii) printing and photocopying, including the printing and distribution of newsletters unless so directed and approved by Council;
 - iii) ordering of stationery.
2. Members shall not:
 - i) print or distribute material paid by City funds that illustrates that a Member or any other individual is registered in any election or by-election or where they will be a Candidate;
 - ii) profile (name or photograph or image) or make reference to, in material paid by City funds, any individual who is registered as a Candidate in any election or by-election;
 - iii) print or distribute material using City funds that makes reference to, or contains the names or photographs or images or identifies registered Candidates for elections.

3. Photographs produced for, and owned by, the City may not be used for any election purposes.
4. Websites or domain names that are operated or funded by the City shall not include any election campaign-related materials or links to any sites that feature election campaign-related information, including but not limited to Twitter, Facebook and other social media accounts to any sites that feature election campaign-related material.
5. **Notwithstanding the above**, information contained on the "Municipal Freedom of Information (MFOI) Consent to Release Form", submitted as part of the nomination process, may be included on the City's Elections webpage(s).
6. Members shall not use the City's voice mail system to record election related campaign messages or campaign related activities.
7. Members shall be responsible for ensuring that the content of any communication material funded or resourced by the City does not contain or allude to any election-related material including the name, photograph or identity of a Candidate. City Council minutes and related minutes are exempt from this provision.
8. Photographic or video material created or funded by the City shall not be used for Election related purposes or activities or Campaign related activities. This includes any Council portraits funded by the City.
9. The City's crest, logo, coat of arms, brand or slogan shall not be used for Election related purposes or activities or Campaign related activities (either printed or on a campaign website, social media, etc.).
10. Candidates and Registered Third Party Advertisers may not print, distribute, or make reference to any of the City's email addresses, telephone numbers, or facility addresses on any Campaign materials.
11. **Notwithstanding the above**, Candidates or Registered Third Parties may provide the election telephone number, election email address, or a link to the City's official election website or webpages in Campaign Materials for electors to access additional information about the election and the voting process.
12. Any distribution or contact lists developed utilizing Municipal Resources and in the custody and control of the City shall not be utilized for election purposes.

Facilities and Municipal Property

1. Campaigning and the distribution or display of campaign material is not permitted on municipal land, including the interior of City Hall, other Municipal

facilities, and Municipally-provided facilities, or any such locations which have been designated for or are being used for voting purposes by the City.

2. Candidates and Registered Third Party Advertisers may capture their own photos of municipal property for use in Campaign Material, provided the photo is taken from a publicly accessible area, and does not contain a City sign, logo, crest, coat of arms or slogan in the background.
3. Candidates and Registered Third Party Advertisers shall not campaign, distribute campaign literature, or engage in Election related purposes or activities or Campaign related activities at any function or meeting hosted by the City, regardless of whether the activity or function is on City property, from the day the Candidate or Registered Third Party Advertiser files a nomination or registers with the City to the end of Voting Day.
4. **Notwithstanding the above**, campaigning on public sidewalks and highways is permitted, provided that such Campaigning is in compliance with City by-laws.
5. A vehicle or trailer displaying Campaign material, whether the Campaign material is displayed on the outside or inside of the vehicle or trailer, shall be prohibited from parking:
 - during the Election period in a City owned or operated parking lot; and,
 - on City property or roadway within 150 meters of a polling location for the dates such locations are open for voting, from two hours before the location opens until two hours after the location is closed for voting.

Legislative Authority:

The MEA, as amended, establishes regulations governing campaign finances for candidates running in a municipal election. Section 88.8 (4) of the MEA prohibits municipalities from making campaign contributions to municipal candidates. Section 88.18 of the MEA requires the establishment of rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

The Election Finances 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 Finances Act and Section 363 (1) of the Canada Elections Act prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

As a campaign contribution may take the form of money, goods or services, any use of municipal resources for election related purposes, by Candidates, Registered Third Party Advertisers or by municipal employees, is not permitted.

Related Documents:

- Council Code of Conduct;
- Municipal Elections Act, 1996;
- Acceptable Use Policy – Information Technology;
- Electronic Device Use Guidelines – Information Technology;
- Sign By-law 159-2004.