
Use of Corporate Resources During an Election Period

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Purpose statement

The *Municipal Elections Act, 1996*, as amended, requires municipalities to establish rules and procedures with respect to the use of municipal resources during an election period. Municipalities are prohibited from making campaign contributions to municipal candidates or registered third parties. As a campaign contribution may take the form of money, goods or services, this procedure provides a fair and consistent approach on how municipal corporate resources can and cannot be used during a municipal election as well as provincial and federal elections. This procedure supports compliance with the *Municipal Elections Act, 1996*, as amended, the Council Code of Conduct, Code of Conduct for Members of Local Boards and Advisory Committees, and the Employee Code of Conduct.

This procedure recognizes that Members of Council are holders of their office until the end of the term and supports them in continuing to fulfill their responsibilities as Members of Council. Nothing in this procedure shall preclude a Member of Council from performing their duty as an elected official, nor inhibit them from representing the interests of their constituents, even during a municipal election. Members of Council are accountable for their adherence to this Procedure.

This procedure allows the town to balance the need for freedom of expression and assembly of candidates and its legal responsibility to ensure that no candidate, registered third party advertiser or political party is provided with an unfair advantage.

Scope

This procedure applies, where applicable, to municipal council and school board elections or by-elections, provincial or federal elections or by-elections, and referendums.

This procedure applies to:

- all candidates for a municipal election or by-election;
- all candidates for a provincial or federal election or by-election;
- all elected officials of the town including those not seeking re-election;
- all municipal staff, including individuals employed by the offices of the elected officials;
- registered third parties; and members of the public.

Procedure

Corporate resources, assets or funding may not be used for any election-related purposes, except as identified in this procedure.

1. Election campaigning

- a. Election campaign activities are not permitted at Town Hall (located at 1225 Trafalgar Road).
- b. Election campaign materials may not be displayed at Town of Oakville (town) facilities, unless otherwise outlined in this procedure.
- c. Municipally owned or run assets and facilities, excluding Town Hall, may be rented in accordance with municipal agreements and current rates and fees for election campaign activities provided that the rental is available to the general public. Use of rentals are subject to the following conditions:
 - i. all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement;
 - ii. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and
 - iii. the town reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the contract, should it conflict with the town's corporate values or established policies or procedures, or presents a health and safety concern.
- d. The town will not host, organize, or advertise all-candidates meetings or debates. With the exception of Town Hall, use of town facilities for all-candidates meetings or debates is permitted, provided that the rental fee is paid and all candidates for an office are invited to attend and participate.

- e. Election signs on town property are only permitted in compliance with the town's current election sign by-law.
- f. Registered candidates and registered third parties may attend town organized, hosted, or funded events during an election period, but may not display or distribute any campaign materials, or engage in any election related activities.

2. Use of corporate identifiers and resources

- a. The corporate logo identifies the Corporation of the Town of Oakville and is used to represent town programs, services, and facilities. The town's corporate logo has been registered pursuant to the Trademarks Act and is permitted for the Corporation of the Town of Oakville.
- b. The town's corporate logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers or that of its affiliates, shall not be used by registered candidates or registered third parties for any election campaign-related purposes.
- c. Registered candidates and registered third parties may not use photographs, videos, electronic images, or graphics, produced by the town or its affiliates for any election campaign-related purposes. However, use of Town of Oakville videos that are posted to YouTube is permitted, allowing the use of such videos in election campaign material, in accordance with YouTube's Terms of Service.
- d. Use of photographs or videos not produced by the town or its affiliates, and taken from a publicly accessible place, in campaign advertising containing the corporate logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers is not in contravention of paragraph 2(b) of this procedure.
- e. Corporate resources shall not be used for the development, creation, design, printing, or distribution (electronic or print) of:
 - i. any material that illustrates that a member of Council or any other individual is registered or intends to run for office; or
 - ii. any campaign material that makes reference to, or contains the names or photographs, or identifies registered candidates.
 - iii. any material that is linked in any way to an election campaign (i.e. campaign messaging, a campaign logo, or a social media handle or hashtag which links to campaign social media channels, web sites and/or materials).
- f. No town consumable materials, such as toner and paper, associated with computer systems shall be used for election campaign-related purposes.
- g. Town records, lists, and files produced using town resources, with the exception of those specifically made for the use of candidates and registered third party advertisers for election purposes in accordance with the *Municipal Elections Act, 1996*, may not be used by any candidates or registered third party advertiser, unless the database has already been released for public use.
- h. In accordance with the Online Communications policy, the town will not publish any material used to promote individual political opinions or campaigns.

3. Town staff

In accordance with the Employee Code of Conduct, municipal staff and individuals employed by the offices of the elected officials, including any contractor providing services to the town, shall not canvass or actively work for any registered candidate or registered third party during hours in which the staff/contractor is receiving compensation from the town.

4. Town services

- a. During a municipal election period, the following town-based services shall be discontinued for Members of Council as of nomination day:
 - i. All development, creation, design, printing, or distribution of members' flyers, newsletters, advertisements, mail outs, publications, etc., whether electronic or print.
 - ii. Use of municipally owned or run assets and facilities, unless rented in accordance with municipal agreements and current rates and fees (as identified in Section 1(c) of this Procedure).
 - iii. The prohibitions set out in Section 4(a) of this Procedure do not apply to a Member who is acclaimed, or who is retiring from office and, therefore, is not a candidate in the election.
- b. Corporate resources (such as town issued phones and email addresses) shall be provided to current Members of Council for council related purposes and to serve their constituents and shall not be used to support an election campaign.
- c. All town communication will be in accordance with the town's Communication Procedure.

5. Technology related provisions

- a. Any links to external personal sites from an individual Member of Council's landing page on the oakville.ca website will be removed as of the date nomination papers are filed during a municipal election year. These links may include election-related web sites, social media links or domain names.
- b. Websites, domain names, emails, or other corporate systems that are funded by the town shall not include any election-related campaign material or links to sites that feature election-related campaign material. The exception being the official Town of Oakville election website where links to external election campaign websites will be posted during the election period.
- c. Registered candidates, registered third parties, and Members of Council may not use the town website, domain names, and other corporate systems, for campaigning or display of any election-related materials. Links to the town's website are permitted from a campaign election website for the purpose of obtaining information about the election or sharing program/service information.

6. Social media

- a. If a Member of Council uses any social media account for campaigning, such account must not be created or supported by town resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.
- b. Members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the election period, a clear statement on each campaign website or social media account's home page (or profile) indicating that the account is being used for election campaign purposes and is not related to their duties as a Member of Council.
- c. Online communications for official town purposes will be supported in accordance with the town's Online Communications Policy and related procedures.

7. Town organized/hosted events

- a. Members of Council and other elected officials may attend town-organized events and act as participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities, but shall not campaign while in attendance or distribute campaign-related materials and they shall not promote or oppose the candidacy of a person for elected office or party.
- b. Where a current Member of Council or elected official is invited to an event, whether a town event or community event, in the capacity of their elected position, they are not to speak of their candidacy, their intention to run, or any campaign-related matters.
- c. Elected officials must adhere to bi-partisan commitments by not including campaign materials (including, but not limited to, uniforms, tents, signage, images, or messaging) that is indicative of their candidacy or associated political party. Materials may make reference to the office they hold/represent (i.e. Council, MP, MPP).
- d. Candidates, registered third party advertisers, ballot question campaigns and their representatives may attend town events in their capacity as private citizens, but shall not campaign while in attendance or distribute campaign-related materials and they shall not promote or oppose the candidacy of a person for elected office or party.
- e. Candidates, registered third party advertisers and representatives of ballot question campaigns shall not be invited to deliver formal remarks at a town event in their capacity as a candidate, registered third party advertiser or ballot question campaign representative.

8. Access to information

- a. All registered candidate and registered third party requests for information must adhere with the Requests for Information Procedure.
- b. Information provided to one candidate or registered third party that is of a general nature and may provide valuable guidance to all others will be provided to all registered candidates and registered third parties through the town's web site to ensure equal access to information.

9. Enforcement

- a. The Town of Oakville focuses on being an open, accessible, inclusive and accountable town. The Town Clerk or designate shall have the delegated authority to receive and investigate any written complaint with respect to the alleged use of corporate resources in contravention of this Procedure.
- b. The following options are available for complaints related to election candidates, including Members of Council or Members of Council running for re-election:
 - i. Submit a written complaint to the Town Clerk (townclerk@oakville.ca). Written complaints must set out specific example(s) and corresponding details of how the alleged use of a particular corporate resource may have contravened this Procedure.
 - ii. File an informal or formal complaint in accordance with the town's Integrity Commissioner - Inquiries/Advice Procedure (No investigation shall be commenced or continued under the Council Code of Conduct, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period). An Integrity Commissioner cannot investigate matters regarding Municipal Elections Act related complaints (including third party advertising) or election campaign finances.
 - iii. Contact the Office of the Ontario Ombudsman.
 - iv. Pursue private legal remedies, including court action.
- c. Complaints or concerns related to campaign finances may be addressed through the compliance audit process outlined in Section 88.33 of the Municipal Elections Act.
- d. Complaints or concerns related to election signs may be submitted to Service Oakville (ServiceOakville@oakville.ca).
- e. Complaints or concerns related to graffiti involving election matters or material may be submitted to Service Oakville (ServiceOakville@oakville.ca).

- f. Complaints or concerns related to actions or behaviours of an egregious nature or any form of hate crime will be transferred to the Halton Regional Police Services.

10. **Members of Council running in Provincial and Federal Elections**

- a. Members of Council shall not use town resources to host, promote, sponsor or otherwise organize or assist with any event that involves direct participation by candidates at other levels of government, given that there is potential for partisanship, real or perceived, to occur at, or in the organization of, any such event that directly involves candidate participation.
- b. Members of Council may communicate with constituents regarding federal/provincial matters relevant to the ward/Town of Oakville, as well as any issues that have a direct bearing on municipal business between the federal/provincial government and the town, and such communication shall be non-partisan in nature.
- c. The following applies if a Member of Council becomes a candidate in a provincial or federal election/by-election:
 - a. Corporate resources shall only be used for council related purposes and to serve their constituents and shall not be used to support an election campaign.
 - b. A Member, who is a candidate, shall seek guidance from the Town Clerk with respect to responsibilities and obligations required to comply with this Procedure. While certain restrictions may apply in order to ensure compliance with this Procedure and its purpose, it is recognized that the Member may continue to be the elected representative and may remain active in their capacity as the elected official.

Responsibilities

Members of Council

- Understand, support, and comply with this Procedure, Council Code of Conduct, and the Council Remuneration, Resources and Expenses Policy and related procedures.
- Seek clarification of any aspect of this Procedure, as required, and seek independent legal advice, where appropriate.

Town Staff

- Ensure relevant requirements of this Procedure are fulfilled in any duties and activities undertaken in their official position as a town employee.

- Understand and support this Procedure and ensure accountability for their actions.
- Seek clarification of any aspect of this Procedure, as required.

Town Clerk

- Ensure the administration, communication, and interpretation of this Procedure.
- Receive and respond to any complaints, concerns and inquiries/requests for guidance related to this Procedure.
- Delegate in writing any designate(s) assigned to administer any or all of this Procedure.
- Review this Procedure every term of Council through the town's established policy review process and as required by changes to legislation. The Town Clerk is authorized to make minor administrative updates as may be necessary to maintain compliance and consistency with legislation, while respecting and preserving the intent of the Procedure.

Guidance and interpretation

The Town Clerk (or designate) has the authority to provide guidance with respect to election-related matters in relation to this Procedure, and to issue in writing any interpretation on the application of this Procedure and any related approvals or prohibitions. Such guidance, interpretation, approvals, and prohibitions shall be based on the overarching legislative requirement for public funds and resources not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

References and related documents

Council Code of Conduct

Code of Conduct for Members of Local Boards and Advisory Committees

Employee Code of Conduct

Public Notice and Engagement policy

Communications Procedure

Online Communications Policy

[Social Media Guidelines Procedure](#)

Advertising Sales Procedure

Requests for Information Procedure

Municipal Elections Act, 1996, as amended

Town of Oakville Sign By-law

Council Remuneration, Resources and Expenses Policy and related procedures

Definitions

Campaign contribution: anything of value given to influence an election, may take the form of money, goods, or services.

Campaign related activities: any activity by or on behalf of a registered candidate, registered third party, or question on a ballot meant to elicit support during the election period.

Campaign materials: any materials, including political advertising, used to solicit votes for a candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. Including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials also include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media. Campaign materials do not include election signs, which are governed by the town's Sign By-law.

Corporate resources: may include facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the town.

Corporate brand: refers to the unique corporate identity, standards, and images associated with the Corporation of the Town of Oakville and is shaped by various elements, including the town's name, logo, visual design (including colours), values, messaging, and overall community strategy.

Crest: For the purposes of this procedure, the town crest is the ceremonial coat of arms to be used exclusively for official town business pertaining to Oakville's elected municipal officials such as official documentation and proclamations.

Election period: the specific duration during which an election campaign takes place, and includes the timeframe leading up to the actual voting day when political candidates or parties actively engage in campaigning to garner support from voters. For a provincial election, beginning on the date the writ is issued and ending on voting day. For a federal election, beginning on the date the writ is issued and ending on voting day.

Election campaign period (election period): specific to municipal elections and in accordance with Section 88.24 of the *Municipal Elections Act, 1996*, as amended, begins on the day in which nomination papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

Nomination day: as defined in the *Municipal Elections Act, 1996*, as amended.

Political advertising: advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered third party or candidate.

Voting day: as defined in the *Municipal Elections Act, 1996*, as amended.