



FORTFRANCES

**USE OF CORPORATE RESOURCES FOR
ELECTION PURPOSES**

ADMIN & FINANCE

POLICY 1.17

Created: 2022-04-11
Revised: 2026-04-07
Authorized:
Superseded: By-Law 31-26

USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

1. PURPOSE

The purpose of this policy is to create guidelines in the Town of Fort Frances to ensure all Candidates running for an elected office and Registered Third Parties during the Election Period adhere to the provisions of the Act, and to establish parameters on the use of Corporate Resources for election related purposes.

2. POLICY STATEMENT

The *Municipal Elections Act, 1996*, the *Election Finances Act (Ontario)*, and the *Canada Elections Act* prohibit the Municipality from making contributions in any form to a Candidate or Registered Third Party.

All provisions contained within this policy shall serve to ensure the protection of freedom of expression while maintaining that:

- Corporate Resources shall not be used during an Election Period to promote or provide an unfair advantage to any Candidate, political party, constituency association, Registered Third Party, or a person or group supporting or opposing a question on a ballot;
- Members of Council shall not be precluded from performing their duties as an elected Official, nor inhibited from representing the interests of their constituents.

3. APPLICATION

This policy applies to all employees of the Municipality, 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. This policy also applies to an incumbent Member an acclaimed Member or a Member not seeking re-election.

4. DEFINITIONS

- **“Town of Fort Frances”** means the Corporation of the Town of Fort Frances.
- **“The Act”** means the *Municipal Elections Act, 1996, c. 32*, as amended from time to time, and includes any regulation made there under;
- **“Candidate”** means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Act;

- **“Campaign(ing)”** means any activity by, or on behalf of a Candidate, political party, constituency association, Registered Third Party, or question on a ballot meant to elicit support during the Election 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 graphics which identify the individual as a candidate or registrant without the solicitation of votes.
- **“Campaign Materials”** means any materials used to solicit votes for a Candidate(s) or question during the Election Period including, but not limited to, literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign Materials include materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.
- **“Campaign Period”** begins on the date a candidate files their nomination through to and including Voting Day.
- **“Corporate Resources”** means items, staff, services, or resources which are the property of the Town of Fort Frances including, but not limited to: materials, equipment, vehicles, facilities, land, technology (computers, smartphones, tablets, etc.), intellectual property, images, logos, and supplies. Working hours, the time where the Municipality pays its employees to complete certain duties or tasks, is also considered to be a Corporate Resource;
- **“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 nomination for a political party, the Election Period is the nomination contesting period as determined by the Party.
 - 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 on the first day nominations may be filed and ends on voting day.
- **“Local Board”** has the same meaning as found in Section 1 of the Municipal Act, 2001.

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- **“Member”** has the same meaning as found in the Section 1 of the Conflict of Interest Act.
- **“Municipal Facilities”** means any real property owned or under the control of the Town of Fort Frances or operated by the Town of Fort Frances local board;
- **“Nomination Day”** for a regular municipal election is the third Friday of August in the year of the election;
- **“Office of the Clerk”** refers to the department consisting of the Municipal Clerk and the Deputy Clerk, who are the bodies responsible for overseeing the Municipal Election.
- **“Registered Third Party”** shall have the same meaning as “Registered Third Party” as found in section of the Municipal Elections Act, 1996 or the term “Third Party” as defined in section 1 of the Election Finances Act (Ontario) and Canada Elections Act, as the context requires.
- **“Staff”** includes full-time, part-time, and contract employees, paid by the Town of Fort Frances;
- **“Voting Day”** is the day on which the final vote is to be taken in an election.

5. USE OF CORPORATE RESOURCES

In accordance with the provisions of the Act:

- a) Corporate Resources may not be used for election-related purposes;
- b) Members of Council, including the Mayor and Candidates shall not use any municipal facilities for any election-related purposes. Campaign-related signs or any other election-related material shall not be displayed in any municipal facility (ie: arenas, parks) and must not use election-related materials advertising or within any municipal publication such as a Municipal Newsletter;
- c) Members of Council attending Town events that are not election-related, but where they may be present as election candidates (such as flag raisings or the annual Volunteer Appreciation Event), must attend strictly in their capacity as Council members and must not actively or knowingly use these opportunities to campaign;
- d) Members of Council shall not print or distribute any material using municipal funds that make reference to, contain the names or photographs of, or identifies registered Candidates for Municipal Elections;

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- e) Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality for the operation of each Councillor's Office, is not directly election-related;
- f) Websites or domain names that are owned, provided or funded by the municipality may not include any election-related campaign material:
- g) Candidates or Registered Third Party Advertiser are permitted to link to any Municipal document available to the public or on a public Municipal webpage from their campaign website;
- h) Candidates are not permitted to incorporate the Municipal Logo, Coat of Arms, Amik, or any other graphic for which the Municipality has proprietary rights in their Campaign Materials, except in the case of a link to the Town's website to obtain information about the municipal election.
- i) Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the Municipality has proprietary rights on their own web page and or social media;
- j) Members of Council are provided access to corporate information technology (I.T.) assets to fulfill their duties and responsibilities as an elected official but may not use those assets for Campaigning or the development of Campaign Materials. This includes, but is not limited to, functionality through municipally issued laptops and smartphones such as calendar, email, texts, etc.;
- k) If a Member of Council uses any social media account for campaigning, such accounts must not be created or supported by Corporate Resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers;
- l) Members of Council who choose to create or use social media accounts for campaigning are encouraged, for the duration of the Election Period, a clear statement on each campaign website or social media account's home page indicating that the account is being used for Election Campaign purposes and is not related to their duties as a Member of Council.
- m) Members of Council who are running for re-election are encouraged to not identify themselves in any online media or content generated during the Election Period by the title of their office (i.e., such as mayor or councillor);

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- n) No Candidate may campaign on Town of Fort Frances social media accounts, which includes commenting on Town posts with anything which may reasonably be interpreted as campaigning. Such comments will be moderated, subject to review from the Office of the Clerk.
- o) Candidates or Registered Third Parties must not, under any circumstances, use a Municipal logo, crest, slogans or any images or any variation of it that is owned under the jurisdiction of the Town on any campaign material, election signs, social media or campaign websites;
- p) Members of Council may not use the municipality's voicemail system and/or cell phones to record election related messages;
- q) The Municipality's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Municipality and may receive, from time to time, compensation from the Municipality in accordance with services provided. Members of Council shall not use the services of the Municipality's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign. For clarity, this does not restrict the ability of a Member to use the integrity Commissioner's services as authorized by any applicable law or policy.
- r) Members of Council are to continue adhering to Town policies, by-laws, and other legislation applicable to them during the Election period. This includes the Code of Conduct.
- s) That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

6. LIMITATION

This policy does not preclude a member of Municipal Council from performing their duties as a Council member, nor inhibit them from representing the interests of the constituents who elected them.

7. IMPLEMENTATION

This policy shall become effective immediately upon approval by the Municipal Council.

8. RATIONALE AND LEGISLATIVE AUTHORITY

It is necessary to establish on the appropriate use of corporate resources during an election period to protect the interests of both members of Council and the Town of Fort Frances. *The Act* prohibits a municipality from making a contribution to a candidate. *The Act* also prohibits

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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, or services, any use by a Member of Council of the Corporation's resources for their election campaign would be viewed as a contribution by the municipality to the member, which is a violation of *the Act, 1996*.