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**Report To:** General Government Committee

**Date of Meeting:** September 8, 2025 **Report Number:** CAO-014-25

**Authored By:** Mary-Anne Dempster, CAO

**Submitted By:** Mary-Anne Dempster, CAO

**By-law Number:** **Resolution Number:**

**File Number:**

**Report Subject:** Use of Corporate Resources for Election Purposes Policy Update

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### Recommendations:

1. That Report CAO-014-25, and any related delegations or communication items, be received;
2. That the By-law attached to Report CAO-014-25, as Attachment 1, to repeal and replace the existing by-law adopting Clarington's Use of Corporate Resources for Election Purposes Policy, be approved; and
3. That all interested parties listed in Report CAO-014-25, and any delegations be advised of Council's decision.

## Report Overview

On May 1, 2023 Council approved the Clarington Policy System Policy. This policy laid out the framework for the structure of Council policies and Management Directives. Over the past two years Staff have been reviewing all existing Council policies and Corporate policies to move them into the new framework, but also to recommend any changes required to the appropriate authority.

Staff have reviewed the Council approved policy, F110, the Use of Corporate Resources for Election Purposes and are suggesting updates to the policy template, as well as some substantive updates.

## 1. Background

- 1.1 Section 88.18 of the Municipal Elections Act stipulates that:

“Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.”

- 1.2 After the above MEA change was introduced in 2016, Council passed an updated policy in 2018 for the 2018 election and a further update in 2021 for the 2022 election ([By-law 2021-091](#) arising out of [Report LGS-027-21](#).)
- 1.3 Although the policy has been established, it is best practice to review the policy prior to each regular municipal election so that any changes are completed well ahead of to the deadline and they can be included in the Candidate and Third-Party Advertiser information packages.

## 2. Proposal

### Review

- 2.1 Staff have reviewed the current policy and are recommending changes ranging from template changes to clarifying definitions to ensuring that the policy is in compliance with legislation and common practices of comparable municipalities.
- 2.2 Staff have reviewed policies from comparable municipalities and adopted relevant sections.
- 2.3 Due to the change to the template it is not possible to provide a red line version as it is too hard to follow. Both the existing Policy F110 and the proposed Policy are attached to this report. The next section provides a review by section.

### Analysis and Updates to Policy F110

- 2.4 Information contained within the Policy Statement and Purpose of Existing Policy F110 have been reconfigured under Legislative authority and Purpose in the proposed updated version as this is the new format used for all policies
- 2.5 Under the Scope section, the following underlined changes have been added to provide more clarity:
- 3.1 This policy applies to all Staff of the Municipality of Clarington, and authorizes Staff to impose the rules and procedures, stated within, on all 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.
- NEW 3.2 This Policy applies to Members, including a Member not seeking re-election, Staff, Candidates and Acclaimed Candidates.
- 2.6 The index section of Policy F110 has been removed as this format is not used in the new Policy structure.
- 2.7 Under the definition section, new definitions have been added, but none have been removed. However, some of the existing definitions have been updated for clarity.
- 2.8 Items within Section 3 of Policy F110 which have not changed but have been renumbered in the proposed policy:
- Section 3.1 is covered under sections 2.2 and 5.1
  - Section 3.2 is covered under section 3.2
  - Section 3.3 is covered under Section 11
  - Section 3.4 is covered under Section 2.2.2
  - Section 3.5 is covered under Section 14.1
  - Section 4.1 is covered under Section 6.1
  - Section 4.2 is covered under Section 6.3
  - Section 4.3 is covered under Section 6.3.2
  - Section 4.4 is covered under Section 7.1
  - Section 4.5 is covered under Section 6.4
  - Section 5.1 is covered under Section 7.2
  - Section 5.3 is covered under Section 7.4

- Section 5.5 is covered under Section 7.5
- Section 5.11 is covered under Section 7.10
- Section 5.12 is covered under Section 7.11
- Section 6.2 is covered under Section 8.1
- Section 6.4 is covered under Section 8.3
- Section 6.5 is covered under Section 8.4
- Section 6.6 is covered under Section 8.5
- Section 7.1 is covered under Section 9.1
- Section 9.1 is covered under Section 10.1

2.9 Some sections within Policy F110 have been expanded and some sections have been removed. Table 1 identifies the Sections, the changes and the rationale:

**Table 1**

Policy F110	Proposed Policy
5.2 Photographs produced for, and owned by, the Municipality may not be used for any election purposes.	<p>This section has been updated to include all forms of media that are produced and owned by the Municipality.</p> <p>This does not interfere with the ability to share information per section 7.9 and 7.10.</p> <p>7.3 Photographs, images, illustrations, or videos produced for, and owned by, the Municipality shall not be used in campaign materials.</p>

Policy F110	Proposed Policy
<p>5.4 The Clerk may develop and distribute information through various means for the purpose of advising and educating electors. Candidates or Registered Third Parties are permitted to promote and distribute election information provided by the Clerk, provided that such information is not modified in any way.</p>	<p>The first sentence is not required as the Clerk has this power under the MEA. The second sentence was rolled into 7.4.1.</p>
<p>5.6 Distribution lists or contact lists developed utilizing Corporate Resources and in the custody and control of the Municipality shall not be utilized for election purposes.</p>	<p>This section has been removed and replaced with Section 6.2 which reads:</p> <p>Corporate Information, with the exception of those specifically made for the use of candidates and registered third party advertisers, may not be used by any candidate, registered third party advertiser or political party, unless the database has already been released for public use.</p> <p>This definition is now broader and applies to more than distribution lists and contact lists which removes the need for a stand alone Section.</p>

Policy F110	Proposed Policy
<p>5.7 The following shall be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Voting Day:</p> <p style="padding-left: 40px;">All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council, and</p> <p style="padding-left: 40px;">The ordering of business cards and stationery.</p>	<p>The following two sections have been expanded and broken into two sections for clarity and consistency with other sections in this Policy.</p> <p>7.6 The following municipally funded services shall not be used for campaigning or campaign materials:</p> <p style="padding-left: 20px;">7.6.1 All printing, photocopying and distribution services, including but not limited to the printing and general distribution of newsletters and new resident letters; and</p> <p style="padding-left: 20px;">7.6.2 all forms of advertising, including advertising in any Clarington publication.</p> <p>7.7 The following shall be discontinued for Members during the election period:</p> <p style="padding-left: 20px;">7.7.1 The ordering of business cards and stationery; and</p> <p style="padding-left: 20px;">7.7.2 The ordering of technology or office furnishings, unless it is a replacement for technology or office furnishings that have ceased functioning or has been approved by Council either directly or as part of an adopted Budget.</p>

Policy F110	Proposed Policy
<p>5.8 Announcements and quotations by all Members of Council which normally may appear in all public communications from the Municipality as set forth in (i) to (iv) below shall be made by the CAO on behalf of the Municipality, and not a Member of Council, and none of the following shall include photographs of any Member of Council:</p> <ul style="list-style-type: none"> <li>(i) the quarterly update of local Municipal news containing Council decisions and major news stories;</li> <li>(ii) all municipally sponsored advertising;</li> <li>(iii) all news releases from the Municipality; unless same is required as part of Clarington's emergency bylaws.</li> </ul>	<p>This section has been removed as Council Policy does not supersede the authorities provided to the Mayor under the Municipal Act. Additionally, the sub items are either not applicable or covered elsewhere.</p>
<p>5.9 Any corporate editorial columns (i.e. Mayor's Column or Councillor's Column) prepared or assisted by corporate staff shall be discontinued as of January 1<sup>st</sup> in a regular municipal election year.</p>	<p>This section has been removed as Council Policy does not supersede the authorities provided to the Mayor under the Municipal Act. We could leave Councillor's in but it is not relevant as currently the service level does not involve support for Councillor's in this manner.</p>
<p>6.3 All Candidates and Registered Third Parties must adhere to the provisions set out in any other Municipal Policies pertaining to Municipal Facilities/Buildings.</p>	<p>Removed. This section is redundant and not required.</p>

Policy F110	Proposed Policy
<p>6.7 The rental, to candidates or Registered Third Parties of advertising space on arena boards and lobby monitors, or any other municipal social media site, is prohibited.</p> <p><b>Notwithstanding,</b></p> <ul style="list-style-type: none"> <li>• Section 6.5 does not prohibit the erection of a temporary election or campaign signs on municipal land in accordance with the Municipality's Election Sign By-law.</li> <li>• Campaigning on public sidewalks and highways is permitted, provided that it is in compliance with prevailing legislation and Municipal by-laws.</li> <li>• Sections 6.4 and 6.5 do not prohibit a candidate or external organization or Registered Third Party from renting space within a municipal facility/building (other than the Municipal Administrative Centre, Clarington Library facilities and the Museum Buildings) for election related purposes. If a municipal facility/building is rented, campaigning and the distribution or display of campaign materials is only permitted during the rental period and only within the rented area. This exception does not apply to Section 6.6.</li> </ul> <p>Vehicle and/or mobile signs may be displayed as per the Municipality's Election Sign By-law.</p>	<p>Sections 8.4.1, 8.4.2 and 8.6 with the exception of the following that have been removed:</p> <ul style="list-style-type: none"> <li>• Campaigning on public sidewalks and highways is permitted, provided that it is in compliance with prevailing legislation and Municipal by-laws.</li> </ul> <p>Vehicle and/or mobile signs may be displayed as per the Municipality's Election Sign By-law.</p>



Policy F110	Proposed Policy
8.1 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.	This statement has been removed as it is not pertinent as the restrictions regarding the Integrity Commissioner are detailed in the Municipal Act.
8.2 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.	This section has been removed as it is not required as it is detailed in the MEA.

2.10 There are eight suggested additions to the Policy illustrated in Table 2 below with the rationale.

**Table 2**

Proposed Policy	Rationale
<p>Section 5.2:</p> <p>To ensure compliance with the MEA and the purpose of this Policy, the provisions of this Policy, as they pertain to any Member, shall supersede the provisions of any other Municipality of Clarington policy, procedure, practice or guideline applying to that Member.</p>	<p>This section has been added for clarity on expectations.</p>

Proposed Policy	Rationale
<p>Section 7.8:</p> <p>In any material printed or distributed by the Municipality of Clarington, Members are not permitted to:</p> <p>7.8.1. Illustrate that a person is a Candidate registered in any election;</p> <p>7.8.2. Identify where a person will be running for office; or</p> <p>7.8.3 Profile or refer to Candidates in any election.</p>	<p>This section has been added for clarity as it is already the practice during the election period, but this reiterates the expectation.</p>
<p>Section 8.7:</p> <p>A Candidate shall not rent a Municipal Facility to offer an unofficial Election Assistance Centre, including providing technology and/or assistance to voters in order to cast a ballot during the Voting Period.</p>	<p>This section is proposed to avoid any perception of interference in an election.</p>
<p>Section 8.8</p> <p>In the event of a public debate hosted by a third party, a Clarington Facility may be used as the venue at the discretion of the Clerk, provided that full-market rental fees and rates for use of such Clarington facility and any other policy pertaining to the use of such facility are complied with, all registered Candidates within a single electoral race must be invited to attend such debate, and that the event meets any other requisite criteria established by the Clerk.</p>	<p>This allows us to show support for debates within our facilities, while at the same time ensure that it is fair.</p>

Proposed Policy	Rationale
<p>Section 9.2</p> <p>No images that include Staff, in their professional capacity, shall be used in any Campaign Materials.</p>	<p>This section has been added to protect Staff from being unfairly accused of endorsing a candidate.</p>
<p>Section 9.3</p> <p>No statements that indicate endorsement/support by Staff, in their professional capacity, shall be used in any Campaign Materials.</p>	<p>This section has been added to protect Staff from inadvertently endorsing a Candidate in their “professional capacity”.</p>
<p>Section 10:</p> <p>Section 10.2. MEA, s. 88.8 (9) states “For greater certainty, if a municipality or local board makes information available to the public on a website or in another electronic format, the provision of the information does not constitute a contribution to a candidate.</p> <p>Section 10.3 MEA s. 88.8 (10) states “Without limiting the generality of subsection (9), the information referred to in that subsection includes the following:</p> <p>10.3.1 The phone number and email address provided by the candidate in the nomination filed under section 33.</p> <p>10.3.2 A hyperlink to the candidate’s website.</p>	<p>The Limitations section has been expanded to add Sections 10.2 and 10.3 for Clarity. This is in effect given the authority provided to the Clerk under the MEA.</p>

Proposed Policy	Rationale
Section 11 of the proposed policy articulates Remedies.	The existing policy does not have a section for remedies, it has a broad statement under Section 3.3. For clarity, the proposed policy has added this new section and is consistent with the authorities afforded to the Clerk under the MEA.

### 3. Financial Considerations

Not Applicable.

### 4. Strategic Plan

5. To be a leader in the delivery of efficient, effective and meaningful municipal services.

### 6. Climate Change

Not Applicable.

### 7. Concurrence

Not Applicable.

### 8. Conclusion

It is respectfully recommended that Council repeal Policy F110 and replace with the draft Policy attached.

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Staff Contact: Mary-Anne Dempster, Chief Administrative Officer [mdempster@clarington.net](mailto:mdempster@clarington.net)

Attachments:

Attachment 1 – Draft by-law containing an updated Use of Corporate Resources for Election Purposes Policy

Attachment 2 – Existing Policy F110

Interested Parties:

There are no interested parties to be notified of Council's decision.