

Attachment 1 to Report CAO-014-25
Use of Corporate Resources for Election Purposes Policy

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The Corporation of the Municipality of Clarington
By-law **YYYY-NN**

Being a By-law to adopt the Use of Corporate Resources for Election Purposes Policy, and Repeal By-law 2021-091.

Whereas Sub-section 88.18 of the Municipal Elections Act, 1996, as amended, (the Act) states 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;

Whereas Sub-section 88.15 (1) of the Act states that money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions;

Whereas Section 88.8 (4) 5 of the Act states that a municipality or local board shall not make a contribution to the election campaign of a candidate;

Whereas Council had previously passed By-law 2021-091 adopting the "Use of Corporate Resources for Election Purposes Policy"; and

Whereas the Council of the Municipality of Clarington deems it necessary to update the "Use of Corporate Resources for Election Purposes Policy".

Now Therefore the Council of the Municipality of Clarington enacts as follows:

1. That the attached Policy Statement in respect to the Use of Corporate Resources for Election Purposes be adopted to replace the Policy Statement forming part of By-law 2021-091.
2. That Attachment 1, Policy CP-032, forms part of this By-law.
3. That By-law 2021-091 be repealed.
4. That this by-law shall come into force and effect on the date of passing.

Passed in Open Council this 22nd day of September, 2025.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk



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Number:	CP-032
Title:	Use of Corporate Resources for Election Purposes
Type:	Elections
Sub-type:	Resources
Owner:	CAO Office
Approved By:	Council
Approval Date:	September 8, 2025
Effective Date:	September 8, 2025
Revised Date:	September 8, 2025
Applicable to:	All Staff and Members of Council

1. Legislative or Administrative Authority:

- 1.1. Subsection 88.8(4)(5) of the Municipal Elections Act (MEA) states that “the following persons and entities shall not make a contribution: The Crown in right of Canada or Ontario, a municipality or a local board.”
- 1.2. Section 88.18 of the MEA states 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.”

2. Purpose:

- 2.1. To create rules and procedures for the use of Corporate Resources for election-related purposes during the Election Period.
- 2.2. All provisions contained within this policy shall serve to ensure a fair and transparent election process, while maintaining that:
 - 2.2.1. 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; and
 - 2.2.2. Members shall not be precluded from performing their duties as an elected Official, nor inhibited from representing the interests of their constituents.

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3. Scope:

- 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.
- 3.2. This Policy applies to Members, including a Member not seeking re-election, Staff, Candidates and Acclaimed Candidates.

4. Definitions:

- 4.1. **Acclaimed Candidate** means a candidate elected by acclamation pursuant to section 37 of the MEA.
- 4.2. **By-election** means an election held in accordance with section 65 of the MEA.
- 4.3. **Campaign(ing)** means any activity by, or on behalf of a Candidate, political party, constituency association, Registered Third Party, or question on a ballot that has the effect of advancing a Candidate's political objectives during an Election Period.
- 4.4. **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.
- 4.5. **Candidate** means any person who has filed, and not withdrawn a nomination, in a municipal, school board, provincial or federal election or by-election, or a candidate seeking nomination for a political party. Where referred to in this Policy, the term Candidate can also be substituted to read political party, constituency association, Registered Third Party, or a person or group supporting or opposing a question on a ballot.
- 4.6. **Clerk** means the Municipal Clerk of the Municipality of Clarington, or their delegate.



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- 4.7. **Corporate Resource** means tangible and intangible goods and/or services owned, controlled, leased, acquired, or operated by Clarington including but not limited to furnishings, materials, equipment, monetary funds (including any budget allocated to a Member), staff resources, Corporate Information, Clarington facilities, Information Technology, or any other property of the Municipality of Clarington.
- 4.8. **Corporate Information** means any information in the custody and control of the Municipality, including databases that may be the repository of names, contact information, business records, financial information or other identifiers compiled and used by Municipal employees to conduct municipal business. Examples of municipal databases include: grant recipients, lists of event attendees, and resident association lists. Constituent information collected by Members is not under the custody and control of the Municipality and are not considered municipal information for the purposes of this Policy.
- 4.9. **Council** means the Council of the Municipality of Clarington.
- 4.10. **Election Assistance Centre (EAC)** means a building/property, location, structure, or grounds/part of a building/property, or other facility designated by the Municipal Clerk at which eligible voters may attend in-person to seek assistance with voting and/or to vote in the Municipal Elections. The boundaries of the EAC are the boundaries of the property where the EAC is located, and this includes the parking lot. EACs have the same meaning as "Voting Locations" as defined in the MEA.
- 4.11. **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 the day following Voting Day.
 - A provincial or federal election; the Election Period commences the day the writ for the election is issued and ends the day following 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 the day following Voting Day.



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- A municipal or school board by-election; the period commences on the first day nominations may be filed and ends the day following Voting Day.
- 4.12. **Information Technology** means the systems, hardware, software, networks, and processes used to create, store, manage, and exchange information within the organization.
- 4.13. **Local Board** has the same meaning as found in Section 1 of the MEA.
- 4.14. **MEA** means the Municipal Elections Act, 1996, as amended, S.O. 1996, c. 32, Sched.
- 4.15. **Member** means a person who has been elected or appointed to an Office on Council or local board and is in that position during the Election Period.
- 4.16. **Member of Council** means a person who has been elected or appointed to the Council of the Municipality of Clarington.
- 4.17. **Municipal Facility/Building** means all lands, buildings, and other structures owned, leased, operated or otherwise controlled by the Municipality of Clarington or Clarington local board, and things growing upon or affixed thereto, including, but not limited to, all Clarington administrative offices, operation centres, community centres, parks and sports fields, libraries and highways.
- 4.18. **Newsletter** means a publication produced and distributed by or on behalf of a Member, using any Corporate Resources, to provide information to residents.
- 4.19. **Office** means the authority and duties attached to the position of being an elected member of Council.
- 4.20. **Policy** means this Use of Corporate Resources for Election Purposes Policy.
- 4.21. **Registered Third Party** shall have the same meaning as “Registered Third Party” as found in 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.



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- 4.22. **Staff** means all full-time and part-time persons hired by the Municipality of Clarington, including union and non-union employees, administrative Staff, contract and temporary employees, students, secondments, co-op placement Staff, volunteers, hired contractors, members of Clarington Professional Fire Fighters Association.
- 4.23. **Voting Day** means the day on which the final vote is to be taken in an election as defined by the appropriate legislation.
- 5. General:**
- 5.1. No person shall use any Corporate Resources for Campaigning or Campaign Materials.
- 5.2. 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.
- 6. Corporate Resources – Technology**
- 6.1. Members are provided access to corporate Information Technology assets to fulfill their duties and responsibilities as an elected official but shall not use those corporate Information Technology assets for Campaigning or the development of Campaign Materials
- 6.2. 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.



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- 6.3. Websites or domain names or other social media sites that are, in whole or in part, funded by the Municipality of Clarington and/or maintained (including the posting of content) by the Municipality of Clarington Staff shall not be used for campaigning and shall not include any campaign material, nor provide links to websites, domains or social media that include campaign material. The Municipality's official election website or webpages will provide Candidate contact information, including a link to a Candidate's website, but shall in no way endorse any Candidate.
- 6.3.1. **Notwithstanding the foregoing**, a Candidate or Registered Third Party Advertiser may provide a link to the Municipality's official election website or webpages in their campaign materials for electors to access additional information about the election and the voting process.
- 6.4. Once a Member of Council registers to be a Candidate, any links from a Municipal website or social media account to the Member's website or social media pages will be removed from the Municipality's webpages.
- 6.4.1. **Notwithstanding the foregoing**, information contained on the "Personal Information Release Form - Candidate Consent", as part of the nomination process, may be included on the Clarington Elections webpage(s).
- 6.5. The Municipality's voicemail system shall not be used to record campaign-related messages and the computer network, including the email system, shall not be used to distribute Campaign Materials.

7. Corporate Resources – Communications

- 7.1. During the election period, Mayor and Council biographies on the Municipal website shall be reduced to council-related contact information only.
- 7.2. Members are responsible to ensure that they do not use Council portraits funded by the Municipality, either as a corporate or Member expense, in Campaign Materials.
- 7.3. Photographs, images, illustrations, or videos produced for, and owned by, the Municipality shall not be used in campaign materials.



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- 7.4. Candidates or Registered Third Parties shall not print, distribute, or make reference to, any of the Municipality's email addresses, telephone numbers, or facility addresses on any Campaign Materials.
- 7.4.1. **Notwithstanding the foregoing**, Candidates or Registered Third Parties may provide the election telephone number, election email address, or a link to the Municipality's official election website or webpages in Campaign Materials for electors to access additional information about the election and the voting process provided that such information is not modified in any way. References to municipal facilities may be used with regard to debates at Municipal Facilities or if the Municipal Facility has been rented in accordance with this and any other relevant Policy.
- 7.5. The Municipality's logo, crest, coat of arms, slogan, and brand etc. owned or under the jurisdiction of the Municipality, shall not be used in any Campaign Materials.
- 7.5.1. **Notwithstanding the foregoing**, Candidates or Registered Third Parties may capture their own photos of Municipal property for use in Campaign Materials, provided the photo is taken from a publicly accessible area, and does not contain a Municipal sign, logo, crest, coat of arms, slogan or brand.
- 7.6. The following municipally funded services shall not be used for campaigning or campaign materials:
 - 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
 - 7.6.2. All forms of advertising, including advertising in any Clarington publication.
- 7.7. The following shall be discontinued for Members during the election period:
 - 7.7.1. The ordering of business cards and stationery; and
 - 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.
- 7.8. In any material printed or distributed by the Municipality of Clarington, Members are not permitted to:

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- 7.8.1. Illustrate that a person is a Candidate registered in any election;
- 7.8.2. Identify where a person will be running for office; or
- 7.8.3. Profile or refer to Candidates in any election.
- 7.9. Corporate Resources that have been published to the Municipal website may be linked on Candidate and Registered Third Parties' websites, but may not be housed on the candidate website, and may not be taken out of context/modified/reproduced for use in any campaign materials.
- 7.10. Messages posted to the Municipal social media accounts may be shared by a candidate to their personal or campaign social media accounts using social media official channels and not partially reproduced.

8. Corporate Resources – Municipality Facilities / Buildings

- 8.1. Candidates or Registered Third Parties are prohibited from renting space (e.g., a booth) as part of a Municipally organized event, during the election period.
- 8.2. Candidates, registered third party advertisers or political parties are permitted to attend Municipal events, or events held at Municipal facilities, in either their capacity as elected representatives or as private citizens, but shall not campaign. No campaign materials may be disseminated at Municipal events. Elected officials are permitted to attend Municipally-organized events or events held on Municipal facilities and act as ceremonial participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities.
- 8.3. Members, Registered Third Parties, and Candidates shall not use their constituency office, municipal or any municipally provided facilities for any Campaigning, which includes the display of any campaign-related signs in the window or on the premises, as well as the display of Campaign material in the office.
- 8.4. Campaigning and the distribution or display of campaign material is not permitted in any municipal or local board facility, on municipal land, or at municipal or local board event including any municipal or board meeting.



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- 8.4.1. **Notwithstanding**, section 8.4 does not prohibit the erection of temporary election or campaign signs on municipal land in accordance with the Municipality's Election Sign By-law.
- 8.4.2. Section 8.4 does 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 a Campaign event provided they have paid full-market rental fees and rates for use of such Clarington facility, and have otherwise complied with any other policy pertaining to the use of such facility. 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 8.5.
- 8.5. Candidates or Registered Third Parties are prohibited from using a Municipal Facility/Building as a campaign office.
- 8.6. The rental, to candidates or Registered Third Parties of advertising space on arena boards and lobby monitors, or any municipal social media site, is prohibited.
- 8.7. 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.
- 8.8. 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.

9. Municipality Staff

- 9.1. Municipal Staff are prohibited from using Corporate Resources and Information for the benefit of a Candidate or Campaign. The Employee Code of Ethics Policy also sets out the rules for participation in political activities by staff.
- 9.2. No images that include Staff, in their professional capacity, shall be used in any Campaign Materials.



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- 9.3. No statements that indicate endorsement/support by Staff, in their professional capacity, shall be used in any Campaign Materials.

10. Limitation

- 10.1. Nothing in this Policy shall prohibit a Member from performing their job as a Member, nor inhibit them from representing the interests of the constituents who elected them.
- 10.2. Nothing in this Policy shall preclude Staff from exercising their civic right and duty to participate in an election process, including a municipal election process, as a private citizen, except as provided for in the Clarington Employee Code of Ethics Policy.
- 10.3. Nothing in this Policy shall prevent the Clerk from using Corporate Resources and Information for conducting an election in accordance with the MEA, including but not limited to, providing notices that are either required by legislation, or are to provide information to electors or Candidates, or the publishing of Candidate information on the Clarington Elections webpage(s).
- 10.4. 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.
- 10.5. MEA s. 88.8 (10) states "Without limiting the generality of subsection (9), the information referred to in that subsection includes the following:
- 10.5.1. The phone number and email address provided by the candidate in the nomination filed under section 33.
- 10.5.2. A hyperlink to the candidate's website.

11. Remedies

- 11.1. The Clerk or any person authorized by the Clerk will remove any campaign materials from municipal property that are placed in contravention of this policy.
- 11.2. In accordance with section 12 of the MEA, the Clerk may provide for any matter, in the Clerk's opinion, is necessary or desirable for conducting the election.



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- 11.3. A Member of Council should be aware that non-compliance with this Policy may be contrary to the MEA, in particular section 88.8(7), "A contribution may be accepted only from a person or entity that is entitled to make a contribution." Contraventions may be subject to review by the compliance audit committee appointed pursuant to Section 88.37 of the MEA.

12. Roles and Responsibilities:

12.1. Council is responsible for:

- 12.1.1. Approving this policy.

12.2. A Member is responsible for:

- 12.2.1. Complying with this Policy.
- 12.2.2. Ensuring that any Staff who supports the Member in the performance of their duties, or any such Staff whose work is directed by that Member, are complying with this Policy.

12.3. Municipal Clerk is responsible for:

- 12.3.1. Interpreting and administering this policy and providing any related procedures deemed necessary or desirable for conducting an election.

12.4. All Staff are responsible for:

- 12.4.1. Ensuring that Corporate Resources, as identified by this Policy, are not used for campaigning.

12.5. Candidates and Registered Third Parties are responsible for:

- 12.5.1. Complying with this policy.

13. Related Documents:

- 13.1. Council Code of Conduct Council Policy
- 13.2. Council-Staff Relations Council Policy
- 13.3. Display of Material in Municipal Buildings Management Directive
- 13.4. Employee Code of Ethics Council Policy



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13.5. Use of Corporate Logo by Members of Council Policy

14. Inquiries:

14.1. Municipal Clerk – clerks@clarington.net.

15. Revision History:

Date	Description of Changes	Approved By
January 25, 2010	Initial Policy, as per Report CLD-002-10	By-law 2010-010
April 9, 2018	Revised, as per Addendum to Report CLD-008-18	By-law 2018-028
November 22, 2021	Revised, as per Report LGS-027-21 (mainly adding Registered Third Parties)	By-law 2021-091
DATE	Revised, as per Report CAO-014-25	