

**THE CORPORATION OF THE TOWNSHIP OF  
OTONABEE-SOUTH MONAGHAN**

**BY-LAW NUMBER 2026-20**

A By-law to Adopt a Council Policy Entitled  
***"Use of Corporate Resources During an Election Year"***

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*WHEREAS* the Council of The Township of Otonabee-South Monaghan deems it advisable to adopt a Policy regarding the use of Corporate Resources during an Election Year;

*WHEREAS* section 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power shall be exercised by bylaw;

*NOW THEREFORE BE IT RESOLVED THAT* the Council of The Corporation of the Township of Otonabee-South Monaghan enacts as follows:

1. THAT the Council Policy entitled "*Use of Corporate Resources during an Election*", attached hereto as Schedule "A", is hereby adopted; and
2. THAT this bylaw comes into force on the day it is passed; and
3. THAT bylaw 2022-11 is hereby repealed.

Read a First time this 20<sup>th</sup> day of April, 2026.

Read a Second and Third time, signed and sealed with the Corporate Seal this 20<sup>th</sup> day of April A.D. 2026.

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Mayor – Joe Taylor

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Clerk – Heather Scott



## The Township of Otonabee-South Monaghan – Election

<b>Policy Title:</b>	Use of Corporate Resources for Election Purposes	<b>Policy Number:</b>	E02-2026
<b>Effective Date:</b>	April 20, 2026	<b>Revision Number:</b> <b>Replaces:</b>	1 E02-2022

**General Policy Statement:**

The *Municipal Elections Act, 1996*, as amended, requires municipalities to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

The *Municipal Elections Act, 1996*, as amended, establishes the election campaign finance rules for Candidates running in a municipal election. Section 88(8)(4) prohibits municipalities such as The Corporation of the Otonabee-South Monaghan from making campaign contributions.

The *Election Finance 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 Finance 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 campaign contributions may take the form of money, goods or services, any use of corporate resources for election related purposes, by candidates, third party advertisers or Township staff, is not permitted.

No candidate or registered third party advertiser shall use the facilities, equipment, supplies, services, staff or other resources of the Township (including Councillor newsletters and Councillor budgets) for any election campaign or campaign-related activities.

## **Purpose/Application:**

The purpose of this policy is to provide direction to all election candidates, third party advertisers, including members of Township Council and Staff on the administration of Corporate resources and members' budgets with respect to election-related matters. The purpose of this policy is to clarify that all election candidates at the municipal, provincial and federal level, including Members of Township Council and Third Party Advertisers, are required to follow the provisions of the *Municipal Elections Act, 1996*, *Elections Act, 1990* and the *Canada Elections Act, 2000*, as amended, as applicable.

The Policy is intended to:

- Ensure compliance with the Municipal Elections Act, 1996, Elections Finance Act 1990 and the Canada Elections Act, 2000, in regards to the role of the Township contributing to a candidates or registered third party campaign;
- Ensure that candidates and registered third parties are treated fairly and consistently within the municipality;
- Ensure the integrity of the election process is maintained at all times;
- Establish the appropriate uses of resources during an election period, in order to:
  - i. Protect the interests the members of Council, Candidates, Registered Third Parties, Township Staff and the Corporation; and
  - ii. Ensure accountable and transparent practices

This policy is applicable to all candidates (including any acclaimed candidates), Members of Township Council (including a member who is not seeking re-election), Third Party Advertisers and Township of Otonabee-South Monaghan staff. This policy shall be in effect during all municipal, provincial and federal election campaign periods, including by-elections.

## **Definitions:**

***Campaign Materials*** means any resources used to promote, support or oppose a candidate or a "yes" or "no" vote-related question on the ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing or other paraphernalia.

***Campaign Period*** means the official campaign period of an election.

- For a municipal election, the campaign period commences on May 1 of an election year and ends on December 31 of an election year.
- For a provincial or federal election, the election period commences on the day the writ for the elections is issued and ends on voting day.

- For a by-election, the period commences the day the by-election is called and ends on voting day.

**Campaign Related Activities** means any action or event by or on behalf of a candidate, political party, or third-party advertiser meant to promote, support or oppose a candidate or a “yes” or “no” vote related to a question on the ballot during the election period. Campaign-related activities do not include the appearance of elected officials acting in their capacity as Council Member, School Board Trustee, Member of Provincial Parliament or Member of Parliament.

**Candidate** means any individual running for an elected office, including Mayor, Deputy Mayor, Councillor, School Board Trustee, or anyone acting on their behalf.

**Election** means any municipal election, including by-elections.

**Election Related Purpose** refers to the occurrence of a municipal election or by-election. It also includes any participation in federal and provincial elections that is partisan in nature.

**Election Sign** means any signage associated with municipal elections, regardless of size, type, material, etc.

**Nomination Day** refers to the third Friday in August in a municipal election year, as defined in the Municipal Elections Act, 1996, as amended. In the case of a by-election, nomination day will be announced as legislated.

**Third Party, Third Party Advertiser or Registered Third Party** means an individual, corporation or trade union that promotes, supports or opposes a candidate or a “yes” or “no” vote related to a question on the ballot in accordance with the Municipal Elections Act, 1996, as amended.

### **Policy:**

In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- a) Corporate resources, assets and funding may not be used for any election-related purposes;
- b) Staff may not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave. Staff who serve as election officials before or

on Election Day shall not participate in any campaign-related activities for any candidate;

- c) Candidates may not use any municipally-provided facilities for any election-related purposes. Neither campaign-related signs nor any other election-related material will be displayed in any municipally provided facilities;
- d) The budgets for Members of Council for the period of January 1 to Election Day in a municipal election year be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to election day:
  - 1. New Members of Council be allocated a budget equal to 1/12<sup>th</sup> of the approved budget amount for the month of December; and
  - 2. Re-elected Members of Council have available to them the balance of funds remaining as of Election Day
- e) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
  - 1. All forms of notices, advertisements, and communications to ratepayers in municipal publications;
  - 2. All printing, photocopying and distribution, including printing and general distribution of newsletters, unless so directed and approved by Council; and
  - 3. The ordering of municipal office furniture and furnishings, except those of an emergency nature, as well as no movement of municipal furniture and furnishings, except those of an emergency nature; and
  - 4. The ordering of municipal stationary (including letterhead, business cards, name tags. etc.)
- f) Members of Council shall not:
  - 1. Print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office.
  - 2. Profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election; and
  - 3. Print or distribute by paper or electronically any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that the Minutes of municipal Council and Committee meetings be exempt from this policy.

4. Encourage or direct Township staff to produce or distribute election campaign-related communication material of any form.

- h) Members of Council are responsible for ensuring that the content of any communication material, printed, hosted (i.e. email) or distributed by the Township of Otonabee-South Monaghan, is not election-related.

At the beginning of May in an election year, individual Councillors' biographical information shall be removed from the Township's website.

- i) In any material printed or distributed by paper or electronically by the Township of Otonabee-South Monaghan, candidates are not permitted to:

1. illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election.
2. identify where they or any other individual will be running for office; or
3. profile or make reference to candidates in any election

- j) Email accounts, websites or domain names that are funded by the Township of Otonabee-South Monaghan may not include any election-related campaign material.

- k) The Township's voicemail system (including voicemail on any Township-issued phone) and the Township's computer network (including the Township's email system and any other corporate communication platforms) shall not be used to create, record, transmit, or store any campaign-related messages or correspondence

- l) Municipal records, lists and files produced using corporate resources, except those made specifically for the use of candidates and third party advertisers for election purposes in accordance with the Municipal Elections Act, shall not be used by any candidates or third party advertisers unless the database has already been released for public use.

- m) The municipality's logo, may not be printed or distributed on any election materials or included on any election campaign related website.

- n) Photographs produced for and owned by the Township of Otonabee-South Monaghan may not be used for any election purposes; and

- o) The above recommendations also apply to an acclaimed Member or a Member not seeking re-election.

No candidate or registered third parties shall use the facilities, equipment (including computer hardware and software), supplies, services, staff, staff offices or other resources of the Municipality (including Councillor email, newsletters and Councillor budgets) for any election campaign or campaign-related activities.

No candidate or registered third party shall undertake campaign-related activities on Municipal property

No candidate or registered third party shall use the services of persons during hours in which those persons receive compensation from the Township.

That in accordance with the Municipal Elections Act, 1996, as amended, the Clerk be authorized and directed to take the necessary action to give effect to this policy.

Limitation: Nothing in this Policy shall preclude a Member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents during their term of office.

### **Rationale and Legislative Authority:**

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council. The Municipal Elections Act 1996, as amended prohibits a municipality from making a contribution to a candidate. The Act also prohibits 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 Township's resources for his or her election campaign would be viewed as a contribution by the Township to the Member, which is a violation of the Act.

### **References & Related Policies:**

- Municipal Act, 2001, as amended
- Municipal Elections Act, 1996, as amended
- Elections Finance Act, 1990, as amended

### **Consequences of Non-Compliance**

Should a written complaint be received alleging contravention to this policy, the Clerk or his/her designate, shall have the delegated authority to investigate it. If a breach of this policy is confirmed, the person shall be required to personally repay any of the costs associated with the breach.

### **Review Cycle**

This policy will be reviewed on an "***as needed***" basis



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### **Review Cycle**

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