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SUBJECT: ELECTION – USE OF MUNICIPAL RESOURCES - POLICY

1.0 PURPOSE

To provide direction regarding the use of Tay Valley Township resources with respect to election related matters as public funds and resources are not to be used for any election related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

2.0 LEGISLATIVE AUTHORITY

- 2.1** Section 88.18 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended, provides that before May 1 in the year of a regular election, municipalities shall establish rules and procedures with respect to the use of municipal resources during the election campaign period.
- 2.2** Section 88.8 (4) 5. of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended, provides that a municipality shall not make a campaign contribution.
- 2.3** Section 12 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended, provides that a Clerk who is responsible for conducting an election may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and in the Clerk's opinion, is necessary or desirable for conducting the election.

3.0 SCOPE

3.1 This policy applies to the following:

- Members of Council
- Municipal Employees
- Municipal Volunteers
- Candidates
- Registered Third Party Advertisers
- Ballot Question Campaigns

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3.2 This policy applies to the occurrence of:

- A municipal election, by-election, or campaign related to a question on the ballot; and
- Any participation in federal and provincial elections that is partisan in nature.

3.3 Where applicable, provisions in this policy shall also apply to activities of all Candidates, Registered Third Party Advertisers and Ballot Question Campaigns in relation to Municipal Resources. The term “election related” may be used in this policy to refer to the matters set out above.

3.4 Certain provisions of this policy may be subject to additional municipal by-laws, policies and procedures. Guidance should be sought from the Clerk if clarification or interpretation is required.

4.0 DEFINITIONS

4.1 “**Act**” – shall mean the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended.

4.2 “**Candidate**” – shall mean a person who has filed and not withdrawn a nomination for an elected office at the municipal (including school board), provincial or federal level in an election or by-election.

4.3 “**Clerk**” – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

4.4 “**Contribution**” – shall mean the general definition set out in the Act which includes but is not limited to the following:

- For an election campaign – As set out in Subsection 88.15(1) of the Act: “... [M]oney, 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.”



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- For third party advertisements – As set out in Subsection 88.15(2) of the Act: “... [M]oney, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.”

4.5 “Council” – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

4.6 “Municipal Resources” – shall mean, but is not limited to Municipal Employees, Municipal Events, Municipal Facilities and Property, Municipal Funds, Municipal Information, Municipal Infrastructure and Municipal Volunteers.

4.6.1 **“Municipal Employees”** – shall mean all union and non-union employees of the Municipality.

4.6.2 **“Municipal Events”** – shall mean events funded or organized by the Municipality.

4.6.3 **“Municipal Facilities and Property”** – shall mean any facility or property that is leased or owned by the Municipality.

4.6.4 **“Municipal Funds”** – shall mean funding support provided by the Municipality.

4.6.5 **“Municipal Information”** – shall mean any information in the custody and control of the Municipality.

4.6.6 **“Municipal Infrastructure”** – shall mean any physical or technology systems that support the operation of municipal programs and services, including but not limited to municipal fleet vehicles, public display signage, computer network, telecommunications and email system, wireless equipment, computer hardware, software and peripherals, internet and intranet.

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4.6.7 **“Municipal Volunteers”** – shall mean any person who gives freely their time, energy and skills for public benefit, without monetary compensation or the expectation of financial compensation under the supervision of the Municipality, and includes but is not limited to, persons appointed to Boards, Committees and Working Groups, recreation activities, programs and services, and the ReUse Centre.

4.7 **“Municipality”** – shall mean the Corporation of Tay Valley Township.

4.8 **“Registered Third Party Advertisers”** – shall mean, in relation to a municipal election, an individual, corporation or trade union that is registered with the Clerk, as per Section 88.6 of the Act, whose purpose is to promote, support or oppose a candidate for office, or an issue on a question on a ballot, and is not under the direction of a candidate.

4.9 **“Ballot Question Campaigns”** – in relation to a municipal election, campaigns to promote, support or oppose an issue on a question on a ballot.

5.0 GENERAL PROVISIONS

5.1 Municipal Resources shall not at any time be used to sponsor or produce any materials that promote or oppose the candidacy of a person for elected office, or that promote or oppose a campaign related to a question on the ballot.

6.0 MUNICIPAL AND COMMUNITY EVENTS

6.1 Members of Council

Members of Council may attend municipal and community events and act as participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities, provided that they do not promote or oppose the candidacy of a person for elected office.

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6.2 Candidates, Registered Third Party Advertisers and Ballot Question Campaigns

6.1.1 Candidates, Registered Third Parties, Ballot Question Campaigns and their representatives may attend municipal and community events in their capacity as private citizens, but shall not campaign while in attendance or display or distribute campaign related materials.

6.1.2 Candidates, Registered Third Parties, and representatives of Ballot Question Campaigns shall not be invited to deliver formal remarks at a Municipal Event in their capacity as a Candidate, Registered Third Party or Ballot Question Campaign representative.

7.0 MUNICIPAL FACILITIES AND PROPERTY

7.1 Booking Space at Municipal Facilities and Property

7.1.1 Members of the public, including community groups, Candidates, Registered Third Party Advertisers, Ballot Question Campaigns and their representatives, may not book space at Municipal Facilities and Property for election related activities.

7.2 Campaigning at Municipal Facilities

7.2.1 Campaigning shall not occur at Municipal Facilities and Property.

8.0 MUNICIPAL RESOURCES

8.1 Municipal Resources shall not be used to pay for, access, develop, maintain or update election related communications platforms such as campaign websites and social media accounts. This includes but is not limited to the use of municipal funded computers, tablets and smartphones.

8.2 Communications materials, including branding (symbols, logos, graphics) and photographic or video materials, which were or are created or produced by the Municipality or with Municipal Resources shall not be used in campaign materials or for any other election related purposes.

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8.3 Social Media Use

8.3.1 Social media accounts that are free to use are generally not considered to be Municipal Resources. These accounts are personal to the individual Member of Council and have not been created by the Municipality, nor are they used by the Municipality for the purposes of official communications. That said, the following applies to social media accounts of Members of Council:

- 8.3.1.1 Members are encouraged to clearly distinguish between an elected official social media account and a campaign (election-related) social media account.
- 8.3.1.2 Members who post or share election related materials through a social media account shall ensure that those activities are not conducted using Municipal Resources, including but not limited to Municipal Infrastructure; and
- 8.3.1.3 If a Member of Council’s social media account includes election related posts or sharing, any links or references to that account shall not appear on the Council Member’s communications materials (for example, municipal funded business cards, email signature blocks and emails).

8.3.2 The Code of Conduct for Members of Council and Local Boards applies to Council Members social media activity, including those for election related purposes.

9.0 MUNICIPAL INFORMATION

- 9.1 Questions or requests for information from Candidates, Registered Third Party Advertisers, Ballot Question Campaigns and their representatives shall be directed in writing (email) to the Clerk.
- 9.2 The question and answer from a Candidate, Registered Third Party Advertiser, or Ballot Question Campaign representative shall be provided to any other Candidate, Registered Third Party Advertiser or Ballot Question Campaign representative so that all parties have the opportunity to the same information.



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9.3 The Municipality’s logos, official marks, slogan, etc. shall not be printed, posted or distributed on any campaign materials except to link to the Municipality’s website to obtain information about the municipal election.

10.0 ELECTION CAMPAIGNS AT OTHER LEVELS OF GOVERNMENT

10.1 Members of Council shall not use Municipal 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.

10.2 Members of Council may communicate with constituents regarding federal/provincial matters relevant to the Municipality, as well as any issues that have a direct bearing on municipal business between the federal/provincial government and the Municipality. Any such communication shall be non-partisan in nature and may be conducted through communications such as general questionnaires to all candidates, or messages to constituents highlighting federal/provincial matters of importance without commentary/indicating a preference for a particular candidate/party.

10.3 The following applies if a Member of Council becomes a candidate in a provincial or federal election/by-election:

10.3.1 A Member who is a candidate shall seek guidance from the Clerk with respect to responsibilities and obligations required to comply with this Policy. While certain restrictions may apply in order to ensure compliance with this Policy and its purpose, it is recognized that the Member continues to be the elected representative and may remain active in their capacity on Council. This may include participating in meetings of Council, its Committees, attending municipal and community meetings and events in their capacity as a Member of Council, and fulfilling any other statutory roles and responsibilities of a Member of Council.

10.3.2 Communications materials published, issued or otherwise used by a Member of Council who is a candidate shall not advertise the Member’s participation/attendance in events.

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10.3.3 Communications materials published, issued or otherwise used by the Municipality shall not reference the name or image of a Member of Council who is a candidate in a federal/provincial election/by-election. This includes but is not limited to municipal publications, advertisements, media releases and public service announcements, speaking notes and social media content. This does not include materials such as Council and Committee meeting minutes and agendas.

10.3.4 Media releases, speaking notes and other communications materials that relate to a Member of Council who is a candidate in a federal/provincial election/by-election and are to be published, used or distributed by the Municipality during the applicable campaign period shall be provided to the Clerk or designate for review and approval.

11.0 COMPLAINTS AND INVESTIGATION

11.1 The Clerk shall have the delegated authority to receive and investigate any written complaint with respect to this policy.

11.2 Upon completion of any investigation, the Clerk may resolve any issues and, if necessary, determine appropriate corrective action based on the findings of the investigation, in consultation with the Integrity Commissioner as necessary in relation to the Code of Conduct for Members of Council and Local Boards as described below.

11.3 If the investigation determines that a Member of Council or of applicable quasi-judicial bodies has contravened the policy, the Member of Council shall be required to personally repay any direct costs associated with the breach.

11.4 The Clerk shall advise the complainant of the outcome of the complaint and any repayment that was made.

11.5 It is also recognized that matters related to election related activity are included in the Code of Conduct for Members of Council and Local Boards, which are under the mandate of the Integrity Commissioner, and to which separate complaint protocols apply.

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11.6 If the investigation by the Clerk determines that a Municipal Employee or a Municipal Volunteer contravened this policy, the failure on the part of a Municipal Employee or a Municipal Volunteer to comply with this policy may result in corrective action as appropriate, including discipline up to and including dismissal, to be conducted in accordance with human resources' processes and in alignment with the collective agreement and terms and conditions of employment or volunteering.

12.0 COMMUNICATION

12.1 A copy of this policy shall be provided to any person, upon request.

13.0 ACCOUNTABILITY FRAMEWORK

13.1 The Clerk and/or the Returning Officer is responsible for ensuring compliance with this policy.

14.0 POLICY REVIEW

14.1 This Policy shall be reviewed at least once per term of Council.

15.0 REFERENCES

Policies and Procedures/Documents

- Election – Campaign Advertising and Third Party Advertising – Policy
- Election – Municipal Employee Involvement – Policy
- Election – Procedures Manual
- Code of Conduct for Members of Council and Local Boards
- Employee Code of Conduct

Resources

Municipal Elections Act, 1996, as amended