



# Legislative Policy 11.01

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**Subject:** Use of County Resources During an Election Campaign

**Issued:**

**Revised:**

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## **SECTION 1 – PURPOSE**

- 1.1 This policy establishes rules and procedures for the use of County of Middlesex resources during municipal, school board, provincial, and federal election campaign periods and expressly prohibits the use of County Resources for campaign purposes.
- 1.2 Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act, 1996*, as amended or replaced, the *Election Finances Act, 1990*, as amended or replaced, the *Canada Elections Act, 2000*, as amended or replaced, the Declaration of Office for Members of Council and the Middlesex County Code of Conduct regarding the use of County Resources.
- 1.3 Nothing in this policy is intended to prohibit a Member of Council from performing their role as an elected official to represent the interests of their constituents regarding County business, during their period of office.

## **SECTION 2 – SCOPE**

- 2.1 This policy applies to all Members of Council, Local Board Members, County and Local Board employees, and Council-appointed citizen members of Middlesex County Advisory Committees.
- 2.2 This policy also governs the use of County Resources, facilities, property, and services by Candidates, Third Party Advertisers, and political parties. The County's authority over such persons is limited to regulating access to and use of County Resources.

## **SECTION 3 – LEGISLATIVE REQUIREMENTS**

- 3.1 The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a Candidate or a Registered Third Party in a municipal election during an Election Period. Any use of County Resources by or on behalf of a Candidate or Third Party Advertiser during an Election Period would be considered a contribution by the County. The *Election Finances Act* and the

*Canada Elections Act* impose similar prohibitions for provincial and federal election campaigns.

## **SECTION 4 – DEFINITIONS**

4.1 For the purposes of this policy, the following terms have the following meanings:

4.1.1 **“Campaign-related Activities”** shall mean any activities undertaken for the purpose of promoting, supporting, or opposing a Candidate, Third Party Advertiser, political party, or ballot question in an election.

4.1.2 **“Campaign-related Signs or Materials”** shall mean any material, regardless of format, that promotes, supports, or opposes a Candidate, Third Party Advertiser, political party, or ballot question in an election.

4.1.3 **“Candidate”** shall mean a person seeking elected office in a municipal, school board, provincial, or federal election, including a person who has been nominated, endorsed, or registered in accordance with applicable legislation.

4.1.4 **“Citizen Appointee”** shall mean a Council-appointed citizen member of a Middlesex County Advisory Committee.

4.1.5 **“County”** shall mean The Corporation of the County of Middlesex.

4.1.6 **“County Resources”** means real property, goods and/or services owned, controlled, acquired and/or operated by the County including, but not limited to, County staff (during hours where they receive compensation from the County), materials, equipment, County facilities, technology, Information Technology Resources (defined below), intellectual property, display areas (e.g. cases, walls), digital signage, logos/brands, supplies.

4.1.7 **“Election Campaign”** shall mean any campaign related to an election or by-election at the municipal, provincial and federal level of government, a school board election or by-election campaign, or a campaign related to the submission of a question on the ballot.

4.1.8 **“Election Period”** shall mean the official election campaign period as determined by the *Municipal Elections Act, 1996*, the *Election Finances Act*, and the *Canada Elections Act* as the context requires.

4.1.9 **“Information Technology (IT) Resources”** means County owned or issued IT Resources including, but not limited to:

- Hardware, such as computer desktops, laptops, tablets, portable and computing devices and related peripherals (e.g. printers, scanners,

etc.) and wireless communication devices (e.g. smart phones, cell phones, etc.);

- All internet and e-mail systems;
- Electronic data transmission equipment, devices and networks;
- Business systems and servers and all County managed data and software;
- All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks, including voicemail;
- Local and network storage media used in the operation of these resources including, but not limited to CDs, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc., and
- Data, information and other work products, such as computer programs, databases (unless publicly available), spreadsheets, etc. created and/or maintained using these resources. In addition, any County data and information that is accessed, stored, created, processed, transmitted or filed in a personal electronic device is included in this definition.

4.1.10 “**Member of Council**” shall mean a Member of the Council for The Corporation of the County of Middlesex.

4.1.11 “**Local Board**” shall mean as defined in the *Municipal Elections Act, 1996* and includes the Middlesex County Library and Middlesex-London Paramedic Service.

4.1.12 “**Local Board Member**” shall mean a Member of a Local Board of Middlesex County.

4.1.13 “**Paid Campaign Ad**” shall mean any commercial advertising in a County Facility, at County programs and in County media that is approved in accordance with applicable County policies.

4.1.14 “**Restricted Period**” shall mean a defined period in a municipal and school board election or by-election during which there will be restrictions on certain services and activities provided to Members of Council. For a municipal election, the Restricted Period begins at 12:01 AM 60 days before Voting Day in relation to the occurrence of a municipal election or by-election.

4.1.15 “**Third Party Advertiser**” shall mean an individual, corporation, or trade union that is registered or otherwise authorized to engage in third party political advertising in accordance with applicable election legislation.

### **SECTION 5 – GENERAL PROHIBITION AGAINST USE OF COUNTY RESOURCES FOR ELECTION PURPOSES**

- 5.1 County Resources shall not be used by or on behalf of a Candidate, Third Party Advertiser or political party for any Election Campaign related purpose.
- 5.2 No Member of Council, Local Board Member or Citizen Appointee shall use the platform of a Council, Local Board or committee meeting to make reference to their Election Campaign or for any election-related purpose.
- 5.3 Members of Council, Local Board Members and Citizen Appointees who use social media accounts for Campaign-related Activities shall ensure that such accounts clearly identify that they are being used for campaign purposes and are not associated with their official duties.

### **SECTION 6 – PROHIBITION OF ELECTION ACTIVITIES AT COUNTY FACILITIES**

- 6.1 No Candidate, Third Party Advertiser or political party may rent or use County or Local Board owned facilities for a meeting that would directly or indirectly benefit an Election Campaign or for any election-related purpose. All-candidate meetings are an exception to such prohibition and may be held at County facilities on payment of the rental fee for such facility, and if none exists, for such nominal rental fee as determined by the County Clerk, provided that all candidates for an office are invited to attend such meetings.
- 6.2 Campaign-related Signs or Materials shall not be displayed or distributed at or in County or Local Board owned or leased facilities at any time. The exemption being the County’s long term care home (Strathmere Lodge). Pursuant to section 28 of the *Residential Tenancies Act* a landlord cannot restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level.
- 6.3 Candidates and Third Party Advertisers may not engage in Campaign-related Activities on a Middlesex County Connect bus. Distribution of any Campaign-related Signs or Materials, or solicitation of members of the public for any purpose whatsoever, is explicitly prohibited. Notwithstanding the foregoing, Paid Campaign Ads are considered commercial advertising and are permitted to be posted on and within Middlesex County Connect buses and bus shelters as

commercial advertising space, provided all criteria are met and applicable fees are paid.

## **SECTION 7 – RESTRICTED PERIOD**

- 7.1 During the Restricted Period, Members of Council shall not use County Resources for any purpose that could reasonably be perceived as providing an electoral advantage. This includes, but is not limited to:
- (a) the distribution of newsletters, advertisements, or other communications not directly related to ongoing County business;
  - (b) the use of County funds, materials, or services for attendance at community events, sponsorships, or promotional activities.
- 7.2 The following is permitted during the Restricted Period:
- (a) Members of Council may continue to perform their official duties and respond to constituent inquiries related to County business;
  - (b) Members of Council may attend community events in their capacity as elected officials, board members or appointees, provided such attendance is not promoted using County Resources.

## **SECTION 8 – PROVINCIAL AND FEDERAL ELECTIONS**

- 8.1 During a provincial or federal Election Period, Members of Provincial Parliament and Members of Parliament shall not be provided with preferential access, recognition, or speaking opportunities at County events, unless required for official governmental purposes.

## **SECTION 9 – COUNTY AND LOCAL BOARD EMPLOYEES**

- 9.1 County and Local Board employees may participate in Campaign-related Activities provided that such activities:
- (a) do not interfere with the Employee's normal duties;
  - (b) occur outside of the employee's work hours; and
  - (c) are conducted without reference to their role as a County or Local Board employee.
- 9.2 Employees shall not wear or display County or Local Board uniforms, badges, or other identifying items while engaging in Campaign-related Activities.



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- 9.3 County Resources shall not be used by employees for any Campaign-related Activities.
- 9.4 Any communication received by staff regarding a Candidate or Election Campaign shall be directed to the appropriate campaign office.

### **SECTION 10 – COUNTY LOGO/BRAND**

- 10.1 Candidates, Third Party Advertisers or political parties must not, under any circumstances, use a County logo or any variation of it on any Campaign-related Signs or Materials, including but not limited to election signs, social media or website.
- 10.2 Photographic or video materials that are copyright of the County cannot be used in any Campaign-related Signs or Materials.

### **SECTION 11 - COMPLIANCE AND ENFORCEMENT**

- 11.1 Any alleged contravention of this policy by a Member of Council, Local Board Member or Citizen Appointee shall be addressed in accordance with the Middlesex County Code of Conduct and may be referred to the Integrity Commissioner for review and investigation.
- 11.2 Failure to comply with this policy by County or Local Board employees may result in disciplinary action, up to and including termination, in accordance with applicable employment policies, procedures, and collective agreements.
- 11.3 Where a Candidate, Third Party Advertiser, or political party contravenes this policy, the County may take appropriate action, including but not limited to:
- (a) removal of Campaign-related Signs or Materials from County or Local Board property;
  - (b) denial, restriction, or revocation of access to County Resources or facilities; and
  - (c) recovery of any costs incurred by the County associated with the contravention.
- 11.4 Any unauthorized use of County Resources may constitute a contribution under applicable election legislation and may be reported to the appropriate regulatory authority.



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- 11.5 The County Clerk shall be responsible for the interpretation and administration of this policy and may establish procedures, guidelines, or protocols as necessary to support its implementation.