

The Corporation of the Municipality of Brockton



By-Law 2025-088

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Being a By-Law to Adopt a Use of Corporate Resources For Election Purposes Policy for the Corporation of the Municipality of Brockton.

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**Whereas** The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

**And Whereas** the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas, the *Municipal Elections Act, 1996, Section 88.18*, as amended, requires that before May 1<sup>st</sup> in the year of a regular election, Municipalities shall establish rules and procedures with respect to the use of Municipal resources, as the case may be, during the election campaign period;

**And Whereas** the Council of the Corporation of the Municipality of Brockton deems it expedient to adopt a Use of Corporate Resources for Election Purposes Policy to provide a consistence approach regarding the use of municipal corporate resources during an election campaign and clarify that all election Candidates, including Members of Council and Committees, and Third-Party Advertisers are required to follow the provisions of the *Municipal Elections Act, 1996*, as amended;

**Now Therefore** the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts a Use of Corporate Resources For Election Purposes Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Use of Corporate Resources For Election Purposes Policy By-Law".

**Read, Enacted, Signed and Sealed this 4th day of November, 2025.**

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Mayor – Chris Peabody

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Director of Legislative and Legal Services (Clerk) –  
Fiona Hamilton

**Use of Corporate Resources For Election Purposes Policy**

<b>Department:</b>	Election Candidates, Council	<b>Policy Number:</b>	C07-02000-25
<b>Section:</b>	Council	<b>Effective Date:</b>	November 4, 2025
<b>Subject:</b>	Use of Corporate Resources Election	<b>Revised Date:</b>	
<b>Authority:</b>	Municipal Elections Act, 1996 and By-Law 2025-088		

**1. Purpose**

The purpose of this policy is to provide a fair and consistent approach regarding the use of municipal corporate resources during an election campaign and to clarify that all election Candidates, including Members of Council and Committees, and Third-Party Advertisers are required to follow the provisions of the *Municipal Elections Act, 1996* (the Act) and that they shall not:

- use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign-related activities
- use the services of persons during hours in which those persons receive any compensation from the Municipality (with exception being made for persons on a leave of absence without pay, lieu time, or vacation leave)
- undertake election campaign-related activities on Municipal property during regular working hours, (with exception being made where community groups conduct all-candidates meetings at municipal facilities, provided all registered candidates within each specific category are invited to attend such meetings)

**2. Rationale and Legislative Authority**

It is appropriate to establish a policy on the appropriate use of corporate resources during an election period to protect the interests of both the Corporation and the Members of Council and Committees. Section 88.8 of the *Municipal Elections Act, 1996*, prohibits a municipality from making a contribution to a Candidate/Third Party Advertiser.

The Act also prohibits a Candidate/Third Party Advertiser, 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 of the Municipality’s resources by a Candidate/Third Party Advertiser, including Members of Council or Members of municipal Committees, for his or her election campaign would be viewed as a contribution by the Municipality, which is a violation of the Act.

**3. Definitions**

"Act" means the Municipal Elections Act 1996, SO 1996 c.32, as amended;

"Candidate" means a person nominated under section 33 of the Act and includes a person who has filed a nomination for election to a school board;

“Corporate Resources” means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Municipality including but not limited to facilities, parks, materials, equipment, monetary funds, technology, Municipality’s IT system and resources, databases, websites, social media,

intellectual property, and supplies;

“Members of Council” means members of the Council of The Corporation of the Municipality of Brockton;

“Municipality” means The Corporation of the Municipality of Brockton;

“Third Party Advertiser” means an individual, corporation, or trade union that is registered under section 88.6 of the *Act*.

#### **4. Application**

This policy is applicable to all Candidates, Third Party Advertisers, Members of Council and Committees in a municipal election, including by-elections, during a campaign period as set out in the *Act*.

#### **5. Specifics**

5.1 Consistent with the Municipality’s Code of Conduct and in accordance with the provisions of the *Municipal Elections Act, 1996*;

- a) Candidates/Third Party Advertisers may not use corporate resources, assets or funding for any election-related purposes;
- b) Staff may not canvass or actively work in support of a Candidate/Third Party Advertiser during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
- c) Candidates/Third Party Advertisers may not use any municipally-provided facilities for any election-related purposes. Neither campaign-related signs nor any other election campaign-related material will be displayed in any municipally-provided facilities or on any Municipal property, except in compliance with the Election Sign By-law, if applicable;
- d) The following be discontinued for Members of Council and Committees from the day prior to Nomination Day in a municipal election year to Voting Day:
  - i) all forms of advertising, including in municipal publications;
  - ii) all printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council;
  - iii) the ordering of stationery, business cards;
- e) Candidates/Third Party Advertisers may not:
  - i) print or distribute any material paid by municipal funds that illustrates that a Candidate or any other individual is registered in any election or where they will be running for office;
  - ii) 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;
  - iii) print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered Candidates for municipal elections; and that minutes of Council and Committee meetings be exempt from this policy;
- f) Candidates/Third Party Advertisers may not print or distribute any election-related matter using municipal funds.

- g) Websites or domain names that are funded by the Municipality may not include any election campaign-related material, excluding contact, or other, information for Candidates/Third Party Advertisers posted by the Clerk on the Election section;
  - h) The Municipality's voicemail system may not be used to record election campaign-related messages nor the computer network, including its email system, to distribute election campaign-related correspondence;
  - i) Corporate resources or services such as stationary, computers, cell phones, telephones, tablets, printers, scanners, copiers, file storage, or any other equipment or technology owned by the Municipality, may not be used for any election campaign-related purposes this does not include the use of corporate resources by the clerk or designate to encourage voting and when informing the public of election matters;
  - j) The Municipality's logo, crest, coat of arms, slogan, etc. may not be printed or distributed on any election campaign-related materials or included on any election campaign-related website, except in the case of a link to the Municipality's website to obtain information about the municipal election;
  - k) Photographs produced for and owned by the Municipality may not be used for any election purposes;
  - l) The above also applies to an acclaimed Member, a Member of Council not seeking re-election, and staff.
- 5.2 In accordance with the *Act*, the Clerk is authorized and directed to take necessary action to give effect to this Policy.

## 6. **Limitation**

Nothing in this Policy shall preclude a Member of Council or a Committee from performing their job as such Member, nor prohibit them from representing the interests of the constituents of the Municipality.

## 7. **Enforcement**

In accordance with the *Municipal Elections Act, 1996*, the Clerk of the Municipality of Brockton is authorized and directed to take the necessary actions to give effect to this policy.

All complaints received from the public shall be in writing and signed and addressed to the Clerk.

If a breach of this policy is confirmed, the candidate shall be required to personally reimburse the Municipality for any of the costs associated with the breach.