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1. Policy Objective

- 1.1. The purpose of this policy is to establish rules and procedures with respect to the use of municipal resources during a municipal or school board election campaign in the Town of Ajax, in accordance with section 88.18 of the *Municipal Elections Act, 1996*, as amended (hereafter referred to as the Act).
- 1.2. Section 88.8(4) of the Act prohibits the municipality from making contributions in any form, which includes its assets, resources and employees, to a municipal or school board election Candidate or Registered Third Party Advertiser (RTPA).

2. Scope

- 2.1. This policy applies to Members of Council, Candidates (including non-incumbents), and RTPAs in a municipal and/or school board election or by-election in the Town of Ajax. This policy also applies to an acclaimed Member or a Member not seeking re-election.
- 2.2. This policy is applicable to all employees of the Town of Ajax.
- 2.3. This policy shall govern the use of Corporate Resources for election purposes at all times, unless otherwise specified in this policy.

3. Definitions

- 3.1. For the purposes of this policy, the following definitions and abbreviations apply:

Campaign Materials	means any materials used to solicit votes for a candidate or question on the ballot, including but not limited to literature, banners, posters, pictures, flyers, buttons, clothing, vehicle wraps, or other paraphernalia. Campaign materials include materials in all media formats, including print, displays, electronic, radio or television, or online, including websites and social media platforms.
Campaign Period	means the election campaign period for a Candidate or RTPA as established in the <i>MEA</i> .
Candidate	means a person who has submitted their nomination form under the <i>MEA</i> in a given election.

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Clerk	means the Clerk of the Corporation of the Town of Ajax or their designate who is responsible for conducting this election under the authority of the <i>Municipal Elections Act</i> , 1996, and is the Election Returning Officer.
Communications Staff	means the Communications Department and any Town staff employed for the purposes of executing the Town's communications strategy.
Corporate Resource	means property of the Town of Ajax, including but not limited to materials, equipment, vehicles, facilities, land, technology assets (computers, cell/smart phones, tablets, printers, scanners, or other services such as e-mail, voicemail, internet, and file storage), intellectual property, images, logos, supplies, Town-issued clothing, websites, domain names and social media accounts that are funded and/or administered by the Town. Staff working hours (e.g. the time that the Town pays its employees to complete their assigned responsibilities) are also considered to be a Corporate Resource.
Council	means the elected council of the Corporation of the Town of Ajax.
Election Sign	means a sign for an election or by-election or a registered third party advertiser that promotes, supports or opposes a candidate, political party, or a "yes" or "no" answer to a question on a ballot.
Employee	means any full-time and part-time individuals hired by the Town of Ajax, including all contract, temporary, student, secondment or co-operative placement persons.
MA	means the <i>Municipal Act</i> , 2001, S.O. 2001, c. 25, as amended.
MEA	means the <i>Municipal Elections Act</i> , S.O. 1996 c. 32., as amended.
Nomination Day	means the last date on which nominations for an office will be accepted in an election.

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Registered Third Party Advertiser (RTPA)	means an individual, corporation or trade union that is registered under section 88.6 of the <i>Municipal Elections Act</i> , 1996.
Revision Centre	means the locations and times designated by the Clerk where members of the public can apply to make additions, deletions and/or corrections to the list of electors.
Social Media	means freely accessible, third-party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. Examples of social media include but are not limited to X, Facebook, Instagram, Snapchat, TikTok, YouTube and LinkedIn.
Third Party Advertisement	means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate or a “yes” or “no” answer to a question referred to in subsection 8 (1), (2), or (3) of the Act, but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection 1 (2) or (2.1) of the <i>MEA</i> .
Town Facility	means a Town of Ajax owned or leased facility, including Town parks, sports fields and municipal events spaces (interior and exterior), as well as designated premises of said facility (i.e. parking areas).
Town Hall	means the Town of Ajax head offices located at 65 Harwood Avenue South, Ajax, ON, L1S 2H9.
Town website	means www.ajax.ca
Voter Assistance Centre (VAC)	means a Town-operated physical location, property, structure or space on a property where eligible Electors may attend in person to cast their Ballot in a given Election.

4. General Provisions

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- 4.1. Corporate Resources shall not be used by a Candidate, RTPA or Employee for the purposes of campaigning.
- 4.2. As the Election Returning Officer, the Clerk is responsible for conducting municipal and school board elections under the authority of the *MEA* and is authorized and directed to:
 - take necessary actions to give effect to this policy;
 - address complaints under this policy in an independent manner free from undue interference, and in accordance with any procedures or instructions for the receipt and resolution of election-related complaints that have been established by the Clerk; and
 - make determinations as to the interpretation of this policy as necessary.
- 4.2.1. When considering the merits of a complaint filed regarding the provisions of this policy, the Clerk shall have regard for the following general principles:
 - 4.2.1.1. Whether an unfair advantage was gained by any Candidate in the election;
 - 4.2.1.2. Whether the action would cause the Town to favour, or be perceived of favouring, one Candidate over another; and
 - 4.2.1.3. Whether the interest is in common with all users of the asset/resource.

5. Technology

- 5.1. Candidates, members of Council and RTPAs shall not use Town of Ajax information technology (I.T.) assets and/or resources for any election-related purposes, including the development of Campaign Materials.
- 5.2. In an Election year, Council Member biographies on the Town website shall remain static and no changes to these pages shall be allowed.
- 5.3. The Town of Ajax's telecommunications voicemail systems shall not be used by Candidates to record campaign-related messages, nor shall the computer network, including the e-mail system, be used to distribute campaign or election-related correspondence.

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6. Facilities

6.1. Notwithstanding section 4.1 of this policy, all Candidates and RTPAs may rent available space at the following Town facilities for election-related purposes:

- Quaker Meeting House, 457 Kingston Rd. W
- St. Francis Centre, 78 Church Street South
- Ajax Community Centre, 75 Centennial Road
- Audley Recreation Centre, 1955 Audley Road North
- McLean Community Centre, 95 Magill Drive
- Carruthers Marsh Pavilion, 55 Ashbury Boulevard
- Greenwood Discovery Pavilion, 2290 Greenwood Road
- Rotary Park Pavilion, 177 Lake Driveway West

Provided that:

- 6.1.1. The public facility rental permit process is followed, and that all applicable fees for use of the facility are paid;
- 6.1.2. A facility is not rented or paid for prior to the start of the Candidate's campaign period;
 Candidates and RTPAs shall set up and remove all election-related materials, including but not limited to signs, posters and other Campaign Materials within the allotted rental period;
- 6.1.3. Campaign Materials shall only be displayed within the permitted area designated within the rental agreement, and attendees and permit holders shall not engage other patrons of the facility at any time during the rental period, with the exception of Town Facility Employees, where necessary;
- 6.1.4. Candidates and RTPAs shall not rent Town facilities for campaign activities on a date when there is a Voter Assistance Centre, Revision Centre or Town-led Election event at the facility or property. Additional conditions may be imposed at the discretion of the Clerk;

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- 6.1.5. A Candidate may not rent a Town facility to serve as a campaign office for a Candidate or RTPA; and
- 6.1.6. A Candidate may not use a rented Town facility to offer an unofficial Voter Assistance Centre, including providing technology and/or assistance to voters in order to cast a ballot during the Voting Period.
- 6.1.7. The Clerk retains the right to prevent future facility bookings based on violations of provisions within this policy.
- 6.2. Members of Council and Candidates may not use their constituency office or any municipally-provided facilities for any election-related purpose, which includes the display of any campaign-related signs in the window or on the premises, as well as the display of election-related material in the office.
- 6.3. In the event of a public debate hosted by a third party, a Town facility may be offered as the venue at the discretion of the Clerk, provided that all registered Candidates within each specific category must be invited to attend such meetings, and that the event meets any other requisite criteria established by the Clerk.
- 6.4. No campaign activity may be conducted nor may Campaign Materials be distributed during passive use of outdoor Town facilities (i.e. the Ajax Waterfront, community parks and trails, Pat Bayly Square, Greenwood Conservation Area, etc.), except in accordance with Section 8.6 (which permits photography/videography under certain conditions)

7. Communications

- 7.1. Members of Council are responsible to ensure that the content of any communications material, including web sites and printed material such as newsletters, advertising, etc. that is funded by the municipality for the operation of each Councillor's office is not directly election-related and does not contain or constitute Campaign Materials.
- 7.2. Candidates and RTPAs shall not print or distribute any Campaign Materials using municipal funds. The Town of Ajax shall not distribute material, through electronic or non-electronic means, which in the Clerk's determination constitute Campaign Materials.

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7.3. The Town’s corporate logos, crest, coat of arms, slogans, etc. shall not be printed or distributed on any Campaign Materials or included on any election campaign related website or social media account.

7.3.1. Notwithstanding section 7.3, where a logo or Town-owned image appears incidentally (e.g. a Town Logo in the background of a photo) and is not a main focus of the Campaign Material, the Clerk may determine whether a violation of section 7.3 has occurred.

7.4. Candidates and RTPA shall not print or reproduce on any Campaign Materials a website URL or telephone number used by electors to access their electronic ballot.

7.4.1. Notwithstanding section 7.4, Candidates and RTPAs may include the following Town information on their Campaign Materials:

- The URL of the Town’s official election information website or webpages, in order for electors to access general information about the election and voting; and
- Reference to a Town facility in the instance that a Town-hosted elections event (e.g. education session) is being held there.

7.5. Publicly accessible Town resources (e.g. online strategic plans, staff reports, minutes and agendas) may be linked to from Candidate and RTPA websites.

7.6. Candidates and RTPAs may promote and/or distribute materials developed by the Town specifically for promotion of the election (e.g. promotional videos, infographics, voting calendars), provided that they are not modified from their original format in any way without the written permission of the Town.

7.7. During a regular election year, ward newsletters shall be produced in accordance with the *Council Communications Tools & Support Policy* (Policy 145).

7.8. Distribution lists or contact lists developed utilizing Corporate Resources shall not be utilized for election purposes.

7.9. During a regular election year, ward meetings shall be scheduled in accordance with the *Ward Meeting Policy* (Policy 142).

8. Digital Media Assets



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Social Media

8.1. Members of Council seeking re-election must take affirmative steps to clearly distinguish between their use of social media accounts for election purposes and their use of social media accounts for constituency purposes in their capacity as a Town official. A social media account cannot be simultaneously used by Members of Council for constituency and election purposes.

8.2. To take such affirmative steps, Council Members seeking re-election shall adopt one of the following two approaches:

8.2.1. Maintaining Separate Election Accounts (*strongly recommended*)

Members of Council may choose to establish one or more separate and distinct social media accounts for election purposes that are clearly labelled as election accounts, and that are not identified as the Council Member’s constituency account. Creation of separate social media accounts for election purposes provides a clear delineation between constituency and election-related content, reduces the potential for contraventions of this policy, and does not require the Council Member to adhere to the usage restrictions outlined in section 8.2.2 below.

8.2.2. Converting an Existing Account, Subject to Usage Restrictions

Members of Council may choose to convert their constituent social media account into an election social media account, in accordance with the *Council Expense Policy* (Policy 030), subject to usage restrictions. Where a Member chooses to convert their constituent social media account into an election account, for the duration of the Member’s Campaign Period the Member shall:

- i. cease producing and distributing any constituency publication, including business cards, that includes the social media account’s information (i.e. user names, handle names);
- ii. refrain from utilizing Town logos or images proprietary to the Town of Ajax on the social media account, and remove all references to the Member’s official title from the account, including their handle name, user name, and profile description;

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- iii. ensure that the account's registration information does not include any ajax.ca e-mail addresses or Town of Ajax phone numbers;
- iv. formally inform staff and volunteers and any other Town-expensed resources/consultants who previously had a role with respect to managing said social media account that no Town resources whatsoever, including computers, devices and staff, may be used to maintain the account, and proactively monitor the account to ensure that no such actions are taken by staff or volunteers; and
- v. expressly notify existing followers on the social media platform that the account will be henceforth used for purposes related to re-election.

8.2.3. Where a constituent social media account is converted to an election social media account, historic content posted to the social media account prior to the election Campaign Period shall not constitute a contravention of this policy regardless of whether the historic content utilized Corporate Resources at the time of its publication.

8.2.4. Following a regular election, Candidates elected to Council may convert their election social media account to one used for constituency purposes in accordance with provisions outlined in the *Council Communications Tools & Support Policy* (Policy 145).

Websites

- 8.3. Websites or domain names that are funded by the Town of Ajax shall not include any election-related Campaign Material or links to sites that feature Campaign Material, with the exception that each Candidate and RTPA may provide the Clerk with one URL and up to three social media links to be posted on the Town's election information website.
- 8.4. Members of Council may convert an existing website from a constituency website to an election website, or vice versa, in accordance with the provisions of the *Council Expense Policy* (Policy 030). Any Town-owned content must be removed when transitioning from a constituent website to an election website.



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Branding and Marketing

- 8.5. Branding and marketing materials or assets that were created using Corporate Resources (including expenses paid for external contractors) shall be prohibited for use as part of a Candidate’s election campaign materials.

Photography & Videography

- 8.6. Informal photography/videography by Candidates and RTPAs is permitted in common, publicly-accessible areas of outdoor recreation and leisure spaces including the Ajax Waterfront, community parks and trails, Pat Bayly Square, Heritage Square, and Greenwood Conservation Area, so long as such activities do not interfere with or impede access to and enjoyment of the facility by others, or in the Clerk’s determination constitute promotion of the candidate to other patrons of the facility during recording. If photography/videography disrupts access to Town services or facilities, participants may be asked to find an alternative location.
- 8.7. Candidates shall be prohibited from wearing Town of Ajax clothing in campaign-related photography and videography.
- 8.8. Photographs or videos produced for/by and owned by the Town of Ajax may not be used by Candidates or RTPAs for any election-related purposes.
- 8.9. Candidates and RTPAs are strongly discouraged from using photos or videos that feature or profile Town Employees without their consent. Where Town Employees incidentally appear in photos or videos used in Campaign Materials, such appearance shall not be construed as an endorsement of the Candidate or RTPA.
- 8.10. Notwithstanding sections 8.6 and 8.9, photos and videos of a Candidate taken during the filing of nomination at Town Hall shall not constitute a contravention of the policy, provided that the photo is not taken by a Town employee or using a Town information technology asset.

Town Employees

- 8.11. In the year of an election, Employees are expected to take extra care to ensure that they behave in a manner that residents, existing Members of Council, and potential Candidates for election see as impartial, fair, and unbiased.
- 8.12. Nothing in this policy prohibits an Employee from campaigning for or assisting in the campaign of a Candidate or RTPA as a private member of the public,



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provided that Employees shall not use Corporate Resources for the purpose of campaigning for or assisting in the campaign of a Candidate and/or RTPA.

8.13. Employees shall not canvass or actively work in support of a Candidate or RTPA during normal working hours unless they are on a leave of absence without pay.

8.14. Employees shall not canvass for, or actively work in support of a Candidate, RTPA or political party while wearing a Town uniform, badge, crest, or other item identifying them as a Town of Ajax Employee, or while using a Town vehicle.

9. Limitations

9.1. 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 who elected them. All tenets of this policy are subject to the exception of members' actions associated with fulfilling their normal and ongoing representative roles as members of Council, up until the official end of the term they are serving.

9.2. Corporate events that occur annually or regularly, and are expected to continue into the future, are not constrained by this policy.

9.3. Nothing in this policy prevents Members of Council from having one or more websites or social media accounts in their individual names.

9.4. Nothing in the Policy shall preclude an employee from exercising one's civic right and duty to participate in the election process as a private citizen.

9.5. Nothing in this Policy shall prevent staff from conducting an election in accordance with the *Municipal Elections Act*, 2006, or providing non-partisan election information or material on behalf of the Town, so as to inform the public about the election and the election process.

10. Administration

10.1. This Policy shall be administered by the Corporate Services Department and shall be reviewed and updated after each regular municipal and school board election at minimum.

10.2. Questions or concerns within respect to this Policy may be directed to the Clerk.

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Passed by the General Government Committee at its meeting held June 14, 2021, and endorsed by Ajax Town Council at its meeting held June 21, 2021.