


<b>Procedure Title:</b> Use of Corporate Resources for Election Purposes		<b>Procedure Number</b> ADM 170-001	
<b>Reference</b> <i>Municipal Elections Act</i> City of Pickering Code of Conduct Council Compensation Policy Election Sign By-law Resolution #299/17	<b>Date Originated (m/d/y)</b>  December 2016	<b>Date Revised (m/d/y)</b>  May 15, 2017 March 1, 2022	<b>Pages</b>  8
<b>Approval:</b> Chief Administrative Officer 		<b>Point of Contact:</b> City Clerk	

## Procedure Objective

In accordance with Section 88.18 of the *Municipal Elections Act, 1996* (the “Act”) before May 1<sup>st</sup> in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

Section 88.8(4) of the Act, states that a municipality or local board shall not make a contribution to the election campaign of 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. Section 88.15(1) of the Act states that, “money, 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”.

By defining money, goods and services as being contributions to a campaign, it is clear that the use of the Corporation’s resources (facilities, equipment, supplies, services, Staff or other resources of the municipality) for any election campaign or campaign-related activities would be viewed as a contribution by the municipality to the candidate, and is a violation of the Act.

The intent of this Procedure is to provide clarification regarding the provisions of the Act relating to contributions to election campaigns. It should be noted that the establishment of guidelines for the appropriate use of Corporate Resources during an election period is undertaken to protect the interests of candidates, Members of Council, City Staff and the City of Pickering.

## Index

- 01 Definitions
- 02 General
- 03 Staff Involvement in Elections
- 04 City Facilities

05	Technology-Related Provisions
06	Communications
07	Phones
08	All Candidates Meetings
09	Discontinued Activities for Members of Council During an Election Year
10	Limitations
11	Exceptions to this Procedure

## 01 Definitions

- 01.01 **All Candidates Meeting** – a public meeting held to provide an opportunity for all Candidates to explain their election platform and to answer questions from the audience.
- 01.02 **Campaign Period** – the official Campaign Period of an election for:
- a municipal or school board election where the Campaign Period begins on the first prescribed day for the filing of nominations by Candidates and the first prescribed day for the filing of a registration by a Third Party Advertiser in accordance with the *Municipal Elections Act* and ends at 11:59 p.m. on voting day;
  - a provincial or federal election where the Campaign Period begins the day the writ for the election is issued and ends at 11:59 p.m. on voting day;
  - a question on the ballot where the Campaign Period begins the day Council passes a by-law to put a question on a ballot to the electorate and ends at 11:59 p.m. on voting day; and,
  - a by-election where the Campaign Period begins the first day for the filing of nominations in accordance with the *Municipal Elections Act* and ends at 11:59 p.m. on voting day.
- 01.03 **Candidate** – a person who has filed a Nomination to run in a municipal, school board, provincial, federal election or by-election, or anyone acting on their behalf. Where referred to herein, the term Candidate shall also mean a Registered Third Party Advertiser or a person or group supporting or opposing a question on a ballot.
- 01.04 **Clerk** – the City Clerk for The Corporation of the City of Pickering, or their designate.

- 01.05 **Corporate Resources** – includes any physical or technological resource that supports the operation of City programs and services including but not limited to the City Crest, City Logo, images/photos/videos, facilities, land, vehicles, Staff, infrastructure, equipment, supplies, services, computers, telephone networks, photocopiers, fax machines, email system, voicemail, wireless equipment, internet, intranet, smart phones, tablets, consumables related to the above equipment such as paper, toner or any resource that belongs to or is funded by the City.
- 01.06 **Election Sign** – any sign that is intended to influence individuals to vote for or against any Candidate or any question on a ballot, including but not limited to, an Election Sign as defined in the City’s Election Sign By-law. Election Sign also includes election material such as buttons, t-shirts, hats, pens, stationary, calendars, fridge magnets, car magnets/car wraps, or any other materials used to promote or oppose a Candidate.
- 01.07 **Employees or Staff** – includes full-time, part-time, temporary and contract Employees paid by the City of Pickering as well as volunteers that are working/providing support to The Corporation of the City of Pickering.
- 01.08 **Member of Council** – the Mayor and all Members of Council for The Corporation of the City of Pickering.

## 02 General

The following procedure applies to all Candidates, including an acclaimed Member of Council or a Member of Council not seeking re-election, and any individual acting on behalf of such Candidate.

- 02.01 As provided for in Section 11 and 12 of the Act, the Clerk is responsible for conducting elections and 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. Accordingly, any decision regarding the conduct of an election, including the interpretation and application of this Procedure, shall fall under the authority of the Clerk.
- 02.02 No Member of Council may use their position on Council to obtain, garner or take advantage of any offer of special pricing or betterment that is obtained due to their association with the City and that would provide an unfair advantage to that Member of Council over that of other Candidates.

## 03 Staff Involvement in Elections

City Staff are expected to preserve the public trust and confidence in the City. With respect to elections, Employees are expected to promote the principles of transparency, impartiality, respect, and accountability as follows:

- a) Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the Federal, Provincial and Municipal levels providing that such activity does not take place during work hours or utilize City assets, resources, or property. Notices, posters or similar material in support of a particular Candidate or political party are not to be displayed or distributed by Employees on City work sites or on City property.
- b) Staff shall not canvass or actively work in support of a Candidate or political party during normal working hours unless they are away from work on a leave of absence without pay, maternity/parental leave, lieu time, flex day or vacation leave.
- c) Staff shall not canvass or actively work in support of a Candidate or political party while wearing a uniform, badge, logo or any other item identifying them as an Employee of the Corporation, or using a vehicle owned or leased by the Corporation.
- d) Staff who are relatives of any Member of Council or Candidate shall not be assigned to work as an Election Official, or work on any part of the election process.
- e) Staff are advised to be especially mindful of public perception during municipal elections, and to ensure that their activities neither conflict with, nor adversely affect, their duties as City Staff. Moreover, Staff have a responsibility to ensure that public resources are not used for campaigning by any person.

#### 04 City Facilities

- 04.01 Campaigning, distribution or display of campaign material or an Election Sign will not be permitted at any City facility, City event or City meeting whether on municipal property or not (**Exception**: All Candidates Meetings).
- 04.02 Candidates who have filed their Nomination can rent rooms at City facilities to hold election-related meetings or to solicit/receive campaign funds, subject to the usual rental charges and permit procedures.
- 04.03 Election Signs or election campaign material can only be displayed within the rented room at a City facility. No campaign material (for example signs, brochures, sign-in tables) can be anywhere other than inside the rented room.
- 04.04 Facility rentals for campaign related activities are not permitted from the first day of the voting period or the advance voting period, up to and including Voting Day.
- 04.05 The City reserves the right to refuse or cancel a rental contract at any time should it conflict with the City's established policies and procedures or legislated requirements pertaining to an election.
- 04.06 Nothing in this section prohibits a Candidate from erecting an Election Sign in accordance with the provisions of the City's Election Sign By-law.

- 04.07 Vehicle Signs, as defined in the City's Election Sign By-law, may be displayed by a Candidate, on or in a vehicle owned by the Candidate, while such vehicle is in use on any Highway in accordance with the City's Election Sign By-law and all other applicable laws.
- 04.08 In addition to the provisions of the Election Sign By-law, vehicles that contain an Election Sign are prohibited from parking on City property, in a City owned or operated parking lot, or on a highway within 100 metres of a voting location.

## **05 Technology-Related Provisions**

- 05.01 The City of Pickering computer system (hardware, software and network) may not be used to record, distribute or store election-related material or for any campaign related activity.
- 05.02 The City is to be reimbursed for all election-related calls and internet usage from smart phones, home phones and computers/iPads which are funded by the City.
- 05.03 Websites or domain names that are funded, owned, or operated by the City of Pickering shall not include any election-related material, including advocating for a political party, or Candidate in any election and may not be used for any campaign-related purpose.

**Exception:** The City's official election webpages will provide Candidate contact information to inform the electorate, and may include a link to a Candidate's website or social media, but will in no way endorse any Candidate.

- 05.04 A Member of Council may not convert a constituent website, or social media platform to an election campaign site, if either has been funded by the City in any way, or the content of such sites would violate the provisions of this Procedure in any way.
- 05.05 On May 1<sup>st</sup> of an election year, the link from the City's website to any Member of Council's constituent website or social media platform, will be severed until after the election. All expenses related to a constituent website, or social media platform, will not be reimbursed from May 1<sup>st</sup> to the end of the Term of Council.

## **06 Communications**

- 06.01 In any material printed or distributed by the City of Pickering, Members of Council are not permitted to:
- a) explain or illustrate that an individual (either a Member of Council or any other individual) is a Candidate registered in any election;

- b) identify where they will be running for office; or
- c) profile or make reference to Candidates in any election.

06.02 Members of Council cannot use the City's telephone system to make or receive election-related calls.

06.03 The City's voicemail system may not be used to record or store election-related messages.

06.04 The following may not be used, printed or distributed for any election-related materials or included in any election campaign-related website or social media platform;

- a) reference to any of the City's email addresses, telephone numbers, facility addresses, or municipally-funded facility addresses unless the facility has been rented for a campaign event in accordance with Section 04 of this Procedure;
- b) City of Pickering's municipal signs, logo, crest, coat of arms, or slogan;
- c) City of Pickering business cards, letterhead, envelopes; and
- d) photographs, images and videos produced for and owned by the City.

**Exceptions:**

- a link to the Municipality's official election webpages is permitted on a Candidate's election website or social media platform for the purpose of providing general information about the election and voting process, provided that such information is not modified in any way; and,
- a Candidate may take their own photo of City property for use in campaign material provided the photo is not taken while on or over the City property, and does not contain a municipal sign, logo, crest, coat of arms or slogan.

06.05 Distribution lists or contact lists compiled utilizing Corporate Resources or through contact in a Member of Council's role as an elected official shall not be utilized for election campaign-related purposes.

06.06 Messages posted to the City's social media accounts, regarding Municipal Elections, may be shared by a Candidate on their campaign website or social media platform as long as the messaging is not altered in any way.

## **07 Phones**

- 07.01 Cell phones provided to Members of Council, and paid for by the City, cannot be used for campaigning purposes. It is recognized that carrying two cell phones is cumbersome and awkward. Members of Council utilizing a cell phone, paid for by the City, can assume 50% of the total operating costs of the cell phone during a Campaign Period, in order for the cell phone to be used for campaign purposes. Assumption of 50% of the phone costs is effective from the date the Member files their Nomination to register as a Candidate for the Municipal Election to the end of the Term of Council.
- 07.02 Home phones paid for by the City cannot be used for campaigning purposes. Members of Council using a home phone, paid for by the City, can assume 50% of the operating costs for their home phone during the Campaign Period, in order for the home phone to be used for campaign purposes. Assumption of 50% of the phone costs is effective from the date the Member files their Nomination to register as a Candidate for the Municipal Election to the end of the Term of Council.

## **08 All Candidates Meetings**

- 08.01 Organizations conducting All Candidates Meetings will be required to abide by the following:
- a) All Candidates Meetings may be held in a City facility with the approval of the Clerk, subject to the usual rental charges and permit procedures for such use;
  - b) City Staff will not provide any services or assistance for All Candidates Meetings;
  - c) the organization conducting the event must invite all registered Candidates that have registered for the position that the All Candidates Meeting relates to (for example, Mayor, all Candidates registered for Mayor or a particular Ward, all Candidates registered for that Ward);
  - d) the organization conducting the event will not allow Candidates to set up Election Signs, election literature, or campaign material at the facility sooner than four hours before the event; and
  - e) the organization conducting the event will make sure all Election Signs and campaign materials are removed from the facility by no later than midnight the day of the event.
- 08.02 In order to qualify as an All Candidates Meeting, the meeting must be held by an organization not affiliated with any particular Candidate(s) and cannot include the support of any City Employee.

## **09 Discontinued Activities for Members of Council during an Election Year**

- 09.01 As per Policy ADM 190, Council Compensation Policy, in an election year the following conditions shall apply effective May 1<sup>st</sup>:
- a) no mailing or distribution of constituent communications where the costs are borne by the City;
  - b) no mailing or distribution of generic neighbourhood letters or cooperative letters where the costs are borne by the City;
  - c) no individual advertising where the costs are borne by the City (i.e. newspaper ads/columns or advertising in community publications);
  - d) no community events can be organized by a Member of Council where the costs are borne by the City unless approved by the Clerk and organized by City Staff (i.e. safety meetings, government info meetings); and
  - e) limited amounts of stationary and business cards for Members of Council can be ordered to maintain a sufficient supply for day-to-day operations up until Voting Day.

## **10 Limitations**

- 10.01 Nothing in this Procedure shall prohibit a Member of Council from performing their job as a Member of Council, nor impede them from representing the interests of constituents. It is however, important to recognize that, as incumbents, Members of Council's actions and activities will be subject to increased scrutiny. Members of Council are typically held to a higher standard and, as a result, the perception of their actions may be more important than the action itself.
- 10.02 Nothing in this Procedure shall preclude a Staff member from exercising their civic right and duty to participate in the municipal election process as a private citizen.
- 10.03 Nothing in this Procedure shall prevent Staff from conducting an election in accordance with the Act, or providing non-partisan election information material on behalf of the City so as to inform the public about the election and the election process.

## **11 Exceptions to this Procedure**

- 11.01 Municipal election information prepared, posted and maintained by Legislative Services.



11.02 Names, photographs and contact information for Members of Council to conduct municipal business.