



## POLICY: C07 - USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

Section:	<b>Legislative Services</b>	Subsection:	<b>Elections</b>
Effective Date:	<b>February 12, 2018</b>	Last Review Date:	2018
Approved by:	Owner Division/Contact:  For information on this process, contact the Legislative and Court Services Department – City Clerk		
Policy Statement:	<p>The <i>Municipal Elections Act, 1996</i>, as amended, establishes the election campaign finance rules for Candidates running in a municipal election. Section 88(8)(4) prohibits municipalities such as The Corporation of the City of Barrie from making campaign contributions.</p> <p>The <i>Election Finance Act, 1990</i>, as amended, and the <i>Canada Elections Act, 2000</i> as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29(1) of the <i>Election Finance Act</i> and Section 363 (1) of the <i>Canada Elections Act</i> prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.</p> <p>As campaign contributions may take the form of money, goods or services, any use of corporate resources for election related purposes, by candidates, third party advertisers or City staff, is not permitted.</p> <p>No candidate or registered third party advertiser shall use the facilities, equipment, supplies, services, staff or other resources of the City (including Councillor newsletters and Councillor budgets) for any election campaign or campaign-related activities.</p>		
Purpose/Application:	<p>The policy provides direction to candidates, third party advertisers, members of Council and all City staff on the administration of Corporate resources and members' budgets with respect to election-related matters. The purpose of this policy is to clarify that all election candidates at the municipal, provincial and federal level, including Members of City Council and Third Party Advertisers are required to follow the provisions of the <i>Municipal Elections Act, 1996</i> as amended, <i>the Election Finance Act, 1990</i> as amended, <i>Elections Act, 1990</i> and the <i>Canada Elections Act, 2000</i> as amended, as applicable.</p> <p>The Policy is intended to:</p> <ul style="list-style-type: none"><li>• Ensure compliance with the <i>Municipal Elections Act, 1996</i>, <i>Elections Finance Act, 1990</i> and <i>the Canada Elections Act, 2000</i>, in regards to the role of the City contributing to a candidates or registered third party campaign;</li><li>• Ensure that candidates and registered third parties are treated fairly and consistently within the municipality;</li><li>• Ensure the integrity of the election process is maintained at all times;</li></ul>		

	<ul style="list-style-type: none"> <li>• Establish the appropriate uses of resources during an election period, in order to: <ul style="list-style-type: none"> <li>○ Protect the interests of the members of Council, Candidates, Registered Third Parties, City staff and The Corporation; and</li> <li>○ Ensure accountable and transparent practises</li> </ul> </li> </ul> <p>This policy is applicable to all candidates (including any candidate acclaimed), Members of City Council (including a member who is not seeking re-election), Third Party Advertisers and City of Barrie staff.</p>
Definition(s):	<p><b>Election Campaign-Related Activities and Materials</b> means any resources used to promote, support or oppose a candidate or a “yes” or “no” vote related to a question on the ballot, including but not limited to literature, banners, posters, pictures, buttons, clothing or other paraphernalia. Activity means any action or event by or on behalf of a candidate, political party, or third party advertiser meant to promote, support or oppose a candidate or a “yes” or “no” vote related to a question on the ballot during the election period. Campaign-related activities do not include the appearance of elected officials acting in their capacity of Councillor, School Board Trustee, Member of Provincial Parliament, or Member of Parliament.</p> <p><b>Campaign Period</b> means the official campaign period of an election.</p> <ul style="list-style-type: none"> <li>• For a municipal election, the campaign period commences on the May 1 of an election year and ends on December 31 of an election year.</li> <li>• For a provincial or federal election, the election period commences on the day the writ for the election is issued and ends on voting day.</li> <li>• For a by-election, the period commences the day the by-election is called and ends on voting day.</li> </ul> <p><b>Candidate</b> means any individual running for an elected office, including Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf.</p> <p><b>Election-related purpose</b> refer to the occurrence of a municipal election or by-election. It also includes any participation in federal and provincial elections that is partisan in nature.</p> <p><b>Nomination Day</b> refers to the fourth Friday in July in a municipal election year.</p> <p><b>Third Party or Third Party Advertiser</b> means an individual, corporation or trade union that promotes, supports or opposes a candidate or a “yes” or “no” vote related to a question on the ballot in accordance with the <i>Municipal Elections Act</i>.</p>
Specific Policy Requirements:	<p><b>Communications Related Provisions</b></p> <p>At no time shall Corporate resources and/or Members’ budgets be used to sponsor or produce any election campaign-related materials (municipal, provincial and federal).</p>

Members of Council are responsible for ensuring that the content of any communication material, printed, hosted or distributed by the City of Barrie is not election campaign-related.

Members of Council shall not deliver any unsolicited material outside of their existing ward where the printing and/or distribution costs are being paid by the municipality. Care should be taken to ensure that the mailing of newsletters is restricted to the Member's ward only. This provision shall be effective not only during an election year, but at all times.

Members of Council shall not:

- Create, print, publish, sponsor or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;
- Profile (name or photograph), or make reference to, in any material paid for using municipal funds, any individual who is registered as a candidate in any election; and
- Create, print, publish, sponsor or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections.

In a municipal election year or in the event of a by-election, Corporate resources or the Members' budgets are not to be used to sponsor any advertisements, flyers or newsletters from the day prior to Nomination Day up to and including the final voting day.

The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Voting Day:

- All forms of advertising, including municipal publications; and
- All printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless directed and approved by Council.

Candidates shall not create, print, publish sponsor or distribute any election campaign-related materials using municipal funds. This prohibition also applies to the use of any City equipment, facilities, social media or websites, if the access is City-sponsored/funded.

In any material created, printed sponsored or distributed by the City of Barrie, candidates are not permitted to:

- Illustrate that an individual (either a Member of Council or any other individual) is a candidate registered in any election;
- Identify where they or any other individual will be running for office; or
- Profile or make reference to candidates in any election.

Notwithstanding the above, the minutes of Council and Committee meetings shall be exempt from this policy.

The municipality's logo, crest, coat of arms, slogan, etc. shall not be printed or distributed on any election campaign-related materials, or included on any election campaign website, except in the case of a link to the City's website to obtain information about the municipal election.

Photographs produced for and owned by the City of Barrie shall not be used for any election campaign-related purposes.

Photographs taken utilizing City equipment or sent through City accounts shall not be utilized.

Candidates and Third Party Advertisers are not permitted to engage in election campaign-related activities directed at City employees while those employees are at their workplace or engaged in work for the City.

Where an emergency occurs, a non-emergency related community issue arises or where an annual community event is held during the period beginning the day prior to Nomination Day up to and including final voting day, a Member of Council may use Corporate resources to advise or contact their ward constituents with the approval of the City Clerk.

#### **Use of Municipal Facilities, Services and Property Provisions**

Candidates shall not campaign and/or distribute campaign literature during any function hosted by the City of Barrie, whether on municipal property or not.

Members of Council, Candidates and Third Party Advertisers shall not use any municipally provided facilities for any election-related purposes unless the facility is generally available for rent by the public and it is rented in accordance with the City of Barrie rental procedures.

In accordance with the Election Sign By-law, no election campaign-related signs nor any other election-related material shall be displayed in any municipally owned facilities.

Notwithstanding, the ability to use the interior of any City-owned or run facility for election related purposes, if rented in accordance with the provisions noted above, no election related activities, including campaigning and the distribution of campaign literature are permitted to take place inside or on the property of the City of Barrie City Hall.

#### **Technology Related Provisions**

Candidates, Members of Council and Third Party Advertisers shall not use Corporate resources or services such as computers, cell/smart phones, telephones, tablets, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology owned by the City of Barrie, for election related purposes.

Websites or domain names that are operated or funded by the City of Barrie shall not include any election campaign-related materials or links to any sites that feature election campaign-related information, including but not limited to

Twitter, Facebook and other social media accounts to any sites that feature election campaign-related material.

The on-line Candidate's List shall be the only area of the City of Barrie's website where links to external election campaign websites will be posted during the Campaign Period.

The municipality's voice-mail system or voice-mail set up on any City issued phone shall not be used to record election related messages or the computer network (including the City's email system) to distribute election related correspondence.

Distribution lists or contact lists developed utilizing Corporate resources or through a contact in a Member of Council's role shall not be utilized for election purposes.

### **Budget Administration**

Corporate resources, assets and funding shall not be used for any election campaign-related purposes.

The budgets for members of Council for the period of January 1 to Election Day in a municipal election year shall be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to Voting Day:

- New members of Council be allocated a budget of 1/12<sup>th</sup> of the approved budget amount for the month of December; and
- Re-elected members of Council have available to them the balance of funds remaining as of Election Day.

In the event of a ward or City-wide by-election or an appointment for a position on Council, funds from the vacated Member's budget will be set aside on a pro-rated basis for the newly elected/appointed representative, based on the start date of the new Member.

### **City of Barrie Staff**

In keeping with the City of Barrie Staff Code of Conduct, City Staff are expected to preserve the public trust and confidence in the City. 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 or municipal levels providing that such activity does not take place during work hours or utilizing City assets, resources, or property. Notices, posters or similar material promoting, supporting or opposing a particular Candidate or political party are not to be produced, displayed or distributed by employees on City of Barrie work sites or property.

Employees shall not canvass or actively work in support of a Candidate or political party during normal work hours, unless they are on a leave of absence without pay, lieu time, flex time or vacation leave.

	<p>Employees shall not canvass or actively work in support of a municipal 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 City.</p> <p>Employees wishing to run for federal, provincial or municipal office must request and obtain a leave of absence without pay and abide by the respective legislation governing such elections.</p>
Limitations	Nothing in this Policy shall preclude a Member of Council from performing their duties as Mayor or Councillor, nor inhibit them representing the interests of the constituents who elected them.
Responsibilities	<p>The City Clerk (or designate) is responsible for communicating the policy to members of Council, Candidates, Third Party Advertisers and City staff.</p> <p>Members of Council, Candidates, Third Party Advertisers and City staff are accountable to comply with this policy.</p> <p>In accordance with the Municipal Elections Act, the City Clerk is authorized and directed to take the necessary action to give effect to this policy.</p>
Date Approved by City Council	February 2, 2018
Rationale and Legislative Authority	<p>Section 88.18 of the <i>Municipal Elections Act, 1996</i> as amended requires a municipality before May 1 in the year of a regular election, to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period. The <i>Municipal Elections Act, 1996</i> as amended establishes regulations governing campaign finance for candidates running in a municipal election. Section 88(8)(4) prohibits municipalities from making campaign contributions to municipal candidates.</p> <p>The <i>Election Finance Act, 1990</i>, as amended, and the <i>Canada Elections Act, 2000</i> as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29(1) of the <i>Election Finance Act</i> and Section 363(1) of the <i>Canada Elections Act</i> prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.</p>
Related Policies, Legislation and By-laws	<p>Acceptable Use of Corporate Assets Policy  Council and Committee Member Code of Conduct  City of Barrie Staff Code of Conduct  Reimbursement of Council Expenses Policy  Election Sign By-law  <i>Municipal Elections Act, 1996</i> as amended  <i>Election Finance Act, 1990</i>, as amended  <i>Canada Elections Act, 2000</i> as amended</p>
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