

# Use of Corporate Resources Policy

Council Workshop – September 27, 2021





# 392 Days

Until the 2022 Municipal and School Board Elections

# Agenda

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# Background

In accordance with the *Municipal Elections Act, 1996* (MEA), before May 1 of an election year, municipalities must establish rules and procedures with respect to the use of municipal resources during the election campaign period.

The MEA specifies that a municipality or local board cannot make a contribution to a municipal election candidate or registered third party advertiser.

A contribution includes:

- Money, goods and services given to and accepted by or on behalf of a person for their election campaign
- Money, goods and services given to and accepted by or on behalf of a registered third party advertiser (an individual, corporation or trade union)



In recognition of Members of Council holding their office until the end of the term (November 14, 2022), nothing in the Policy will preclude a Member from performing their job responsibilities, nor inhibit them from representing the interest of their constituents.

# Background – Cont'd

The City's first Use of Corporate Resources Policy was created using the City of Barrie's policy as an example, and was adopted in 2013. Since then, it has been regularly reviewed and amended, with the latest update in 2019 to incorporate provincial and federal elections, and to restrict the use of City facilities.

Adoption of a policy with respect to the use of municipal resources during an election campaign period became a legislated requirement under the MEA in 2016.



# Purpose

To provide a consistent approach and clear direction regarding the use of corporate resources during an election campaign.

The provisions in the Policy apply to federal, provincial and municipal elections.



# Scope

The Policy applies to:

- All candidates and registered third party advertisers for a municipal, provincial or federal election or by-election
- All Members of Council not seeking re-election
- All City employees, including employees in the offices of Members of Council
- Members of Local Boards

# Intention

To provide clear direction to all candidates, third party advertisers, and City staff to ensure a fair and transparent electoral process, while also ensuring compliance with all applicable legislation.

# Policy Statement Updates

	Use of City Facilities	Campaign Material	Campaigning on City Property	Social Media
Current Policy	<ul style="list-style-type: none"> <li>Rental of indoor facilities for campaigning activities prohibited</li> <li>Rental of outdoor facilities for campaigning activities prohibited</li> </ul>	<ul style="list-style-type: none"> <li>Permitted at large City events, with limitations (i.e. cannot be disruptive to the event)</li> </ul>	<ul style="list-style-type: none"> <li>Limited campaigning permitted at large City-led events</li> </ul>	<ul style="list-style-type: none"> <li>Policy amendment was issued in 2018 regarding social media accounts</li> </ul>
Proposed Updates	<ul style="list-style-type: none"> <li>Rental of indoor and outdoor facilities not permitted</li> <li>Privately booked events used for election campaigning prohibited</li> <li>City facilities may be used for election education events hosted by the City Clerk's Office (i.e. candidate and third party advertiser information sessions)</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted on City property or in City facilities</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> <li>Permitted on public roadways and sidewalks</li> </ul>	<ul style="list-style-type: none"> <li>Formally incorporate 2018 policy amendment – Council members have the option of creating a separate and distinct campaign account, or using existing social media account and removing all corporate resources and references (e.g. City photo, reference to elected position, etc.)</li> </ul>



# Use of City Facilities

- In 2019, a provision was included to allow for town hall events or debates that are City-organized, or organized by non-partisan individuals or organizations, to be held on City Property, provided that necessary rental agreements have been secured by the event organizer
  - Updates include provision that all candidates for an office in such election/by-election should be invited to attend
  - Updates include that in the event of a municipal election, a town hall event or debate that is being organized by a non-partisan individual or organization, may be permitted to be held on City property, subject to the consent of the City Clerk, and provided that all necessary rental agreements have been secured, all candidates have been invited to attend
  - The City will not host or organize any town hall events or debates for municipal election candidates
- Additional updates clarify that municipal election-related education meetings that are organized by the City Clerk's Office may be held on any City Property, i.e., candidate information sessions
- In 2019, the Policy was updated to restrict the booking of City facilities for any election related event
  - Updates clarify that while candidates and third party advertisers cannot rent space at a City facility for any election purpose, they may accept an invitation to address a group that has booked a City Property – they would not be permitted to distribute or wear any campaign material during the address/meeting

# Campaigning on City Property

- Updates include that campaigning or solicitation is not permitted within any City Property, or at any City-organized Event (e.g. Canada Day, flag raisings, etc.)
  - Candidates are restricted from wearing campaign clothing or buttons, and from distributing campaign material
  - Previously, limited campaigning would have been permitted, as long as it was not disruptive to an event
- Updates clarify that display of campaign material is not permitted at any voting location, including the parking lot
- Updates clarify that the display of campaign material, including clothing is not permitted for any City Staff, during working hours

# Social Media

- In 2018, a legal opinion was obtained on the appropriate use of social media by Members of Council who are candidates. The Clerk issued an addendum to the 2018 Policy, which provided two options for Members of Council. Proposed updates will incorporate the options for Members of Council who are candidates:
  - 1) Establish separate and distinct social media account(s) for election purposes that are clearly labelled election accounts, and such account(s) are not member accounts that use municipal resources or identified as such
  - 2) Use existing Member of Council social media account(s) as election campaign account(s), subject to Members:
    - a) Removing all reference to the City, their office and official duties (e.g. logos, telephone and email contacts)
    - b) Refraining from using any City resources in relation to the account (e.g. City Staff, funds, assets, pictures/images taken by or the property of the municipality), and
    - c) Expressly notifying followers that the account will be used for election purposes and providing an alternate source of information for elected official constituency information (i.e. establish a new elected official social media account)
- Members of Council are requested to inform the City Clerk no later than April 1 in the year of an election, of their intentions with respect to the creation or use of social media campaign accounts
- Members who choose to establish separate and distinct social media accounts may include a one-time crossover message inviting followers to their campaign account (language to be provided by City Clerk). The crossover message may be posted for no more than five (5) business days

# Additional Updates

- Reference to Sign By-law 399-2002 for provisions on the placement of election signs
- Clarity that the City's online list of candidates and registered third parties (as found on the Brampton Votes webpages) shall be the only area of the City's website where a link to external election campaign contacts, websites and social media, may be posted during the Campaign Period
- Clarity that the City's brand, logos and identifiers are registered trademarks and owned by the City of Brampton. Candidates and third party advertisers are not permitted to use City Hall or any other City Property as a backdrop for their campaign photos, videos or other campaign material
- Clarity that Members of Council who attend City-organized events may act as a representative participant in their capacity as an elected official, including speaking and offering greetings, but they are not permitted to campaign
- Clarity on City Staff conduct:
  - Staff cannot engage in political activity during work hours/while receiving compensation from the City
  - Staff cannot engage in political activity while wearing a City uniform or identifier
  - Staff cannot use their position within the City in a way to lead the public to infer that the City is endorsing a Candidate, Registered Third Party or political party
  - Commitment that the City Clerk and their Election staff will not engage in any political activity in any election
- Expanded definitions section

# Roles and Responsibilities

## **Members of Council, Candidates and Registered Third Party Advertisers are responsible for:**

- Complying with the Policy
- Seeking clarification if any aspect is not understood

## **The City Clerk is responsible for:**

- Communicating the Policy to municipal candidates and registered third party advertisers
- Ensuring the Policy is regularly reviewed and updated as required
- Ensuring all municipal candidates and registered third party advertisers are treated equally

## **Senior Leadership is responsible for:**

- Communicating the Policy to their staff
- Ensuring compliance with the Policy
- Investigating reported contraventions and escalating as required

## **City Staff is responsible for:**

- Complying with the Policy
- Seeking clarification if any aspect is not understood

# Compliance and Enforcement

- Should a complaint arise regarding the alleged use of Corporate resources in contravention of the Policy, the Clerk or their designate shall investigate and resolve the complaint
- City Staff who observe or are made aware of an apparent contravention of the Policy shall address the individual, or shall report the contravention to their supervisor
- Corporate Security may be relied upon to support enforcement of the Policy

# Municipal Benchmarking

	Use of City Facilities and Parks	Campaign Material	Election Signs	Social Media
Brampton	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted on City property or in facilities (proposed update)</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on private property only</li> </ul>	<ul style="list-style-type: none"> <li>Use of separate and distinct accounts</li> </ul>
Mississauga	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted on City property or in facilities</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on private property only</li> </ul>	<ul style="list-style-type: none"> <li>Use of separate and distinct accounts</li> </ul>
Toronto	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted in City facilities or City events; permitted in parks and select public squares</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on public property subject to restrictions – size, location, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Use of separate and distinct accounts</li> </ul>
Ottawa *Anticipated updates in Q3	<ul style="list-style-type: none"> <li>Permitted in common areas – lobbies, atriums, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Use of City resources to produce campaign material prohibited</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on public boulevards, subject to placement restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Use of corporate resources to support candidates prohibited</li> </ul>
Markham	<ul style="list-style-type: none"> <li>Rentals permitted with the exception of the Civic Centre (City Hall)</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted outside of rented space</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on some public boulevards, subject to fee</li> <li>One sign per candidate</li> </ul>	<ul style="list-style-type: none"> <li>Links to personal or election websites removed from City-owned website after filing of nomination papers</li> </ul>
Hamilton	<ul style="list-style-type: none"> <li>Rentals permitted in accordance with agreement and rates paid</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted to distribute on City property or at City events</li> </ul>	<ul style="list-style-type: none"> <li>Permitted on private property only</li> </ul>	<ul style="list-style-type: none"> <li>Reference to candidate on City social media prohibited</li> </ul>

\*Many municipalities are also in the process of reviewing their policies ahead of the 2022 Municipal Election

# Questions?





# Thank you!

