

Category: Governance

Title: Appendix 1 - Draft Use of Corporate Resources Policy .docx

Policy Number: **GOV-120**

Approved by: Recommendation CW403-2017 / Council Resolution C356-2017

Administered by: City Clerk's Office

Effective: January 1, 2018

1. Background

Section 88.18 of the *Municipal Elections Act, 1996* (MEA) now requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or board resources during the election Campaign Period.

The MEA specifies that a municipality or local board cannot make a contribution to or for a municipal election Candidate (Section 88.8 (4)) or a Registered Third Party (Section 88.12 (4)).

A “contribution” includes:

- a) money, goods and services given to and accepted by or on behalf and under the direction of a person for his or her election campaign (Section 88.15 (1))
- b) money, goods and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements (Section 88.15 (2)).

Since a “contribution” may take the form of money, goods or services, any use of the City’s resources for an election campaign by a Member of Council who is a Candidate, or by any other Candidate or any Registered Third Party, would be considered a contribution by the City for the purposes of the MEA. The *Election Finances Act* and the *Canada Elections Act* impose similar prohibitions for provincial and federal election campaigns in that a contribution can only be made by an individual.

It is recognized that subject to the provisions of the *Municipal Act, 2001*, persons elected to an office on City Council (“Member of Council”) are holders of their office until the end of their term and until their successors are elected and the newly elected Council is organized. Nothing in this Policy shall preclude an Elected Official or member of a local board from performing their job responsibilities, nor inhibit them from representing the interests of their constituents.

Federal and Provincial Elections

The City continues to emphasize the importance of strengthening relationships with all levels of government and actively engages in political advocacy campaigns including during elections to promote the interests of the City.

To avoid the appearance of City support for partisan political activities, discretion will be used in considering requests for government events leading up to and during the period when the writ of election (dissolution of parliament [federal] or legislature [provincial]) is issued.

2. Purpose

The purpose of this Policy is to provide a consistent approach and clear direction regarding the use of corporate resources during a Campaign Period. This Policy should be interpreted as a general prohibition against the use of corporate resources for any election-related purpose.

3. Application and Scope

This Council Policy applies to all Members of Council (including those not seeking re-election), members of local boards, Candidates, Registered Third Parties in a municipal and school board trustee election or by-election, and all Staff, including staff in the offices of the Mayor and Members of Council, during a Campaign Period.

Where applicable, this Policy also applies to all registered Candidates and Registered Third Parties for a provincial or federal election or by-election.

Exceptions:

- 3.1 Municipal information prepared, posted and maintained by the City, names and photographs of Elected Officials, their contact information, and a list of current representation on committees that is prepared, posted and maintained by the City.
- 3.2 Agendas and minutes of Council and Committee meetings.
- 3.3 Media releases and City materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council and Chief Executive Officer of the City.
- 3.4 A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.
- 3.5 A town hall event or debate, involving Candidates in a provincial or federal election or by-election, that is City-organized or an event organized by non-partisan individuals or organizations, may be held at a City Property, provided that necessary rental agreements have been secured by the event organizer.

3.6 A town hall event or debate, involving Candidates in a municipal election or by-election for one or more specific office(s), that is organized by non-partisan, individuals or organizations may be held at a City Property, subject to the consent of the City Clerk, and provided that the necessary rental agreements have been secured by the event organizer. The City will not host or organize any town hall events or debates for municipal election candidates.

3.7. Municipal election-related education meetings that are organized by City Staff may be held at any City Property.

4. Outcomes

This policy is intended to:

1. Ensure compliance with the *Municipal Elections Act, 1996*, in regards to the prohibitions against the City contributing to a municipal and trustee election campaign.
2. Ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality.
3. Ensure that the integrity of the election process is maintained at all times.
4. Establish the appropriate use of Corporate resources during an election period, in order to:
 - a. protect the interests of Elected Officials, Candidates, Registered Third Parties, Staff and the Corporation, and
 - b. ensure accountable and transparent election practices.
5. Maintain non-partisanship and demonstrate impartiality towards provincial and federal partisan political activities during the Campaign Period.

5. Policy Statement(s)

The statements contained herein provide a consistent approach to the use of City Corporate resources during a Campaign Period, and expressly prohibit contributions and the use of Corporate resources for campaign purposes. The following applies to Elected Officials, Candidates, Registered Third Parties, and City Staff.

In accordance with the MEA, Candidates and/or Registered Third Parties in a Campaign Period are not permitted to the use of Corporate resources. The sections below outlines the City's position with respect to the use of Corporate resources..

5.1 Activities

The following activities are not permitted during an election campaign period:

- (a) Use of City Property, whether directly or indirectly booked, for any election purpose(s).
- (b) Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing) within any City Property.
- (c) Campaigning or solicitation (including display or distribution of Campaign material, wearing Campaign buttons or clothing, etc.) at a City-organized Event (e.g. Canada Day, flag raisings, etc.).
- (d) Use of equipment, supplies, services, Staff or other resources of the municipality for any Campaign or Campaign-related activities.
- (e) Use of City funds to acquire any resources for any Campaign or Campaign-related activities, including ordering of stationary and office supplies.

Note: Campaigning on City Property, whether it is during or outside of an election campaign period, is not permitted at any time.

Note: Candidates may accept an invitation to address a group that has booked a City Property (e.g. clubs or groups who meet on a regular basis), but they are not permitted to distribute or wear any campaign material during the address/meeting.

Note: Candidates may accept an invitation to address a group that regularly meets at a park or open space. Any campaigning must not disrupt the enjoyment or use of the space by others, including the distribution of campaign material.

5.2 Campaign Material

The following restrictions apply to campaign related material:

- (a) Use of Member of Council office budgets to sponsor or produce any campaign material (should also be read in accordance with the Mayor and Councillor Expense Policy).
- (b) Use of City funds or resources to print or distribute any material that makes reference to, or contains the names or photographs of, or identifies Candidates or Registered Third Parties.
- (c) Use of lists, data and files produced using City resources, with the exception of lists to which a particular Candidate is entitled, pursuant to the *Municipal Elections Act*, for the current election (e.g. permitted use of Voters' List for election purposes only).

- (d) Display of Campaign material, including clothing, in any City Property.
- (e) Display of Campaign material at any voting location, including the voting location's parking lot.
- (f) Display of Campaign material, including clothing, by any City Staff, during working hours.

5.3 Election Signs

Placement of election signs for municipal, provincial and federal elections must be in accordance with the City's Sign By-law 399-2002.

5.4 Information Technology and Social Media

The following restrictions apply to the use of information technology and social media during a Campaign Period:

- (a) Make reference to and/or identify any individual as a Candidate, political party, Registered Third Party or a supporter or opposer of a question on a ballot during an election, on any social media sites, blogs, and other new media created and/or managed by the City and/or City staff.
- (b) Use City owned or managed Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election-related messages.

Note: The City's online list of Candidates and Registered Third Parties shall be the only area of the City of Brampton's website where a link to external election campaign contacts, websites and/or social media may be posted during the Campaign Period.

5.5 Member of Council Use of Social Media

Members must ensure that there is a clear distinction between their use of social media in their capacity as an Elected Official and their use of social media for personal or election campaign purposes.

If an Elected Official uses any Social Media account for Campaigning, such account must not be created or supported by City Resources, including Staff. Social media accounts used for campaign purposes must utilize personal hardware, such as cell phones, tablets and/or computers.

Elected Officials who choose to create or use Social Media accounts for Campaigning must include, for the duration of the Election Campaign Period, a clear statement on each campaign website or Social Media account's home page indicating that the account is being used for election campaign purposes and is not related to their duties as an Elected Official.

Note: Elected Officials shall not use the City's IT Resources, including individual websites linked through the City's website and Social Media accounts used for ward communication, for any election campaign or campaign-related activities

Note: Members of Council may use their City-purposed and managed accounts to repost general educational information about the election, which has been published by the City's social media accounts (e.g. election dates, etc.).

Note: Use of a Member's title in a social media account provides legitimacy and authority similar to use of letterhead. A Member's title can only be used for City purposes and not for campaign purposes.

Note: Members of Council who are not Candidates are not permitted to use their elected official social media account(s) for election campaign activities.

5.6 Use of City Logo and Identifiers

The City's brand, logos and identifiers are registered trademarks and owned by the City of Brampton. Use of a video, photo, logo, crest, coat of arms, slogan, or identifier for which the City has proprietary rights, including municipal election logos (e.g. Brampton Votes logo), in any capacity, is strictly prohibited.

5.7 Member of Council Advertising and Publications

The following services will be discontinued for Members of Council who are a Candidate as of the end of Nomination Day:

- (a) All forms of advertising, including Municipal Publications (e.g. paper or web-based).
- (b) All printing services, including printing, photocopying and distribution of publications, such as newsletters and ward reports, with the exception of communications specifically related to an authorized or scheduled City-organized Event (e.g. Public Meeting).
- (c) Links to Member of Council related websites or social media platforms, unless those platforms are clearly marked as an official Member of Council site and are not used for election Campaign purposes.

Note: The above also applies to Regional Members of Council as per the Region of Peel Use of Corporate Resources for Elections policy.

Note: If a compelling Corporate need arises between Nomination Day and Voting Day, a Member of Council who is a Candidate may use Corporate Resources to advise or contact their constituents, in keeping with this policy and subject to the consent of the City Clerk.

5.8 Candidate and Registered Third Party Conduct

- (a) Candidates and Registered Third Parties who attend City-organized Events are not permitted to campaign, including without limitation, distribute campaign material, wear campaign buttons or shirts. The City's Staff supervising a City-organized Event may request that a Candidate or Registered Third Party leave the event if campaigning is reported or suspected.
- (b) Members of Council attending City-organized Events, or events held at a City Property may act as a representative participant in their capacity as an elected official, including speaking and offering greetings. Elected Officials and Members of Council who are also Candidates at the time of their attendance and participation at the City-organized Event may not campaign. No election signs or Campaign materials, including clothing, may be publicized at the event.
- (c) Candidates or Registered Third Parties are not permitted to engage in Campaign activities directed at City employees while those employees are at their workplace or engaged in work for the City.

Note: The above extends to registered Candidates and Registered Third Party advertisers for a provincial or federal election or by-election.

Note: There should be no additions to the Council approved City-led events listing scheduled between Nomination Day and Voting Day during the year of a municipal election, unless extenuating circumstances require an official City event to take place. City-funded events (e.g. Advance Brampton Fund, Marquee and Sport Tourism) will continue to take place during the election period.

5.9 City Staff Conduct

In recognizing the right of employees and volunteers to participate in political activity, the provisions set out below ensure the requirement for public service to be politically impartial. City Staff, including volunteers, shall not:

- (a) Canvass or perform any work in support of a Candidate or Registered Third Party (e.g. campaign), during hours in which a person is working for and/or receiving any compensation from the City, except during scheduled time off

(e.g. scheduled vacation time). City Staff shall not post or distribute Campaign material on behalf of a Candidate or Registered Third Party at City facilities or on City property including City parks.

- (b) Engage in any political activity while wearing a City uniform or identifier (e.g. name badge, hat, lanyard).
- (c) Engage in any political activity while wearing clothing or buttons that advertise any Candidate, Registered Third Party or political party while wearing a City uniform or identifier.
- (d) Use their title or position within the City in a way that may lead a member of the public to infer that the City is endorsing a Candidate, Registered Third Party or political party.

Note: The City Clerk and City Clerk's Office Election staff may not engage in political activity in any election. City staff that support the City Clerk in the administration of a municipal election may not engage in political activity during such election.

6. Roles and Responsibilities

6.1 City Clerk

The City Clerk is responsible for:

- Communicating this policy to municipal Candidates and Registered Third Parties
- Ensuring this policy is reviewed and updated as required, prior to municipal elections or by-elections, or as required by legislative change
- Ensuring all municipal Candidates and Registered Third Parties are treated equally

6.2 Senior Leadership

The Chief Administrative Officer, Commissioners, Directors, Managers and Supervisors are responsible for:

- Communicating this policy to their Staff
- Ensuring compliance with this policy
- Investigating reported contraventions of the policy and escalating as required

6.3 Staff

City Staff are responsible for:

- Complying with this policy
- Seeking clarification from their supervisor if any aspect of this policy is not understood

6.4 Members of Council, Candidates and Registered Third Parties

Without exception, all Members of Council, election Candidates, and Registered Third Parties shall comply with this policy.

6.5 Integrity Commissioner

Subject to limitations set out in the *Municipal Act, 2001*, regarding inquiries, the Integrity Commissioner may provide guidance or advice to Members of Council, proactively or in response to requests from Members, regarding conduct in relation to their elected official responsibilities, as it relates to this Policy and the Council Code of Conduct.

7. Monitoring and Compliance

The City Clerk's Office, Legislative Services, shall ensure this policy is reviewed on a regular basis (not to exceed three years) and remains relevant to the needs of the Corporation, in accordance with legislative requirements and good business practices.

7.1. Non-Compliance

Should a complaint arise regarding the alleged use of Corporate resources in contravention of this policy, the City Clerk or their designate shall have the authority to investigate and resolve the complaint.

Note: City staff who observe or are made aware of an apparent contravention of this policy shall address the individual, or shall report the apparent contravention to their direct report. Corporate Security may be relied upon to support enforcement of this policy.

8. Definitions

8.1 "Campaign" means any activity performed with the intention to solicit votes for a candidate in a federal, provincial, or municipal election or by-election, or a question on a ballot.

8.2 “Campaign Period” means:

- a. For Candidates, the date on which their Nomination Form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed).
- b. For Registered Third Parties, the date on which the Notice of Registration as a third party advertiser is filed until December 31 in the year of an election (unless a request for extension of Campaign Period has been filed).
- c. For a provincial or federal election, the date on which the writ of election is issued or a by-election is called and ending on Voting Day. Voting day for a provincial or federal election or by-election is the day set out in the *Elections Act* (provincial) or *Canada Elections Act* (federal).

8.3 “Candidate” means a person who has filed a Nomination Form as a Candidate in the City’s municipal or local board election or by-election, or a person who is a Candidate or who is seeking a nomination in a provincial or federal election or by-election, including acclaimed Candidates.

8.4 “City Clerk” means the clerk of The Corporation of the City of Brampton, an election official in accordance with the *Municipal Elections Act, 1996*, and the position responsible for conducting municipal elections within the municipality.

8.5 “City-organized Event(s)” means events organized or funded solely or jointly by the City.

8.6 “City Property” means all City-owned, leased, operated and/or controlled properties and facilities, including but not limited to indoor and outdoor recreation fields; parks and parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; transit and fleet vehicles; and transit shelters, including parking lots and parking garages; and Members of Council offices.

8.7 “Corporate” means The Corporation of the City of Brampton.

8.8 “Elected Official” means a person elected to an office of municipal, provincial, or federal government, or a local board.

8.9 “Member of Council” means a person elected to an office of the Council of The Corporation of the City of Brampton.

8.10 “Municipal Publications” means any City publication.

8.11 “Nomination Day” means the 3rd Friday in August in the year of the election, as prescribed in the *Municipal Elections Act, 1996* (MEA). Nomination Day ends at 2 pm local time.

- 8.12 “Nomination Form” means the prescribed form and declaration of qualification, executed and filed by the Candidate.
- 8.13 “Registered Third Party” means an individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the federal, provincial, or municipal election.
- 8.14 “Social Media” means online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs), social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.
- 8.15 “Staff” means all full-time, part-time, volunteer, and contract employees of the Corporation, including members of Mayor and Council office staff.
- 8.16 “Voting Day” means the fourth Monday in October in the year of the election, as prescribed in the *Municipal Elections Act, 1996* (MEA). In the case of a provincial election, Voting Day is referred to as Polling Day and occurs on the fifth Thursday after the date of the writ. For federal elections, Voting Day is also referred to as Polling Day and generally occurs on the third Monday of October in the fourth calendar year following polling day for the last general election.

9. References and Resources

External references

- [Municipal Elections Act, 1996](#)
- [Canada Elections Act, 2000](#)
- [Election Act, 1990](#)
- [Election Finances Act, 1990](#)
- [Region of Peel Use of Corporate Resources for Elections](#)

References to related bylaws, Council policies, and administrative directives

- [Corporate Fraud Policy GOV-110](#)
- [Council Code of Conduct](#) and [Council Handbook](#)
- [Council Office Management and Ethical Framework](#)
- [Mayor and Councillors’ Expense Policy](#)
- [Council-Staff Relations Policy GOV-140](#)
- [Employee Code of Conduct](#) and [Handbook](#)

Revision History

Date	Description
2017/11/22	Approved by Council Resolution C356-2017
2019/07/10	Amended to include references to federal and provincial elections, clarify what is meant by candidates, and allow for the use of City facilities for the purposes of a town hall event or debate that is City-sponsored or organized by non-partisan, third-party individuals or organizations, as per Council Resolution C287-2019. Administrative edits made to include additional references.
2021/09/01	Next Scheduled Review
2021/11/17	Thorough review and re-organization of Policy. Amendments provide clarity on use of City facilities and campaigning in parks and open spaces, as well as Member use of social media, and City staff conduct.