

**Date:** 2021-08-04

**Subject:** **2022 Municipal Election – Updates to the Use of Corporate Resources Policy**

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**Report Number:** Legislative Services-2021-897

**Recommendations:**

1. That the staff report re: **2022 Municipal Election – Updates to the Use of Corporate Resources Policy** to the Committee of Council Meeting of November 17, 2021, be received; and
2. That the Use of Corporate Resources Policy, as set out in Appendix 1, be approved, and should the Clerk require further updates to the policy, the policy be presented to Council prior to May 1, 2022.

**Overview:**

- **Before May 1 in the year of a regular election, The *Municipal Elections Act, 1996* (MEA) requires municipalities to establish rules and procedures with respect to the use of municipal resources during the campaign period.**
- **The current Use of Corporate Resources Policy was approved in 2017 by Council Resolution C356-2017; amendments were made in 2019 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.**

- **In accordance with procedures, City policies are reviewed every three years. The latest review of the Use of Corporate Resources Policy commenced in the summer of 2021.**
- **Staff completed a review of the Policy, including benchmarking with comparable municipalities (attached as Appendix 2) and discussions with internal stakeholders, and identified areas within the Policy that could be strengthened.**
- **The policy has been realigned for simplicity and readability, and amended to clarify the City's position with respect to permitted and prohibited activities during an election period.**
- **Staff presented the proposed updates at the Council Workshop on September 27, 2021. Additional amendments based on Member feedback and comments have been incorporated into the policy where applicable and appropriate.**
- **The report details the proposed amendments and recommends that Committee approve the updated Use of Corporate Resources Policy, attached to the report as Appendix 1.**

### **Background:**

As legislated by the *Municipal Elections Act, 1996* (MEA), the 2022 Municipal Election will be held on Monday, October 24, 2022. Planning and implementation work for the election is underway within the City Clerk's Office.

Section 88.18 of the MEA requires municipalities to establish rules and procedures with respect to the use of municipal resources during the election campaign period, before May 1 in the year of a regular election. Specifically, the MEA prohibits municipalities from making a contribution (including money, goods and services) to any candidate or registered third party advertiser.

The election campaign period for candidates begins on the day on which the Clerk receives their filing for nomination for office. The candidate nomination period for the 2022 Municipal Election begins on Monday, May 2, 2022, and ends on Friday, August 19, 2022 at 2:00 p.m.

The election campaign period for third party advertisers begins on the day the individual, corporation or trade union becomes a registered third party in relation to the election in the municipality. The third party advertiser registration period for the 2022 Municipal Election begins on Monday, May 2, 2022, and ends on Friday October 21, 2022.

The City's first Use of Corporate Resources Policy was modeled after the City of Barrie's policy, and was adopted in 2013. Since then, it has been regularly reviewed and amended, with the latest update in 2019 to include 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.

### **Current Situation:**

The current Use of Corporate Resources Policy was approved in 2017, and amended in 2019. In accordance with the MEA and City procedures, a thorough review of the Policy was conducted that included discussions with internal stakeholders and a jurisdictional review from neighbouring municipalities.

Feedback and insights from discussions with stakeholders revealed multiple breaches of the policy during the 2018 municipal election campaign period, which resulted in additional hours spent by the Election Office, Corporate Security and other departments, to investigate and resolve breaches and complaints. The discussions identified areas of the Policy that require strengthening and clarification, and the municipal benchmarking exercise highlighted opportunities for alignment with GTA municipalities, such as Mississauga and Toronto. The municipal benchmarking overview is attached as Appendix 2 to this report. It is important to note that many municipalities, like the City, are currently in the process of reviewing their policies.

Staff presented Members of Council with an overview of the proposed updates at the Council Workshop on September 27, 2021. This resulted in a wholesome discussion in which Members shared their views and outlined their concerns, and the discussion largely focused on the following:

#### **Election Signs**

- Members expressed concern with content, placement, and enforcement. Staff noted that election signs are regulated by the City's Sign By-law, 399-2002, and there are no proposed changes for the upcoming election at this time.

#### **Campaigning in City Parks and Open Spaces**

- Members noted that they often receive invitations to address groups in parks and open spaces, and are frequently approached by constituents in public settings
- Given the evolving status of the pandemic, Members thought it appropriate to accept invitations to address groups in parks and open spaces, and distribute campaign literature if requested, so long as it does not disrupt others using the space

#### **Campaigning via Social Media**

- Members expressed their views and opinions on what can be considered a personal social media account vs. a corporate social media account, and noted the importance of reaching the widest audience possible to communicate City information

- Members expressed a desire to continue using their current social media account(s) as campaign accounts and noted the provision that no City resources may be used to maintain the campaign account

Based on the feedback received at the Workshop, and further discussions with internal stakeholders, additional updates were incorporated into the draft policy, which are noted in the following table.

The updated Policy sets out provisions that clarify and address access to City facilities and property during an election period, campaigning activities and materials on City property during an election period, attending official City events during an election period, and use of social media for campaigning purposes. It has also been reorganized for better flow and readability.

A summary of the proposed amendments is as follows:

<p><b>Section 1: Background</b></p> <ul style="list-style-type: none"> <li>• Strengthened and expanded language with respect to the policy not obstructing a Member of Council or Elected Official from performing their responsibilities</li> </ul>
<p><b>Section 2: Purpose</b></p> <ul style="list-style-type: none"> <li>• Minor editorial amendments</li> </ul>
<p><b>Section 3: Application and Scope</b></p> <ul style="list-style-type: none"> <li>• Added Members of Council not seeking re-election, and members of local boards</li> <li>• Clarification that 'staff' includes staff in the offices of the Mayor and other Members of Council</li> <li>• Strengthened language with respect to permitted election-related events (information sessions, town halls, etc.) held at a City property</li> <li>• Clarified that the City will not host or organize any town hall events or debates for municipal election candidates</li> </ul>
<p><b>Section 4: Outcomes</b></p> <ul style="list-style-type: none"> <li>• Minor editorial amendments</li> </ul>
<p><b>Section 5: Policy Statements</b></p> <p><b>5.1 – Activities</b></p> <ul style="list-style-type: none"> <li>• Strengthened wording with respect to the prohibition of campaigning or solicitation on City property</li> </ul>

- Added a note clarifying that candidates may accept an invitation to address a group that regularly meets at a City property, or at an open space or park (based on feedback received at the Council Workshop)

### **5.2 – Campaign Material**

- The use of lists, data and files produced using City resources (with the exception of the permitted use of the Voters' List) prohibited

### **5.3 – Election Signs**

- Addition of election signs subsection to remind the reader that placement of election signs must be in accordance with the City's Sign By-law 399-2002 (a link to the by-law is provided in Section 9 – References and Resources)

### **5.4 – Information Technology and Social Media**

- Minor editorial amendments

### **5.5 – Member of Council Use of Social Media**

- Topic moved into the body of the policy; previously addressed in an addendum to the policy
- Clear statements advising Members to ensure there is a distinction between their elected official social media account(s) and their campaigning account(s) (language strengthened based on feedback received at the Council Workshop)
- Statement reminding Members that social media account(s) used for campaigning purposes cannot be supported by City resources, including staff during work hours, and must utilize personal hardware such as phones, tablets, and computers (language strengthened based on feedback received at the Council Workshop)
- Clarification that Members who are not candidates cannot use their elected official account(s) to engage in campaigning via social media
- Editorial amendments to strengthen language

### **5.6 – Use of City Logo and Identifiers**

- Creation of separate subsection
- Minor editorial amendments

### **5.7 – Member of Council Advertising and Publications**

- Addition of a clause noting that links to Member of Council related websites or social media platforms will be discontinued unless the sites are clearly marked as an official member of council site and not used for campaigning purposes
- Inclusion of a note that if a compelling corporate need arises between Nomination Day and Voting Day, corporate resources may be used to advise constituents, subject to the consent of the City Clerk.

### **5.8 – Candidate and Registered Third Party Conduct**

- Candidates and registered third parties who attend City-organized events are not permitted to campaign
- Strengthened language and clear procedures with respect to Members of Council attending City-organized events or events held on City property

### **5.9 – City Staff Conduct**

- Clear direction to staff to ensure they maintain impartiality at all times during hours in which they are working for or receiving any compensation from the City
- The City Clerk and City Clerk’s Office Election Staff shall not engage in political activity in any election

## **Section 6: Roles and Responsibilities**

- Reorganized into subsections for improved readability
- Clear direction and strengthened language
- Minor editorial amendments

## **Section 7: Monitoring and Compliance**

- Direction to staff who observe or are made aware of an apparent contravention of the policy

## **Section 8: Definitions**

- Added definitions for the following:
  - Campaign
  - City Clerk
  - City-organized Event(s)
  - Elected Official
  - Member of Council
  - Nomination Form
  - Voting Day
- Minor editorial amendments to existing definitions

## **Section 9: References and Resources**

- Addition of the following links to references:
  - Region of Peel Use of Corporate Resources for Elections
  - Council Office Management and Ethical Framework
  - Mayor and Councillors’ Expense Policy

**Corporate Implications:**

Financial Implications:

There is currently no financial impact on the budget for the 2022 Municipal Election. Costs associated with election related activities are funded by the Council approved 2022 Election budget. Funds are also available from the Elections reserve.

Other Implications:

There are no other direct implications from this report.

**Term of Council Priorities:**

This report fulfills the Council Priority of a Well-run City by facilitating a fair and transparent election process for candidates, third party advertisers, electors, and City staff in accordance with the MEA.

**Conclusion:**

The report and attached draft Use of Corporate Resources Policy fulfill the City's responsibilities under the *Municipal Elections Act, 1996*, for the establishment of rules and procedures with respect to the use of municipal resources during the election campaign period.

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**Attachments:**

Appendix 1: Draft Use of Corporate Resources Policy

Appendix 2: Municipal Benchmarking Document