

2023 Ward 1 By- Election



Use of Corporate Resource Policy

POLICY TITLE	Use of Corporate Resource Policy During an Election
CATEGORY	Governance
POLICY NUMBER	A09 ADM 039
DEPARTMENT	Corporate Services
POLICY AUTHOR	City Clerk
POLICY TYPE	Administrative Policy
APPROVED BY	City Manager/CLT
EFFECTIVE DATE	(03/30/2022)
REVIEW DATE	(03/30/2026)

POLICY STATEMENT

In compliance with *the Municipal Elections Act, 1996* (the *MEA*), public funds and resources are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

Specifically, Section 88.18 of the *MEA* provides that municipalities "... shall establish rules and procedures with respect to the use of [municipal resources] during the election campaign period."

The Ontario Election Finances Act, 1990 and *the Canada Elections Act, 2000* include similar prohibitions with respect to provincial and federal election campaigns. Specifically, Section 29 of *the Election Finances Act, 1990* prohibits contributions from corporations, which includes municipal corporations. Section 363 of *the Canada Elections Act, 2000* similarly provides that only individuals may make campaign contributions

This policy supports compliance with the *Municipal Elections Act, 1996*, as amended, the Council Code of Conduct, Code of Conduct for Members of Local Boards and Advisory Committees, the Acceptable Use of Technology Policy and the Employee Code of Conduct.

PURPOSE

This policy applies to all Members of Council, municipal staff, registered election Candidates, registered third parties, Members of Advisory Committees and Members of the public in relation to the occurrence of a municipal election, by-election, or campaign related to a question on the ballot; in relation to any participation in federal and provincial elections that is partisan in nature.

Where applicable, provisions in this policy shall also apply to activities of all Candidates, registered third party advertisers and ballot question campaigns in relation to City resources.

This policy is intended to:

- Ensure compliance with *the Municipal Elections Act, 1996*, in regards to the prohibitions against the City contributing to a municipal and trustee election campaign.
- Ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality.
- Ensure that the integrity of the election process is maintained at all times.
- 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
- Maintain non-partisanship and demonstrate impartiality towards provincial and federal partisan political activities during the Campaign Period.

Certain provisions of this policy may be subject to additional City by-laws, policies and procedures. Guidance should be sought from the City Clerk or designate if clarification or interpretation is required, or if any situation arises that is not expressly addressed in this policy.

APPLICATION AND SCOPE

This policy applies to all Members of Council (including those not seeking re-election), Members of local boards and advisory committees, 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

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.

Agendas and minutes of Council and Committee meetings.

Media releases and City materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council of the City.

A provincial or federal announcement in which one government is in a writ period may be permitted if directly related to government business.

ACTIVITIES

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

- (a) All-Candidates meetings may be held at a City facility provided the expectations for campaigning on City property is reviewed with all renters and staff.
- (b) Members of Council, a registered third-party advertiser or its agents, or City Staff may not display campaign-related materials inside, or on the property of, any Municipal facility, which includes individual offices, parking lots and workspaces. Members of Council, a registered third-party advertiser or its agents, or City Staff may not use City facilities for campaign-related activities, unless the facility is rented in accordance with municipal agreements and the appropriate fees are paid. Such rental must be paid from the campaign account of the Candidate or registered third party;
- (c) City facilities may not be booked for campaign activities on a date where there is voting taking place at that facility.
- (d) Corporate resources, assets and funding may not be used for any election related purposes.
- (e) 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.).
- (f) Use of City funds to acquire any resources for any Campaign or Campaign related activities, including ordering/printing 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.

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.
- (b) Use of City funds or resources to print or distribute any material that refers 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 *MEA*, for the current election (e.g. permitted use of Voters' List for election purposes only).

- (d) Display of Campaign material, including clothing, in or on 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.

ELECTION SIGNS

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

TECHNOLOGY, EQUIPMENT AND SOCIAL MEDIA

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

- (a) Refer 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, printers, 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 Cambridge's website where a link to external election campaign contacts, websites and/or social media may be posted during the Campaign Period.

MEMBER OF COUNCIL USE OF SOCIAL MEDIA

The following restrictions apply to Member of Council use of social media during a campaign period:

- (a) Any and all links to social media accounts and personal external websites will be removed from City websites and domains during a municipal election period.
- (b) Members of Council are not permitted to use electronic materials paid for by the City for municipal election campaign purposes.
- (c) Members of Council and candidates may not include election related material on websites or domain names paid for by the City.

USE OF CITY LOGO/IDENTIFIERS

Use of a video, photo, logo, crest, coat of arms, slogan, or identifier for which the City has proprietary rights, including municipal election logos, in any capacity, is strictly prohibited.

MEMBER OF COUNCIL CONDUCT

Current Members of Council may be invited to provide remarks at City events, and maintain their duties within their role as an elected official.

All forms of advertising, including municipal publications (e.g. paper or web-based) will be discontinued for Members of Council who are candidates at the end of Nomination day.

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.
- (b) Candidates and Registered Third Parties shall not be invited to deliver remarks at City events in their capacity as a Candidate or registered third party advertiser.
- (c) 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.
- (d) 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.
- (e) 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: City-led Events should be kept to a minimum 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 STAFF/VOLUNTEER 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, 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).
- (b) 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.
- (c) Engage in any political activity while wearing a City uniform or identifier (e.g. name badge, hat, lanyard).
- (d) 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.
- (e) 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

ADVISORY COMMITTEE/LOCAL BOARD MEMBERS CONDUCT

This policy applies to all Council-appointed citizen members of advisory committees and local boards and is intended to balance the duties of citizen members with the legal obligation of the City not to contribute to, or be perceived as contributing to, an election campaign.

As such, citizen members engaged in political activities must take care to separate those personal activities from their appointed positions on Committees or Boards. The Code of Conduct for Local Boards and Citizen Advisory Committee members applies to citizen members when acting in their official capacity. Citizen members are required to conduct themselves in accordance with the MEA and this policy.

The Advisory Committee Members' Code of Conduct recognizes the role of Advisory Committees in providing informed, impartial and objective advice and guidance, as well

as facilitating public input to Council on programs and policies in support of Council's priorities.

This policy requires that an appointed member of an Advisory Committee and/or Local Board "shall not engage in political campaigning of any sort (municipally, provincially or federally) on behalf of the Advisory Committee, Local Board or as a member of an Advisory Committee."

Citizen Committee activity is to be paused from August – December of a Municipal Election year.

CONTENT OF COMMUNICATIONS

Members of Council may not deliver any unsolicited material outside of their existing ward where the printing and/or distribution costs are paid by the municipality. Care should be taken to ensure that the mailing of newsletters, etc., be restricted to the Member's ward only.

In accordance with the provisions of the *MEA*, Members of Council may not:

- (a) Print or distribute any material paid by municipal funds that illustrates that the Member of Council or any other individual is registered in any election or where they will be running for office;
- (b) Profile (name or photograph), or refer to, in any material paid by municipal funds, any individual who is registered as a Candidate in any election; and
- (c) Print or distribute any material using municipal funds that refers to, or contains the names or photographs, or identifies registered Candidates for municipal elections; and that the minutes of municipal Council and Committee meetings be exempt from this policy.

Members of Council are responsible for ensuring that the content of any communication material, printed, hosted or distributed by the City of Cambridge at the request of the Member of Council is not for campaigning.

Candidates may not print or distribute any election related material using municipal funds or equipment.

In any material printed or distributed by the City of Cambridge, Candidates are not permitted to:

- (a) Image 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 or any other individual will be running for office; or

(c) Profile or refer to Candidates in any election.

The municipality's voice mail system may not be used to record election related messages, unless authorized by the City Clerk for the purposes of informing residents of the election process and the registered Candidates running for office.

The City's computer network (including the City's email system), may not be used to distribute election related correspondence.

AUTHORITY

The City Clerk and their authorized designate or designates shall have the delegated authority to investigate and resolve any issues arising from a complaint regarding a contravention of this policy.

Additionally, the City Clerk may immediately order the removal of any campaign related activities or materials found to be in violation of this policy.

It is the responsibility of all Candidates, Members of Council, City Staff and City Volunteers to adhere to this policy.

DEFINITIONS

CANDIDATE means any person who has filed the prescribed nomination form to run in a Municipal, Regional, School Board, Provincial or Federal Election or By-Election or for a position in a political party, including anyone acclaimed to a position

CAMPAIGNING means any election-related activity for the purpose of supporting or opposing the Election of a Candidate or a political party involved in a municipal, provincial or federal election or activities involved in becoming or seeking to become a Candidate in a municipal, provincial or federal election, and includes, without limiting the generality of the foregoing, the production and distribution of materials (paper and electronic), advertising (including any form of electronic advertising), any form of promotion (including by means of social media), display of signage including but not limited to the following types of activities:

- events
- canvassing
- fundraising
- media relations
- municipal public meetings
- research
- brochures
- posters
- TV, video, digital and radio commercials
- newspaper ads

- social media posts and online content
- stationary
- campaign signs
- buttons, stickers, decals, masks
- mail outs

CITY means The Corporation of the City of Cambridge

CITY VOLUNTEER means an individual who performs duties on behalf of Councillors or the City and who does not receive financial payment from the City for their work as a volunteer

CITY CLERK means the City Clerk and Returning Officer of the City

CORPORATE RESOURCE includes but is not limited to the following:

- the City crest, corporate seal and/or corporate logo
- City Employees or volunteers
- City property, facilities, equipment
- City funds or grants (including in-kind support)
- Any photos or videos produced by City Staff, including electronic images/videos
- City information technology systems including but not limited to all computer and telephone networks and applications, printers and copiers, including voice-mail, e-mail, internet and intranet along with City funded or maintained social media accounts or online content, any mailing lists/data files collected or produced by City Staff or Members of Council as part of City business
- any information, reports, presentations gathered/prepared by City Staff for a Member of Council as requested by that Member in their official capacity as a Member of City Council and not already made public

COUNCIL means the elected officials of the City of Cambridge

COUNCILLOR means a Member of Cambridge City Council

DISCRETIONARY EXPENSE is an expense that is incurred by an individual Member of Council and is charged to an individual Council Member's discretionary account. The responsibility for determining the appropriateness of a Discretionary Expense rests with the individual Member of Council and/or the Chief Financial Officer

ELECTION means an Election or By-Election at the Municipal, School Board, Regional, Provincial, or Federal level of government, political party nomination contest or leadership contests, or the submission of a question or bylaw to electors

ELECTION RELATED means anything that relates directly to an Election

MEA means the *Municipal Elections Act, 1996*, as amended

MUNICIPAL EMPLOYEE means an individual who is hired on a temporary, part-time, contract, or permanent basis by the City, and receives financial payment from the City for their employment

NEWSLETTER means a printed or electronic publication produced and distributed by or on behalf of a Councillor or the Mayor (and using City Resources) to provide information to constituents

NOMINATION DAY is the date in a regular Election or a By-Election (as defined in Municipal, Provincial or Federal legislation) where nominations close

NOMINATION PERIOD is the period of time between the Opening of Nominations and Nomination Day in a regular Election or a By-Election (as defined in Municipal, Provincial or Federal legislation)

OPENING OF NOMINATIONS is the first date in a regular Election or a By-Election (as defined in Municipal, Provincial or Federal legislation) where nominations can be filed

REGISTERED THIRD PARTY means an individual or corporation or trade union as defined in Municipal, Provincial or Federal legislation

THIRD PARTY REGISTRANT means an individual, corporation or trade union that has filed a notice of registration with the Clerk in relation to the municipal election pursuant to the *MEA*

ELECTION PERIOD means the official campaign period of a Municipal, Regional, Provincial or Federal Election, Byelection or political party contest as outlined below:

Regular Municipal Election (includes Local Councillors, Regional Councillors, Regional Chair and School Board Offices)	The Election Period commences on the first day nominations may be filed and ends on Voting Day.
Municipal By-Election (includes Local Councillors, Regional Councillors, Regional Chair and School Board offices)	The Election Period commences on the first day nominations may be filed and ends on Voting Day.
Provincial or Federal Elections	The Election Period commences the day the writ for the Election is issued and ends on Voting Day.
Provincial party leadership and nomination contests	The Election Period commences with the date of registration as a Candidate with the Chief Electoral Officer of Ontario and ends after the date fixed for the leadership vote as filed with the Chief Electoral Officer of Ontario.
Federal party leadership and nomination contests	The Election Period commences when a contestant first receives contributions, incurs expenses or borrows money or is

	deemed to be a contestant in accordance with sections 478.2 (2) and 476.2 of the Canada Elections Act and ends with the date of selection.
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