

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2019

Item 7, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 19, 2019.

7. USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Administrative Services and City Solicitor dated November 12, 2019, be approved; and
- 2) That the following be approved in accordance with Communication C3, Memorandum from the City Clerk, dated November 11, 2019:
 1. That the following definition be included in the Use of Corporate Resources for Election Purposes Policy:
“Public Official: An elected office holder including a Member of Parliament, Member of Provincial Parliament, member of a municipal council or a school board trustee.”.

Recommendations

1. That the Use of Corporate Resources for Election Purposes Policy (Attachment 1) be approved.
2. That the Permitting of City Facilities by Members of Council and Registered Candidates Policy CL-008 be repealed.
3. That Section 10 of the Council Member Expense Policy CL-012 be repealed.

Committee of the Whole (2) Report

DATE: Tuesday, November 12, 2019

WARD(S): ALL

**TITLE: USE OF CORPORATE RESOURCES FOR ELECTION
PURPOSES POLICY**

FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

ACTION: DECISION

Purpose

To seek approval for a new consolidated policy governing the limitations on the use of municipality's resources for election purposes as required by the *Municipal Elections Act, 1996*.

Report Highlights

- This policy was prepared with feedback from candidates, staff, election officials and best practices from the policies of over 20 Ontario municipalities.
- Relevant provisions from existing City policies are consolidated and clarified into a single reference for future elections.
- Framework will allow candidates to pay for permits to book community centres and parks for campaign activities, while respecting the public's right to uninterrupted use of those public facilities.

Recommendations

1. That the Use of Corporate Resources for Election Purposes Policy (Attachment 1) be approved.
2. That the Permitting of City Facilities by Members of Council and Registered Candidates Policy CL-008 be repealed.
3. That Section 10 of the Council Member Expense Policy CL-012 be repealed.

Background

Section 88.18 of the *Municipal Elections Act, 1996* requires municipalities to establish rules and procedures with respect to the use of municipal resources during the election campaign period. Further, the *Ontario Election Finances Act* and *Canada Elections Act* further imposes limitations on municipalities as it pertains to support or contributions to political parties, associations and candidates.

The City of Vaughan's current policy framework governing the use of corporate resources for election purposes is fragmented and inconsistent, creating issues in the implementation and enforcement of a coherent policy. The attached policy seeks to prepare one singular policy, which is now the standard amongst Ontario municipalities, allowing for clarity in a comprehensive policy framework.

Previous Reports/Authority

N/A.

Analysis and Options

The proposed Use of Corporate Resources for Election Purposes Policy sets out the restrictions for candidates as it pertains to engaging with City of Vaughan employees, facilities, media and communications, technology and other assets. The new policy balances the need to prevent candidates and current elected municipal officials from using corporate resources in support of an election campaign, while also allowing all candidates a degree of access to City facilities and properties in order to engage with the public and conduct their campaign.

The new policy recognizes that City owned, or operated properties are community hubs and offer a central location for candidates to connect with voters and promote themselves, often in areas where no suitable private facility is available for the same purpose. The policy imposes reasonable limitations and requires candidates to secure the appropriate permits and pay the appropriate fees as with any other user of a City of Vaughan facility or property.

Incumbent members are also subject to reasonable restrictions during campaign periods to ensure that they can continue to fulfill their responsibilities as elected officials while maintaining a fair and balanced environment for new candidates to campaign. The new policy clarifies acceptable uses of facilities for organized political parties and incumbent elected officials at all levels of government, removing any lack of clarity in the existing policy framework for political discourse and public representation.

Adoption of the proposed policy will also require the repeal of the Permitting of City Facilities by Members of Council and Registered Candidates Policy CL-008 and Section 10 of the Council Member Expense Policy CL-012 which are superseded by new provisions contained in the Use of Corporate Resources For Election Purposes Policy addressing matters such as permitting and use of city facilities and use of public funds by Members of Council during an election.

Financial Impact

There is no financial impact associated with the adoption of this policy.

Broader Regional Impacts/Considerations

This policy also imposes limitations for candidates for provincial and federal office campaigning or conducting political activities in the City of Vaughan.

Conclusion

The proposed Use of Corporate Resources for Election Purposes Policy consolidates existing policy direction while updating the policy framework for clarity and consistency. The new policy was prepared using best practices from over 20 Ontario municipalities, feedback from candidates, city staff and election officials. The policy framework proposed for Council's consideration will provide clearer language, greater opportunity for candidates to engage voters, and respect the need for the Corporation to remain neutral and non-biased during an election.

For more information, please contact: Evan Read, Manager, Elections and Special Projects, Extension 8241

Attachments

1. 03.C.03 Use of Corporate Resources for Election Purposes Policy, Office of the City Clerk, November 12, 2019

Prepared by

Evan Read, Manager, Elections and Special Projects, Extension 8241
Todd Coles, City Clerk and Returning Officer, Extension 8281



CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

POLICY NO.: 03.C.03

Section:	Administration & Legal		
Effective Date:	December 1, 2019	Date of Last Review:	Click or tap to enter a date.
Approval Authority:	Policy Owner:		
Council	City Clerk		

POLICY STATEMENT

This policy establishes provisions respecting the use of City of Vaughan facilities, resources, infrastructure and personnel for election purposes to maintain the independent and non-partisan functions of municipal government. This policy also meets the legislative requirements of the Municipal Elections Act, 1996, to adopt and maintain a policy respecting the use of corporate resources as it relates to municipal elections.

This policy is not intended to limit the ability of the Mayor and Members of Council from discharging their duties as elected officials, or to limit the role of the Mayor as the head of council and chief executive officer of the City of Vaughan.

PURPOSE

The purpose of this policy is to establish rules and procedures on the use of City of Vaughan resources by candidates, political parties or third-party advertisers in respect to municipal (including school board), provincial and federal elections or by-elections, or in respect to ballot questions. This policy also reinforces statutory limitations on municipalities in respect to financial or material support to candidates or political parties in relation to elections in Canada as set out in the Municipal Elections Act, 1996, Election Finances Act, R.S.O. 1990, the Canada Elections Act, S.C. 2000, c. 9, as amended, and the Referendum Act, S.C. 1992, c. 30, as amended.

SCOPE

This policy applies to the Mayor and Members of Council, municipal, provincial and federal candidates, individuals or entities representing third party advertisers, and

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employees of the City (including volunteers and individuals acting on behalf of the Corporation of the City of Vaughan).

LEGISLATIVE REQUIREMENTS

This policy is established in accordance with statutory requirements set out in the Municipal Elections Act, 1996, Section 88.18:

Use of municipal, board resources

88.18 Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period. 2016, c. 15, s. 56.

The Municipal Elections Act, 1996 also prohibits a municipality from contributing to candidates in accordance with Subsection 88.8(4):

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

1. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
3. A corporation that carries on business in Ontario.
4. A trade union that holds bargaining rights for employees in Ontario.
5. The Crown in right of Canada or Ontario, a municipality or a local board. 2016, c. 15, s. 51.

Further, the Election Finances Act, R.S.O. 1990 specifies that only individuals may contribute to a candidate or political party in the Province of Ontario in accordance with Section 16(1):

Contributions

Who may contribute

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16 (1) Contributions to parties, constituency associations, nomination contestants, candidates and leadership contestants registered under this Act may be made only by persons individually. 2016, c. 22, s. 10 (1).

The Canada Elections Act, S.C. 2000, c. 9, as amended, also restricts contributions to candidates and political parties to individuals as set out in Section 363(1):

Prohibition — ineligible contributors

363 (1) No person or entity other than an individual who is a Canadian citizen or is a permanent resident as defined in subsection 2(1) of the Immigration and Refugee Protection Act shall make a contribution to a registered party, a registered association, a nomination contestant, a candidate or a leadership contestant.

DEFINITIONS

1. Campaign Period: The official campaign period of a municipal, provincial or federal election or by-election.
 - 1.1. For a municipal election, beginning May 1 in the year of an election, and ending on voting day.
 - 1.2. For a provincial election, beginning on the date the writ is issued and ending on voting day.
 - 1.3. For a federal election, beginning on the date the writ is issued and ending on voting day.
 - 1.4. For a ballot question, the date on which Council passes the necessary by-law and ending on voting day.
 - 1.5. For a by-election, beginning the date the by-election is called and ending on voting day.
2. Candidate: A person who has filed the relevant nomination (and not withdrawn that nomination) for an office on the council of a lower-tier or upper-tier municipality, local board, provincial or federal office at an election or by-election and includes those candidates who have been acclaimed.
3. City Clerk: The City Clerk and Returning Officer of the City of Vaughan or their delegate.
4. City Facilities: Buildings, properties, parks, rooms or other parts therein, owned or operated by the City of Vaughan
5. City Resources: Any City Facilities, infrastructure, technology or other item or asset owned, rented or leased by the Corporation of the City of Vaughan.

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6. City Staff: An employee of the Corporation of the City of Vaughan including non-union management and members of a bargaining unit; and volunteers while they are acting in an official capacity with the City.
7. Election: An election, by-election or ballot question governed by the Municipal Elections Act, 1996; the Elections Act, R.S.O. 1990; the Canada Elections Act, S.C. 2000, c. 9, as amended, or the Referendum Act, S.C. 1992, c. 30, as amended.
8. Member: A member of Vaughan Council, including the Mayor, Local and Regional Councillors and Ward Councillors.
9. Political Party: A political party registered for provincial or federal elections as set out in the Elections Finances Act, R.S.O. 1990, and the Canada Elections Act, S.C. 2000, c. 9, as amended, respectively.
10. Restricted Period: The period beginning on August 1 in the year of a municipal election and ending on voting day. In the case of a municipal by-election, this period shall begin 60 days prior to voting day, and end on voting day.
11. Third Party Advertiser: A person or entity (or a representative thereof) who is not a candidate and has registered or certified themselves with the appropriate electoral authority in order to support or oppose a candidate or candidates, or to support or oppose a ballot question at the municipal (including school board), provincial or federal level.

POLICY

1. General

- 1.1. City Staff are prohibited from campaigning or working in support of a Candidate's campaign during their normal working hours.
 - 1.1.1. City Staff who wish to campaign or work in support of a Candidate during normal working hours may do so only by taking a leave of absence without pay, using lieu time, a floater day, or vacation leave.
- 1.2. During a Campaign Period, Candidates may not post photographs of themselves with City Staff while they are in uniform. Photos posted to a social media account prior to the person becoming a candidate are the exception to this provision.
- 1.3. Uniformed employees of the City of Vaughan may not appear in uniform at campaign events or in campaign materials if they are running as a Candidate.

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1.4. Use of the City's logo, brand, etc. in election campaign material, websites or social media is strictly prohibited except when providing a link to the City's official website provided for election information to the public.

1.5. Images and videos created and prepared by City Staff or using City Resources may not be used in any campaign material.

1.6. Candidates may not record or capture images or videos for campaign purposes on or at City Facilities, except those spaces which have been permitted and paid for in accordance with this policy.

1.7. No official communications (including social media, website, newsletters, publications, etc.) produced or prepared by the City, City Staff or a Member shall at any time promote, support or oppose a person's candidacy or a campaign using City resources or paid for with City funds.

1.7.1. Exceptions shall be made for City owned or produced material or websites prepared for the purposes of public education during an Election or which are provided in accordance with legislated requirements.

1.8. Members may not print or distribute material paid for with City funds that illustrate or reference that they or another person are or intend to be, a Candidate for office at an Election.

1.9. Members shall not circulate or deliver any unsolicited material outside of their existing ward where that material has been paid for with City funds, except where Canada Post delivery walks cross ward boundaries.

1.10. Public ceremonies and events such as grand openings or ribbon-cutting ceremonies organized by the City which do not occur regularly or annually shall be prohibited during the Restricted Period.

1.10.1. Exceptions to this provision shall apply for ceremonies and events organized by another order of government or governmental institution.

2. Use and Access to City Facilities

2.1. No Candidate, political party or third party advertiser shall be permitted to conduct campaign activities or distribute or post campaign materials or advertisements on or at City Facilities except where otherwise permitted under this policy.

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2.1.1 This provision does not apply to public right of way sidewalks and thoroughfares, except where prohibited in accordance with York Region and City of Vaughan sign by-laws.

2.2. Candidates and political parties may rent spaces at community centres or parks for campaign or political purposes following the standard processes for the permitting of City Facilities and at the regular rate established for the rental of that space.

2.3. Vaughan City Hall may not be rented for election or political purposes at any time.

2.4. Where space has been rented at City Facilities, advertisements and campaign literature may be circulated or posted during the period of time the room is permitted for use by the Candidate or political party but shall be taken down and removed from the space at the end of the rental.

2.5. Permitting of City Facilities for all-candidates meetings or debates is permissible, provided that the rental fee is paid and all Candidates for an office are invited to attend and participate.

2.6. City Facilities may be permitted for non-partisan election education events as long as no activities are undertaken which support or oppose Candidates or ballot questions during that event. The Manager of Elections and Special Projects shall be responsible for assessing the nature of the event and providing approval for staff to permit the facility for that purpose.

2.7. No permit shall be issued for an election related event (including campaign events, debates and election education sessions) while that City Facility is acting as a designated voting place.

3. Campaign Activities at City Events

3.1. Candidates, representatives or members of a political party and registered third parties or persons representing them may attend events organized or hosted by the City of Vaughan at City Facilities or on private property. At no time may they conduct campaign activities, distribute campaign materials or post campaign advertisements while in attendance.

3.2. Public officials attending City events in their official capacity may deliver remarks or bring greetings as appropriate. Candidates for office should not be invited to deliver remarks during a City event in their capacity as a Candidate at an Election.

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4. Restrictions for Members at an Election

4.1. Members are prohibited from using City funds for the following activities during the Restricted Period:

4.1.1. To order personalized stationary containing the name and/or likeness of the Member.

4.1.2. To order or move office furniture and furnishings, except in the case of operational necessity where to do otherwise would prevent the Member from carrying out the duties of their office.

4.1.3. Advertising by or on behalf of a Member; including but not limited to radio, newspaper and social media advertisements.

4.1.4. Printing and distribution of newsletters by or on behalf of a Member.

4.1.5. Organizing and hosting an event such as a barbeque, movie night or concert using City Resources.

4.1.6. Purchasing tickets to attend an event or making a contribution towards an event.

4.1.7. Purchasing gifts and promotions such as flowers and awards.

4.2. The Office Budget for Members for the period beginning on January 1 and ending on November 15 in the year of a municipal election shall be restricted to 88% of the approved Office Budget with the provision that after voting day:

4.2.1. New Members be allocated a budget equal to 12% of the approved Office Budget for the period beginning November 15 and ending December 31 in the year of a municipal election.

4.2.2. Members re-elected for another term be allocated the balance of funds remaining as of voting day.

4.3. Contact information for residents such as newsletter or email distribution or circulation lists may not be used for election purposes or provided to a campaign for the purposes of supporting or opposing a Candidate or ballot question. Further, that contact information provided through social media which is owned and/or operated by the City or City Staff, shall similarly not be used for election purposes or provided to a campaign.

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4.4. Members may not use the services of any City Staff to assist in communication activities related to the preparation or distribution of campaign materials or events.

4.5. Distribution of electronic newsletters by Members shall be permitted during a municipal election, subject to the following:

4.5.1. The content of such newsletters shall pertain to City business only, using corporate content as provided by the Strategic and Corporate Communications Department.

4.5.2. Distribution of newsletters detailed in section 4.5 shall not be permitted between October 1 and Voting Day in the year of a municipal election.

4.6. Websites and social media operated by the City on behalf of a Member may not be used to support or promote a Member's election campaign.

4.7. During the Restricted Period.

4.7.1. Advertising prepared by the City shall not reference a Member individually by name but refer only to the Mayor and Members of Council as a group.

4.7.2. Media products including but not limited to news releases, media advisories and official statements prepared by the City shall reference Members by their office only, e.g. Ward # Councillor.

4.7.3. Exception shall be made for intergovernmental activities and partnerships with other levels of government.

4.7.4. Links to Member's social media accounts from City owned assets shall be removed.

4.8. In the case of a municipal by-election, provisions respecting the Restricted Period shall apply only to those Members who have filed a nomination for the office being elected at the by-election.

5. Policy Administration

5.1. The City Clerk is authorized and directed to take such action as necessary to give effect to this policy.

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5.2. The City Clerk is authorized to make such administrative updates as are necessary to maintain compliance and consistency with legislation, while respecting and preserving the intent of the policy.

5.3. Nothing contained in this policy shall limit or constrain a Member from exercising their statutory functions, or from limiting the Mayor from exercising his duties as the head of council and the chief executive officer of the City.

5.4. The City Clerk shall be responsible for interpreting this provision.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
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Related Policy(ies):	Code of Ethical Conduct for Members of Council 13.A.02 – Employee Code of Conduct
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Related By-Law(s):	140-2018 Sign By-Law 079-2019 Amendment to Sign By-Law 140-2018
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Procedural Document:	
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Revision History

Date:	Description:
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