

# Corporate Policy and Procedure



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Policy	<b>Use of Corporate Resources During an Election</b>
Category	Corporate
Authority	City Clerk's Office
Related Policies	<a href="#">Code of Conduct for Council and Local Boards</a> , <a href="#">Advertising Acceptability Policy</a>
Approved By	City Council
Effective Date	Monday, October-23-2017
Revision Date	<b>Monday, November 22, 2021</b>

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## Policy Statement

The City of Guelph must balance the need for freedom of expression and access to public spaces with its legal responsibility to not provide an unfair advantage to any candidate, political party or registered third party during an election.

The Municipal Elections Act (the Act), 1996, as amended, establishes regulations governing campaign finance for candidates running in a municipal election. Section 88.8 (4) of the Act prohibits municipalities from making campaign contributions to municipal candidates and section 88.12 (4) of the Act prohibits municipalities from making campaign contributions to registered third parties.

The Election Finance Act, 1990, as amended, and the Canada Elections Act, 2000, as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29 (1) of the Election Finance Act and Section 363 (1) of the Canada Elections Act prohibit a municipal corporation from making campaign contributions to any candidate, political party or constituency association in a provincial or federal election.

As a campaign contribution may take the form of money, goods or services, any use of corporate resources for election related purposes, by candidates or staff, is not permitted.

## Purpose

The purpose of this policy is to ensure compliance with the Municipal Elections Act, the Election Finances Act and the Canada Elections Act, by clarifying for candidates, current members of City Council, registered third parties and City staff the legislative requirements relating to campaign finances.

The provisions identified in this policy are in effect throughout the duration of the campaign period in a municipal election year or in the event of a by-election and from the dropping of the writ to Voting Day in a provincial or federal election.

## Definitions

“the Act” means the Municipal Elections Act, 1996, as amended.

“Advertising” means the purchase of City advertising space, including but not limited to, ads at City facilities and assets such as City busses, bus shelters and arena banners and facility screens.

“Campaigning” means any activity by or on behalf of a candidate, political party or related to a question on the ballot meant to solicit support during the campaign period. Campaigning does not include the appearance of elected officials, other candidates, their supporters or registered third party advertisers at an event in a personal capacity without the display of any signage or graphic which identifies them as such and without the solicitation of votes.

“Campaign period” means the date a candidate files their nomination through to Voting Day in a municipal election year or in the event of a by-election. For a federal or provincial election, this means the date the writ is dropped until Voting Day.

“Candidate” means any individual who has filed and not withdrawn a nomination for an elected office, including Mayor, Councillor, School Board Trustee, Member of Provincial Parliament and/or Member of Parliament or anyone acting on their behalf.

“City” means the Corporation of the City of Guelph.

“City facilities” means any facility that is owned or leased by the City of Guelph from which City programs and services are provided.

“City information” means any information in the custody or control of the City, including networks, databases and systems, compiled and used by City of Guelph employees to conduct City business.

“City of Guelph employee” means any individual working for, or receiving compensation from, the City of Guelph, including those in part-time, seasonal or contract positions and volunteers.

“Election” means any municipal, federal or provincial election including by-elections.

“Election related purposes / activities” means any participation in an election that seeks to promote or oppose the candidacy of an individual seeking office or support or oppose a question on a ballot.

“Members” means City Councillors, the Mayor or anyone acting on behalf of a City Councillor or the Mayor.

## Policy

### Members of Council and Candidates

The following section applies to members, candidates, registered third parties and those acting on behalf of a member, candidate or registered third party.

## **Use of City Facilities, Services and Property**

City of Guelph facilities, services and property may not be used for any election related purposes except as identified in this policy.

This provision does not prevent members from conducting their regular duties as political representatives for their constituents.

Members, candidates and registered third parties may not use the interior of any City-owned or run facilities for any election related purposes unless rented in accordance with standard City of Guelph rental procedures and full market rate is paid. Members, candidates, registered third parties or campaign staff working on their behalf, must clearly identify to City staff that the booking is for a campaign-related event at the time of booking. Campaign-related facility bookings must maintain and uphold the values identified in the City's [Community Plan](#) and the [Strategic Plan](#), including the values of wellbeing, inclusion and respect. The health and safety of all attendees and staff must be maintained at all times. The City reserves the right to refuse or cancel campaign related events if values and/or safety cannot be maintained.

Notwithstanding the ability to use the interior of any City-owned or run facilities for election related purposes, if rented in accordance with standard City of Guelph rental procedures, no election related activities, including campaigning and the distribution of campaign literature, are permitted to take place inside City Hall.

Members, candidates and registered third parties may engage in election related activities, such as the distribution of campaign literature, outside of City-owned or run facilities, with the exception of City Hall. No campaigning or election related activities are permitted to take place outside on the property of City Hall in the interest of maintaining a neutral civic and community space.

Members, candidates and registered third parties may not campaign, distribute campaign literature, or engage in election related activities at any function hosted by the City of Guelph.

All-candidate debates may be held at any City facility, including City Hall, provided that all candidates or political parties for an office are invited to attend.

Facility rentals for general election-related events, such as teaching members of the public how to become a candidate and run for office, can be held as long as no one particular candidate, political party or registered third party is promoted or endorsed during the event.

Requests by a candidate, political party or registered third party for personal meetings with Executive, Management or other City employees and requests for facility tours may not always be accommodated due to resources and time constraints. If a meeting or tour is accommodated for one individual or group, the City would need to commit to organizing a similar meeting or tour for all similar parties.

Election signs, or other election material, may not be displayed in, or on the property of, any City-owned or run facilities.

Notwithstanding the ability to post signs or distribute election materials on City property, the purchase of available advertising space at City facilities, in City

publications and on City-owned assets is permitted in line with the [City of Guelph Advertising Acceptability Policy](#), provided that associated booking processes are followed and full market rate is paid and any requirements under statute are met.

Members, candidates and registered third parties may not use City of Guelph employees for any election related purposes during regular business hours or while the employee is receiving compensation from the City.

## **Technology**

Corporate resources or services such as computers, cell phones, smart phones, telephones, tablets, printers, scanners, copiers, e-mail, file storage, voicemail, or any other equipment or technology owned by the City of Guelph, may not be used for any election related purposes.

Websites and domains that are operated or funded by the City of Guelph shall not include any election related campaign materials or links to any sites which include election related campaign material.

Notwithstanding the ban on election related campaign materials and links on websites and domains operated or funded by the City of Guelph, the City of Guelph election website which lists candidates may include one link per candidate to a website which features election related campaign material.

When a current member of Guelph City Council registers as a candidate all links to social media accounts and personal external websites will be removed from City of Guelph run or funded websites and domains.

## **Access to Information**

Requests for access to City information by candidates, third party advertisers, or on their behalf, should be made in writing to the General Manager of a department. They may be managed by the department through the relevant Deputy Chief Administrative Officer (DCAO). If the request is for sensitive information or information not generally available to the public, the request will be facilitated by the City Clerk's Office through the Freedom of Information process.

Any information shared with one candidate, political party or registered third party will be shared with all other parties to ensure equal and fair access to information and prevent any unfair advantage.

## **Communications**

The City of Guelph logo, crest, coat of arms, flag, slogan, or other similarly branded corporate resources or property shall not be used by any candidate or registered third party for any campaign materials, including printed literature, signage and websites.

In any material printed or distributed by the City of Guelph, candidates or registered third parties may not convey that they, or any other individual, are a candidate or registered third party in an election.

## **Employees of the Corporation of the City of Guelph**

The following applies to all City of Guelph employees.

Employees may not engage in election related activities during their normal working hours or anytime they are receiving remuneration from **or are representing** the City of Guelph. This includes providing administrative support to candidates or registered third parties such as photocopying campaign literature or providing technical assistance.

Employees may not perform any service, offer any advice or provide any information solely for the use of one candidate, political party or registered third party. Information that is provided by City employees to one candidate, political party or registered third party during an election will be shared with all similar individuals or organizations, either by posting them online or through other methods. Information provided should be coordinated through the DCAO for the relevant service area and the City Clerk's Office who will coordinate a shared response with all relevant parties

Candidates, including municipal incumbents, political parties and registered third parties have the same right of access to information as a member of the public. Requests for information that is not typically publicly available or may contain sensitive corporate or personal information should be coordinated through the City Clerk's Office access and privacy team.

Employees may engage in election related activities as long as those activities are separate from their official positions and duties. Employees must ensure that their political activities do not create a perceived or actual conflict of interest in their day-to-day work.

While engaging in election related activities, City of Guelph employees shall not wear any clothing, such as a uniform or badge, which identifies them as a City of Guelph employee.

While engaging in election related activities, City of Guelph employees shall not use any vehicles, technology, or other resources that are owned or leased by the City of Guelph.

## **Responsibility**

The Chief Administrative Officer and Deputy Chief Administrative Officers will:

- Provide oversight and ensure consistent compliance with this policy by all City employees across all service areas.

The City Clerk and delegated employees will:

- Administer and provide advice and clarification on the application of this policy.

General managers, managers and supervisors will:

- Apply this policy to the use of resources, facilities and employees managed by their department or division.

City employees will:

- Understand and apply this policy during election campaign periods.
- Seek clarification and advice from their leaders and the City Clerk's Office as required.

## **Reference Material**

[The Municipal Elections Act, 1996](#)

[The Election Act, 1990](#)

[The Election Finances Act, 1990](#)

[The Canada Elections Act, 2000](#)

## **Contact**

The City Clerk's Office supports compliance with this policy.

For more information regarding the application of this policy please contact the City Clerk's Office by phone at 519-837-5603 or by email at [clerks@guelph.ca](mailto:clerks@guelph.ca).