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**Title: Use of City Resources during Elections**

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**Department/Division:** Corporate Services/Clerk's

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**Purpose:**

1. This policy has been enacted to:
  - a. protect the interests of Candidates, Third Party Advertisers, the City, and Staff;
  - b. ensure a consistent approach and direction to City employees on how City resources can and cannot be used during municipal, school board, provincial and federal election campaigns or campaigns respecting a question on a ballot; and
  - c. clarify that a municipality is prohibited from making a contribution to a municipal election candidate and that all municipal election candidates are required to follow the provisions of the *Municipal Elections Act, 1996* respecting contributions during municipal election campaigns.

**Scope:**

2. This policy applies to Candidates, Third Party Advertisers, members of City Council, Staff and any other person with access to City Resources during the period of time in which an individual can be nominated for Election and voting day for that Election or during the period of time that a by-law is passed respecting a question on a ballot and voting day for that question, as appropriate.

**Definitions:**

3. For the purposes of this policy,

"Candidate" means an individual nominated for any provincial or federal election or by-election, or any municipal election or by-election held under the *Municipal Elections Act, 1996*, including individuals that are acclaimed.

"City" means the Corporation of the City of Owen Sound;

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“City Council” means the Mayor and members of Council for the City regardless of whether they are seeking re-election or not;

“City Resource” means any money, goods, services or property owned or provided by the City and includes, but is not limited to:

- a. telephones, cell phones, personal digital assistants, computers, tablets or other electronic devices;
- b. printers, scanners, fax machines, copiers or any paper, toner, ink or other related consumables;
- c. email or voicemail;
- d. Mayor, Council and Committee budget or expense accounts including but not limited to internet, car, travel, meeting, mail, postage, photocopying, office supplies, advertising and promotional expenses;
- e. any website, social media account or domain name owned, maintained or registered by or on behalf of the City;
- f. the City logo or any photograph, graphic, slogan, crest, coat of arms, flag, chain of office, uniform, business cards, letterhead or any other information or intellectual property;
- g. any City office, facility, vehicle or equipment.

“Election” means any provincial or federal election or by-election; any municipal election or by-election held under the *Municipal Elections Act, 1996*; and any by-law or question submitted to the electors by the City;

“*Municipal Elections Act, 1996*” means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sch;

“Person” includes an individual, corporation or trade union;

“Staff” means employees of the City and includes contract employees.

“Third Party Advertiser” means an individual, corporation or trade union registered under section 88.6 of the *Municipal Elections Act, 1996*.

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**Policy:**

4. The City shall not contribute City Resources to Candidates or Third Party Advertisers.
5. No Person with access to or control of City Resources shall use City Resources for the purposes of an election, or contribute or allow the contribution of City Resources for campaign-related purposes. For greater clarity the following applies:
  - a. All Candidates and Third Party Advertisers are prohibited from using the City's crest, logo, brand, coat of arms and slogan in campaign-related material either in print or digital format.
  - b. Websites or domain names that are funded by the City shall not include any campaign-related material.
  - c. Campaign-related messages shall not be recorded using the City's voicemail or email system.
  - d. The use of corporate information technology (IT) assets, infrastructure or data (i.e. computers, corporate email, web pages, social media links, portals, photocopiers, scanners, fax machines or telephones) to respond to or communicate campaign-related messages is prohibited, subject to the provisions of section 5.e.
  - e. Members of City Council who register as Candidates may use City wireless routers already installed in their homes for campaign-related activities provided that they pay to the City a fee, proportionate with the pro-rated use of the wireless router device, and declare the expense on their Election financial statement.
  - f. City staff may not assist, in a staff capacity, with any communications activity related to the preparation or distribution of campaign-related materials or events.
  - g. No photographic or video material created by the City may be used in any campaign-related materials.

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- h. City offices, City facilities and City property, save and except private residences located on City property, may not be used to display campaign-related signs in windows or on the premises or display campaign-related print material.
- i. Use of City facilities for campaign-related events and use of commercial advertising space located in City facilities or on City property may occur for campaign-related activities provided that the Candidate or Third Party Advertiser undertakes the use in accordance with:
  - i. any usual licence, invoice, rental agreement or facility use agreement;
  - ii. any standard associated fees set out by third parties or the City;
  - iii. requirements to account for the expenses on Election financial statements.
- j. Materials paid by municipal funds that reference that a Candidate or Third Party Advertiser is registered in any election or indicate that a Candidate will be running for office is prohibited from being printed or distributed.
- k. The budgets for City Council, for the period of January 1 to November 30 in a municipal election year, shall be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to December 1:
  - i. New members of City Council be allocated a budget equal to 1/12<sup>th</sup> of the approved budget amount for the month of December; and
  - ii. Re-elected members of City Council have available to them the balance of funds remaining as of November 30<sup>th</sup>.
- 6. Section 5 of this policy shall not apply to:
  - a. City Resources that are used by the City Clerk or their designate for the purpose of conducting a municipal Election; and
  - b. Minutes of Council or City Committee meetings.

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7. City Staff shall:
  - a. provide all City services in a fair and impartial manner;
  - b. refrain from canvassing or actively working in support of a Candidate or party or Third Party Advertiser during normal working hours.
  
8. In accordance with Policy CMA-15 – Code of Ethics for Municipal Employees, City Staff are discouraged from direct involvement in City municipal campaigns. An employee may involve himself/herself in a non-municipal election campaign unless it would affect their judgment in the performance of their job duties. Employees may exercise their civic right to run for public office as long as they can make appropriate arrangements to effectively discharge their duties during the course of their political involvement.
  
9. During an election under the *Municipal Elections Act, 1996*, responses to information requests from a Candidate will be provided to City Council and all Candidates in a manner deemed appropriate by the Clerk. Staff will need to determine if a request from members of City Council, who are also Candidates, are made in their capacity as a member of City Council or as a Candidate, bearing in mind the requirement for fair and transparent treatment of all Candidates. In the event of uncertainty as to the nature of a request, staff shall refer to the City Clerk who will determine the nature of the request.
  
10. Violations of this policy will be addressed, where appropriate, pursuant to the provisions of the *Municipal Elections Act, 1996*.

**Appendices:**

11. None

**Revision History:**

By-law No. 2014-033	March 17, 2014
By-law No. 2018-047	April 9, 2018