

Updated Use of City Resources during an Election Period Policy

Date: January 9, 2018
To: Executive Committee
From: City Clerk
Wards: All

SUMMARY

The recently amended Municipal Election Act, 1996 now requires municipalities to establish rules and procedures for the use of municipal resources during an election period and prohibits municipalities from making a contribution (including money, goods and services) to any candidate, registered third party advertiser or political party.

This report recommends that City Council approve an updated Use of City Resources during an Election Period Policy ("Policy"). City Council approved the original Policy in July 2012, which was implemented for the 2014 general municipal election.

The Policy has been updated to include registered third party advertisers, realigned for simplicity and readability, and amended to recognize that political activity provisions for public servants are now in effect through Toronto Municipal Code, Chapter 192, Public Service. This Policy applies to municipal (including school board), provincial or federal elections or by-elections, as well as to questions on the ballot.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council approve the updated "Use of City Resources during an Election Period Policy", in Attachment 1 to this report.
2. City Council direct the City Manager to implement the "Use of City Resources during an Election Period Policy" at the City.

Implementation Points

The City Manager is responsible for implementing the Policy at the City and ensuring that City facilities, resources and infrastructure are not used for election-related purposes.

City Council has also enshrined political activity provisions in Toronto Municipal Code, Chapter 192, Public Service ("TPS By-law") that apply to City and agency staff. The political activity provisions affirm the constitutional right of public servants to engage in political activity as long as it does not impair the impartiality of the public service in carrying out its official duties. These provisions include restricting City staff from engaging in political activity while at work and while using City facilities, resources and infrastructure; establish requirements for staff when they seek appointment or election to public office; and, set out restrictions for some City staff to participate in political activity.

The City Manager will work closely with Division Heads to operationalize the Policy as well as the political activity provisions set out in the TPS By-law. Many of the large City agencies have policies in place related to the use of agency resources during an election year similar to the City's policy. The City Manager will work with the smaller agencies to communicate the requirement for similar policy provisions that ensure consistency across the broader public service.

As 2018 is a general election year, a range of election-related information, educational tools and mechanisms will be rolled out in spring 2018 to communicate requirements to the Toronto Public Service including a webinar, fact sheets and FAQs. A website providing answers to questions from candidates, third party advertisers and political parties will also be published to ensure equal access to City information.

FINANCIAL IMPACT

There are no financial implications associated with adopting the recommendations in this report.

The Acting Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

DECISION HISTORY

Use of Corporate Resources during an Election Period Policy

At its meeting on July 11, 2012, City Council adopted policy changes to facilitate Councillor office operations, including the "Policy on Use of Corporate Resources During an Election Year".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX21.9>

COMMENTS

The recently amended Municipal Elections Act, 1996 ("Act") now requires municipalities to establish rules and procedures with respect to the use of municipal resources during the election period. The Act also prohibits the City from making a contribution (including money, goods and services) to any candidate, registered third party advertiser or political party. To preserve the public trust and integrity of the elections process, the City of Toronto adopted a Policy in July 2012 to address the use of City resources during an election period.

This Policy has been updated to include third party advertisers, realigned for simplicity and readability, and amended to recognize that political activity provisions for public servants are now in effect through the TPS By-law. Staff have also undertaken a jurisdictional review of the recently adopted policies from neighbouring Ontario municipalities in developing this Policy.

The Policy sets out provisions that address: (1) access to City facilities during an election period, (2) access to City resources during an election period, (3) access to City information during an election period, (4) attendance at City events during an election period, and (5) restrictions to services provided to Members of City Council beginning August 1 of an election year.

The Policy recognizes that Members of City Council are office holders until the end of their term and supports Members in continuing to fulfill their responsibilities as elected officials.

The Policy works in tandem with the political activity provisions of the TPS By-law, the Code of Conduct for Members of City Council, the Constituency Services and Office Budget Policy and the City of Toronto Community Grants Policy.

The following sections 1 to 5 summarize the key elements of the Policy. The full Policy is included in Attachment 1 to this report.

1. Access to City Facilities during an Election Period

These provisions set out that City facilities and infrastructure may not be used for any election-related purpose by a candidate, registered third party advertiser or political party.

The Policy also sets out key exceptions to these provisions, including that the City may issue a permit for the use of a City facility for election-related education purposes only, as long as no particular candidate, registered third party advertiser, political position or political party is promoted, supported or opposed. Further, canvassing and distributing campaign material is permissible in Long-Term Care Homes pursuant to the Residential Tenancies Act and informal media scrums are permitted in public areas at City Hall, Metro Hall, civic centres and City-managed public squares.

2. Access to City Resources during an Election Period

These provisions set out that the City's logo, crest, slogans, etc., may not be printed, posted or distributed on any election-related campaign materials or included on any election-related website. Websites or domain names that are funded by the City may not include any campaign materials. Further, candidates may not post photographs of themselves with City employees in uniform.

3. Access to City Information during an Election Period

These provisions set out that when the City provides information to one candidate, registered third party advertiser or political party that is of a general nature and may provide valuable guidance to all others, the same information will be provided to all candidates, registered third party advertisers or political parties, by posting the information publicly on the City's website. Further, requests to meet with City officials or for tours of City facilities may not always be accommodated due to time and resource constraints and meetings and tours must also be equally accommodated for all candidates.

4. Attendance at City Events during an Election Period

These provisions set out that candidates, third party advertisers or political parties may attend City events but may not campaign or disseminate election-related campaign materials. Elected officials are permitted to attend City events and act as ceremonial participants.

5. Restrictions to Services Provided to Members of City Council

Similar to the current Policy, after August 1 in an election year, the City will discontinue a number of services provided to Members of City Council. In comparison, some neighbouring municipalities in Ontario have provided a cut-off date as early as May 1 of an election year.

Restrictions to services provided to Members of Council include:

- All forms of advertising and communication, including in municipal publications and social media accounts, that are paid for by City funds or operated and distributed by the City will not reference the name or image of a Member of Council.
- Signage for City events, including banners and posters, will not reference the name of a Member of Council.
- The City's media releases or materials will not reference a Member of City Council.
- Ceremonial documents such as retirement scrolls for employees, scrolls in celebration of anniversaries, Letters of Greeting and other celebratory documents normally signed and distributed by Members of Council will be signed by the Mayor as the Chief Executive Officer of the City. The City Clerk will mail documents directly to the recipient(s).

The Mayor will continue to be named in media releases and City materials that describe intergovernmental activities only conducted in his or her capacity as Chief Executive Officer of the City.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENT

Attachment 1: Use of City Resources during an Election Period Policy