Corporate Policy

Council, Boards, Committees

Use of Corporate Resources during an Election

Approved by Council on:

Report Number: CL-05-22

Effective: May 2, 2022

Reviewed on: December 20, 2021

Next Review: October 2025

The *Municipal Elections Act, 1996*, as amended, prohibits municipalities from making campaign contributions to municipal candidates or registered third parties.

Policy Statement:

This Policy is intended to:

i. ensure compliance with the *Municipal Elections Act, 1996*,88.4 paragraph 5 with respect to the role of the City contribution to a municipal and trustee election campaign;

ii. ensure compliance with Federal and Provincial provisions with respect to contributions to candidates;

iii. ensure Registered Candidates and Registered Third Parties are treated fairly and consistently within the municipality;

iv. ensure the integrity of the election process is maintained at all times;

v. establish the appropriate use of resources during an election period, in order to:

   a. protect the interests of Members of Council, Registered Candidates, Registered Third Parties, Staff and the Corporation; and

   b. ensure accountable and transparent election practices.

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

Corporate Policy

Scope:

This Policy applies to all Members of Council, municipal staff, registered election candidates, registered third parties, and members of the public.

Objectives:

The objective of this Policy is to ensure compliance with the Municipal, Provincial and Federal legislation as amended, as it relates to contributions to political campaigns, the Council Code of Good Governance, Code of Conduct for Local Boards, and the Employee Code of Conduct.

1. **Application of Policy**
   a. This policy is applied throughout the campaign period, which begins on the day in which a candidate's nomination papers or third party registration papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

   b. For members of Council who are not seeking re-election this policy is in effect at the close of nominations and ends December 31 in the case of a regular election.

   c. For Federal and Provincial elections this policy will be applied the date the writ is issued for the election or by-election, and ends on voting day.

2. **Election Campaigning**
   a. Candidates and Registered Third Parties are not permitted directly or indirectly to book a City facility or park for campaigning purposes.

   b. Candidates and Registered Third Parties may accept an invitation to address a group who have booked a City Facility but cannot solicit to those outside the meeting/event during this time (e.g. clubs who meet on a regular basis or ratepayers groups who have organized an all-Candidates meeting)

   c. Registered Candidates and registered third parties may attend City organized, hosted, or funded events during a campaign period, but may not display or distribute any campaign materials, or engage in any election related activities.

d. Campaign materials in City facilities (including notice boards) is prohibited and any staff at these facilities are authorized to remove materials.

3. Use of Corporate Identifiers and Resources

a. The City's logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers or that of its affiliates, shall not be used for any election campaign-related purposes, except in the case of a link to any City website to obtain information about the municipal election.

b. Photographs, videos, electronic images, or graphics, produced or generated by the City or its affiliates shall not be used by registered candidates and registered third parties for any election purposes. This includes official headshots.

c. Use of photographs, videos, electronic images, not produced by the City or its affiliates, in campaign advertising containing the corporate logo, corporate branding, crest, chain of office, coat of arms, slogan or other corporate identifiers is not in contravention of paragraph 3(b) of this Policy.

d. Corporate resources shall not be used for:
   i. the printing or distribution of any material that illustrates that a member of Council or any other individual is registered or intends to run for office; or
   ii. the printing or distribution of any campaign material that makes reference to, or contains the names or photographs, or identifies registered candidates,
   iii. recording election related messages or distributing election related correspondence.

e. No City consumable materials, such as toner and paper, associated with computer systems shall be used for election campaign-related purposes.

f. Distribution lists and information produced using City resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996*, (Voters' List) shall not be used for any election campaign-related purposes.

g. Data and information contained in the City's orporate Customer Relationship anagement (CRM) system, or the Constituent Records

System shall not be used for any election campaign-related purposes.

h. Corporate cell phones or devices registered to the City's Bring Your Own Device (BYOD) program are prohibited from being used for election related purposes.

4. Restrictions during the Campaign Period

a. **Design Resources**

i. Members of Council are not permitted to request resources from Corporate Communications and Engagement staff to produce or distribute communication materials. Any requests are forwarded to the Manager of Creative and Digital Services for review/approval.

ii. City business cards and promotional materials prepared by Creative and Digital Services shall be disposed of, and not permitted to be distributed during the campaign.

b. **Communications**

i. **Media Requests**

i. Media requests during the campaign period shall be directed for response by the City through the Manager of Communications.

ii. **Social Media**

i. Members of Council are required to remove any identifiers from their social media accounts reflecting their elected official role.

ii. Links to all social media, blogs and external websites will be removed from member of Council webpages on the City's website.

iii. All City of Burlington social media accounts (includes Transit, Fire and Recreation accounts) will unfollow all members of council on social media.

iv. All City of Burlington social media accounts (incudes Transit, Fire and Recreation Accounts) will not like or reshare posts from members of council on social media.

iii. **City Talk Issues and Newsletters**

i. Information, messages, or photographs from any member of council shall not be posted in City Talk issues. Previous City Talk issues hosted on individual member of council websites shall be removed.

ii. Printing and distribution of newsletters for members of Council will be discontinued, unless approved by Council. Staff in the Councillors and Mayor's Office will decommision newsletter distribution (both vritual and hardcopy) by including notice of consent to remain on the newsletter list for next term and ensure that the contact lists are maintained for corporate use only.

iv. **Webpages**

i. Council member biographies, speeches by members of council, ward meetings, links and 'news from your ward councillor' will be removed from the Mayor and Council webpages on the City's website and any of its affiliates, leaving only the name and photo of the elected representative, their contact information including staff support, their ward map, and a list of their current representation on local boards and committees.

Any webpages pertaining to corporate programs, approved by Council, such as the Red Tape Red Carpet, Key to the City, Burlington Best, etc. may remain on the City's website.

v. **Photographs and Videos**

i. During the election campaign period City communication materials, including videos, will not feature/highlight members of council.

c. **Expenditures**

i. Council communications expenditures will not be approved. Advertising of ward meetings and drop in sessions will be at the council member's/candidate's expense and will not be advertised in the City's Update banner within the Burlington Post. Ward meetings or drop in sessions must be regarding City business only and may not include any campaigning or distribution of campaign materials.

ii. Photographs of members of Burlington City Council will not appear in advertising placed by or paid for by the City of Burlington. Communication expenditures will be permitted with the approval of the City Clerk in the case of emergency situations, as part of a pre-approved communications plan or an urgent neighbourhood issue that requires a timely response.

iii. The budgets for Members of Council for the period of January 1 to Voting Day in a municipal election year will be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to Voting Day.

i. Newly elected members of council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and

ii. Re-elected members of council have available to them the balance of funds remaining as of Voting Day;

iii. Expenditures for gifts and donations from council members will be limited to those boards, projects and committees that the council member was appointed to by Council.

iv. Funds allocated per ward, and to the Mayor for support of community events, during an election year, will be administered by the Manager of Community Development in the Recreation, Community and Culture. In non-election years, the funds will once again be administered by members of council. In both election and non-election years the

expenses will be reported on annually as part of the council expense reporting.

v. Ordering of office furniture and furnishings, except those of an emergency nature, will be discontinued for the Councillors Office and Mayor's Office.

vi. Virtual meeting software licenses purchased or funded by the City shall not be used for election campaign activity.

5. City Staff

a. City staff shall not canvass or actively campaign for any registered candidate or registered third party during hours in which they are receiving compensation from the City unless they are on a leave of absence without pay, lieu time, float day, or vacation leave. This shall not interfere with the employee's normal duties.

b. City staff shall not use corporate resources in support of or in opposition to a candidate, political party, or registered third party.

c. Members of council may not request staff working in a ward office or Mayor's office, to perform any duties related to the election campaign during hours in which the employee receives any compensation from the City.

d. City staff shall not canvass nor actively campaign in support of or in opposition to a candidate or party while wearing a City uniform, badge, crest or other item identifying them as a City of Burlington employee, or while using a City owned or leased vehicle.

e. City staff shall consult with their Manager prior to agreeing to deliver a presentation at ward or constituent meeting, or similar function within any ward or combination of wards.

6. At Voting Locations

a. City staff working directly for a Member(s) of Council (i.e., Executive and Administrative Assistants), shall not be assigned to work as election officers in a municipal election.

b., City staff, who are also relatives of any Member of Council or candidates for municipal election, shall not be assigned to work as election officers in a municipal election.

Definitions:

For the purpose of this Policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Affiliates	Means any affiliates of the City of Burlington including but not limited to Burlington Economic Development Corporation, Burlington Hydro, Burlington Performing Arts Centre, Burlington Art Gallery, Burlington Museums and Royal Botanical Gardens.
Campaigning	Means any activity by, on behalf of, in support of or in opposition to a Candidate, political party or ballot question during a campaign period that is meant to elicit support or opposition.
Campaign contribution	Means anything of value given to influence an election, may take the form of money, goods, or services.
Campaign period	Means, on accordance with Section 88.24 of the *Municipal Elections Act, 1996*, as amended, and begins on the day in which nomination papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
Campaign materials	Means any materials, including political advertising, used to solicit votes for a candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. Including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials also include, but are not limited to, materials in all media, for

Term	Definition
	example, print, displays, electronic radio or television, online including websites or social media. Campaign materials do not include election signs, which are governed by the City's Sign By-law.
City	Means City of Burlington
City Clerk	Means the City Clerk and Returning Officer of the City of Burlington or their delegate.
City Staff	Means employees (full-time, part-time, contract and seasonal) including any contractor providing services to the City.
Corporate resources	Means facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the City.
Election campaign activities	Means any activity by or on behalf of a registered candidate, registered third party, or question on a ballot meant to elicit support during the election period.
Nomination day	Means the third Friday in August in the year of the election, in accordance with Section 31 of the *Municipal Elections Act, 1996*, as amended.
Political advertising	Means advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered third party or candidate.
Voting Day	Means in a regular election, the fourth Monday in October, in accordance with Section 5 of the *Municipal Elections Act, 1996*, as amended.

Corporate Policy

Principles:

1. Corporate resources, assets and funding shall not be used for any election-related purposes.
2. Election information will be available through the local media and on the City's web site at myvoteburlington.ca. The names of candidates will be posted as soon as possible following receipt in the Clerks office of the required fees and forms.
3. Staff will continue to invite all members of Council to the City's special events throughout an election year. The City Clerk will ensure that the dates, locations and times of major public special events known to the City Clerk are also communicated to all candidates.

References:

Municipal Elections Act, 1996, as amended
Council Code of Good Governance
Code of Conduct of Local Boards
Employee Code of Conduct

Roles:

Accountable:

The City Clerk is authorized and directed to take such action as necessary to give effect to this Policy including facilitating complaints regarding alleged contraventions of the Policy.

Procedures may be defined, and amended from time to time, by the City Clerk to address specific implementation of this Policy.

Responsible:

The City Clerk shall be responsible for interpreting this Policy.