

CITY OF WELLAND

POLICY

| | |
|--|------------------------------------|
| Policy Title: USE OF CORPORATE RESOURCES DURING ELECTION PERIOD | |
| Date of Approval: February 20, 2018 | Policy Number: HUM-001-0033 |
| Lead Role: City Clerk | Support Role: Deputy Clerk |
| Cross Reference: HUM-001-0031 | Next Review Date: |
| Council File Number: 18-43 | Revision Date: |

POLICY STATEMENT

This policy provides a consistent approach to the use of City of Welland resources during an Election Period and expressly prohibits the use of City resources for campaign purposes.

PURPOSE

The purpose of this policy is to provide clear direction to all Candidates, Members of Council and Staff to ensure a fair and transparent electoral process while also ensuring compliance with all applicable legislation including the *Municipal Elections Act, 1996* as amended (the Act).

The City recognizes that Elected Officials are responsible to serve their constituents and fulfill their responsibilities until the end of their term but that clear separation must exist between the Elected Official's role as a Candidate and their role as a Member of Council (or local board).

SCOPE

This policy applies to:

- Candidates for a municipal election or by-election
- Where applicable, Candidates for a provincial or federal election or by-election
- Members of Council and Local Boards
- City of Welland Staff

LEGISLATIVE REQUIREMENTS

This policy complies with the *Municipal Elections Act, 1996* as amended. The Act prohibits a municipality from making a contribution to a Candidate. The Act also prohibits a Candidate, or someone acting on the Candidate's behalf, from accepting a contribution from a corporation or a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, the use of City of Welland resources by or on behalf of a Candidate during an Election Period would be considered a contribution by the municipality and would be in violation of the Act.

DEFINITIONS

“The **Act**” means the *Municipal Elections Act, 1996*, as amended from time to time, and includes any regulation made thereunder;

“**Blackout Period**” is a term which refers to the temporary period from the day prior to Nomination Day to and including Voting Day in which certain privileges are discontinued for sitting members of Municipal Council and the Mayor;

“**Campaign**” means any work, effort, activity or thing intending to influence persons to vote for or against any Candidate or any question or by-law submitted to the electors in an election;

“**Candidate**” means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include third party advertisers and any person seeking to influence other persons to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the Act;

“**City of Welland**” means The Corporation of the City of Welland;

“**Corporate Resources**” includes but is not limited to the City of Welland staff, events, funds, information and assets;

“**Election Period**” means May 1 through to and including Voting Day;

“**Municipal Facilities**” means any real property owned or under the control of the City of Welland;

“**Nomination Day**” for a regular municipal election is the fourth Friday of July in the year of the election;

“**Staff**” includes full-time, part-time and contract employees of the City of Welland and other persons that may be employed or engaged, in either a paid or non-paid capacity, by the municipality;

“**Voting Day**” is the day on which the final vote is to be taken in an election.

POLICY

1. That throughout the Election Period and in accordance with the provisions of the Act:
 - a. Corporate Resources may not be used for campaign related purposes;
 - b. Members of Council, including the Mayor, and Candidates shall not use any municipal facilities for any campaign related purposes;
 - c. Campaign related signs or any other campaign related material, including vehicles which may identify a Candidate, shall not be displayed in any municipal facilities;
 - d. Candidates shall not campaign and/or distribute campaign literature during any function being hosted by the municipality whether the function is being undertaken on municipal property or not;
 - e. Members of Council shall not print or distribute any material using municipal funds that make reference to, contain the names or photographs of, or identify registered Candidates; and that Minutes of Municipal Council and Committee meetings be exempt from this policy; or
 - f. Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality is not campaign related.
 - g. Members of Council may not use the municipality’s voicemail system and/or cell phones to record campaign related messages;
 - h. During the Blackout Period, no Member of Council, including the Mayor shall:
 - i. Advertise, including in municipally funded publications;
 - ii. Print, photocopy or distribute any newsletters unless so directed and approved by Council;
 - iii. Order office furniture or furnishings, except those of an emergency nature; or
 - iv. Order any stationery or business cards, except within reason and as needed to carry out their current duties.
 - i. The above requirements also apply to an acclaimed member or a member not seeking re-election;

- j. Web sites, domain names and social media handles that are funded by the municipality may not include any campaign related material:
 - i. Candidates are permitted to link to any City document available to the public, or on a public City webpage, from their campaign website;
 - ii. Candidates are not permitted to incorporate a video or other material (i.e.photos) for which the City has proprietary rights on their own web page;
 - iii. Candidates are not permitted to use social media handles (e.g. @Welland) or “tag” City of Welland in campaign related social media posts;
 - iv. Sitting Members of Council shall not use the City’s IT resources, including individual websites linked through the City’s website and social media accounts used for ward communication, for any election campaign and/or campaign related activities.
 - v. If a Member of Council uses any social media account for campaigning, such accounts must not be created or supported by Corporate Resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers;
 - vi. Sitting members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the Election Period, a clear statement on each campaign website or social media account’s home page indicating that the account is being used for Election Campaign purposes and is not related to their duties as a Member of Council; and
 - vii. The List of Candidates on the Election webpage shall be the only area of the City of Welland website where links to external campaign websites will be permitted during the Election period.
- k. Candidates must not, under any circumstances, use a City logo or any variation of it on any campaign material, election signs, social media or campaign websites. and
- l. Staff engaged in political activities must take care to separate those personal activities from their official positions. Staff may participate in political activity at the federal, provincial and municipal levels provided that such activity does not take place during work hours or use corporate assets, resources or property.
 - i. Staff shall not produce, display or distribute notices, posters or similar material in support of a Candidate at any Municipal Facilities or using any corporate resources;
 - ii. Staff shall not canvass or actively work in support of a municipal, provincial or federal Candidate or party during normal working

hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;

- iii. Staff shall not canvass or actively work in support of a municipal Candidate or political party while wearing a uniform, badge, logo or any other item identifying them as an employee of the City of Welland, or using a vehicle owned or leased by the municipality.
2. That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.
 3. That the Municipal Clerk is delegated the authority to make administrative changes to this policy that may be required due to legislative changes or, if in the opinion of the Clerk, the amendments are minor in nature and do not change the intent of the policy.

LIMITATION:

1. This policy does not restrict the Clerk from utilizing municipal resources for the proper conduct of an election in accordance with the requirements of the Act.
2. This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor, or Regional Chair nor inhibit them from representing the interests of the constituents who elected them.

IMPLEMENTATION: This policy shall become effective immediately upon approval by the Municipal Council.