

**Policy Title: Use of City Resources During an Election Campaign**

**Policy Number: 02-04-01**

Section:	<b>Municipal Government</b>	Subsection:	<b>Elections</b>
Effective Date:	<b>August 12, 2021</b>	Last Review Date:	<b>August, 2021</b>
Approved by:	<b>Council</b>	Owner Division/Contact:	Legislative Services, Corporate Services Department

## Policy Statement

This policy provides a consistent approach to the use of City of Mississauga resources during an Election Campaign 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, Elected Officials, Registered Third Parties and City employees to ensure a fair and transparent electoral process, while also ensuring compliance with all applicable legislation, including the *Municipal Elections Act, 1996* (the “MEA”).

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:

- All Candidates for a municipal election or by-election
- Where applicable, all Candidates for a provincial or federal election or by-election
- All Elected Officials of the City including those not seeking re-election
- All City employees, including employees in the offices of Elected Officials
- Members of local boards, and
- Registered Third Parties

For additional Municipal Election information visit [www.mississaugavotes.ca](http://www.mississaugavotes.ca)

## Legislative Requirements

This policy complies with the MEA. The MEA prohibits a municipality from making a contribution to a Candidate or a Registered Third Party in a municipal election during an Election Campaign Period. Any use of City of Mississauga resources by or on behalf of a Candidate or Registered Third Party during an Election Campaign Period would be considered a contribution by the City. The *Election Finances Act* and the *Canada Elections Act* impose similar prohibitions for provincial and federal election campaigns.

Elected Officials are also governed by the Council Code of Conduct, as amended. Elected Officials may seek confidential advice from the Integrity Commissioner with respect to interpretation of the Council Code of Conduct, the *Municipal Conflict of Interest Act* and any policy of the municipality (including this policy) that governs the ethical behaviour of Elected Officials.

## Definitions

For the purposes of this policy:

“Campaign Material” means material in any media (i.e. print, radio, television, websites, digital, online and Social Media) used to promote or oppose a Candidate, political party or ballot question. Campaign Material also includes but is not limited to banners, literature (pamphlets, brochures, cards), posters, placards/signs, buttons/pins, clothing, road signs and car wraps.

“Campaigning” means any activity by, on behalf of, in support of or in opposition to a Candidate, political party or ballot question during an Election Campaign Period that is meant to elicit support or opposition. Campaigning includes but is not limited to the distribution and display of Campaign Material.

“Candidate” means a person who has been nominated for an election or by-election at the municipal, provincial or federal level in accordance with applicable legislation and includes any individual acting on behalf or under the supervision of a Candidate.

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

“City Facility” means any property under the care and control of the City, including property owned, leased, occupied or used by the City, which can include but is not limited to, libraries, community centres, meeting rooms, lobbies, auditoriums, theatres, banquet spaces, gymnasiums, sports fields, parks, golf courses, pools, arenas, museums and marinas.

“City Resources” means real property, goods and/or services owned, controlled, acquired and/or operated by the City including, but not limited to, City staff (during hours where they receive compensation from the City), materials, equipment, City Facilities, technology,

Information Technology Resources (defined below), intellectual property, display areas (e.g. cases, walls), digital signage, logos/brands, supplies and Elected Officials' or staff office budgets.

"Clerk" means the Clerk of the City of Mississauga.

"Digital and Social Media" means publically available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Examples include internet forums, blogs, podcasts, Facebook, Twitter and Instagram.

"Elected Official" means any individual elected to City Council or a school board.

"Election Campaign Period" means:

- For a municipal election - the period that commences on the date a Candidate's nomination paper is filed or a Registered Third Party registers with the City as a third party advertiser. The Election Campaign Period concludes on December 31 of the election year for a regular election and 45 days after voting in the case of a by-election, or otherwise in accordance with applicable legislation.
- Any restrictions for a provincial or federal election commence on the day the writ for the election is issued or a by-election is called and ends on Voting Day, or otherwise in accordance with applicable legislation.

"Election Sign" means a sign permitted on private property promoting or opposing the election of a political party or a Candidate for public office in a municipal, provincial or federal election, as defined in the City's Sign By-law 54-02, as amended. Election signs do not include Campaign Ads.

"Employee" means all union and non-union employees, contract employees, interns and volunteers acting on behalf of the City of Mississauga. Although volunteers are not employees of the City, they are expected to conduct themselves in accordance with this policy.

"Information Technology (IT) Resources" means City owned or issued IT Resources including, but not limited to:

- Hardware, such as computer desktops, laptops, tablets, portable and computing devices and related peripherals (e.g. printers, scanners, etc.) and wireless communication devices (e.g. smart phones, cell phones, etc.)
- All internet and e-mail systems
- Electronic data transmission equipment, devices and networks
- Business systems and servers and all City managed data and software

- All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks, including voicemail
  - Local and network storage media used in the operation of these resources including, but not limited to CDs, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc., and
  - Data, information and other work products, such as computer programs, databases (unless publicly available), spreadsheets, etc. created and/or maintained in using these resources
- In addition, any City data and information that is accessed, stored, created, processed, transmitted or filed in a personal electronic device is included in this definition.

“Official City Openings/Events” are held in Mississauga and have a City-wide impact; are identified in a project work plan/charter and/or are endorsed by the Leadership Team and/or Council. An Official City Opening/Event includes an opening ceremony component, followed by the main public program. The ceremony must include:

- An official invitation sent to the approved guest list on the City’s official invitation template, and
- All or some of the following elements: attendance of the Mayor and/or Members of Council, agenda, speakers, plaque unveiling, ribbon cutting

“Paid Campaign Ad” means any commercial advertising in a City Facility, at City programs and in City media that is approved in accordance with the criteria outlined in Corporate Policy and Procedure – Advertising and Sponsorship With the City. For greater clarity, Election Signs are not considered Campaign Ads.

“Registered Third Party” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the *Municipal Election Act, 1996*, as amended.

“Voting Day” means:

- For a municipal election - the day on which the final vote is taken (the fourth Monday in October in the year of the election) or a by-election (the 45<sup>th</sup> day after nomination day), as set out in the *Municipal Elections Act, 1996*, or otherwise in accordance with applicable legislation.
- For a provincial or federal election or by-election – the day set out according to the *Elections Act* (provincial) and *Canada Elections Act* (federal), or otherwise in accordance with applicable legislation.

“Ward-Specific Events” means events that apply to an individual ward and are not Official City Openings/Events. Ward-Specific Events may include, but are not limited to, community park openings; ward barbecues/celebrations; road extension/bridge developments/major transportation links; and other community milestones.

## **Accountability for City Staff**

### **Directors**

All Directors are accountable for:

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions, and
- Ensuring compliance with this policy

### **Managers/Supervisors**

Managers/supervisors are accountable for:

- Ensuring applicable staff in their respective work units are aware of this policy and any subsequent revisions
- Ensuring applicable staff are trained on this policy and any subsequent revisions with respect to their specific job function
- Ensuring staff comply with this policy, and
- Seeking clarification of any aspect of this policy from the Elections Office, as required

### **Employees**

Employees are accountable for:

- Complying with this policy, and
- Seeking clarification from their manager/supervisor of any aspect of this policy that is not understood

### **Clerk**

The Clerk is accountable for:

- Ensuring all Candidates and Registered Third Parties for an election are aware of this policy
- Ensuring review and update of this policy as required prior to a municipal election or by-election or as required by changes to legislation
- Ensuring all Candidates and Registered Third Parties are treated equally, and
- Forwarding any complaints or concerns received by the Clerk regarding Candidates or Registered Third Parties to the appropriate business unit for investigation

## **Activities**

### **Use of City Facilities for Campaign Purposes**

Candidates and Registered Third Parties are not permitted to carry out the following activities at City Facilities during an Election Campaign Period:

- Directly or indirectly booking a City Facility for Campaigning
- Campaigning on City transit (i.e. MiWay): In accordance with Section 12 of the Transit By-Law 425-2003, as amended, distribution of any pamphlet or literature, or solicitation of members of the public for any purpose whatsoever is not permitted, except with the prior

written permission of Mississauga Transit. Mississauga Transit does not provide permission to Candidates or Registered Third Parties.

- Campaigning or solicitation (including display or distribution of Campaign Material) within or on any City Facility, including Elected Officials' offices, with the exception of commercial advertising space, and
- In accordance with the Parks By-law 186-05, as amended, unless authorized by permit, solicitation is not permitted in City parks

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

### **Campaign Material**

The following restrictions apply to Campaign Material:

- At no time shall City Resources and/or Elected Officials' budgets be used to sponsor or produce any Campaign Material
- Photographic or video materials that are copyright of the City cannot be used in Campaign Material or when Campaigning
- Campaign Material is not permitted to be placed on community bulletin boards in City libraries and community centres
- Campaign Material is not permitted at any location marked as a voting location
- In accordance with Corporate Policy and Procedure – Elected Officials' Expenses, promotional items that carry an Elected Official's contact information and/or identify the Elected Official that are purchased through their expense account must not be distributed or used after June 30 of an election year or, for an Elected Official who is a Candidate in a by-election, after the date that Council passes a by-law requiring a by-election. This includes the use of City stickers (e.g. "courtesy of Councillor X") placed on other materials.
- Elected Officials may not display Campaign Material during Official City Openings/Events, Ward-Specific Events or when carrying out the duties of their office, and
- City staff are not permitted to wear or display any Campaign Material during working hours

### **Paid Campaign Ads**

Paid Campaign Ads are considered commercial advertising and are permitted to be posted under the following circumstances:

- In accordance with Corporate Policy and Procedure – Advertising and Sponsorship With the City, i.e. provided that the placement of any election advertisement is reviewed by the business section that manages the particular City Facility; the City's established advertisement criteria are met; and all applicable fees are paid
- On Library bulletin boards that are available as commercial advertising space (i.e. not on library bulletin boards), providing all criteria is met and applicable fees are paid, and
- On and within City buses and bus shelters as commercial advertising space, providing all criteria are met and applicable fees are paid

Campaign Ads are not permitted:

- At polling stations, including non-City Facilities. Campaign Ads will be removed once advance polling or voting commences. A car “wrapped” to reference a Candidate or containing campaign signs may be covered or removed from the parking lot of the polling location
- On Mississauga Celebration Square or Living Arts Centre digital screens. In accordance with Corporate Policy and Procedure – Digital Display Screens, commercial advertising is not permitted, and
- On the City’s electronic message boards, in accordance with the Electronic Reader Board Guidelines, as the electronic message boards are only used to promote programs, special events and public service announcements. Commercial advertising is not permitted

### **City Employees – Campaigning and Use of City Resources**

City Employees are subject to the following:

- In accordance with Corporate Policy and Procedure – Conflict of Interest, an Employee may campaign for a Candidate provided that Campaigning:
  - Does not interfere with the Employee’s normal duties
  - Takes place outside of City work hours, and
  - Is done without reference to the fact that the individual is a City Employee
- City uniforms, badges, crests or any other item that would identify the individual as City staff must not be worn while Campaigning
- City Resources must not be used for any purpose related to an election campaign, and
- Any communication received by staff concerning a Candidate must be referred to the Candidate’s campaign office

Note: Elected Officials may not request that City Employees, including staff working in a ward councillor office, perform any duties related to the election campaign during hours in which the Employee receives any compensation from the City. The City acknowledges that there may be some incidental use of City Resources during the regular course of an Employee’s duties, such as coordinating the Elected Official’s campaign schedule, providing publicly available information or redirecting citizens to the campaign office.

### **Use of Information Technology Resources and Social Media**

The following applies to the use of Information Technology (IT) Resources:

- Candidates and Registered Third Parties are permitted to link to any City document available to the public or on a public City webpage from their campaign website
- Candidates and Registered Third Parties are not permitted to incorporate a video or other material (e.g. photos) for which the City has proprietary rights on their own webpage or social and digital media accounts. Official photographs of Elected Officials may not be used for campaign purposes.

- Elected Officials 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 or campaign-related activities
- If an Elected Official uses any Social Media account for Campaigning, such account must not be created or supported by City Resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers
- Elected Officials who choose to create or use Social Media accounts for Campaigning must include, for the duration of the Election Campaign 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 an Elected Official, and
- Elected Officials are allowed to place campaign phone numbers, websites and e-mail addresses on the election pages of the City's external website, which is available and authorized for use by all municipal candidates

### **Use of City Logo/Brand**

The City's logos are registered trade-marks, owned by the City of Mississauga. The use of the City brand is reserved exclusively by the City for its own use or when permission has been granted in accordance with Corporate Policy and Procedure - Mississauga Brand Visual Identity Program. Candidates and Registered Third Parties must not, under any circumstances, use a City logo or any variation of it on any Campaign Material, Election Sign, Social Media or campaign website.

### **Elected Officials' Newsletters and Media Releases**

In accordance with the Council Code of Conduct and Corporate Policy and Procedure - Elected Officials' Expenses, commencing on June 30<sup>th</sup> in a municipal election year until the date of the election or, for an Elected Official who is a candidate in a by-election, after the date that Council passes a by-law requiring a by-election, Elected Officials may not publish Councillor Newsletters, in print or electronically, or distribute them in City Facilities. After these dates applicable ward councillor newsletters will be removed from City Facilities where they have been left for distribution. All newsletters distributed through the mail must be post-marked by no later than June 30<sup>th</sup> in an election year or, for an Elected Official who is a candidate in a by the date that Council passes a by-law requiring a by-election.

Note: Elected Officials may, during this period, use IT Resources or Councillor letter-head to communicate notifications to their ward residents that are not election related.

### **Attendance at Official City Openings/Events**

There will be no Official City Openings/Events scheduled after Labour Day until after Voting Day during the year of a municipal election.



Otherwise, the following applies in relation to Official City Openings/Events that occur prior to Labour Day:

- Campaigning does not include the attendance of Candidates, Registered Third Parties and/or Elected Officials or their supporters at Official City Openings/Events, such as a City-sponsored festival, in their capacity as a resident of the City but not as a Candidate or as a Registered Third Party.

Note: Candidates and Registered Third Parties are responsible for ensuring that their staff and supporters are aware of this distinction.

- Elected Officials may participate in Official City Openings/Events in their current role (e.g. as Mayor or Deputy Mayor). City events that are expected to occur annually, such as Canada Day, will take place in an election year
- Elected Officials identified in Corporate Policy and Procedure – Official City Openings/Events and Corporate Policy and Procedure – Civic Protocol may be invited to speak at Official City Openings/Events but Campaigning for election is not permitted (e.g. campaign-related remarks)
- Campaign booths are not permitted at Official City Openings/Events, and
- Where campaign booths are permitted at events organized by an external group and taking place at a City Facility, Candidates and Registered Third Parties and/or their supporters/staff are not permitted to actively solicit attendees (i.e. may not approach attendees or hand them Campaign Material)

### **Ward-Specific Events**

The ward councillor, as the host for a Ward-Specific Event, will be the master of ceremonies and bring greetings from the City. The ward councillor may also invite the Mayor and Members of Council to attend as guests.

Ward-Specific Events are permitted during an Election Campaign Period but Campaigning is not permitted. Elected Officials are responsible for ensuring that their staff, supporters and volunteers are aware of this restriction.

### **Photography at Polling Stations**

Election procedures prohibit the use of cameras inside a polling location. However, a Candidate or a Registered Third Party is permitted to be photographed entering the polling location.

### **Election Signs**

Election Signs cannot be posted on City property, including road allowances and other land or fences owned by any government or agency. Election Signs are only permitted on private property, with the permission of the landowner and in accordance with the Sign By-law 54-02, as amended. A permit is not required for an Election Sign; however, all other requirements of the by-law apply. For more information on Election Signs, refer to Section 21 of the [Sign By-law 54-02](#), as amended. Any questions regarding the permissibility of Election Signs should be raised with the Business Unit responsible for administering the Sign By-law 54-02.

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## Revision History

Reference	Description
GC-0742-2017 – 2017 11 22	Approved with exception of paid ads – staff to report back
GC-0177-2018 – 2018 03 28	Approved with inclusion of paid ads where commercial advertising allowed.
August 12, 2021	Scheduled review; added Registered Third Parties, other minor revisions for clarity.