

CORPORATE POLICY



Policy Title: **Use of Corporate Resources and Election Campaign Activities**
Policy Category: **Governance Policy**
Policy No.: G-004
Department: Corporate Services
Approval Date: January 15, 2018
Revision Date:
Author: Julie Scott, Deputy City Clerk
Attachments:
Related Documents/Legislation:
Municipal Elections Act, 1996, as amended
Municipal Conflict of Interest Act, as amended
Code of Conduct for Members of Council
Employee Code of Conduct and Ethics Policy

Key Word(s):

POLICY STATEMENT:

The City of Waterloo places a high importance on preserving the public trust, maintaining the integrity of municipal elections and providing guidance to ensure any real or perceived conflicts of interest or concerns are mitigated. Section 88.8 of the *Municipal Elections Act, 1996, as amended* (the Act) prohibits a municipality from contributing to a municipal election campaign.

PURPOSE:

The purpose of the policy is to maintain the neutrality of the public service and to provide a clear and transparent document outlining what election campaign activities are restricted, to assist employees and members of Council with delineating election campaign activities from their official positions and is intended to support the Employee Code of Conduct and Ethics Policy and the Council Code of Conduct Policy. The policy also provides clarity for all municipal election candidates and third party registrants for the use of corporate resources in an election campaign as required by the Act.

DEFINITIONS:

Candidate means a person who has filed a nomination form to run in a municipal election including acclaimed candidates.

City means the City of Waterloo.

**Mandatory Policy, *Municipal Act: No, Municipal Elections Act*
Policy Administration Team, Review Date: September 12, 2017
Corporate Management Team, Review Date: November 22, 2017**

Corporate Resources includes but is not limited to the following:

- the City crest, corporate seal and/or corporate logo
- City employees or volunteers
- City property, facilities, equipment
- City funds or grants (including in-kind support)
- any photos or videos produced by City staff, including electronic images/videos
- City mail room services
- City information technology systems including but not limited to all computer and telephone networks and applications, including voice-mail, e-mail, internet and intranet along with city funded or maintained social media accounts or online content
- any mailing lists/data files collected or produced by City staff or members of Council as part of city business
- any information, reports, presentations gathered/prepared by City staff for a member of Council as requested by that member in their official capacity as a member of City Council and not already made public.

Election campaign activities for the purposes of this policy refers to any activity undertaken to support or oppose a candidate or political party involved in a municipal, provincial or federal election or activities involved in becoming or seeking to become a candidate in a municipal, provincial or federal election. For greater clarity this includes but is not limited to the following types of activities:

- events
- canvassing
- fundraising
- media relations
- municipal public meetings
- research
- brochures
- posters
- TV and radio commercials
- newspaper ads
- social media posts and online content
- stationary
- campaign signs
- buttons
- mail outs

Municipal election includes all races on the municipal election ballot including local school board, questions on the ballot, city and regional candidate positions and third party registrants.

Third Party Registrant means an individual, corporation or trade union that has filed a notice of registration with the Clerk in relation to the *municipal* election pursuant to the Act.

SCOPE:

This policy applies to all City of Waterloo volunteers (including affiliates), employees, candidates including acclaimed candidates, third party registrants, members of Council and City of Waterloo owned or utilized facilities. Restrictions on candidates and third party registrants are effective upon filing of their Nomination or registration form.

POLICY COMMUNICATION:

This policy shall be posted on the City website, made available to staff via the City intranet, will be provided to candidates and third party registrants as part of the candidate and third party registrant information package and will be distributed as part of the Council Orientation package. A further communication shall be made to staff and members of Council in the year of a municipal election.

POLICY:

1. Candidates, Third Party Registrants and Candidate supporters

Upon filing of nomination for Candidate for a municipal office a Candidate, an individual supporting or promoting a Candidate or a Third Party registrant in a municipal election:

- may not undertake election campaign activities on City property or any municipally provided facility for any election related purposes, which includes but is not limited to displaying of any campaign related signs in the window or on the premises, as well as displaying any election related material on their person with the exception of using a municipal facility subject to the normal facility rental rate and booking procedure.
- may not distribute or display any campaign literature at a festival, event or meeting hosted by the City of Waterloo, whether held on municipal property or not
- at times other than when a festival, event or meeting hosted by the City of Waterloo is being held a Candidates, individuals supporting or promoting a candidate or Third Party Registrant may distribute campaign materials on public right of way, sidewalks and thoroughfares, at public parks and at the Waterloo Public Square subject to existing City policies and by-laws.
- may not use the services of persons during hours in which those persons receive any compensation from the City or during the hours when a volunteer is contributing time on behalf of the City

- may not use City corporate resources, for any election campaign related purposes, activities and/or materials which includes but is not limited to, the use of logos, crest, coat of arms, slogan, photographs taken inside the Council Chambers or any photograph or video produced for and owned by the City of Waterloo
- may access and/or use information including reports, pictures, etc. that have been published and are in the public domain and are not subject to copyright protection or listed above as a restricted corporate resource.

2. Member of Council Use of Corporate Resources

Additionally, current members of Waterloo City Council who are running for office for any level of government – Federal, Provincial, Regional, Municipal, School Board – or who are supporting a candidate for any office:

- may not use their City Hall office for any election campaign related activities or meetings must ensure that the content of any communications material they distribute or authorize to be distributed in their official capacity as a member of City Council which may also include using the resources and staff of the City, including email and printed materials is not election related in any way.
- may not campaign while attending a meeting, event or conference where attendance was requested or arranged due to their role as a member of Council.
- may not use distribution or contact lists developed using Corporate resources or through contact in their capacity as a member of Council for election purposes
- may not access and/or use information including reports, pictures, etc. that have not yet been made public and have been received by virtue of their position as a Member of Council.

For the period time beginning with the first date a candidate may file a nomination for the municipal election to the last date known as Nomination Day; no member of Council may host town hall style meetings or distribute ward newsletters or similar unsolicited communications funded by the City of Waterloo. From the period of Nomination Day to the close of Election Day; no member of Council that has filed a nomination form may host town hall style meetings or distribute ward newsletters or similar unsolicited communications funded by the City of Waterloo.

3. City Staff and Volunteer Involvement in Election Campaigns or Use of City Facilities or Resources

a) Use of City Facilities or Resources

Notices, posters, brochures and other election materials in support of any candidate may not be created, displayed or distributed by members of City Council and/or City

employees, volunteers, candidates, third party registrants and/or any member of the general public on City worksites or on City property. If found posted in contravention of this policy they shall be promptly removed and the Office of the City Clerk shall be notified.

Website or domain names that are funded or maintained by the City may not include any election-related campaign materials or links to external information or sites that support or oppose the candidacy of a specific individual with the exception of the candidate information election page which shall include the candidate contact information including email address and website URL, if provided by the candidate.

City funds shall not be used to fund events, communications or initiatives that provide a platform for one but not all candidates in a particular race including funds distributed through grants.

Information requested by one candidate shall be made available to all through coordination with the Office of the City Clerk.

All candidate meetings may be held at City facilities with the exception of City Hall, however no campaign related signs or material may be displayed in a municipal facility.

b) Election Campaign Activities

City employees engaged in election campaign activities may not use corporate resources at any time for election campaign activities either before, during or after the campaign period.

No City employee or current volunteer for the City shall wear his/her uniform or other garment containing the City of Waterloo logo, crest or name while participating in election campaign activities.

No City employee shall use their title in election campaign material in a way that could infer that the City supports a particular candidate.

No City employee shall display or cause to be displayed election campaign material at their office, workstation or on city property.

The following City employees are precluded from participating in election campaign activities for a City of Waterloo municipal candidate:

Chief Administrative Officer

Commissioners

Directors

Legislative Services Staff

Elections Team staff or staff that are a member of the Elections Working Committee or are assisting with the administration of the municipal election.

Notwithstanding the above staff persons are not prohibited from voting or attending all candidate meetings or placing candidate signs on their personal property.

- c) Employees seeking election to provincial and federal office or a municipal or local board not representing constituents of the City of Waterloo

An Employee seeking candidacy in a Provincial or Federal election or a municipal election that does not include the geographic area of the City shall advise their manager/director upon filing of their nomination form.

Campaign related activities may not be undertaken during hours in which the City employee is receiving compensation from the City with the exception of banked vacation, lieu time or overtime. The City employee may wish to consult the leave of absence section of their respective labour agreement if unpaid time off is required.

If the City employee is elected to provincial or federal office they are required to terminate their employment with the City. The employee will provide written notice of their resignation to Human Resources.

If the employee is elected to another municipal council or school board not representing constituents of the City they shall notify their manager/director but are not required to resign.

- d) Employees seeking election to Region of Waterloo Council or local boards that includes the geographic area

An employee seeking candidacy to council of the Regional Municipality of Waterloo (Region) or a school board that represents a geographic area including the City shall notify their manager/director as soon as it is known they will seek office. This notification in advance shall be kept in confidence and is done so with the purpose of avoiding the staff person being tasked with an election related activity.

Campaign related activities may not be undertaken during hours in which the employee is receiving compensation from the City with the exception of banked vacation, lieu or overtime. The employee may wish to consult the leave of absence section of their respective labour agreement if unpaid time off is required.

If the employee is elected they shall notify their manager/director and is not required to terminate their employment.

- e) Employees seeking election to City of Waterloo Council

In accordance with sections 30(1), (2) and (3) of the *Municipal Elections Act*, an employee is eligible to be a City of Waterloo municipal candidate if he/she takes a leave of absence beginning as of the day the employee files their nomination form and ending on voting day.

An employee must provide written notice to their manager/director at least two weeks in advance of their intention to take unpaid leave. The employee is entitled to be paid out any vacation or overtime pay owing during the period of the leave without affecting the status of the leave. Please consult the relevant labour agreement for additional information regarding leaves of absence.

If an employee is elected to the City of Waterloo Council, they shall be deemed to have terminated their employment effective voting day.

COMPLIANCE:

In cases of policy violation, the City or Integrity Commissioner if applicable may investigate and determine appropriate corrective action.

Additionally the City Clerk may immediately order the removal of any campaign related activities or materials found to be in violation of this policy.