

# TORONTO TRANSIT COMMISSION REPORT NO.

**MEETING DATE:** July 24, 2013

**SUBJECT:** TTC Corporate Policy - Use of TTC Resources during an Election

## **ACTION ITEM**

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### **RECOMMENDATION**

It is recommended that the Board:

1. approve the attached TTC Corporate Policy entitled "Use of TTC Resources during an Election (Appendix 1)"; and
2. instruct staff to forward the approved policy to the City Manager as notification that the TTC has implemented a policy consistent with the City of Toronto's policy on the use of City resources during an election.

### **FUNDING**

There are no financial implications resulting from the implementation of this policy.

### **BACKGROUND**

At its meeting on February 20/21, 2013, City Council made a decision requiring, or requesting as legally appropriate, all City agencies and corporations to:

1. Review the City's Policy on Use of City Resources during an Election (Appendix 2);
2. Adopt policies appropriate to their organization that reflect the purpose and principles of the City's policy; and
3. Submit their policies to the City Manager no later than September 20, 2013.

### **DISCUSSION**

The Municipal Elections Act, 1996, S. 70(4) states that a municipality or local board (TTC is considered a local board under the Act) shall not make a contribution to a candidate or registrant in an election campaign. The Act, 1996, S. 70.1(1) also states that the City of Toronto can prohibit an Ontario corporation or trade union from making a contribution to or for any City Council candidate. A contribution includes the provision of goods or services below market value. At its meeting on December 2, 2009, Council passed By-law 1177-2009 that prohibits both corporations conducting business in Ontario and trade unions from making a contribution to or for any candidate seeking office on Toronto City Council.

The City of Toronto policy on the use of city resources during an election recognizes the need to balance freedom of expression and assembly of candidates with responsibilities to not provide an unfair advantage, promotion or contributions to any one candidate, party, registrant or supporter of a ballot question.

Under the Municipal Elections Act, 1996, a contribution includes money or goods or services given to and accepted by or on behalf of a person for his or her election campaign purposes. This includes goods or services used in a person's election campaign that are purchased for less than their market value. Costs incurred for goods or services by or on behalf of a person for use in his or her campaign are expenses. One interpretation of the legislation is that goods or services provided at market value are considered expenses and not contributions. Provided the full and normal costs are applied for goods or services, and no preference is shown to individual candidates, then the agency is likely not in contravention of the Act.

The key elements of the City policy governing the use of resources during elections are the actions of its employees and use of its facilities, events, information and infrastructure. The City of Toronto and the TTC are both governed by the same legislative requirements and both manage similar, if not the same functional resources that require oversight in the context of "acceptable use" during an election. For this reason, the proposed TTC policy draws closely on the primary rules and guidelines set out in the City policy. In particular, the TTC policy relies on the same definitions, activities considered acceptable during an election, activities not considered acceptable during an election, and restrictions on services provided to members of Council during an election year.

### **JUSTIFICATION**

In support of the stated City of Toronto principles, the proposed TTC policy currently before the Board for approval clarifies the appropriate actions of TTC employees and the use of TTC facilities, events, information, infrastructure and other resources during elections. Adoption of this policy by the Board adheres to the request of Toronto City Council as set out in its decision at the February 20/21, 2013 meeting.

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Attachments: Appendix 1 – TTC Corporate Policy – Use of TTC Resources during an Election  
Appendix 2 – City of Toronto Policy – Use of City Resources during an Election

## Toronto Transit Commission

### POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of TTC Resources during an Election	Commission Services Department	July 24, 2013	

#### 1.0 RESPONSIBILITY

Commission Services Department

#### 2.0 PURPOSE

2.1 To provide direction for TTC employees on how TTC resources can and cannot be used during municipal, school board, provincial and federal election campaigns or campaigns on a question on a ballot.

#### 3.0 DEFINITIONS

##### 3.1 Campaigning

Any activity by or on behalf of a candidate, political party or question on a ballot meant to elicit support during the campaign period where the display of signage or other promotional identifiers are used, or where the solicitation of votes occurs.

##### 3.2 Contributions

As defined in the Municipal Elections Act, 1996, as amended means “money, goods and services given to and accepted by or on behalf of a person for his or her election campaign.” This includes goods or services used in a person’s campaign that are purchased for less than their market value. Goods or services provided at market value are considered expenses and not contributions.

##### 3.3 Election Period

- For a municipal or school board election, the election period commences on the first Monday of January of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.
- For a question on the ballot, the period commences the day City Council passes a by-law to put a question to the electorate, and ends on voting day.
- For a by-election, the period commences when the by-election is called and ends on voting day.

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#### 3.4 TTC Employees

TTC employees include all non-union management and staff employees, and all members of TTC bargaining units.

#### 3.5 TTC Facilities

Any facility that is owned or leased by the TTC and is directly managed and operated by the TTC, and any TTC property leased to a third party under a tenancy agreement, or covered under specific access contracts or agreements.

#### 3.6 TTC Resources

Includes, but is not limited to, TTC employees, events, facilities, vehicles, funds, information and infrastructure.

### 4.0 PRINCIPLES

#### 4.1 Contributions

TTC cannot make a contribution (including money, goods and services) to any candidate during a campaign.

#### 4.2 Resources

TTC resources may not be used to support, endorse or otherwise provide an unfair advantage to any candidate during a campaign.

### 5.0 ACTIVITIES ALLOWED DURING AN ELECTION

#### 5.1 TTC Employees

TTC employees may work on a campaign or support a candidate outside of their work hours as long as the activity does not adversely affect their ability to perform their duties as employees of the TTC (See also 6.1)

#### 5.2 Campaigning and Distribution of Campaign Materials

Candidates are permitted to campaign and distribute campaign materials inside subway stations (but outside the fare-paid areas), and outside and near entrances

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to subway stations and other TTC facilities, provided the campaigning activity does not negatively affect the safe and efficient movement of vehicles and people in and out of the facility (See also 6.2).

5.3 TTC Events

Candidates are permitted to attend TTC events, or events held at TTC facilities, in either their capacity as elected representatives or as private citizens to meet with attendees and visitors, but may not solicit votes. No campaign signs may be posted and no campaign materials may be distributed at TTC events.

Elected officials are permitted to attend TTC events or events held on TTC property and act as ceremonial participants in that capacity, including speaking at the event. Once the writ is issued for Provincial or Federal elections, MPPs and MPs are no longer elected officials and therefore should not be invited to attend TTC events.

5.4 TTC Information

TTC information already made available for public use may be used by candidates during a campaign. Information that is provided by TTC employees to one candidate during a campaign will be provided to all other candidates.

6.0 ACTIVITIES NOT ALLOWED DURING AN ELECTION

6.1 TTC Employees

TTC employees may not canvass or work in support of a candidate during working hours. Working hours does not include vacation time or time on approved leaves of absence. TTC employees working on behalf of a candidate may not use any TTC resources or facilities for campaigning activities.

TTC employees shall not wear their uniform while campaigning or use their title or position with TTC in a way that would lead a member of the public to infer that TTC is endorsing the candidate.

While on duty and/or at TTC facilities, TTC employees shall not wear clothing or buttons that advertise any candidate.

TTC employees shall not perform any service, offer any advice or provide any

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information solely for the use of one candidate during a campaign.

If TTC employees are unsure about the appropriateness of their participation in campaign activities they should consult with their department head.

The following TTC employees must not take part in municipal campaign activities:

- Members of the TTC Executive Team
- Senior staff in positions of influence regarding programs and services who may have direct contact with members of City Council

**6.2 TTC Facilities**

TTC facilities and TTC infrastructure cannot be used for any campaign-related purposes by candidates during an election, including for the display of any campaign-related signs in windows or on the facilities, as well as for any other form of campaigning on the facilities, except as described in 5.2 and as permitted in 7.1.

No permits or any other agreement for the use of TTC facilities will be issued for the use or promotion of a particular candidate.

**6.3 TTC Communications**

TTC communications materials must not make reference to and/or identify any individual as a candidate, or advocate for or against a particular candidate. Communications materials include, but are not limited to, media releases, media advisories, invitations to special events, flyers, posters, banners, brochures, newsletters, or communications on social media channels such as Facebook and Twitter.

TTC websites or domains must not include any campaign materials, make reference to and/or identify any individual as a candidate during an election, or profile any slogan or symbol associated with a candidate during a campaign.

Photographic or video materials that have been or may be created by TTC employees or with TTC resources must not be used in any campaign materials.

The TTC logo must not be used in any campaign materials.

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### 7.0 ELECTION ADVERTISING SIGNS

#### 7.1 Election Advertising Signs

See TTC Corporate Policy 13.1.0 – Advertising on Vehicles, Property & Miscellaneous Media

### 8.0 RESTRICTIONS RELATED TO SERVICES PROVIDED TO MEMBERS OF COUNCIL DURING AN ELECTION YEAR

8.1 As Members of Council may also be candidates in a municipal election, after August 1 in the municipal election year, TTC employees will discontinue the following activities for Members of Council (the same rule applies to all Members of Council, irrespective of whether they are seeking election in the new term or not):

- 1) Advertising and other communications materials paid for by TTC funds and distributed by TTC will not reference the name of a Member of Council.
- 2) Event signage, including banners and posters, will not reference the name of a Member of Council.
- 3) Media releases will not reference the name of a Member of Council.
- 4) Ceremonial documents that may be signed by Members of Council will be signed by the Chief Executive Officer.
- 5) Conference/business travel will not be approved during an election year for a member of Council who is not seeking re-election.
- 6) After August 1 of an election year, the TTC Chair's office budget is not eligible for use for advertising, newsletters, flyers, transit/community related expenses and events.

### 9.0 REFERENCES

- Use of City Resources during an Election Policy (City of Toronto)
- Constituency Services and Office Budget Policy (City of Toronto)
- Municipal Elections Act, 1996
- TTC Corporate Policy 13.1.0 – Advertising on Vehicles, Property & Miscellaneous Media

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# Memorandum

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City Manager

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March 11, 2013

**TO:** Chairs and Administrative Heads, City Agencies and Corporations

**FROM:** Joseph P. Pennachetti, City Manager

**SUBJECT:** Use of Resources during an Election

At its meeting on February 20 and 21, 2013, Council made a decision requiring, or requesting as legally appropriate, all City agencies and corporations to:

1. Review the City's Policy on Use of City Resources during an Election (attached);
2. Adopt policies appropriate to their organization that reflect the purpose and principles of the City's Policy; and
3. Submit their policies to the City Manager no later than September 20<sup>th</sup>, 2013.

A consistent approach to the use of public resources during an election helps to support confidence in the election process. Principles articulated in the City Policy recognize the need to balance freedom of expression and assembly of candidates with responsibilities to not provide an unfair advantage, promotion or contributions to any one candidate, party, registrant, or supporter of a ballot question. Your organization has a role to play by adopting policies that clarify the appropriate actions of its employees and use of its facilities, events, information, infrastructure and other resources to support these principles.

We would appreciate receiving your organization's policy regarding the use of its resources during an election by September 20<sup>th</sup>, 2013, as outlined in the Council decision. Should you have any questions about this request, please contact Kevin K. Lee at 416.397.4190 or [klee5@toronto.ca](mailto:klee5@toronto.ca).

*(Original signed by)*

Joseph P. Pennachetti  
City Manager

cc. John W. Campbell, President and CEO, Waterfront Toronto  
Brian Denney, CEO, Toronto and Region Conservation Authority  
Ulli Watkiss, City Clerk  
Ward Earle, Municipal Law, Legal Services  
Lynda Taschereau, Executive Director, Strategic and Corporate Policy  
Martin Herzog, Director, Governance Structures & Corporate Performance





## City of Toronto Policy on Use of City Resources during an Election

As amended and adopted by City Council at its meeting on July 11, 2012

### PURPOSE

The City of Toronto 'Policy on Use of City Resources during an Election' provides a consistent approach and direction to City employees on how City resources can and cannot be used during municipal, school board, provincial and federal election campaigns or campaigns on question on a ballot.

### BACKGROUND

City of Toronto employees may be approached by some candidates to use City resources for the purposes of campaigning. A clear policy is required to guide the action of City of Toronto employees and help determine which requests can be accommodated and which should be denied.

The following legislative provisions bear highlighting as they relate to this policy:

The *Municipal Elections Act, 1996, s. 70 (4)*, states that municipalities cannot make a contribution to a candidate or registrant in municipal election campaigns. The *Election Finances Act* and the *Canada Elections Act* impose similar restrictions for provincial and federal election campaigns.

The *Residential Tenancies Act, 2006, s. 28* states that "No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material." Under the *Residential Tenancies Act*, Long Term Care Homes operated by the City fall under the definition of "residential complex", and therefore, s. 28 applies to them.

The *City of Toronto Act, 2006* defines the role of the Mayor as both the Head of Council and as the Chief Executive Officer (CEO) of the City. As CEO of the City, it is the role of the Mayor to promote public involvement in the City's activities and act as the representative of the City locally, nationally and internationally.

### DEFINITIONS

**"Campaigning"** – means any activity by or on behalf of a candidate, political party or question on a ballot meant to elicit support during the election period. Campaigning does not include the appearance of elected officials, other candidates or their supporters, or registrants at an event in their personal capacity without the display of any signage or graphic which identifies the individual as a candidate or registrant and without the solicitation of votes.

**"Campaign Materials"** – means any materials used to solicit votes for a candidate(s) or question in an election including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials include materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.

**"Candidate"** – means any person who has filed and not withdrawn a nomination for an elected office at the municipal, school board, provincial or federal level in an election or by-election.

**"City of Toronto Resources"** – includes but is not limited to City employees, City events, City facilities, City funds, City information and City infrastructure. These are further defined as follows:

- *"City employees"* – for the purpose of this policy, City of Toronto employees include all non-union management and exempt employees, all employees in the offices of elected officials and in the offices of the Accountability Officers, and all members of City bargaining units.
- *"City events"* – means events funded or organized by the City of Toronto or Members of Council, including events that may be jointly organized with community organizations and/or with external sponsors. City events include, but are not limited to: community meetings and consultations, parks, recreation or cultural facility openings or celebrations, special events such as Nuit Blanche or Cavalcade of Lights, Farmers' Markets, Remembrance Day Services and Community Environment Days. Events organized by agencies and corporations are not considered City events for the purpose of this policy.
- *"City facilities"* – means any facility which is owned or leased by a City of Toronto division and which is directly managed and operated by City divisions or programs, including but not limited to:
  - Toronto City Hall, Metro Hall, civic centres
  - City managed civic squares including Nathan Phillips Square, Mel Lastman Square, Albert Campbell Square and David Pecaut Square. Excludes Yonge Dundas Square
  - Community centres, arenas, club houses, parks and sports fields operated by Parks, Forestry and Recreation
  - Museums and cultural facilities operated by Economic Development and Culture
  - Buildings and yards operated by Toronto Water, Solid Waste Management and Transportation Services
  - Child care centres
  - Toronto Employment and Social Services offices and employment centres

- Other City buildings, such as 1530 Markham Road, 703 Don Mills Road etc.
- City shelters
- Constituency offices leased by City Councillors and paid for by City funds

Long Term Care Homes are considered tenanted buildings under the *Residential Tenancies Act, 2006* and have different legislative requirements and are mandated to allow canvassing and distribution of campaign materials to home residents either floor to floor or in meeting rooms.

City facilities do not include public right-of-ways such as sidewalks, roads and boulevards, laneways, except the sidewalk adjacent to Nathan Phillips Square, which is considered part of the Square.

- *"City funds"* – means funding support through the City's annual operating or capital budgets, including but not limited to funds provided directly to City programs and services, Councillor expenses and staffing budgets.

City of Toronto's Community Partnership and Investment Program (CPIP) maintains a 'Policy on Political Activities' which governs the behaviour of grant recipients. Grant recipients are not permitted to endorse or support a particular candidate or political party in programs that are funded by the City.

- *"City information"* – means any information in the custody and control of the City, including databases that may be the repository of names, contact information, business records, financial information or other identifiers compiled and used by City of Toronto employees to conduct City business. Examples of City of Toronto databases include grants recipients, lists of event attendees and resident association lists.

Constituent information collected by City of Toronto Councillors and information in the custody of Accountability Officers are not under custody or control of the City and are not considered City of Toronto information for the purpose of this policy.

- *"City infrastructure"* – means any physical or technology systems that support the operation of City programs and services, including but not limited to the City's ferries and fleet vehicles, computer network, telecommunications and GroupWise e-mail system, wireless equipment, computer hardware, software and peripherals, internet and intranet. Excludes public right-of-way including sidewalks, roads, laneways and boulevards.

**"Contribution"** – as defined in the *Municipal Elections Act, 1996*, as amended means "money, goods and services given to and accepted by or on behalf of a person for his or her election campaign".

**"Election"** – means an election or by-election at the municipal, school board, provincial and federal level of government, or the submission of a question or by-law to the electors.

**"Election Period"** – means the official campaign period of an election.

- For a municipal or school board election, the election period commences on the first Monday of January of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.
- For a question on the ballot, the period commences the day City Council passes a by-law to put a question to the electorate, and ends on voting day.
- For a by-election, the period commences when the by-election is called and ends on voting day.

**"Elected Official"** – means an individual elected to the House of Commons, the Legislative Assembly of Ontario, Toronto City Council or a School Board.

**"Glad-handing"** – means attending a City event as a private individual and interacting with other event attendees without displaying signage or disseminating material which identifies the individual as a candidate and without encouraging votes for a candidate, a political party or a position on a question on a ballot.

**"Media Event"** – means an event such as a press conference or photo opportunity to which the media is invited and the purpose of which is to promote a candidate, a political party or a position on a question on a ballot. Features of a Media Event can include but are not limited to, the issuing of a media advisory stating date, time and location of briefing/press conference, use of backdrops, podiums or public address systems, the distribution of media releases and/or media kits and/or the display of signage and/or other materials to promote a candidate or a position on a question on a ballot.

**"Media Scrum"** – means an unplanned encounter between a candidate, a registrant, their staff and/or a member or members of the media.

**"Member of Council"** – means the Mayor and the 44 City Councillors, except where the Mayor acts as the Chief Executive Officer of the City.

**"New/Social Media"** – means online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs), social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.

**"Political Party"** – Political parties for provincial and federal elections are those registered with the Ontario *Election Finances Act* or in the registry of parties referred to

in section 374 of the *Canada Elections Act*. Political party for municipal, school board or question on a ballot means an organization whose fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election, or to promote the acceptance of a certain position on a question on a ballot.

**"Question on a Ballot"** – means any question or by-law submitted to the electors by Council, a School Board, an elected local board, or the Minister of Municipal Affairs and Housing under the *Municipal Elections Act, 1996*.

**"Registrant"** – means an individual, corporation or trade union described in paragraphs 1 to 3 of subsection 70(3) who has registered with the clerk regarding a question on a ballot under the *Municipal Elections Act, 1996*.

**"Supporter"** – means a supporter of a yes or no response to a question on a ballot but not incurring expenses like a registrant.

**"Voting Day"** – means the day on which the final vote is to be taken in an election.

Terms which are defined above are shown in **Bold** in the body of the policy.

## PRINCIPLES

The City of Toronto must balance the need for freedom of expression and assembly of **candidates** and its legal responsibility to not provide an unfair advantage to any **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.

The City of Toronto cannot make a **contribution** (including money, goods and services) to any **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.

**City of Toronto resources** cannot be used to promote one **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** over another **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.

This policy is intended to enable continued public and media access to **candidates** or **registrants** for information and interviews. The policy distinguishes between unplanned **media scrums** or chance public encounters by candidates and the media, whether in-person or online, and actual planned **media events** or rallies.

The policy recognizes that **Members of Council** are holders of their office until the end of their term and supports **Members** in continuing to fulfill their responsibilities as **Members of Council**.

## SCOPE

This policy applies to City of Toronto Divisions and to the Offices of the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman (the Accountability Officers).

The City Manager will review how this policy applies to City agencies and corporations.

## POLICY

### A. Activities Allowable during an Election

- A1) All-candidate meetings can be held at **City facilities** for \$1.00 fee provided that all **candidates** for an office or all **registrants** are invited to attend such meetings. This clause is subject to all applicable City by-laws and policies.
- A2) Canvassing and distribution of **campaign materials** in long-term care homes, as provided for by the *Residential Tenancies Act, 2006*.
- A3) **Candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** are permitted to distribute **campaign materials** on public right of way sidewalks and thoroughfares, at public parks, and at civic squares such as Nathan Phillips Square, Mel Lastman Square, Albert Campbell Square and David Pecaut Square subject to the existing permitting policies and by-laws for these facilities.
- A4) Informal **media scrums** are permitted in public or common areas at the following **City facilities** provided that no apparatus, mechanism or device for the amplification of the human voice or any sounds is used and that the activity is not disruptive to regular City business in the vicinity. If the **media scrum** is disruptive, employees may ask the participants to find an alternative location:
- o Toronto City Hall, Metro Hall, civic centres
  - o City managed civic squares including Nathan Phillips Square, Mel Lastman Square, Albert Campbell Square and David Pecaut Square.

This clause is subject to all applicable City by-laws and policies.

- A5) **Candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** are permitted to attend **City events**, or events held at **City facilities**, in either their capacity as elected representatives or as private citizens to **glad-hand** with attendees and visitors, but may not solicit votes for themselves, a **political party, registrant** or a **supporter** of a **question on a ballot**. No **election** signs may be posted and no **campaign materials** may be disseminated at **City events**. This clause is subject to all applicable City by-laws and policies.

- A6) Permits for generic **election**-related purposes, such as teaching members of the public how to become a candidate or the knowledge to organize an **election campaign**, can be issued for **City facilities** as long as no one particular **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** is promoted or endorsed at the event.
- A7) **Elected officials** are permitted to attend City-organized events or events held on City of Toronto property and act as ceremonial participants in their capacity as **elected officials**, including speaking at the event and partaking in ceremonial activities. Once the writ is issued for Provincial or Federal **elections**, MPPs and MPs are no longer **elected officials** and therefore should not be invited to attend **City events**.
- A8) The Mayor will continue to be named in media releases and City materials that describe inter-governmental activities in his capacity as Chief Executive Officer of the City.
- A9) City of Toronto online information related to **Members** will continue to be accessible by the public.
- A10) City of Toronto databases already made available for public use, such as those published by the City of Toronto's Open Data project, may be used by **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.
- A11) **City employees** may work on a **campaign** or support a **candidate** outside of their work hours, as long as they abide by the Human Resources policy titled "Employee Participation in Municipal Election Campaigns" which defines permitted **campaign** activity. The policy also prohibits certain employees from participating in any **campaign** activity.
- A12) Information that is provided by **City employees** to one **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** will be provided to all other **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**, either through posting of the information on the internet or through other mechanisms. The provision of information to **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** will be coordinated through the Strategic Communications Division.
- A13) If requested, the Accountability Officers will provide information to **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** directly and will post the information provided to one **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** on the websites for their Offices so that all **candidates, political parties, registrants** or a **supporter** of a **question on a ballot** during an **election** have equal access to the information.
- A14) Requests by **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** for personal meetings with Division

Heads, the Accountability Officers or other **City employees**, and requests for tours of **City facilities** may not always be accommodated due to resource and time constraints. If a meeting or a tour is organized for one **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**, the division or the Accountability Officer would need to commit to organizing a similar meeting or tour for all other **candidates, political parties, registrants** or **supporters** of a **question on a ballot** during an **election**.

## **B. Activities Not Allowable during an Election**

- B1) **City of Toronto resources** may not be used to support, endorse or otherwise provide an unfair advantage to any **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.
- B2) **City of Toronto employees** may not **campaign** or actively work in support of a municipal, school board, provincial or federal **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** during working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave.
- B3) **City facilities** and **City infrastructure** cannot be used for any **election-related** purposes by **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**, including for the display of any **campaign-related** signs in windows or on the facilities, as well as for any other form of **campaigning** on the facilities, except as described in section A of this policy.
- B4) No permits, licenses, leases, or any other agreement for the use of **City of Toronto facilities**, including civic squares and parks, will be issued for the use or promotion of a particular **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**
- B5) Any **Candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** shall not distribute any **campaign materials** in **City of Toronto facilities** or at **City of Toronto events**, except on public right-of ways, thoroughfares, in City parks and on City civic squares as described in A3 or during all-candidates meetings.
- B6) City of Toronto communications materials, whether for internal or public distribution, must not:
  - a. Profile (name or photograph), make reference to and/or identify any individual as a **candidate** in any **election** or a **registrant** in a **question on a ballot**.
  - b. Advocate for or against a particular **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**



Communications materials include but are not limited to: media releases, media advisories, invitations for special events, flyers, posters, banners, brochures and newsletters.

- B7) Websites or domain names that are funded by the City of Toronto must not include any **campaign materials**, make reference to and/or identify any individual as a **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**, or profile any slogan or symbol associated with a **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**.
- B8) **New/Social media** sites, blogs, and other new media created and managed by **City employees** must not make reference to and/or identify any individual as a **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**
- B9) Photographic or video materials which have been or may be created by **City employees** or with **City resources** must not be used in any **campaign materials**.
- B10) The City of Toronto logo must not be used in any **campaign materials**.
- B11) City databases must not be used by any **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election**, unless the database has already been released for public use.
- B12) **City infrastructure** cannot be used for any **election** purposes.
- B13) **City of Toronto employees** will not perform any service, offer any advice or provide any information solely for the use of one **candidate, political party, registrant** or a **supporter** of a **question on a ballot** during an **election** under section 39.1 of the *Municipal Elections Act, 1996*.

### **C. Restrictions related to Services Provided to Members of Council during an Election Year**

As **Members of Council** may also be **candidates** in a municipal **election**, after August 1 in the municipal **election** year, **City employees** will discontinue the following activities for **Members of Council**. The same rule applies to all **Members of Council**, irrespective of whether they are seeking **election** in the new term or not:

- 1) Advertising and other communications materials paid for by **City funds** and distributed by the City of Toronto will not reference the name of a **Member of Council**.
- 2) Event signage, including banners and posters, will not reference the name of a **Member of Council**.
- 3) Media releases issued by Strategic Communications or divisional communications employees will not reference the name of a **Member of Council**.

- 4) Strategic Communications will not distribute media releases on behalf of any **Member of Council** unless such a release is considered to be consistent with their duties as an **elected official**.
- 5) 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. Documents will be directly mailed to community organizations by the Protocol section of the City Clerk's Office.

## RELATED POLICES AND PROCEDURES

- Constituency Services and Office Budget Policy<sup>1</sup>:  
[http://www.toronto.ca/city\\_council/pdf/office-budget-policy.pdf](http://www.toronto.ca/city_council/pdf/office-budget-policy.pdf)
- City of Toronto Grants, Policy on Political Activities:  
[http://www.toronto.ca/grants/pdf/policy\\_political\\_activities.pdf](http://www.toronto.ca/grants/pdf/policy_political_activities.pdf)
- Employee seeking election to political office:  
<http://wi.toronto.ca/intra/hr/policies.nsf/9fff29b7237299b385256729004b844b/16093429d6c1c208852573530064fbbb?OpenDocument>
- Employee participation in municipal election campaigns:  
<http://wi.toronto.ca/intra/hr/policies.nsf/9fff29b7237299b385256729004b844b/65b7b2a823965ea085256944005b5a7c?OpenDocument>
- Conflict of Interest Policy:  
<http://wi.toronto.ca/intra/hr/policies.nsf/9fff29b7237299b385256729004b844b/429ad1b158a6de7c8525693b004bdc49?OpenDocument>
- Code of Conduct for Members of Council:  
[http://www.toronto.ca/city\\_council/pdf/members\\_code\\_conduct.pdf](http://www.toronto.ca/city_council/pdf/members_code_conduct.pdf)

## ROLES AND RESPONSIBILITIES

**City Manager:** The City Manager is responsible for the administration of this policy. All issues with respect to this policy should be directed toward the City Manager.

**Accountability Officers:** The Accountability Officers are responsible for the implementation of this policy in their offices.

**Division Heads:** Division Heads are responsible for the application of this policy to City of Toronto resources, facilities and employees managed by their Divisions.

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<sup>1</sup> The former 'Councillor Expense Policy' is now called the 'Constituency Services and Office Budget Policy' as amended and adopted by City Council at its meeting on July 11, 2012.

**City Employees:** City of Toronto employees are responsible for understanding and applying this policy and for seeking clarification and advice if required.

## **CONTACT**

Employees of the City of Toronto should contact their Division Heads for guidance on this policy.

Employees of the Accountability Officers should contact their respective Accountability Officer for guidance on this policy.

Employees of Elected Officials should contact the City Clerk's Office for guidance on this policy.