

## Document 5 - Election-Related Resources Policy

# Election-Related Resources Policy

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## Policy Statement

To provide direction regarding the use of City of Ottawa resources with respect to election-related matters.

## Purpose

In compliance with the *Municipal Elections Act, 1996* (the MEA), public funds and resources are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

Specifically, Section 88.18 of the MEA provides that municipalities "... shall establish rules and procedures with respect to the use of [municipal resources] during the election campaign period." In addition, Subsection 88.8(4)5 of the MEA provides that a municipality shall not make a campaign contribution.

The Ontario *Election Finances Act, 1990* and the *Canada Elections Act, 2000* include similar prohibitions with respect to provincial and federal election campaigns. Specifically, Section 29 of the *Election Finances Act, 1990* prohibits contributions from corporations, which includes municipal corporations. Section 363 of the *Canada Elections Act, 2000* similarly provides that only individuals may make campaign contributions.

## Application

This Policy applies:

- To all Members of City Council, City employees, and Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees in relation to the occurrence of a municipal election, by-election, or campaign related to a question on the ballot; and
- To all Members of City Council, City employees, and Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees in relation to any participation in federal and provincial elections that is partisan in nature.

Where applicable, provisions in this Policy shall also apply to activities of all candidates, registered third party advertisers and ballot question campaigns in relation to City resources. The term “election-related” may be used in this Policy to refer to the matters set out above.

Certain provisions of this Policy may be subject to additional City by-laws, policies and procedures. Guidance should be sought from the City Clerk or designate if clarification or interpretation is required, or if any situation arises that is not expressly addressed in this Policy or the Election-Related Blackout Period Procedures attached as Appendix 1.

## Members of Council

This Policy applies to all Members of Council. That said, the blackout period provisions set out in Section 5 of this Policy and in the Election-Related Blackout Period Procedures attached as Appendix 1 do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in an election.

This Policy is intended to balance the duty of a Member to represent their constituents and the legal obligation of the City not to contribute to, or be perceived as contributing to, an election campaign. With respect to election-related activity, Section 14 of the [Code of Conduct for Members of Council](#) provides that Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and this Policy.

It is recognized that Members, as elected officials, are responsible to serve their constituents and fulfill their responsibilities until the end of their term. That said, clear separation must exist between an elected official's role as a Member of Council and their role as a candidate.

It is further recognized that there are no rules regarding the working hours that Members keep. Elected officials are often called upon to work at all hours of the day and night, as well as on weekends and holidays. They do not receive vacation or overtime, and there is no defined workday/paid time/on-duty time for a Member of Council. As such, a Member may be involved in election-related activities in their

capacity as a candidate at times of the day that may generally be considered to be City “office hours.” This is permitted, as long as the Member’s activities do not contravene provisions of this Policy, and public funds and resources are not used for election-related purposes.

## **City Employees**

This Policy applies to all City employees, including employees in the offices of Members of Council.

In line with the City’s [Employee Code of Conduct](#), City employees are expected to preserve the public trust and confidence in the City and apply the core values of their code of conduct to their daily work. City employees are ultimately responsible for conducting themselves in accordance with the Employee Code of Conduct as well as this Policy.

With respect to election-related activities, while the City encourages employees to become involved in their community, it is recognized that some activities unrelated to work can interfere with an employee’s ability to do their job and may undermine the neutrality of the City. Employees are expected to promote the principles of transparency, impartiality, respect and accountability as set out in Section 6 of this Policy.

## **Council-appointed Citizen Members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees**

This Policy applies to all Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees.

This Policy is intended to balance the duties of citizen members with the legal obligation of the City not to contribute to, or be perceived as contributing to, an election campaign. As such, citizen members engaged in political activities must take care to separate those personal activities from their appointed positions.

The [Code of Conduct for Members of Council](#) applies to citizen members of the Transit Commission when acting in their official capacity. The [Code of Conduct for Citizen Members of the Built Heritage Sub-Committee](#) applies to citizen members of the Built Heritage Sub-Committee when acting in their official capacity. Both codes of conduct require that citizen members conduct themselves in accordance with the *Municipal Elections Act, 1996* and this Policy.

The [Advisory Committee Members’ Code of Conduct](#) applies to members of Advisory Committees. The Advisory Committee Members’ Code of Conduct recognizes the role of Advisory Committees in providing informed, impartial and objective advice and guidance, as well as facilitating public input to Council on programs and policies in support of Council’s priorities. Section 1 of the code of conduct provides guidelines with

respect to the importance of demonstrating respect, professionalism, transparency and accountability in all Advisory Committee business. Section 2 of the code of conduct further states that a member of an Advisory Committee “shall not engage in political campaigning of any sort (municipally, provincially or federally) on behalf of the Advisory Committee or as a Member of an Advisory Committee.”

### **Activities of Candidates, Registered Third Party Advertisers and Ballot Question Campaigns in Relation to City Resources**

This Policy is intended to balance the statutory and legal rights of candidates, registered third party advertisers and campaigns related to a question on the ballot with the legal obligation of the City not to contribute to, or be perceived as contributing to, an election campaign. Provisions of this Policy will therefore apply to certain activities of all candidates, registered third party advertisers and ballot question campaigns that relate to the use of City resources. However, this Policy does not apply to candidate, third party advertiser and ballot question campaign activities that are unrelated to the use of City resources. This Policy also does not apply to candidates' use of public information.

## **Policy Requirements**

### **1. General Provisions**

1. City resources shall not at any time be used to sponsor or produce any materials that promote or oppose the candidacy of a person for elected office, or that promote or oppose a campaign related to a question on the ballot.
2. Subject to Section 5 of this Policy and the Election-Related Blackout Period Procedures attached as Appendix 1, Subsection 1(1) of this Policy is not meant to restrict Members of Council from routinely communicating with ward constituents by way of materials such as flyers, newsletters, householders, websites and email, and through activities such as events. However, Members shall ensure that any communications materials or activities produced or funded using City resources comply with applicable provisions of this Policy and are not related to an election.

### **2. City Events**

#### **Attendance at City Events by Elected Officials**

1. Members of Council and other elected officials may attend City-organized events and act as participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities, provided that they do not promote or oppose the candidacy of a person for elected office. Attendance at City events by Members of Council during the blackout period is subject to Section 5 of this Policy as well as the Election-Related Blackout Period Procedures attached as Appendix 1.

## **Attendance at City Events by Candidates, Registered Third Party Advertisers and Ballot Question Campaigns**

2. Candidates, registered third party advertisers, ballot question campaigns and their representatives may attend City events in their capacity as private citizens, but shall not campaign while in attendance or distribute campaign-related materials.
3. Candidates, registered third party advertisers and representatives of ballot question campaigns shall not be invited to deliver formal remarks at a City event in their capacity as a candidate, registered third party advertiser or ballot question campaign representative.

## **Member-organized Events in the Year of a Municipal Election**

4. Donations and sponsorships for Member-organized events in a municipal election year are subject to provisions of the [Community, Fundraising and Special Events Policy](#), which is administered by the City of Ottawa's Integrity Commissioner.
5. Member-organized events that use City resources, including a Member's Constituency Services Budget, during the blackout period are subject to approval from the City Clerk or designate in accordance with Section 5 of this Policy and Subsections 5(1)(b) and 5(1)(c) of the Election-Related Blackout Period Procedures attached as Appendix 1.

## **3. City Facilities**

### **Booking Space in City Facilities**

1. Members of the public, including community groups, candidates, registered third party advertisers, ballot question campaigns and their representatives, may book space in City facilities for election-related activities, subject to the following:
  - a. The booking and any activities shall be subject to applicable City by-laws, rules, policies and procedures with respect to matters such as facility use, signs and campaigning;
  - b. The subject organization/individual shall make its own arrangements directly with City staff and pay all of the associated costs for the event;
  - c. City resources, including City staff, shall not play a role in the event outside of the general support associated with booking the space;
  - d. Rental contract holders may decide who may participate in their event and what activities may take place in the rented area, provided the contract holders and participants respect facility rules and make appropriate use of the space as set out in the rental contract and applicable City by-laws, rules, policies and procedures; and
  - e. With respect to City facilities that are used as a voting location:

- i. Space in such facilities shall not be booked for election-related activities on any day in which voting is to take place at the facility; and
  - ii. Any signs or promotional material relating to forthcoming election-related activities/events shall be removed from such facilities on any day in which voting is to take place at the facility. This does not apply to signs or promotional material placed by City staff in relation to the voting process.
2. Members' Constituency Services Budgets, credits for community use of recreation facilities and other City resources shall not be used to book/sponsor City facilities for election-related activities (e.g. an all-candidates meeting at any level of government). This prohibition does not apply to events related to general participation in municipal government and/or the election process (e.g. information sessions for the public), which shall be subject to pre-approval from the City Clerk or designate further to the principles of this Policy, as well as the application of Subsection 4(2) of the Election-Related Blackout Period Procedures attached as Appendix 1.

### **Campaigning in City Facilities and Other City Properties**

3. Campaigning is permitted in common areas of City facilities (such as building lobbies and public entranceways), as well as on public right of way sidewalks and thoroughfares, and in public parks and public areas of transit stations, subject to the following:
  - a. Anyone campaigning shall not impede traffic, cause safety issues or disrupt other facility users;
  - b. Campaigning shall not occur at City events or programming;
  - c. Anyone campaigning shall not enter City program spaces for the purpose of campaigning/soliciting support from participants in City programs;
  - d. Anyone campaigning shall not enter rented spaces for the purpose of campaigning/soliciting support from participants at private functions without permission from the rental contract holder;
  - e. The *Parks and Facilities By-law* regulates and promotes the responsible enjoyment and use of City parks and related facilities. Use of parks and related facilities for formal campaigning purposes such as events, rallies etc. shall be subject to review by the Parks, Recreation and Facility Services Department and any applicable by-law conditions and/or other requirements with respect to permits, contracts and/or permission letters; and
  - f. The *Transit By-law* regulates public transit, including fares and transfers, proof of payment, transit passes, general prohibitions, Transitway guidelines, Park & Ride lots, permits, fees and enforcement. Use of public areas of transit stations for formal campaigning purposes such as events, rallies etc. shall be subject to review by the Transit Services Department and any applicable by-law conditions and/or other requirements with respect to permits, contracts and/or permission letters.

4. The placement of election signs on public and private property for municipal, provincial, and federal elections is regulated by the *Signs on City Roads By-law* and the *Temporary Signs on Private Property By-law*. Election signs are not permitted “in or upon transit property” pursuant to the *Transit By-law* but are otherwise permitted to be placed on nearby City property upon the “inner boulevard” as described in the *Signs on City Roads By-law*.

#### **4. City Resources**

##### **Members’ Communications and Related Matters**

1. As set out in Subsection 1(2) of this Policy, all Members of Council shall ensure that the content of any communications materials produced or funded using City resources is not for an election-related purpose, including the promotion of or opposition to the candidacy of a person for elected office. Section 5 of this Policy, as well as the Election-Related Blackout Period Procedures attached as Appendix 1, apply to Members’ communications materials during the blackout period.
2. City resources shall not be used to pay for, access, develop, maintain or update election-related communications platforms such as campaign websites and social media accounts. This includes but is not limited to the use of City-funded computers, tablets and smartphones; City wireless networks available to the Member’s office and not the general public; Members’ office staff during the working hours for those office staff; and/or Members’ Constituency Services Budgets.
3. Communications materials, including photographic or video materials, which were or are created or produced by City employees or with City resources shall not be used in campaign materials or for any other election-related purposes.
4. Constituent information (including telephone numbers and email and mailing addresses) that is collected, stored, accessed, maintained or updated using City resources shall not be used for election-related purposes.
5. Members shall ensure that any communications materials issued to constituents following an election or by-election do not include reference to election-related matters. This includes but is not limited to the following:
  - a. Communications materials issued by a Member shall not thank people for voting or support, or refer to matters such as the campaign, other candidates or the election. Such materials may include a general statement to the effect of being proud or honoured to continue to represent constituents; and
  - b. Communications materials issued by a Member shall not include statements to the effect of farewell columns or a summary of past achievements/term of office, etc.

##### **Members’ Websites**

6. A Member's website that is paid for, accessed, maintained, developed or updated using City resources shall not be used for any election-related purposes. This includes but is not limited to a Member's website that:
  - a. Uses City funds for hosting and/or maintenance fees;
  - b. Is updated/maintained by office staff during regular working hours or using City infrastructure; and
  - c. Is referenced in the Member's activities relating to their role as an elected official, such as the Member's communications materials (e.g. City-funded Member's website, business cards, email signature blocks, letterhead, community newspaper columns, flyers, photographs, householders, newsletters, advertisements, media releases, mail outs and emails).
7. If a Member is converting a website that has been paid for, accessed, maintained, developed or updated using City resources to a campaign website for election-related purposes:
  - a. The Member shall provide the City Clerk or designate with at least 24 hours' notice of the conversion to ensure any links to the website may be removed from ottawa.ca in compliance with Subsection 4(13) of this Policy;
  - b. The Member shall pay for the website personally when renewing the hosting service until the campaign budget takes over. A campaign shall not be permitted to reimburse the City for costs; and
  - c. Any links or references to converted (campaign/election-related) websites shall be removed from the Member's activities relating to their role as an elected official and shall not be provided on the Member's communications materials (e.g. business cards, email signature blocks, letterhead, community newspaper columns, flyers, photographs, householders, newsletters, advertisements, media releases, mail outs and emails).
8. Members shall not use a website that is paid for, accessed, maintained, developed or updated using City resources:
  - a. To provide an endorsement of a candidate at any level of government or of a campaign related to a question on the ballot; and/or
  - b. To link to a website/social media account of a candidate at any level of government or a campaign related to a question on the ballot.
9. The following applies to links/widgets to a Member's social media account(s) that appear on a Member's website that is paid for, accessed, maintained, developed or updated using City resources:



- a. Links/widgets to a Member's social media account(s) that appear on a Member's website are to be removed from the website for the duration of the blackout period, as set out in Subsection 3(3) of the Election-Related Blackout Period Procedures attached as Appendix 1.
- b. If a Member intends to use their social media account(s) for election-related purposes (i.e. election-related posts or sharing) at any time, including but not limited to a municipal election/by-election, or federal/provincial election/by-election, the Member shall ensure that any links or widgets to their social media account(s) are removed from the Member's website and shall notify the City Clerk upon removal.

## **Members' Social Media Use**

10. Social media accounts that are free to use are generally not considered to be City resources. These accounts are personal to the individual Member and have not been created by the City of Ottawa, nor are they used by the City for the purposes of official communications. That said, the following applies to social media accounts of Members of Council:

- a. Members are encouraged to clearly distinguish between an elected official social media account and a campaign (election-related) social media account. Any official ward-based social media account operated by a Member's City-funded office (i.e. the "Ward \_\_\_\_" account, the "\_\_\_\_ Ward" account) should not be used for election-related purposes;
- b. Members who post or share election-related materials through a social media account shall ensure that those activities are not conducted using City resources, including but not limited to office staff during regular working hours or using City infrastructure such as smartphones and computers; and
- c. If a Member's social media account includes election-related posts or sharing, any links or references to that account shall not appear on the Member's communications materials (e.g. City-funded Member's website, business cards, email signature blocks, letterhead, community newspaper columns, flyers, photographs, householders, newsletters, advertisements, media releases, mail outs and emails).

11. Members shall follow any guidance issued by the Integrity Commissioner with respect to social media use. The [Code of Conduct for Members of Council](#) applies to Members' social media activity.

## **Members' Content on ottawa.ca**

12. Members' content on ottawa.ca, including biographies, shall not be related to an election, and shall be provided to the City Clerk or designate for review to ensure compliance with this policy when initially posted or substantially revised.
13. The following applies to links to Members' content on ottawa.ca:

- a. Links on ottawa.ca to a Member's website(s) shall be removed from ottawa.ca if the Member's website is used for election-related purposes (i.e. converted in full or in part from an elected official website to a campaign website).
- b. Links on ottawa.ca to a Member's social media account(s) shall be removed from ottawa.ca if the social media account is used for election-related purposes (i.e. election-related posts or sharing). If a Member intends to use their social media account(s) for election-related purposes at any time, including but not limited to a municipal election/by-election, or federal/provincial election/by-election, the Member shall provide the City Clerk or designate with at least 24 hours' notice of the use to ensure any links/widgets to social media account(s) may be removed from ottawa.ca.
- c. Links on ottawa.ca to a Member's website(s) and social media account(s) shall be removed from ottawa.ca for the duration of the blackout period, as set out in Subsection 3(2) of the Election-Related Blackout Period Procedures attached as Appendix 1.

### **City Communications and Related Matters**

- 14. City-funded websites or domain names shall not include any campaign materials, make reference to and identify any individual as a candidate, registered third party advertiser or ballot question campaign member, or profile any slogan or symbol associated with a candidate, registered third party advertiser, or ballot question campaign. This prohibition does not apply to the identification of candidates on official municipal election or by-election pages of ottawa.ca.
- 15. Corporate social media accounts identified under the City's [Social Media Protocol](#) shall not reissue or repurpose (e.g. by way of "retweeting," "liking," or linking to) any posts by a nominated candidate (for office on municipal Council, or provincial or federal candidates). This restriction does not apply to posts by the Mayor related to intergovernmental activities and proclamations in the Mayor's capacity as Chief Executive Officer of the City as set out in Sections 225 and 226.1 of the *Municipal Act, 2001*.

### **City Information and Related Matters**

- 16. City information provided upon request to one candidate, registered third party advertiser or ballot question campaign shall also be provided to any other candidate, registered third party advertiser or ballot question campaign that requests the same information.
- 17. Requests by a candidate, registered third party advertiser or ballot question campaign for individual meetings with General Managers or other City employees, or for tours of City facilities, may not always be accommodated due to resource and time constraints. If such a meeting or tour is organized for one candidate, registered third party advertiser or ballot question campaign, the department shall also organize

a similar meeting or tour for any other candidate, registered third party advertiser or ballot question campaign that makes such a request.

### **City Visual Identity and Related Matters**

18. The City's corporate logos, official marks, slogan, coat of arms etc., shall not be printed, posted or distributed on any campaign materials except to link to the City's website to obtain information about the municipal election.
19. Photographic or video materials that are copyright of the City or that are or have been created by City employees or with City resources shall not be used for any external election-related purpose or in campaign materials.

### **Members' Constituency Services Budgets**

20. In a municipal election year, a pro-rated portion of the annual budget for each Members' office shall be reserved for the new term of Council. Up to 10.5/12 of the budget may be spent by the incumbent Member and 1.5/12 shall be reserved for the next term. Staff in the Office of the City Clerk shall monitor expenditures to assist each office in ensuring that the budget threshold is not exceeded.
21. In the event of a ward or city-wide by-election, or an appointment to fill a vacancy in the Office of a Member of Council, funds from the vacated Member's office shall be set aside on a pro-rated basis for the newly elected representative based on the start date of the new Member.
22. Pursuant to Subsection 4(21), any pre-committed funds and obligations, such as web hosting fees, shall be brought to the attention of the City Clerk or designate within 48 hours of the certification and shall be addressed on a case-by-case basis.

### **Members' Ward Accounts Relating to City Programs**

23. In the year of a municipal election, the following applies to any request/direction a Councillor wishes to provide to staff with respect to the use of ward accounts for which the Councillor has delegated authority to access and/or approve the use of City funds relating to Section 37 community benefits, the Cash-in-Lieu of Parkland Funds Policy and/or the Temporary Traffic Calming Measures Program:
  - a. As noted in Subsection 2(4) of the Election-Related Blackout Period Procedures, during the blackout period:
    - i. A Councillor who is a candidate for any office in the municipal election shall not provide any request/direction to staff regarding the use of the above-noted ward accounts.
    - ii. A Councillor who is not a candidate for any office in the municipal election, or who has been acclaimed, may provide requests/direction to staff regarding the use of the above-noted ward accounts, in accordance with any policy provisions relating to the ward account.

- b. Before the start of the blackout period, and after Voting Day and until the end of the Term of Council, a Councillor may provide requests/direction to staff regarding the use of the above-noted ward accounts, in accordance with any policy provisions relating to the ward account.

### **Election Campaigns at Other Levels of Government**

- 24. Members of Council shall not use City resources to host, promote, sponsor or otherwise organize or assist with any event that involves direct participation by candidates at other levels of government, given that there is potential for partisanship, real or perceived, to occur at, or in the organization of, any such event that directly involves candidate participation.
- 25. Members of Council may communicate with constituents regarding federal/provincial matters relevant to the ward/City of Ottawa, as well as any issues that have a direct bearing on municipal business between the federal/provincial government and the City of Ottawa. Any such communication shall be non-partisan in nature and may be conducted through communications such as general questionnaires to all candidates, or messages to constituents highlighting federal/provincial matters of importance to the ward without commentary/indicating a preference for a particular candidate/party.
- 26. The following applies if a Member of Council becomes a candidate in a provincial or federal election/by-election:
  - a. A Member who is a candidate shall seek guidance from the City Clerk with respect to responsibilities and obligations required to comply with this Policy. While certain restrictions may apply in order to ensure compliance with this Policy and its purpose, it is recognized that the Member continues to be the elected representative and may remain active in their capacity as the Ward Councillor. This may include participating in meetings of City Council, its Standing Committees, Transit Commission and Sub-Committees, attending City and community meetings and events in their capacity as Ward Councillor, and fulfilling any other statutory roles and responsibilities of a Member of Council.
  - b. Communications materials published, issued or otherwise used by a Member who is a candidate shall not advertise the Member's participation/attendance in events.
  - c. Following a provincial or federal election/by-election, Subsection 4(5) of this Policy applies to any communications materials issued to constituents by a Member who is a candidate.
  - d. Communications materials published, issued or otherwise used by the City shall not reference the name or image of a Member of Council who is a candidate in a federal/provincial election/by-election. This includes but is not limited to municipal publications, advertisements, media releases and public service announcements, speaking notes and social media content (e.g. Corporate City social media accounts identified under the City's [Social Media Protocol](#) shall not retweet, link to, "like," or otherwise reissue

or repurpose the Member's communications during the blackout period). This does not include materials such as Council and Committee meeting minutes and agendas.

- e. Any reference made in City communications materials to a specific Ward Councillor who is a candidate in a federal/provincial election/by-election shall be to the "Ward Councillor for Ward \_\_\_\_," or "Chair of the \_\_\_\_ Committee," rather than by name. The Mayor shall be subject to the same restrictions as Ward Councillors, but may be named in media releases and City materials related to intergovernmental activities and proclamations only in the Mayor's capacity as Chief Executive Officer of the City as set out in Sections 225 and 226.1 of the *Municipal Act, 2001*.
- f. Media releases, speaking notes and other communications materials that relate to a Member of Council who is a candidate in a federal/provincial election/by-election and are to be published, used or distributed by the City during the applicable campaign period shall be provided to the City Clerk or designate for review and approval.
- g. Section 6 of this Policy applies with respect to the Member's staff and any other City employees should they be engaged in political activities.

## **5. Restrictions During the 60-day Blackout Period Prior to and Including Voting Day**

- 1. In a municipal election year or in the event of a by-election, City resources including Members' Constituency Services Budgets are not to be used to sponsor any advertisements, flyers, newsletters, householders and other communications with ward constituents for the 60-day period prior to and including Voting Day. General prohibitions and restrictions also apply during this period to the holding of events by Members, event-related activities, and other uses of City resources, as described in the Election-Related Blackout Period Procedures attached as Appendix 1.
- 2. Despite Subsection 5(1) of this Policy, where an emergency occurs, a non-emergency-related community issue arises or where a Member's annual community event is held during the blackout period, a Member may participate in certain activities or use City resources to communicate with constituents with the approval of the City Clerk or designate in accordance with Section 5 of the Election-Related Blackout Period Procedures attached as Appendix 1.
- 3. The prohibitions set out in Subsection 5(1) of this Policy do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election.
- 4. City staff shall make all efforts to hold outside of the blackout period any City event that may require participation from Members who are election candidates. If a City event that may require participation from such Members must be held during the blackout period due to statutory/project timelines or other scheduling considerations, staff shall consult with the City Clerk or designate and receive approval regarding the event further to the principles of this Policy.

## **6. City Employees**

1. The following applies to City employee participation in City or external community events in their official position as a City employee:
  - a. A City employee may participate in an event, by providing information or otherwise, if the event has no election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.
  - b. A City employee shall not participate in any event, by providing information or otherwise, if an event is to have any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.
  - c. A City employee shall seek guidance from the City Clerk or designate with respect to participation in any of the following:
    - i. Events involving one or more candidates at any level of government as participants;
    - ii. Events involving one or more Members of Council as participants during the blackout period;
    - iii. Events related to matters at the provincial/federal level during a provincial/federal election campaign, as the case may be; and/or
    - iv. Events involving one or more MPPs or MPs as participants following the issuing of the writ.
2. Employees engaged in political activities shall separate those personal activities from their official positions. This includes the following:
  - a. Employees may participate in political activity at the municipal, provincial and federal levels provided that such activity does not take place during the employee's City work hours or use City resources;
  - b. Employees who involve themselves in an election campaign by posting or sharing campaign-related materials through personal social media accounts shall separate these activities from their role as a City employee and shall ensure that none of these activities are done during the employee's City work hours or using City resources;
  - c. Any City information obtained by an employee through their employment with the City shall not be used for election-related purposes; and
  - d. Employees in the offices of Members of Council must ensure vacation or Time Off In Lieu is submitted to the Program Manager, Council Support Services, or Program Manager, Mayor Support Services, or their designates, as the case may be, in advance of any campaign-related work conducted during traditional working hours.
3. Notices, posters or similar materials in support of a particular candidate, campaign related to a question on the ballot, or political party shall not be displayed or distributed by employees at City work sites or at City facilities.
4. Employees wishing to run for municipal, provincial or federal office shall request and obtain a leave of absence without pay, and abide by the respective

legislation governing such elections. Employees with questions regarding their obligations with respect to obtaining a leave of absence without pay may contact the City Clerk or designate.

5. Should an employee of a sitting Member of Council wish to run for election or by-election, that employee shall begin the required leave of absence immediately upon certification of the nomination by the City Clerk or designate. Subsequently, all employee accesses (including email and security) related to the Member's office shall be suspended and all City resources used by the individual as a result of employment within the Member's office (such as computers, smartphones and electronic storage devices) shall be returned immediately.
6. An employee who identifies a potential conflict of interest with respect to election-related matters (e.g. a family member or close friend is a candidate, etc.) shall advise the manager or director to whom they report in writing of the potential conflict of interest in accordance with the Employee Code of Conduct. Thereafter, the manager or director shall develop a process, with input from the City Clerk or designate and Legal Services, to insulate the employee against any claim of conflict, be it real or perceived.

## **Responsibilities**

### **Members of Council**

- Ensure relevant requirements of this Policy and its Procedures are fulfilled in any duties and activities undertaken.
- Understand and support this Policy and its Procedures and ensure accountability for their actions.
- Seek clarification of any aspect of this Policy and its Procedures, as required.

### **Citizen Members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees**

- Ensure relevant requirements of this Policy and its Procedures are fulfilled in any duties and activities undertaken.
- Understand and support this Policy and its Procedures and ensure accountability for their actions.
- Seek clarification of any aspect of this Policy and its Procedures, as required.

### **City Employees, including Management**

- Ensure relevant requirements of this Policy and its Procedures are fulfilled in any duties and activities undertaken in their official position as a City employee.
- Ensure relevant requirements of this Policy and its Procedures are fulfilled with respect to any political activity or candidacy undertaken by the employee, and regarding any conflict of interest identified by the employee.
- Understand and support this Policy and its Procedures and ensure accountability for their actions.

- Seek clarification of any aspect of this Policy and its Procedures, as required.

### **City Clerk**

- Ensure relevant requirements of this Policy and its Procedures are fulfilled in any duties and activities undertaken.
- Ensure the administration, communication, interpretation and monitoring/enforcement of this Policy and its Procedures.
- Receive and respond to any complaints, concerns and inquiries/requests for guidance related to this Policy and its Procedures.
- Delegate in writing any designate(s) assigned to administer any or all of this Policy and its Procedures.
- Review this Policy and its Procedures at least every two years through the City's governance reviews as well as in the third year of the Council term, and as required by changes to legislation. The City Clerk is authorized to make minor administrative updates as may be necessary to maintain compliance and consistency with legislation, while respecting and preserving the intent of the Policy and its Procedures.

## **Monitoring/Contraventions**

### **Guidance and Interpretation**

The City Clerk or designate shall have the delegated authority to provide guidance with respect to election-related matters in relation to this Policy and/or its Procedures, and to issue in writing any interpretation on the application of this Policy and/or its Procedures and any related approvals or prohibitions. Such guidance, interpretation, approvals and prohibitions shall be based on the overarching legislative requirement for public funds and resources not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

### **Complaints and Investigation**

The City Clerk or designate shall have the delegated authority to receive and investigate any written complaint with respect to the alleged use of City of Ottawa resources in contravention of this Policy and/or its Procedures. The written complaint must be submitted to the City Clerk or designate and set out specific example(s) and corresponding details of how the alleged use of a particular City resource may have contravened this Policy and/or its Procedures.

Upon completion of any investigation, the City Clerk or designate may resolve any issues and, if necessary, determine appropriate corrective action based on the findings of the investigation, in consultation with the City of Ottawa's Integrity Commissioner as necessary in relation to the Code of Conduct for Members of Council, as described below. If the investigation determines that a Member of Council or citizen member of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees contravened the



Policy and/or its Procedures, the Member or citizen member shall be required to personally repay any direct costs associated with the breach. The City Clerk shall advise the complainant of the outcome of the complaint and any repayment that was made. The City Clerk shall report on the exercise of delegated authority under this Policy to the appropriate Standing Committee following a municipal election or by-election.

It is also recognized that matters related to election-related activity are included in the codes of conduct applicable to Members of Council and citizen members of the Transit Commission and Built Heritage Sub-Committee, which are under the mandate of the City of Ottawa's Integrity Commissioner and to which separate complaint protocols apply. For example, Section 14 of the Code of Conduct for Members of Council states as follows:

“Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the City's Election-Related Resources Policy. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.”

If the investigation by the City Clerk or designate determines that a City employee contravened this Policy and/or its Procedures, the failure on the part of an employee to comply with this Policy and/or its Procedures may result in corrective action as appropriate, including discipline up to and including dismissal.

## References

Advisory Committee Members' Code of Conduct  
Code of Conduct for Members of Council  
Code of Conduct for Citizen Members of the Built Heritage Sub-Committee  
Community, Fundraising and Special Events Policy  
Corporate Communications Policy/City of Ottawa Visual Identity Guidelines  
Council Expense Policy  
Election-Related Blackout Period Procedures  
Employee Code of Conduct  
Integrity Commissioner Interpretation Bulletin on the Use of Social Media  
*Parks and Facilities By-law*  
*Signs on City Roads By-law*  
Social Media Protocol  
*Temporary Signs on Private Property By-law*  
*Transit By-law*

## Legislative and Administrative Authorities

*Canada Elections Act*  
*Election Finances Act*

## **Definitions**

“Blackout period” is the 60-day period prior to and including Voting Day in relation to the occurrence of a municipal election or by-election.

“Campaign materials” means any materials used to solicit votes for, or opposition to, a candidate or campaign related to a question on the ballot, 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, such as print, displays, electronic, radio or television and online sources including websites or social media.

“Campaigning” means any activity by or on behalf of a candidate, registered third party advertiser, political party, or campaign related to a question on a ballot meant to elicit support for, or opposition to, a candidate, registered third party advertiser, political party, or campaign related to a question on a ballot. Campaigning does not include the appearance of elected officials, other candidates, registered third party advertisers or ballot question campaign members at an event in their personal capacity without the display of any signage, graphics or campaign-related clothing, buttons and other paraphernalia that identify the individual as a candidate, registered third party advertiser or ballot question campaign member and without the solicitation of votes (including distribution of campaign materials).

“Candidate” means any person who has filed and not withdrawn a nomination for an elected office at the municipal (including school board), provincial or federal level in an election or by-election.

“City resources” means, but is not limited to: City employees/City staff, City events, City facilities, City funds, City information and City infrastructure, as follows:

- “City employees” and “City staff” – All non-union management and exempt employees, and all members of City bargaining units. This includes full-time, part-time, casual, temporary, seasonal and contract employees, and employees in the offices of Members of Council.
- “City events” – Events funded or organized by City departments and/or Members of Council, including events that may be jointly organized with community organizations or with external sponsors. This includes but is not limited to:
  - Announcements relating to City programs, policies and other initiatives, including funding announcements;
  - Celebratory, commemorative, educational or memorial events;
  - Community meetings, consultations and other gatherings;

- Facility openings; and
  - Open houses.
- “City facilities” – Any facility that is owned or leased by the City of Ottawa and/or its departments and that is directly managed and operated by City departments or programs. This includes the Ward Offices of Members of Council.
  - “City funds” – Funding support provided through the City’s annual operating or capital budgets, including but not limited to funds provided directly to City programs and services as well as Members’ Constituency Services Budgets.
  - “City information” – 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 employees to conduct City business.
  - “City infrastructure” – Any physical or technology systems that support the operation of City programs and services, including but not limited to City fleet vehicles, public display signage, computer network, telecommunications and email system, wireless equipment, computer hardware, software and peripherals, internet and intranet.

“Communications materials” means materials produced for the purpose of communicating with residents, including but not limited to business cards, email signature blocks, letterhead, newspaper columns, flyers, photographs, householders, newsletters, advertisements, media releases, mail outs and emails. Communications materials include materials in all media, such as print, displays and other physical formats, electronic, radio or television and online sources including websites or social media.

“Contribution” means the general definition set out in the *Municipal Elections Act, 1996* (MEA), which includes but is not limited to the following:

- For an election campaign – As set out in Subsection 88.15(1) of the MEA: “... [M]oney, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person’s direction, are contributions.”
- For third party advertisements – As set out in Subsection 88.15(2) of the MEA: “... [M]oney, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.”

“Elected officials” means individuals elected to Ottawa City Council, the Legislative Assembly of Ontario, the House of Commons, or a school board.

“Member’s annual community event” means an event that has been staged by a Member of Council in the previous two years (with similar event name/title, same approximate date and same general purpose).

“Members” means the Mayor and Councillors of the City of Ottawa.

“Political party” means a political party for a provincial and/or federal election that is registered in accordance with applicable provisions of Ontario’s *Election Finances Act* or the *Canada Elections Act*.

“Question on the ballot” means any question or by-law submitted to the electors by Council, a school board or other elected local board, or the Minister of Municipal Affairs under the *Municipal Elections Act, 1996*.

“Registered third party advertiser” means, in relation to a municipal election, an individual, corporation or trade union that is registered with the City Clerk, as per Section 88.6 of the *Municipal Elections Act, 1996*, whose purpose is to promote, support or oppose a candidate for office, or an issue on a question on a ballot, and is not under the direction of a candidate.

“Third party advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, as per the definition established under Subsection 1(1) of the *Municipal Elections Act, 1996*. Further to Subsection 1(2) of the *Municipal Elections Act, 1996*, an advertisement is deemed not to be a third party advertisement if the person or entity that causes the advertisement to appear in any broadcast, print, electronic or other medium incurs no expenses in relation to the advertisement. Furthermore, as per Subsection 1(2.1) of the *Municipal Elections Act, 1996*, an advertisement is deemed not to be a third party advertisement when it is given or transmitted by an individual to his or her employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

“Voting Day” means the day the final vote is to be taken in an election or by-election, as set out in the applicable legislation (municipal, provincial or federal).

## **Enquiries**

For more information on this Policy, contact:

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## **Appendices**

### Appendix 1 – Election-Related Blackout Period Procedures