

Document 8 - Election-Related Blackout Period Procedures

Election-Related Blackout Period Procedures

Approved By: City Council

Approval Date:

Effective Date:

Revision Approved By:

Revision Approval Date:

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Application

Further to Section 5 of the Election-Related Resources Policy, these Procedures apply to Members of Council and City staff during the 60-day blackout period prior to and including Voting Day in relation to the occurrence of a municipal election or by-election.

That said, these Procedures do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election. The Procedures also do not apply where City resources (e.g. facilities and infrastructure) are available for use by the public generally and the Member is receiving no special preference with respect to their use.

Provisions of these Procedures may apply to Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees in certain circumstances.

Subject to any legislative or policy changes with respect to election dates and/or the blackout period, **the blackout period for the 2022 Municipal Elections is Thursday, August 25, 2022, up to and including Monday, October 24, 2022 (Voting Day).**

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 these Procedures or the Election-Related Resources Policy.

Procedure Description

1. Event Attendance by Members of Council

City Events

1. A Member of Council may attend City events during the blackout period in their capacity as an elected official provided they maintain a low profile in accordance with the following:
 - a. The Member shall not campaign at the event and no campaign materials or campaign workers identified by way of campaign-related clothing, buttons or other paraphernalia shall be present;
 - b. The Member's participation/attendance shall not be advertised in any City or Member-issued communications materials (e.g. brochures, websites, pamphlets, signage, social media posts, newsletters, invitations, news releases, etc.);
 - c. City resources shall not be used to promote the Member (e.g. banners, flyers, promotional items, social media posts, etc.);
 - d. Any references made to the Member in communications materials or at the event itself shall be to the "Ward Councillor for Ward ____" or "Chair of the ____ Committee," rather than by name;
 - e. Any speeches by the Member shall not reference the municipal election/campaign and the Member shall not address successes while serving as a Member of Council;
 - f. Any speaking notes or communications products/materials may be provided to the City Clerk or designate for review to ensure compliance with the Election-Related Resources Policy and these Procedures; and
 - g. The Member may contact the City Clerk or designate for specific guidance in relation to the event.
2. Subsection 1(1) of these Procedures does not apply to a Member's attendance and participation at the Member's own annual community event, which is subject to any conditions provided by the City Clerk in accordance with Subsection 5(1)(b) of these Procedures.
3. Members shall ensure their backgrounds and attire during any virtual events and meetings held by the City during the blackout period are neutral, without reference to the election campaign (e.g. campaign colours, campaign materials and related memorabilia, etc.).

Non-Ticketed or Complimentary Ticketed External Community Events (e.g. Ceremonial/invited attendance at community association meetings, business openings, sporting events, parades, fairs or festivals, etc. that the Member attends further to an invitation or complimentary ticket)

4. External organizations such as community groups and other levels of government may continue to invite Members of Council to attend and participate in events in their capacity as elected officials during the blackout period. A

Member may attend community events during the blackout period in their capacity as an elected official provided they maintain a low profile in accordance with the following:

- a. The Member shall not participate in high-profile activities such as ribbon cutting, contests, first pitch at a baseball game, etc.;
 - b. The Member shall not campaign at the event and no campaign materials or campaign workers identified by way of campaign-related clothing, buttons or other paraphernalia shall be present;
 - c. The Member's participation/attendance shall not be advertised in any City or Member-issued communications materials (e.g. brochures, websites, pamphlets, signage, social media posts, newsletters, invitations, news releases, etc.);
 - d. City resources shall not be used to promote the Member (e.g. banners, flyers, promotional items, social media posts, etc.);
 - e. Any speeches by the Member shall not reference the municipal election/campaign and the Member shall not address successes while serving as a Member of Council; and
 - f. The Member may contact the City Clerk or designate for specific guidance in relation to the event.
5. If one or more complimentary ticket(s)/seat(s) are offered for an event, the Members shall consult the Integrity Commissioner regarding the potential acceptance of these items, which may be subject to provisions of the [Code of Conduct for Members of Council](#) and/or the [Lobbyist Registry By-law](#).

Ticketed External Community Events (e.g. Fundraisers and other events for which the Member would purchase a ticket)

6. Pursuant to Section 4 of these Procedures, a Member shall not use City resources, including their Constituency Services Budget:
- a. To purchase a ticket to a community event that occurs during the blackout period; or
 - b. To purchase a ticket during the blackout period for a community event that occurs outside the blackout period.
7. A Member may use personal funds to purchase a ticket to attend a ticketed external community event during the blackout period:
- a. In their capacity as a Member of Council, in which case the Member shall be subject to the provisions set out in Subsection 1(4) of these Procedures; or
 - b. As a candidate.

Application to Council-appointed Citizen Members

8. Where relevant, Section 1 of these Procedures applies to Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees.

2. City Facilities and Resources

Signage and Related Matters

1. Public display signage on City resources that includes a Member's name and/or image shall be administered as follows:
 - a. Wayfinding signage on roads leading to ward offices shall be covered during the blackout period;
 - b. Ward office signage on the exterior of a facility shall be covered during the blackout period; and
 - c. Ward office signage on the interior of a facility that will be used as a polling location shall be covered on days in which voting takes place at the facility.
2. Public display signage on speed signs, speed guns, construction signs, "slow down" signs, lawn signs, and other related materials that includes a Member's name and/or image shall be administered as follows:
 - a. For all signage within the care and custody of City departments, City staff shall ensure that the Member's name/image is covered for the duration of the blackout period; and
 - b. For all signage purchased and placed/distributed by a Member's office, the Member shall ensure that the Member's name/image is covered or removed for the duration of the blackout period.
3. Members shall remove any materials from past elections from the walls of their City Hall and ward offices during the blackout period.

Members' Ward Accounts Relating to City Programs

4. Subsection 4(23) of the Election-Related Resources Policy applies in the year of a municipal election to any request/direction a Councillor wishes to provide 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. During the blackout period:
 - a. 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.

- b. 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.

3. Communications and Related Matters

Members' Content on ottawa.ca

1. Members' content on ottawa.ca, including biographies, shall become static and shall not be updated throughout the blackout period apart from any minor administrative changes reviewed by the City Clerk or designate.
2. 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 pursuant to Subsection 4(13)(c) of the Election-Related Resources Policy.

Members' Websites

3. A Member's website paid for, accessed, maintained, developed or updated using City resources shall not be maintained or updated during the blackout period. Any links or widgets to a Member's social media accounts that appear on a Member's website that is paid for, accessed, maintained, developed or updated using City resources are to be removed from the website for the duration of the blackout period.

Members' Flyers, Householders, Newsletters, Advertisements, Mail Outs, etc.

4. All Members' flyers, householders, newsletters, advertisements, mail outs, etc. shall be published and distributed/delivered no later than the beginning of the blackout period.
5. Advertisements funded by Members' Constituency Services Budgets shall not appear in publications published during the blackout period.
6. Members' community newspaper/blog columns shall not appear in publications published during the blackout period.

Proclamations, Ceremonial Documents and Internal City Fundraising Drives

7. The Mayor may continue to make proclamations during the blackout period upon request from an individual or organization in accordance with the City of Ottawa Proclamation Procedures, further to the Mayor's statutory role as the Chief Executive Officer of the City as set out in Sections 225 and 226.1 of the *Municipal Act, 2001*.
8. Members shall not issue ceremonial and celebratory documents such as employee retirement certificates, anniversary celebration scrolls and letters of welcoming/congratulations during the blackout period.

9. Subject to approval from the City Clerk or designate, time-sensitive internal messages from Members to City employees with respect to annual fundraising drives, employee initiatives, etc. may continue during the blackout period. Any proposed draft messages from Members in this regard shall be provided to the City Clerk or designate for review and approval further to the principles of the Election-Related Resources Policy.

Community Event Booklets/Programs/Inserts

10. Upon written request from a community group for a Member to provide a free welcoming/congratulatory/opening message for the community group's event booklet/program/insert relating to a non-election-related event that occurs during the blackout period, and subject to approval from the City Clerk or designate, a Member may provide a brief general message for the event booklet/program/insert. A draft of the proposed message shall be provided to the City Clerk or designate for review and approval further to the principles of the Election-Related Resources Policy.

City Advertising, Media Releases and Other Communications Materials

11. Communications materials published or used by the City during the blackout period shall not reference the name or image of a Member of Council, subject to Subsection 3(12) of these Procedures. This includes but is not limited to municipal publications, advertisements, media releases and public service announcements, speaking notes and social media content (e.g. City social media accounts identified under the City's [Social Media Protocol](#) shall not retweet, link to, "like," or otherwise reissue or repurpose Members' communications during the blackout period). This does not include materials such as Council and Committee meeting minutes and agendas.
12. Any references made to specific Ward Councillors in communications materials during the blackout period 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*.
13. Media releases, speaking notes and other communications materials that relate to Members of Council and are to be published, used or distributed by the City during the blackout period shall be provided to the City Clerk or designate for review and approval.

Application to Council-appointed Citizen Members

14. Where relevant, Section 3 of these Procedures applies to Council-appointed citizen members of the Transit Commission, Built Heritage Sub-Committee and Advisory Committees.

4. Sponsorships and Donations

1. A Member of Council's Constituency Services Budget and other City resources shall not be used:
 - a. During the blackout period to sponsor or make donations to community groups (e.g. monetary donations, gift baskets, raffle items, tickets purchased and returned to the organization, etc.). This prohibition includes anonymous donations and sponsorships; or
 - b. To sponsor or make donations to community groups (e.g. monetary donations, gift baskets, raffle items, tickets purchased and returned to the organization, etc.) for events that take place during the blackout period. This prohibition includes anonymous donations and sponsorships.
2. A Member's credits for community use of recreation facilities, Constituency Services Budget and other City resources shall not be used:
 - a. During the blackout period to book/sponsor a facility for community use regardless of when the event will be held; or
 - b. To book/sponsor a facility for community use for an event that will occur during the blackout period.

5. Exemptions

1. Subsection 5(2) of the Election-Related Resources Policy provides that the City Clerk or designate may approve an exemption to blackout period prohibitions and restrictions where an emergency occurs, a non-emergency-related community issue arises or where a Member's annual community event is held.
 - a. In determining whether an exemption shall be provided with respect to an emergency or a non-emergency-related community issue, the City Clerk or designate shall consider matters including but not limited to:
 - i. Time sensitivity and other scheduling considerations (e.g. whether the proposed activity could be conducted outside the blackout period);
 - ii. Nature and scope of the emergency or non-emergency-related community issue, and its effects on residents and/or City operations;
 - iii. Statutory considerations;
 - iv. Past practices and precedents; and/or
 - v. Nature of the Member's proposed participation.
 - b. Exemptions with respect to a Member's annual community event shall be administered in accordance with the following:

- i. The Member must have staged the event in the previous two years (with similar event name/title, same approximate date and same general purpose) in order for the City Clerk or designate to approve the event. The Member shall provide evidence of the previous events (advertising, photographs, community column, event program etc.) to the City Clerk or designate for review prior to any approval;
 - ii. If the event is approved, the Member shall provide the City Clerk or designate with any draft communications materials (advertisements, flyers, etc.) and speaking notes relating to the event for review and approval prior to their use; and
 - iii. The City Clerk or designate may in writing refuse to approve an event, or may place conditions on the approval of an event and/or a Member's participation in an event (e.g. allowing or prohibiting certain proposed activities), if the City Clerk or designate is of the opinion that the event or portions thereof would not be in keeping with the 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.
- c. Exemptions with respect to a Member's annual community event may also be considered in the context of any exemptions applied with respect to an emergency or a non-emergency-related community issue, as determined by the City Clerk or designate.

Monitoring/Contraventions

As set out in the Election-Related Resources Policy.

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

Municipal Act, 2001

Municipal Elections Act, 1996

Definitions

As set out in the Election-Related Resources Policy.

Enquiries

For more information on these Procedures, contact:

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