

Bill No. 315  
2019

By-law No. CPOL.-230(\_\_\_\_)-\_\_\_\_

A by-law to amend By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” by renaming the Council Policy “Use of City of London Resources For Election Purposes” and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” by renaming the Council Policy “Use of City of London Resources For Election Purposes” and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 27, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – August 27, 2019  
Second Reading – August 27, 2019  
Third Reading – August 27, 2019

## SCHEDULE “A”

### Use of City of London Resources for Election Purposes

**Policy Name:** Use of City of London Resources for Election Purposes

**Legislative History:** Adopted October 30, 2017 (By-law No. CPOL.-230-519)

**Last Review Date:** August 13, 2019

**Service Area Lead:** City Clerk

#### 1. Policy Statement

- 1.1 This policy clarifies the restrictions pertaining to the use of City of London resources for directly or indirectly benefitting municipal, school board, provincial and federal election campaigns or campaigns related to a question on a ballot.

#### 2. Definitions

For the purposes of this policy

- 2.1 **Campaign-related activities** – shall mean any activities that may directly or indirectly benefit a municipal, provincial, or federal election campaign.
- 2.2 **Campaign-related signs** – shall mean any material, regardless of format, that promotes or opposes any Candidate, Third Party Advertiser or a question on a ballot, or any material that may directly or indirectly benefit an election campaign.
- 2.3 **Candidate** – means any person who has filed and not withdrawn a nomination for an elected office at the municipal, provincial or federal level in an election or by-election.
- 2.4 **City** - shall mean The Corporation of the City of London.
- 2.5 **City resources** - shall include, but not be limited to City employees, events organized or funded solely or jointly by the City, City facilities, City funds, City information and City infrastructure.
- 2.6 **Election Campaign** – shall mean any campaign related to an election or by-election at the municipal, provincial and federal level of government, or a campaign related to the submission of a question on the ballot to the electors.
- 2.7 **Third Party Advertiser** means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act, 1996* Section 37.5 of the *Election Finances Act, R.S.O. 1990, c.E.7*, or Section 353 of the *Canada Elections Act, S. C. 2000, c. 9*.

#### 3. Applicability

- 3.1 This policy shall apply to the use of City resources by any party in a manner that would directly or indirectly benefit a municipal, provincial, or federal election campaign or campaigns related to a question on a ballot.

#### 4. The Policy

- 4.1 This policy sets out provisions for the use of City facilities, resources and infrastructure to indirectly or directly benefit an election campaign, in order to preserve the integrity in the elections process and to comply with the *Municipal Elections Act, 1996*, the *Election Finances Act* and the *Canada Elections Act*. This policy allows the City to satisfy its' legal responsibility to ensure that no Candidate, registered Third Party Advertiser or political party is provided with an unfair advantage.

Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act, 1996*, as amended, the *Election Finances Act* (Ontario),

the *Canada Elections Act* (Canada), the Declaration of Office for Members of Council, the Code of Conduct for Members of Council, and the Code of Conduct for Employees regarding the use of City resources.

- 4.2 City resources, assets and funding that shall not be used by any party to directly or indirectly benefit an election campaign include, but are not limited to:
- City staff
  - City property, facilities and/or equipment, except in those cases where use of the property, facilities and/or equipment are rented in accordance with City procedures applicable to the general public and/or use of the property, facilities and/or equipment is permitted under other legislation (e.g. Election Sign By-law, etc.)
  - City funds
  - Print or electronic materials paid for by the City promoting an individual
  - Any photos or videos produced by the City, including electronic images and videos
  - City mail room supplies and services
  - City print room supplies and services
  - City technical services and equipment (e.g. computers, laptops, mobile devices and applications such as voice mail, e-mail, Internet and Intranet, City web pages and domains, etc.)
  - City brand (e.g. logos, crest, etc.)
  - Lists and files produced using City resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996* (e.g. Voters List).
- 4.3 City staff shall not engage in any campaign-related activities during business hours unless they are on paid or unpaid leave.
- 4.4 Campaign-related signs or materials shall not be displayed at or in City-owned or leased facilities, unless otherwise permitted by legislation, and, where permitted for display, shall comply with the provisions of the Election Sign By-law.
- 4.5 No individual shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit an election campaign. This does not limit a Member of Council from communicating with constituents on matters of interest that are relevant to the business of the City and fall within the fiduciary responsibility of the Member of Council, providing that these do not promote the personal interests of a Member of Council.
- 4.6 No individual shall host a town hall or ward meeting that would directly or indirectly benefit an election campaign. Rather, town hall or ward meetings shall be focused on the interests of the constituency regarding City business.
- 4.7 Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding City business, during their period of office.