



STAFF REPORT ACTION REQUIRED

16.

Municipal Elections Campaign Policy – Proposed Changes

Date:	June 24, 2013
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The City of Toronto revised its *Use of City Resources during an Election Policy* on July 11, 2012 to provide increased clarity for employees and election candidates. The City has requested that all City agencies and corporations review *the City's policy on the Use of City Resources during an Election; adopt policies appropriate to their organization that reflect the purpose and principles of the City's policy; and submit their policies to the City Manager no later than September 20th, 2013*, in advance of the October 27, 2014 municipal election. This report presents a revised policy for approval based on the City's request.

Toronto Public Library's current policy complies with the City's requirements and provides an overview of the regulations and restrictions for municipal elections. The proposed policy (Attachment 1) provides increased clarity for candidates and staff, and increased public transparency by incorporating elements of the City's policy, including:

- the expansion of the scope beyond municipal campaigns to include candidates for federal and provincial elections, and registrants and supporters of a question on a ballot;
- expanding the definitions, including Library resources for potential use during election campaigns.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. adopts the *Use of Library Resources during an Election Policy* (Attachment 1); and
2. rescinds the *Municipal Elections Campaign Policy*, 2010 (Attachment 2).

FINANCIAL IMPACT

There is no financial impact to the 2013 operating budget resulting from this report.

The Director Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

DECISION HISTORY

The Library's *Municipal Election Campaign Policy* was approved by the Board on June 21, 2010 <http://www.torontopubliclibrary.ca/about-the-library/board/meetings/2010-jun-21.jsp>.

The City's revised *Use of City Resources during an Election Policy* was adopted by Toronto City Council on July 11, 2012. On March 11, 2013, the City requested that all City agencies and corporations review the City's policy, adopt appropriate elements, and submit their policies to the City Manager by September 20, 2013.

COMMENTS

The Library's current *Municipal Election Campaign Policy* (Attachment 2) was developed in consultation with legal counsel to establish clear guidelines for the use of Library resources during municipal election campaigns and for communication about Library events during election campaigns. The policy provides guidance on the use of Library resources during a municipal election campaign. It is in alignment with the intent of the City policy by supporting a neutral environment during municipal elections for all candidates through restricting the use of Library resources and the display of campaign materials.

The Toronto Public Library *Municipal Elections Campaign Policy* was reviewed to address the following goals:

- fulfill the City's directive and maintain alignment with the intent of the City's policy;
- maintain public confidence in the election process by ensuring that TPL maintains its role as a neutral information provider;
- increase clarity and transparency for all employees, candidates and the public about acceptable practices during election periods.

Proposed Library Policy based on the City's Model

The proposed Library policy has undergone a legal review and provides a consistent approach and direction on how Library resources can and cannot be used during election campaigns, and ensures that the Library is in compliance with relevant legislation and the City's directive. The current Library policy is limited to municipal elections. The proposed policy covers federal and provincial elections, and political parties, registrants and supporters of a question on a ballot.

The proposed policy follows the City's framework by providing specific lists of acceptable and unacceptable activities, and it addresses additional circumstances including:

- where campaigning is allowed and not allowed;
- expanded definitions, including Library resources;
- provision for all-candidates meetings at a rate of \$1 provided that all candidates are invited (individual candidates may continue to access Library space as outlined below).

The proposed policy includes specific provisions to permit Library Board members to fulfill their roles during the election period.

It includes guidelines on maintaining a neutral environment for all candidates, political parties, or registrants and supporters of questions on a ballot by restricting the use of Library resources for campaign-related activities with exceptions for all-candidates meetings, and campaigning activities in public spaces permitted by the *Canada Elections Act*.

Related Library Policies

Additional Library policies provide guidance for staff during election periods and are listed below.

Auditorium, Meeting Room and Theatre Rental Policy and the Bram and Bluma Appel Salon Rental Policy

These policies allow election candidates to rent Library spaces, as long as they comply with the policy and the fees are not waived.

Displaying and Distributing Information for the Public Policy

This policy prohibits the display and/or distribution of political material, except in circumstances where the material is related to community meetings or events for the discussion of community issues. This policy would prevent candidates from posting or distributing election-related materials in Library spaces.

Employee Participation in Municipal Election Campaigns Policy

This policy outlines the requirements for Toronto Public Library employees who are involved in municipal elections, and ensures that Library resources, including staff time, are not used for election campaigns. The policy restricts senior employees from participating in election campaigns, and prevents staff from wearing Library uniforms or using their titles in a manner that would lead a member of the public to infer that the Library is endorsing the candidate.

Relevant Legislation

The *Municipal Elections Act, 1996*, section 70 (4) prohibits City agencies, including the Toronto Public Library from making contributions, including money, goods, and services to a candidate or a registrant in an election campaign. A contribution includes the provision of goods or services below market value.

The *Elections Finances Act* establishes regulations and restrictions for provincial elections, including prohibiting Toronto Public Library from making contributions in the form of money, goods or services. Section 16.1 of the *Elections Finances Act* prevents Toronto Public Library from contributing in the form of money, goods or services to a political party, constituency association, candidate or leadership contestant.

Under section 404(1) of the *Canada Elections Act*, only citizens and permanent residents are permitted to make contributions to a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant. Section 81.1(1) of the *Act* allows federal election candidates or their representatives to campaign in facilities that are available for free to the public.

City of Toronto's Policy on the Use of City Resources during an Election¹

The City's policy is designed to preserve the principle of political neutrality in an election period by avoiding an unfair advantage, promotion or contribution to any one candidate.

The policy provides guidance to City employees on how City resources should or should not be used during an election (municipal, school board, provincial, or federal, or campaigns on question on a ballot). The City is the primary workplace of councillors seeking re-election and needs to respond to many situations and provide clear direction to employees. The policy acts as a decision-making framework for City employees to guide their choices and determine what is and is not an appropriate use of resources for campaigns.

The City policy aims to:

- maintain public confidence in the fairness of the electoral process;
- maintain impartiality in election outcomes;
- avoid conflicts of interest in dealing with election candidates or elected officials;
- provide a consistent approach and direction for employees on how resources may be used;
- facilitate the development of a consistent approach and policy framework for the use of public resources during an election;
- enable continued public and media access to candidates for information and interviews;
- recognize that members of Council are holders of their office until the end of their term.

The proposed Library policy includes relevant elements of the City's policy as described above.

CONCLUSION

Adopting the *Use of Library Resources during an Election Policy* to replace the existing *Municipal Election Campaign Policy* supports the Library as a community hub and neutral information provider by offering a framework for the use of resources during federal, provincial and municipal elections, ensuring compliance with relevant legislation, and supporting public confidence in the fairness of the election process.

¹ City of Toronto "Use of City Resources during an Election" Briefing Note (Accessed April 22, 2013): <http://www.toronto.ca/legdocs/mmis/2013/ex/bgrd/backgroundfile-55390.pdf>

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SIGNATURE

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ATTACHMENTS

Attachment 1: *Use of Library Resources during an Election Policy*
Attachment 2: *Municipal Election Campaign Policy*