

**POLICY:** Use of Library Resources during an Election

**SECTION:** Section II – General – Miscellaneous

**MOTION#/DATE:** 13 - XXX – June 24, 2013

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### **Effective Date**

June 24, 2013

### **Policy Objectives**

The purpose of this policy is to provide a consistent approach and direction on how Library resources can and cannot be used during municipal, school board, provincial and federal election campaigns or questions on the ballot and to ensure that the Toronto Public Library is in compliance with relevant legislation including the *Municipal Elections Act*, the provincial *Elections Act*, and the *Canada Elections Act*.

### **Underlying Principles**

The *Municipal Elections Act, 1996*, section 70 (4), states that municipalities cannot make a contribution to a candidate or registrant in municipal election campaigns.

The provincial *Election Finances Act* detail requirements and restrictions for Ontario provincial elections, including restrictions related to contributing to election campaigns in the form of goods, money or services.

The *Canada Elections Act* restricts the Library from contributing during election campaigns, and allows federal elections candidates and their representatives to campaign in facilities that are available free to the public, including library facilities.

This policy recognizes that Members of Council including Toronto Public Library Board members who are councillors are holders of office until the end of the term and supports Members in continuing to fulfill their responsibilities as Members of Council.

Members of Parliament and Members of Provincial Parliament are no longer considered elected officials once a writ for a Federal or Provincial election has been issued.

### **Policy Statement**



Toronto Public Library supports the principle of intellectual freedom, which is the free exchange of information and ideas in a democratic society.

The Library seeks to engage and encourage discussion on civic and social issues in a manner that is neutral, fair and equitable to all those seeking elected office.

The Library must balance the need for freedom of expression and assembly of candidates and its legal responsibility not to provide an unfair advantage to any candidate.

During election campaigns, the Toronto Public Library maintains a neutral environment in which the Library cannot make a contribution (including money, goods and services) or use Library resources to promote one candidate over another.

### **Scope**

This policy applies to Board members, employees and volunteers of the Toronto Public Library and their dealings with candidates for elected office, including current City Councillors campaigning during the municipal election campaign period.

Nothing in this policy prohibits:

- a) Toronto Public Library Board members from performing their duties or
- b) City Councillors from performing their jobs, including representing the interests of their constituents in a manner consistent with their duties as an elected official.

### **Specific Directives**

#### **A. Activities Allowable during an Election**

- A1) All-candidate meetings can be held at Library facilities for a \$1.00 fee provided that all candidates for an office are invited to attend such meetings. This clause is subject to availability and all applicable by-laws and Library policies, including additional costs such as after-hours security. It is the responsibility of the organizer(s) to ensure that all election candidates have been invited to participate in the event.

- A2) A candidate, political party, registrant or supporter of a question on a ballot during an election may rent facilities in accordance with the *Auditorium, Meeting Room and Theatre Rental Policy* and *The Bram and Bluma Appel Salon Rental Policy*.
- A3) A candidate, political party, registrant or 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 libraries as permitted by city policies and by-laws.
- A4) Informal media scrums are permitted in public or common areas at Library facilities provided that no apparatus, mechanism or device for the amplification of the human voice or any sound is used and that the activity is not disruptive to regular Library activities in the vicinity. If the media scrum is deemed to be potentially disruptive, employees may ask the participants to find an alternative location.
- A5) A candidate, political party, registrant or supporter of a question on a ballot during an election are permitted to attend Library events, or events held at Library 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, unless permitted by the *Canada Elections Act*.
- A6) Consistent with the Library's *Display and Distribution of Information for the Public Policy*, no election signs may be posted and no campaign materials may be disseminated at Library facilities or events.
- A7) Promoting awareness of, or providing general information on, elections is acceptable, such as teaching members of the public how to become a candidate, as long as no one particular candidate, political party, registrant or supporter of a question on a ballot during an election is promoted or endorsed at the event. Promoting awareness may include activities or events sponsored or not sponsored by the Library, in which all candidates are invited to attend.
- A8) Elected officials are permitted to attend Library-organized events or events held on Library 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 Library events.

- A9) During an election period, Library Board members who are candidates, registrants or supporters of a question on a ballot will be identified by title only in media releases and Library materials that describe activities in his/her capacity as a Library Board member.
- A10) Toronto Public Library online information related to Board Members will continue to be accessible by the public.
- A11) Library employees may work on a campaign or support a candidate outside of their work hours, in accordance with the Library's *Employee Participation in Municipal Election Campaigns Policy*, which defines permitted campaign activity. The policy also prohibits certain senior employees from participating in any campaign activity.
- A12) Information that is provided by Library employees to one candidate, political party, registrant or supporter of a question on a ballot during an election will be provided to all other candidates, political parties, registrants or supporters 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 a candidate, political party, registrant or a supporter of a question on a ballot during an election will be coordinated through the Library's communications department.
- A13) Requests by a candidate, political party, registrant or supporter of a question on a ballot for personal meetings with the City Librarian, Directors or other Library staff, and requests for tours of Library facilities during the election period 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 Director would need to commit to offering 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) Library 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) Library 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. Library volunteers may not participate in election campaigns during the hours in which they have agreed to provide volunteer service to the Library.

- B3) Library facilities and Library infrastructure cannot be used for any election-related purposes by a candidate, political party, registrant or supporter of a question on a ballot during an election, including for the display of any campaign-related signs on the facilities, as well as for any other form of campaigning on the facilities, except:
- a) as described in Section A of this policy;
  - b) facilities rented in accordance with the *Auditorium, Meeting Room and Theatre Rental Policy* and *The Bram and Bluma Appel Salon Rental Policy*; and
  - c) where permitted by the *Canada Elections Act*.
- B4) No permits, licenses, leases, or any other agreement for the use of Library facilities, 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 except in accordance with the *Auditorium, Meeting Room and Theatre Rental Policy* and *The Bram and Bluma Appel Salon Rental Policy*.
- B5) Consistent with the *Displaying and Distributing Information for the Public Policy*, any candidate, political party, registrant or supporter of a question on a ballot during an election shall not distribute any campaign materials in Library facilities or at Library events, except on public right-of ways and thoroughfares as described in A3, as permitted by the *Canada Elections Act* or during all-candidates meetings.
- B6) Candidates cannot be featured or promoted in association with any Library-sponsored program. Library 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; and
  - 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, promotions for Library-sponsored programs or events, flyers, posters, banners, brochures and newsletters.

- B7) Websites or domain names that are funded by the Library 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) Official TPL online and social media channels including sites, blogs, and other new media created and managed by Library 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 that have been or may be created by Library employees or with Library resources must not be used in any campaign materials.
- B10) The Toronto Public Library logo or marks must not be used in any campaign materials, including materials promoting events held at rented Library facilities.
- B11) Library 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) Library infrastructure cannot be used for any election purposes unless permitted by the *Canada Elections Act*.
- B13) Beyond the normal provision of service, Library 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, Library 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:

- C1) Advertising and other communications materials paid for by Library funds and distributed by the Library will not reference the name of a Member of Council.
- C2) Program and event signage, including banners and posters, will not reference the name of a Member of Council.
- C3) Media releases issued by the Library will not reference the name of a Member of Council.
- C4) Media releases will not be distributed on behalf of any Member of Council unless such a release is considered to be consistent with their duties as an elected official.

### **Accountability**

The City Librarian and Directors are responsible for the implementation of this policy.

### **DEFINITIONS**

**"Campaigning"** – 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 that identifies the individual as a candidate or registrant and without the solicitation of votes.

**"Campaign Materials"** – 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"** – 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.

**"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".

**"Elected Office"** – an elected position of authority to exercise a public function and to receive whatever compensation may belong to it.

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

**"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"** – 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.

**"Glad-handing"** – attending a Library event as a private individual and interacting with other event attendees without displaying signage or disseminating material that 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.

**"Library Resources"** – includes but is not limited to Library employees, Library events, Library programs and services (including online services such as online and social media channels), Library facilities, Library equipment and supplies, Library funds, Library information and Library infrastructure. These are further defined as follows:

- *"Library employees"* – for the purpose of this policy, a Toronto Public Library employee includes exempt and non-union employees, and members of the bargaining unit.
- *"Library events"* – events funded or organized by the Toronto Public Library, including events that may be jointly organized with community organizations and/or with external sponsors. Library events include, but are not limited to: community meetings and consultations, cultural celebrations, and special events such as the Book Lovers Ball. Events organized by agencies and corporations are not considered Library events for the purpose of this policy.
- *"Library facilities"* – any facility that is owned or leased by the Toronto Public Library and that is directly managed and operated by the Library. Library facilities do not include public right-of-ways such as sidewalks, roads and boulevards, laneways or facilities rented in accordance with the *Auditorium*,



*Meeting Room and Theatre Rental Policy and The Bram and Bluma Appel  
Salon Rental Policy.*

- *"Library funds"* – funding support through the City's annual operating or capital budgets, including but not limited to funds provided directly to Library programs and services, Board member expense payments and staffing budgets.
- *"Library information"* – any information in the custody and control of the Library, including databases that may be the repository of names, contact information, or other identifiers compiled and used by Toronto Public Library employees to conduct Library business.
- *"Library infrastructure"* – any physical or technology systems that support the operation of Library programs and services, including but not limited to the Library's fleet vehicles, computer network, telecommunications and e-mail system, wireless equipment, computer hardware, software and peripherals, internet and intranet. Excludes public right-of-way, including sidewalks, roads, laneways and boulevards.

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

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

**"New/Social Media"** – 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"** – 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"** – 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"** – a supporter of a yes or no response to a question on a ballot but not incurring expenses like a registrant.

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

#### **Related policies**

- *Auditorium, Meeting Room and Theatre Rental Policy*
- *Displaying and Distributing Information for the Public Policy*
- *Employee Participation in Municipal Election Campaigns Policy*
- *The Bram & Bluma Appel Salon Rental Policy*

#### **Relevant Legislation**

##### **Federal:**

[Canada Elections Act](#)

##### **Provincial:**

[Election Act, R.S.O. 1990, c. E.6](#)  
[Election Finances Act](#)

##### **Municipal:**

[Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.](#)