



STAFF REPORT ACTION REQUIRED

18.

Municipal Election Campaign Policy

Date:	June 21, 2010
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The *Municipal Elections Act, 1996* prohibits the Toronto Public Library from making contributions to candidates in the form of money, goods or services. The purpose of the policy is to maintain the neutrality of the Toronto Public Library during municipal election campaigns and to comply with the *Municipal Elections Act*. The new policy provides clarity regarding the use of Library resources during municipal election campaigns to Library Board Members, Library staff, City Councillors and candidates.

This policy prohibits the use of Library corporate resources, including staff and volunteers, for campaign purposes. However, in accordance with the Auditorium, Meeting Room and Theatre Rental Policy, City Councillors and candidates will still be permitted to rent library facilities. The policy is not intended to interfere with City Councillors' regular duties and does not prevent the Library from providing information and raising public awareness about civic participation in municipal elections, voting and civic engagement.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the Municipal Elections Campaign Policy (Attachment 1); and
2. authorizes and directs appropriate Library staff to implement the policy.

FINANCIAL IMPACT

This report has no financial impact beyond what has already been approved in the current year's budget.

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

DECISION HISTORY

Provincial legislation, the *Municipal Elections Act, 1996*, prohibits the Toronto Public Library from making contributions to candidates for City Council.

ISSUE BACKGROUND

As a matter of practice, Toronto Public Library has applied City of Toronto policy (Councillor Expense Policy – 4.7 Use of Corporate Resources during an Election Year) in regards to municipal election campaigns and the use of corporate resources. However, Toronto Public Library is not bound by the City's policy. On the advice of legal counsel, a Municipal Elections Policy was developed to provide clarity to Board Members, staff, City Councillors, and candidates, and to comply with the *Municipal Elections Act, 1996*.

The *Municipal Election Act* makes it an offence for the Toronto Public Library to make a contribution to any candidate during a municipal election. The legislation defines "contribution" broadly to include money, goods or services. As an example, utilizing staff time to assist with events that may be considered to be supporting a particular candidate could be construed as an illegal campaign contribution. Similarly, the waiving of fees for room bookings could be considered to be a violation of the act. Consequences can be serious for candidates. Removal from office is a potential penalty for contravening the act. The Library may also be subject to a fine of up to \$50,000 for committing an offence under the act.

The Library currently has other policies which address municipal elections issues. The Employee Participation in Municipal Election Campaigns Policy prohibits employees from canvassing or working in support of a municipal candidate during working hours. The Auditorium, Meeting Room and Theatre Rental Policy provides for the waiving of fees for meetings and events that involve City Councillors. However, this waiver of fees does not apply for City Councillors conducting "election meetings." The Displaying and Distributing Information for the Public Policy places a general prohibition on the display and distribution of partisan political materials on Library premises. The Municipal Election Campaign Policy is intended to complement each of these policies.

COMMENTS

The Municipal Election Campaign Policy follows the same general principles as the City of Toronto Policy on the use of corporate resources during an election year. The purpose of the policy is to maintain the neutrality of the Toronto Public Library during municipal election campaigns and to comply with the *Municipal Elections Act*.

Generally speaking, the proposed policy prohibits Councillors and candidates in the municipal election from using Library corporate resources, including staff and volunteers, for campaign purposes. The proposed policy also prevents Councillors and candidates from being featured or promoted in association with Library programs and events.

City Councillors and candidates will still be permitted to rent library facilities for the standard rental rate. To ensure that the *Municipal Elections Act* is complied with, and for simpler administration, groups organizing election related meetings will also be charged the standard rental rate.

Consistent with the City's policy, this proposed policy is not intended to interfere with Councillors' regular duties. Councillors will be able to carry out their duties as elected officials. This policy is also not intended to affect the work of Board members who are sitting Councillors or those members who have declared themselves to be candidates in the municipal election.

The proposed policy also reiterates provisions of the Library's policy on Displaying and Distributing Information for the Public, which states that partisan political materials can not be displayed or distributed on Library premises. However, an important goal of the Library is to encourage participation in city life; therefore, the proposed policy allows the Library to provide information and raise awareness of municipal elections, voting and civic engagement.

CONTACT

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SIGNATURE

Jane Pyper
City Librarian

ATTACHMENTS

- Attachment 1: Municipal Election Campaign Policy
- Attachment 2: Extract from Councillor Expense Policy – 4.7 – Use of Corporate Resources during an Election Year.