

<b>NIAGARA FALLS PUBLIC LIBRARY</b>	<b>DATE EFFECTED:</b> <b>July 22, 1985</b>	<b>Use of Corporate Resources for Election Purposes POLICY</b>
	<b>DATE REVISED:</b> <b>April 20, 2022</b>	

**POLICY STATEMENT**

The purpose of this policy is to notify all registered candidates, including members of Niagara Falls Public Library Board, of the requirement to follow the provisions of the *Municipal Elections Act, 1996*, (the *Act*) as amended, and that:

- No member/candidate shall use the facilities, equipment, supplies, services, staff or other resources of the Niagara Falls Library (including Niagara Falls Public Library letterhead, Niagara Falls Public Library business cards, Niagara Falls Public Library email accounts, Niagara Falls Public Library computers, ipads, cell phones and any Councillor budgets) for any election campaign or campaign-related activities;
- No member/candidate shall undertake campaign-related activities on Niagara Falls Public Library property during regular working hours; and
- No member/candidate shall use the services of persons during hours in which those persons receive any compensation from the Niagara Falls Public Library.

**PURPOSE**

This policy allows Niagara Falls Public Library “(Library)” to balance the need for freedom of expression and assembly of candidates and its legal responsibility to ensure that no candidate, registered third-party advertiser or political party is provided with an unfair advantage.

This policy sets out provisions for the use of Library facilities, resources and infrastructure during an election period by Board Members and candidates. This is in order to preserve the public trust, to maintain the neutrality of the Niagara Falls Public Library during election campaigns, and to ensure that the Niagara Falls Public Library complies with the *Municipal Elections Act, 1996*. ("Act").

## SCOPE

This policy is applicable to all registered candidates, including sitting members of Municipal Council.

This policy is applicable to municipal elections, including bi-elections and applies, with necessary modifications, to provincial and federal elections.

This policy does not apply to non-partisan actions taken by the Library in the support of the generic democratic process, including, but not limited to, the hosting of polling stations and the equal provision of general election/voting information.

## RESPONSIBILITY

This policy applies to Board members, employees, and volunteers of the Library in their dealings with candidates and political parties and the use of Library resources during the campaign periods of municipal, provincial and federal elections.

It is the responsibility of the Chief Librarian/CEO or their designate to ensure that the Library complies with legislation related to elections.

## DEFINITIONS

“**The Act**” means the *Municipal Elections Act, 1996*, as amended from time to time, and includes any regulation made there under;

“**Blackout Period**” is a term which refers to the temporary period from the day prior to Nomination Day to and including Voting Day in which certain privileges are discontinued for sitting members of the Municipal Council and the Mayor;

“**Candidate**” means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Act*;

“**Campaign Period**” begins on the date a candidate files their nomination through to and including Voting Day.

“**Niagara Falls Public Library of Niagara Falls**” means The Corporation of the Niagara Falls Public Library Board.

“**Corporate Resources**” includes, but is not limited to, the Niagara Falls Public Library’s staff, events, funds, information and assets;

**“Election Period”** refers to the entirety of the election period beginning on the first day of nominations through to and including Voting Day;

**“Library Facilities”** means any real property owned or under the control of the Niagara Falls Public Library of Niagara Falls;

**“Nomination Day”** refers to the first date of the period in which candidates are allowed to file their nomination papers.

**“Staff”** includes full-time, part-time, and contract employees, paid by the Niagara Falls Public Library of Niagara Falls;

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

## **POLICY**

### **Members of Council / Registered Candidates /Political Parties**

1) That in accordance with the provisions of the *Act*:

(a) Corporate Resources may not be used for election-related purposes;

(b) Members of Council, including the Mayor and Candidates shall not use any Library facilities for any election-related purposes.

Campaign-related signs or any other election-related material shall not be displayed in any Library facility and must not use election-related materials on any type of Library controlled property or within any Library publication such as a Niagara Falls Public Library Newsletter.

(c) During the Blackout Period, no Member of Council, including the Mayor shall:

- Print, photocopy or distribute any newsletters unless so directed and approved by Council;
- Order office furniture or furnishings, except those of an emergency nature;
- Order any stationery or business cards, except within reason and as needed to carry out their current duties.

(d) Members of Council shall not:

- Print or distribute any material using municipal or Library funds that make reference to, contain the names or photographs of, or identifies registered Candidates for Municipal Elections; and that Minutes of Municipal Council and Committee meetings be exempt from this policy;

(e) Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality or Library for the operation of each Councillor's Office, is not directly election-related.

(f) Web sites or domain names that are funded by the municipality or Library may not include any election-related campaign material

- Candidates are permitted to link to any Niagara Falls Public Library document available to the public or on a public Niagara Falls Public Library webpage from their campaign website;
- Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the Niagara Falls Public Library has proprietary rights on their own web page;
- Sitting members of Council shall not use the Niagara Falls Public Library's IT resources, including individual websites linked through the Niagara Falls Public Library's website and social media accounts used for any election campaign and/or campaign-related activities;
- If a Member of Council uses any social media account for campaigning, such accounts must not be created or supported by Corporate Resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers;
- Sitting members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the Election Period, a clear statement on each campaign website or social media account's home page indicating that the account is being used for Election Campaign purposes and is not related to their duties as a Member of Council;

- All Candidates are allowed to place campaign phone numbers, websites and e-mail addresses on the election pages of the Niagara Falls Public Library's website.
- (g) Candidates must not, under any circumstances, use a Niagara Falls Public Library logo or any variation of it on any campaign material, election signs, social media or campaign websites.
- (h) Members of Council may not use the municipality's or Library's voicemail system and/or cell phones and/or other messaging systems to record election related messages; and
- (i) The above recommendations also apply to an acclaimed member or a member not seeking re-election.

### **Employees / Volunteers**

- 2) That in accordance with the provisions of the *Act*:
- (a) Employees and volunteers shall not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
- (b) Employees must refrain from wearing any item of clothing or accessory that can be viewed as promoting a specific political viewpoint, candidate, or party during the campaign period;
- (c) Employees are not permitted to verbally or otherwise advocate in any way for a political viewpoint, candidate, or political party during their hours of work at the Library;
- (d) Employees must ensure that any form of individual partisan political engagement, including but not limited to contributions and campaigning, is not applied in a manner that could be perceived as representative of the Library in any way.

## **Board Members / Chief Librarian**

- 3) That in accordance with the provisions of the *Act*:
  - (a) Board Members involved in a political campaign must be politically neutral in carrying out their Library duties.
  - (b) Individual Board Members must ensure that any form of partisan political engagement, including but not limited to contributions and campaigning, is not applied in a manner that could be perceived as representative of the Library in any way.
  - (c) Board Members may continue their Library Board responsibilities when running for office, but must abide by the rules and guidelines otherwise outlined in this policy.
  - (d) The Library Board will ensure that the timing and nature of advocacy on behalf of the Library for the purpose of promoting the impact and value of public Libraries is applied carefully to avoid the appearance of endorsement of a specific candidate, or political party.
- 4) That the CEO/Chief Librarian or their designate be authorized and directed to take the necessary action to give effect to this policy.

**Limitation:** This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor, or Regional Chair nor inhibit them from representing the interests of the constituents who elected them.

**Implementation:** This policy shall become effective immediately upon approval by the Niagara Falls Public Library Board.

**Rationale and Legislative Authority:** It is necessary to establish the appropriate use of Corporate resources during an election period to protect the interests of both members of Council and the Niagara Falls Public Library of Niagara Falls. The *Act* prohibits a municipality from making a contribution to a candidate. The *Act*, also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the member, which is a violation of the *Act*, 1996.