



Exhibition Place

ACTION REQUIRED

Item No. 10

March 14, 2013

To: The Board of Governors of Exhibition Place

From: Dianne Young
Chief Executive Officer

Subject: **Use of Exhibition Place Resources**
During an Election Policy – Board Employees

Summary:

As an agency of the City of Toronto, the Board is required to follow directions of City Council, hence this report recommends that the Board approve a Use of Exhibition Place Resources during an Election Policy for Board Employees.

This policy will provide a consistent approach and direction to Board Employees on how Exhibition Place resources can and cannot be used during municipal, school board, provincial and federal election campaigns, or campaigns on question on a ballot.

Recommendation:

It is recommended that the Board approve a policy on the Use of Exhibition Place Resources During an Election for Board Employees, outlined in Appendix “A” attached to this report.

Financial Implications:

There are no financial implications resulting from the adoption of this report.

Decision History:

At its meeting of February 20, 2013, City Council approved a report from the City Manager entitled “Use of City Agency and Corporation Resources During an Election”, which report requested City agencies and corporations review the City’s Policy entitled “Use of City Resources during an Election”, and 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 20, 2013.

The Exhibition Place 2009-2012 Strategic Plan had an Organizational/Staffing Goal to *review and revise our corporate systems* and a Strategy to support this Goal *we will complete an annual review of By-Laws, and policies and procedures of the Board of Governors.*

Issue Background:

As directed by City Council, Exhibition Place needs to adopt a policy consistent with the City’s with respect to the usage of Exhibition Place resources during an election.

Comments:

The Exhibition Place Corporate Secretary worked closely with the City Manager's Office in developing this policy.

Following Board approval, this policy will be submitted to the City Manager advising that the direction of City Council has been complied with.

Contact:

Fatima Scagnol

Corporate Secretary/Exhibition Place

Tel: 416-263-3620

Fax: 416-263-3690

E-mail: Fscagnol@explace.on.ca

Submitted by:

Dianne Young
Chief Executive Officer



Purpose:

The Board of Governors of Exhibition Place (the Board) is an agency of the City of Toronto and on behalf of the City manages the Exhibition Place grounds and all buildings and infrastructure on the grounds. Exhibition Place is made up of three functional programs: Direct Energy Centre; Exhibition Place; and Allstream Centre.

The purpose of this policy is to establish a consistent approach and direction to Board employees on how Exhibition Place resources can and cannot be used during municipal, school board, provincial and federal election campaigns, or campaigns on question on a ballot.

Principles:

The Board must balance the need for freedom of expression and assembly of candidates and its legal responsibility to not provide an unfair advantage to any candidate, political party, registrant or a supporter of a question on a ballot during an election. The Board cannot make a contribution (including money, goods and services) to any candidate, political party, registrant or a supporter of a question on a ballot during an election.

Exhibition Place resources cannot be used to promote one candidate, political party, registrant or a supporter of a question on a ballot during an election over another candidate, political party, registrant, or a supporter of a question on a ballot during an election.

This policy is intended to enable continued public and media access to candidates or registrants for information and interviews. The policy distinguishes between unplanned media scrums or chance public encounters by candidates and the media, whether in person or online, and actual planned media events or rallies.

Background:

Board employees may be approached by some candidates to use Exhibition Place resources for the purposes of campaigning. A clear policy is required to guide the action of Board employees and help determine which requests can be accommodated and which should be denied.

The following legislative provisions bear highlighting as they relate to this policy:

The *Municipal Elections Act, 1996, s. 70 (4)*, states that municipalities, or its local boards, cannot make a contribution to a candidate or registrant in municipal election campaigns. The *Election Finances Act* and the *Canada Elections Act* impose similar restrictions for provincial and federal election campaigns.

Definitions

"Board" or "Board of Governors"- means The Board of Governors of Exhibition Place;

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

"Campaign Materials" – means 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" – means 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.

"City" - means the City of Toronto;

"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”.

"Exhibition Place Resources" – includes but is not limited to Board employees, Board events, Board facilities, Board funds, Board information and Board infrastructure. These are further defined as follows:

- **"Board Employees"** – for the purpose of this policy, Board employees include ALL employees (union and non-union employees)
- **"Board Events"** – means events organized by Exhibition Place, including events that may be jointly organized with community organizations and/or with external sponsors.
- **"Board Facilities"** – means any facility within the grounds of Exhibition Place, and owed by the City of Toronto. Board facilities do not include public right-of-ways such as, park-land areas, sidewalks, roads and boulevards, and laneways.
- **"Board Funds"** – means funding support through the Board’s annual operating or capital budgets.
- **"Board Information"** – means any information in the custody and control of the Board, including databases that may be the repository of names, contact information, business records, financial information or other identifiers compiled and used by Board employees to conduct Board business.
- **"Board Infrastructure"** – means any physical or technology systems that support the operation of Board programs and services, including but not limited to the Board’s fleet vehicles, computer network, telecommunications and GroupWise e-mail system, wireless equipment, computer hardware, software and peripherals, internet and intranet. Excludes public right-of-way including park-land areas, sidewalks, roads, laneways and boulevards.

"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" – means 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; and
- For a by-election, the period commences when the by-election is called and ends on voting day.

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

"Glad-handing" – means attending a Board event as a private individual and interacting with other event attendees without displaying signage or disseminating material which 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.

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

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

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

"Voting Day" – means the day on which the final vote is to be taken in an election. Terms which are defined above are shown in the body of the policy.

Activities Allowable during an Election

1. Candidate, political party, registrant or a supporter of a question on a ballot during an election are permitted to distribute campaign materials on public right-of-way including park-land areas, sidewalks, roads, laneways and boulevards.
2. Candidate, political party, registrant or a supporter of a question on a ballot during an election are permitted to attend Exhibition Place Events, 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. No election signs may be posted and no campaign materials may be disseminated at Exhibition Place events.
3. Elected officials are permitted to attend events held at Exhibition Place and act as ceremonial participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities.
4. Board employees may work on a campaign or support a candidate outside of their work hours, as long as they abide by the Exhibition Place policy titled “Employee Participation in Municipal Election Campaigns” which defines permitted campaign activity. The policy also prohibits certain employees from participating in any campaign activity.

Activities Not Allowable during an Election

1. Exhibition Place 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.
2. Board 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, approved lieu time, float day or vacation leave.
3. Exhibition Place facilities and infrastructure cannot be used for any election related purposes by candidate, political party, registrant or a supporter of a question on a ballot during an election, including for the display of any campaign-related signs in windows or on the facilities, as well as for any other form of campaigning on the facilities.
4. No permits, licenses, leases, or any other agreement for the use of Exhibition Place 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
5. Any Candidate, political party, registrant or a supporter of a question on ballot during an election shall not distribute any campaign materials within the Exhibition Place facilities or its events, except on public right-of ways, thoroughfares.
6. Board 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, flyers, posters, banners, brochures and newsletters.
7. Exhibition Place Websites or domain names 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.
 8. New/Social media sites, blogs, and other new media created and managed by Board 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.
 9. Photographic or video materials which have been or may be created by Board employees or with Board resources must not be used in any campaign materials.
 10. The Exhibition Place logo must not be used in any campaign materials.
 11. Board infrastructure cannot be used for any election purposes.
 12. Board 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*.