

LONDON PUBLIC LIBRARY POLICY

Title: Elections, Including Use of Library Resources during an Election
Policy Type: Operational
Policy No.: OR-L-04

Effective Date: January 25, 2018

Review Date: January 2022

PURPOSE:

One of London Public Library's core values is to support the community in civic engagement and participation. At the same time, London Public Library (LPL) strives to be non-partisan in our services, spaces and communications. To accomplish this LPL will be non-partisan in its use of resources and will not support, endorse, or advocate the viewpoints or beliefs of any one candidate, political party, organization or group.

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. It is also to ensure that LPL is in compliance with relevant legislation including, but not limited to, the *Municipal Elections Act*, the Province of Ontario *Elections Act*, the *Canada Elections Act* and relevant municipal by-laws such as the City of London's *Election Sign By-law*.

SCOPE:

This policy applies to Board Members, Employees and Volunteers of London 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:

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

DEFINITIONS:

Campaigning means any activity by or on behalf of a candidate, political party, registrant, advocate, supporter or opponent of a 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.

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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, e.g., print, displays, electronic radio or television, and 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.

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 means an elected position of authority to exercise a public function and to receive whatever compensation may belong to it.

Elected Official means an individual elected to the House of Commons, the Legislative Assembly of Ontario, London 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 to the electors.

Election Period means the official period of an election:

- For a municipal election, the election period means the period starting on the day an election is called and ending on election 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.

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Glad-handing means 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 include but are not limited to Library Employees and Volunteers, events, programs and services (including online services such as online and social media channels), facilities, equipment and supplies, funds, information, intellectual property and infrastructure. These are further defined as follows:

- **Employee** means a person who is employed by the Library and includes all Employees, including Page and Casual staff.
- **Volunteer** means a person who voluntarily extends his or her services to actively support the Library, and who does so without remuneration. While Library Board Members volunteer their time and do not receive remuneration, for the purposes of this policy they will be referred to as Board Members as they have roles and responsibilities that are different from those of other volunteers.
- **Library Events** means events funded or organized by LPL 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. Events organized by agencies and corporations are not considered Library events for the purpose of this policy.
- **Library Facilities** means any facility, **including property**, that is owned or leased by LPL and that is directly managed and operated by the Library. Library facilities do not include public right-of-ways such as sidewalks, roads, boulevards and laneways.
- **Library Funds** means funding support received through the City's annual operating or capital budgets and the Province of Ontario Operating Grant for

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Libraries, and includes but is not limited to funds provided directly to Library programs and services, Board Member expense payments and staffing budgets.

- **Library Information** means any information in the custody or control of the Library, including databases that may be the repository of names, contact information, or other identifiers compiled and used by Library Employees to conduct Library business.
- **Library Intellectual Property** includes all content for which the Library holds intellectual rights, e.g. copyright, and includes, for example, the Library logo, videos or photographs produced by the Library, web sites or domain names, etc.
- **Library Infrastructure** means 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, e.g. VOIP system, and e-mail system, wireless equipment, computer hardware, software and peripherals, internet and intranet. Library infrastructure excludes public right-of-way, including sidewalks, roads, laneways and boulevards.

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 member(s) of the media.

Member of Council means the Mayor and all City Councillors.

Non-partisan is defined as not favoring or promoting or opposing any political party, platform or candidate for public office.

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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 parties for municipal, school board or question on a ballot means any organization(s) 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 City Clerk regarding a question on a ballot under the *Municipal Elections Act, 1996*.

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, commenting, social posts, polls, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.

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.

POLICY STATEMENT:

London Public Library supports the principle of intellectual freedom, which is the free exchange of information and ideas in a democratic society. LPL provides welcoming, neutral, safe and accessible environments inviting people to meet and interact with others and participate in public discourse.

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The right to vote is one of the greatest rights of a free society. This right is at the core of our democracy. Thus, the Library will support the democratic process. The public and community can build their knowledge and be empowered through attendance at all-candidates meetings held at the Library. As required, LPL locations will also serve as voting locations, i.e. polling places.

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

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

During election campaigns, the London Public Library will maintain a neutral environment in which the Library will not make a contribution (including money, goods and services) or use Library resources to promote a political party, platform or one candidate over another.

A. Activities Allowable during an Election

- 1) All-candidate meetings can be held at Library facilities provided that all candidates for an office are invited to attend such meetings and the meetings are open to all members of the public. This clause is subject to availability of space and all applicable City of London by-laws and Library policies, including those for 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. LPL will provide space at market value in accordance with Library monetary and rental policies.
- 2) A candidate, political party, registrant or supporter of a question on a ballot during an election is permitted to distribute campaign materials on public right-of-way sidewalks and thoroughfares at public libraries only as permitted by City of London policies and by-laws. They cannot distribute such materials on Library property or in Library buildings or through outreach services such as Visiting Library Services and the Library Roadshow.

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- 3) 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.
- 4) A candidate, political party, registrant or supporter of a question on a ballot during an election is permitted to attend Library events, or events held at Library facilities, in either their capacity as an elected representative or as a private citizen 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*.
- 5) 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.
- 6) 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 shall not be invited to attend Library events as such.
- 7) 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 or her capacity as a Library Board member.
- 8) LPL online information related to Board Members will continue to be accessible by the public.

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- 9) Library Board Members, Employees and Volunteers may work on a campaign or support a candidate outside of their work/volunteer hours.
- 10) Information, such the Library's strategic plan or annual report to the community, provided by the Library, Library Board Member or Employee 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.
- 11) Requests by a candidate, political party, registrant or supporter of a question on a ballot for personal meetings with the CEO & Chief Librarian, Directors, Managers or other Library Employees, and requests for tours of Library facilities during the election period will be accommodated where resources and time permits. 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 LPL CEO, Directors, Managers or other Library Employees 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. Polling Places

- 1) Provision of Polling Places at Branch Library Locations
 - a. Municipal elections: LPL will provide polling places at branch Library locations for the municipal election and shall do so free of charge. When after-hours security services are required, because these services are a contracted service for which LPL pays, LPL will seek reimbursement for this cost.
 - b. Provincial elections: In accordance with Section 13 (4.3) of the Elections Act of Ontario, LPL will provide polling places at branch Library locations

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for the provincial election and shall do so free of charge. When after-hours security services are required, because these services are a contracted service for which LPL pays, LPL will seek reimbursement for this cost.

- c. Federal elections: LPL will provide polling places at branch Library locations for the federal election. Elections Canada will pay LPL for the rental and will make direct payment to the contracted security company for after-hours security services.

2) Accessible Polling Places

LPL will work with the City Clerk's Office, City of London, Elections Ontario and Elections Canada to ensure that all polling places at Library branches are physically accessible and that there are no physical barriers that prevent people with disabilities from exercising their right to vote.

C. Activities Not Allowable during an Election

- 1) 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.
- 2) Due to limited availability of space and the priority given to all-candidates meetings, LPL will not rent space to a candidate, political party, registrant or supporter of a question on a ballot for use as part of the election process and/or a specific campaign.
- 3) 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, 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.

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- 4) A Library Board Member may not use his or her position on the Board to influence Board Members, Employees or Volunteers for the benefit of a specific candidate, political party, registrant or a supporter of a question on a ballot during an election.
- 5) During work/volunteering hours, while on LPL property, in Library vehicles, when representing the Library online and when on Library business, Library Board Members, Employees and Volunteers shall not:
 - Wear anything that promotes a specific issue, candidate or party, e.g., election buttons, campaign t-shirts; or
 - Post, distribute or promote any election candidate or party materials e.g., campaign literature, flyers, signs, etc. in work spaces or online.
- 6) Library facilities, property and 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, as well as for any other form of campaigning, except:
 - a) As described in Section A of this policy; and
 - b) Where permitted by the *Canada Elections Act*.
- 7) 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.
- 8) Consistent with the LPL Bulletin Board, Flyer and Free Literature Distribution 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.

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- 9) Candidates cannot be featured or promoted in association with any Library-sponsored program. Library communications materials, whether for internal or public distribution, will 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/or
 - b. Advocate, support or oppose a particular candidate, political party, registrant or 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.

- 10) Websites or domain names that are funded by the Library will not include any campaign materials, make reference to and/or identify any individual as a candidate, political party, registrant, advocate, supporter or opponent of a questions 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.
- 11) Official LPL online and social media channels including sites, blogs, and other new media created and managed by Library Employees will 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.
- 12) Photographic or video materials that have been or may be created by Library Employees or with Library resources cannot be used in any campaign materials.
- 13) Photographs of the exteriors of Library buildings may be used in campaign materials to identify the Library as a community asset in the ward or riding. In order to respect the privacy rights of individuals, photos of Library users or Employees may only be included with express permission of the individual(s) and in accordance with the Library's Photography/Videography/Filming Policy. LPL's Manager, Communications can provide more information as required.

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- 14) The London Public Library logo or marks cannot be used in any campaign materials, including materials promoting events held at rented Library facilities.
- 15) Library databases cannot be used by any candidate, political party, registrant candidate, advocate, supporter or opponent of a question on a ballot during an election, unless the database has already been released for public use.
- 16) Library infrastructure cannot be used for any election purposes unless permitted by the *Canada Elections Act*.
- 17) Beyond the normal provision of service, Library Employees and Volunteers will not perform any service, offer any advice or provide any information solely for the use of one candidate, political party, registrant or candidate, political party, advocate, supporter or opponent of a question on a ballot during an election under section 39.1 of the *Municipal Elections Act, 1996* and in accordance with any other legislation governing elections.

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 the first day upon which nomination papers may be filed 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:

- 1) 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. The exception is that Library publications which usually have the names of all Board Members listed as being members of the LPL Board, including members who are City Councillors, will continue to list them until the new Library Board has been appointed.

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- 2) Program and event signage, including banners and posters, will not reference the name of a Member of Council.
- 3) Media releases issued by the Library will not reference the name of a Member of Council.
- 4) 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. The decision to distribute a release will be made by the CEO & Chief Librarian or the Manager, Communications.

ACCOUNTABILITY:

Should any written complaint arise regarding the alleged use of Library resources in contravention of this policy, the CEO & Chief Librarian, or his or her designate, shall have the delegated authority to investigate it and resolve any issues.

INQUIRIES:

CEO & Chief Librarian

KEYWORDS:

election, federal election, municipal election, provincial election

RELATED DOCUMENTS:

Bulletin Board, Flyer and Free Literature Distribution Policy
Communications Policy
Meeting Space Use Policy
Monetary Charges Policy
Rental of Meeting Space Policy

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Legislation & Policy Statements

Federal:

Canada Elections Act

Income Tax Act of Canada

Canada Revenue Agency Policy Statement CPS-022, Political Activities

Provincial:

Election Act, R.S.O. 1990, c. E.6

Election Finances Act, R.S.O. 1990, c. E.7

Municipal Elections Act, 1996, S.O. 1996, c. 32, Schedule

Municipal:

Election Sign By-law No. E.-185-537, City of London

Use of Corporate Resources During a Municipal Election Year, City of London.

DOCUMENT CONTROL:

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