



ADVISORY BULLETIN

REGARDING 2022 ELECTION-RELATED ACTIVITIES

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Integrity Commissioner
19 August 2022

PURPOSE OF THE BULLETIN

- [1] This Bulletin is intended to assist Council Members (“Members”) seeking re-election in the 2022 Municipal Election in understanding their obligations under the **Code of Conduct – Council, Committees and Local Boards (“Code of Conduct”)** and **Municipal Conflict of Interest Act (“MCIA”)**, as amended.
- [2] The Integrity Commissioner is a confidential resource available for clarification and advice regarding how to separate their work as Members from their activities as candidates. Pursuant to **Sections 1.2., 6.2.2., and 6.2.3.,** of the **Code of Conduct**, the Integrity Commissioner is to provide written and oral advice to individual Members and Council on concerns of interpretation and compliance with the **Code of Conduct and MCIA**, as well as other ethical dilemmas facing Members. In addition, the Integrity Commissioner is to engage in education and training for all those subject to the **Code of Conduct** policies.

THE CODE OF CONDUCT

- [3] It is important to realize that Members seeking re-election continue to be bound by the **Code of Conduct** and the **MCIA** as long as they remain Members of Council.
- [4] Members must adhere to all of the Rules set out in the **Code of Conduct** (See **Code of Conduct, Section 6.3. – Policies and Procedures**). However, the following parts are particularly relevant to a Member’s involvement in election-related activities:
 - a. Section 2.0. (Purpose)
 - b. Section 4.0. (Definitions)
 - c. Section 6.1. (Key Principles)
 - d. Section 7.2.2. (Respecting Staff)
 - e. Section 7.1. (Gifts and Benefits)
 - f. Section 7.7. (Use of Town Property and/or Other Resources)
 - g. Section 7.2.4. (During Election Campaigns)

RELEVANT LEGISLATION, POLICIES, AND GUIDES

- [5] The current versions of the following provincial legislation and Town policies and guides apply to Members' activities during an election year:
- a. [Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.](#);
 - b. [The Municipal Act, 2001, S.O. 2001, c. 25](#);
 - c. [Code of Conduct Complaint Protocol – Informal and Formal Complaint Procedure \(Attached as Appendix A to the Code of Conduct\)](#);
 - d. [The Corporation of the Town of Amherstburg, Elections Accountability Policy](#);
 - e. [The Corporation of the Town of Amherstburg, Use of Corporate Resources for Elections Purposes](#) (hereafter known as *Use of Corporate Resources Policy*);
 - f. [The Corporation of the Town of Amherstburg By-law 2018-37 – A By-law to regulate Election Signs within the Town of Amherstburg](#);
 - g. [The Town of Amherstburg's 2022 Election Information](#);
 - h. [The Corporation of the Town of Amherstburg, Code of Conduct for Staff Employees](#); and
 - i. [2022 Candidates' Guide for Ontario Municipal Council and School Board Elections](#).

APPLICABLE PRINCIPLES

- [6] The public is entitled to always expect the highest standard of conduct from elected Members (See **Code of Conduct, Section 2.1 - Purpose**). There is heightened scrutiny of all involved during an election year.
- [7] It is advisable that Members transparently and clearly establish a separation between election-related activities and constituency-related activities. Members are to avoid using any Town resources (actual or apparent) to support election-related activities.
- [8] Nothing in these principles shall prevent Members from performing their duties as elected Councillors, nor from representing their constituents in their community (See *Election Accountability Policy*, Section 5.2 – Interpretations. Also, see *Use of Corporate Resources Policy* – Section 5.2 – Interpretations).

USE OF TOWN RESOURCES

- [9] No member is permitted to use resources allocated for Town Council for any purpose other than the lawful business of the Municipality. Examples of Town resources include municipal land, facilities, equipment, supplies, and staff; as well as municipally owned information, websites, and funds (See **Code of Conduct, Section 7.7.1 – Use of Town Property, Services and Other Resources**. Also see *Election Accountability Policy*, Section 6.1.2 – General Conditions).

- [10] Further, Town resources means real property, goods and/or services owned, controlled acquired, paid by and/or operated by the Town. This includes, but is not limited to, materials, equipment, community centres and other facilities, technology, Town developed computer programs and technology, databases, intellectual property, and supplies (See *Election Accountability Policy*, section 4.12 – Definitions).
- [11] Council Members seeking re-election may not use confidential information, Councillor newsletters, or websites linked through the Town for any election-related activities, save for the Town’s official website page indicating the names of candidates and their respective websites and social media accounts (See **Code of Conduct, Sections 7.2.4.2 and 7.2.4.3 – During Election Campaigns**). Additionally, Members cannot seek or acquire personal financial gain from the use or sale of confidential information or municipally owned intellectual property. This includes, but is not limited to, creative writings, drawings, computer programs, and anything capable of being copyrighted or patented, which would remain property of the Town (see **Code of Conduct, Section 7.7.2 – Use of Town Property and/or Other Resources**).
- [12] Council Members shall not conduct campaign-related activities on Town property at any time (See **Code of Conduct, Section 7.2.4.4 – During Election Campaigns**). No candidate shall use the facilities, equipment, supplies, service, or other resources of the Town for any election or campaign related activities (See **Code of Conduct, Section 7.2.4.3 – During Election Campaigns**. Also, see *Election Accountability Policy*, section 6.1.2 – Elections Accountability).
- [13] Council Members running in the Town election may not:
- a. Print or distribute material paid for by municipal funds that illustrates a member or any other individual as registered in an election or running for office;
 - b. Name, photograph, or make reference to any individual who is registered as a candidate in any election in materials paid for by municipal funds;
 - c. Print or distribute materials using municipal funds that in any way references or identifies registered candidates for the Municipal Election, with the exception of the minutes of Municipal Council and Committee Meetings;
 - d. Use websites or domain names that are funded by the Town; or
 - e. Record election-related messages on the Town’s voicemail system or distribute election-related correspondence using the Town’s computer network, including the Town’s e-mail system (See *Use of Corporate Resources Policy*, section 6.1.5 – Use of Corporate Resources).
- [14] The Town’s crest/logo/slogan may not be intentionally used in any candidate’s election-related materials or website, except in the case of a link to the Town’s website to obtain information about the Municipal Election (See *Use of Corporate Resources Policy*, section 6.1.6 – Use of Corporate Resources).

- [15] Photos that are produced for and/or owned by the Town cannot be used for any election-related purposes (See *Use of Corporate Policy*, section 6.1.7 – Use of Corporate Resources).
- [16] Finally, Members, and any staff they may have, are prohibited from using Town resources to forward campaign-related inquiries from their Council offices to their campaign offices.

MEMBER-ORGANIZED EVENTS

- [17] Members may not solicit donations for Member-organized community events after filing nomination papers for the 2022 Municipal Election.

TOWN STAFF

- [18] Members cannot compel any staff to participate in partisan political activities or punish or threaten staff or discriminate against staff for refusing to engage in any such activity (See **Code of Conduct, Section 7.2.2.4 – Respecting Staff**).
- [19] No candidate shall use services of Town staff persons during hours in which those persons receive any compensation from the Town (See *Use of Corporate Resources Policy*, section 6.1.3 – Use of Corporate Resources and *Election Accountability Policy*, section 6.1.2 – Elections Accountability).
- [20] Members cannot use the services of any person who receives compensation from the Town for election-related purposes during Town work hours (See **Code of Conduct, Section 7.2.4.5 – During Election Campaigns**).
- [21] When requesting information from Town staff, Members must be clear if they are requesting the information in their capacity as a Member of Town Council or as a candidate in the Municipal Election. **Inquires made as a candidate cannot be made using Town resources.**

ELECTION SIGNAGE

- [22] Candidates must ensure they are familiar with the Town's *Election Sign By-law* noted above.
- [23] Neither campaign-related signs nor any election related material may be displayed on or in Town owned and/or operated facilities (See *Use of Corporate Resources Policy*, section 6.1.4 – Use of Corporate Resources).

SOCIAL MEDIA ACCOUNTS

- [24] Websites or domain names that are funded by the Town are not to include any election-related or campaign materials (See **Code of Conduct, Section 7.2.4.3 – During Election Campaigns** and **Code of Conduct, Section 7.7.1 – Use of Town Property and/or Other Resources**).
- [25] Members shall not use any social media accounts that identify the individual as a Member of Council, as the Deputy Mayor, or as the Mayor, or that is supported by Town resources, to post election-related content or to promote political views.
- [26] Members must recognize their professional boundaries and responsibilities to maintain appropriate use of both social media and electronic communications (See **Code of Conduct, Section 7.4.1 – Electronic Communication and Social Media**).
- [27] When posting on social media or communicating electronically, Members must respect access to information and privacy rights of staff and the public and refrain from posting or forwarding links or comments that might be considered offensive, discriminatory, or inconsistent with the **Code of Conduct** or the laws of Ontario and Canada (See **Code of Conduct, Section 7.4.2.1 and 7.4.2.2 – Electronic Communication and Social Media**).
- [28] Any emails, faxes, or other written correspondence used in the capacity of an appointed position, such as Council Member, may be considered documents of the Town and kept as an official record (See **Code of Conduct, Section 7.4.4 – Electronic Communication and Social Media**).
- [29] It is strongly advised that Members maintain separate social media accounts for their campaign-related activities. One way to achieve this is to create new accounts for election-related purposes only. If a Member wishes to utilize an account that is already in use for Town duties, all references to the Member's role as a Member of Town Council must be removed before any campaign-related content is posted.

ACKNOWLEDGEMENT

This Bulletin is informed by the 2022 Election-Related Activities policies and **Codes of Conduct** of other municipalities, with particular regard to the work of Valerie Jepson, former Integrity Commissioner for the City of Toronto.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, Members of Council must seek written advice consistent with the provisions of **Section 6.2** of the **Code of Conduct**. If you have any questions or wish to seek written advice on this matter, please contact:

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