



ADVISORY BULLETIN

REGARDING 2018 ELECTION-RELATED ACTIVITIES

Bruce P. Elman
Integrity Commissioner
15 July 2018

PURPOSE OF THE BULLETIN

- [1] This Bulletin is intended to assist Council Members (“Members”) seeking re-election in the 2018 Municipal Election in understanding their obligations under the **Code of Conduct for Members of Council** (“**Code of Conduct**”).
- [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 **Part 6.1.2.4** of the **Code of Conduct**, the Integrity Commissioner is to provide written and oral advice to Members, staff, and the public on concerns of interpretation and compliance with the **Code of Conduct** and other ethical dilemmas facing Members.

THE CODE OF CONDUCT

- [3] It is important to realize that Members seeking re-election continue to be bound by the **Code of Conduct** 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 6.4 – Adherence to Council 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 6.2 (Principles)
 - d. Section 6.7 (Conduct Respecting Staff)
 - e. Section 6.11 (Gifts and Benefits)
 - f. Section 6.13 (Use of Town Property, Services and Other Resources)
 - g. Section 6.14 (Conduct of Election Campaign)

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 Corporation of the Town of Amherstburg, Election Policy](#);
 - c. [The Corporation of the Town of Amherstburg, Use of Corporate Resources for Elections Purposes](#) (hereafter known as *Use of Corporate Resources Policy*);
 - d. [The Corporation of the Town of Amherstburg By-law 2018-37 – A By-law to regulate Election Signs within the Town of Amherstburg](#);
 - e. [The Town of Amherstburg's 2018 Election Information](#);
 - f. [The Corporation of the Town of Amherstburg, Code of Conduct for Staff Employees](#); and
 - g. [2016 - 2018 Candidates' Guide for Ontario Municipal Council and School Board Elections](#).

APPLICABLE PRINCIPLES

- [6] The public is entitled to expect the highest standard of conduct from elected Members at all times (See **Code of Conduct**, section 2 - 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 procedures 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 6.13.1 – 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 (See **Code of Conduct**, section 6.14.2 – Conduct of Election Campaigns).
- [12] Council Members shall only conduct campaign-related activities on municipal property if specifically authorized by the Town. Otherwise, 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 6.14.3 – Conduct of 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 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 2018 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 6.7.4 – Conduct 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. Also, see *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 6.14.4 – Conduct of 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 6.14.2 – Conduct of Election Campaigns).
- [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] 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 2018 Election-Related Activities policies and Codes of Conduct of other municipalities, with particular regard to the work of Valerie Jepson, 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 of the **Code of Conduct**. If you have any questions or wish to seek written advice on this matter, please contact:

Office of the Integrity Commissioner
271 Sandwich Street South
Amherstburg, Ontario N9V 2A5
Tel: (519)-736-0012
Email: integrity@amherstburg.ca