

c/o Township of Muskoka Lakes
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OFFICE OF THE INTEGRITY COMMISSIONER

May 17, 2022

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Election Year Activity FAQs

PURPOSE

This Election Year Activities Information Bulletin (“FAQs”) is written to provide Members of Council and Local Boards (“Members”) with guidance on how the Code of Conduct for Members of Council (the “Code”) rules govern their role as elected officials of the Township of Muskoka Lakes in respect of election and campaign-related activities.

An underlying principle of the Code is that Members will conduct themselves in a manner that promotes public confidence and will bear close public scrutiny. A campaign period is a time of heightened scrutiny upon everyone involved in an election. Members are advised to transparently and clearly establish a separation between their election-related activities and their private activities as candidates and to avoid any use of Township’s resources to support election-related activities which may be in contravention of the Code.

DEFINITIONS

Township Property and Resources means all sites owned, operated and leased by the Township as well as the Township sites that are occupied by other groups, businesses and organizations in a lease or other agreement. For example, agency, board, commission, or Township-owned materials, websites, board and Township transportation delivery services, branding (logo/wordmark) and any Members expense budgets.

By-Election means an election other than a regular election that is conducted in accordance with the governing legislation.

Candidate means any person who has filed and not withdrawn a nomination for an elected office at the municipal council, provincial or federal level in an election or by-

election. For the purpose of this Information FAQ Bulletin, individuals campaigning for a nomination to represent the provincial or federal government in an upcoming election are also considered candidates.

Election means a regular election and also includes by-election.

Election Activity refers to activities related to campaigning for school board, municipal council, provincial and federal office, including the seeking of a nomination in an election.

Election Period is the official campaign period of an election.

- For a school board and municipal council election, the election period commences on May 1 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 by-election at the school board, municipal council, provincial or federal level, the period commences when the by-election is called and ends on voting day.

Official Business means: For Members of Council, duties and responsibilities that include those activities that are reasonably related to a Member's office, taking into consideration the different interests, the diverse profiles of their communities and their different roles on Committees, agencies, boards and commissions. For Members of Local Boards, duties and responsibilities set out at the time of their appointment to the Local Board.

Partisan means identification or support for a specific political party or an individual seeking or holding public office.

Regular Election means a general election for school board, municipal council, provincial and federal office.

Social Media includes any freely accessible, third-party hosted interactive web technology used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Websites, Twitter, Facebook, Instagram and Pinterest are examples.

Voting Day means the day the final vote is to be taken in an election.

APPLICATION

This Information FAQ Bulletin operates as a supplement to the existing statutes governing the conduct of Members of Council and Local Boards in all their roles of office, including but not limited to the Code of Conduct for Members of Council and Local Boards, *Municipal Act*, *Municipal Conflict of Interest Act*, *Municipal Elections Act, 1996*, *Municipal Elections Modernization Act, 2016*, and the *Municipal Freedom of Information and Protection of Privacy Act*.

FAQs

- Q. Can a Member endorse a political candidate?
- A. It is recognized that while Members are political representatives of the Township, they are also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties and candidates. Members must take care to clarify that they do so as a private individual and must not be seen as using their office to endorse political candidates for election. In order to preserve the public trust and the integrity in the elections process, Members should make every effort to separate their work and activities as Township elected and appointed officials from activities in support of municipal, provincial or federal election candidates.
- Q. Can a candidate distribute materials, signs, pamphlets or buttons on Township property?
- A. Generally, the Township C-LS-13 Use of Municipal Resources Policy (“C-LS-13 Policy”) restricts the ability of candidates to bring campaign materials into a community centre. In accordance the C-LS-13 Policy, Township facilities, services and property may not be used for any election related purpose except as identified in this policy. This provision does not prevent current members of Township council from conducting their regular duties as representatives for their constituents. Current members of Township council who are also candidates, should draw strong boundaries between the two roles and any potential conflicts between the roles should be resolved in favour of the public interest. In accordance with the C-LS-13 Policy, if a Township community centre facility is rented in accordance with standard Township community centre rental procedures, organized all candidate meetings may be held, in which the public can receive exposure to the various candidates who are running in the municipal election, subject to the conditions in the Township policy.

- Q. Can Township staff lend support to a member's campaign?
- A. Members cannot use the services of any Township staff (during hours in which those persons receive any compensation from the municipality) to assist in any communication activity related to the preparation or distribution of election related materials or events.
- Q. Can Members establish or use existing social media or other electronic media for campaign purpose?
- A. Personal social media accounts for election activity cannot be created or supported using Township resources.

Members are prohibited from using pictures, videos or recording audio of Township staff and volunteers for any election activity.

Members are prohibited from the use of the Township office or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities.

Members shall not use Township stationary, printing or photocopying resources and other municipal materials for election activities. (See section 9 and 10 of the Code)

Members will not use the Township email/voice mail system to record, distribute or disseminate election activity messages or correspondence. Members should not use contact information geared for responding to constituent inquiries for any purposes related to an election campaign, nor for any other purpose than the one for which it was provided to the member.

- Q. Can a Member use or distribute pictures, videos or audio recordings in an election year– through social media channels, emails or newsletters- with sitting elected officials (including Members of Parliament, Members of Provincial Parliament, other Town Councillors, School Board Trustees) that is not campaign-related as part of continuation of normal business of an elected official?
- A. Yes, provided the activity or event is related to fulfilling official business and is not for any election related activity. Members may continue to update their constituents on Township projects and intergovernmental initiatives.
- Q. Can a Member send out newsletters during the municipal election period?
- A. Yes, as long as the Newsletter content does not announce or illustrate the Member's intention to run for election or the announcement of a candidate in the

election. Generally, a listing of a sitting elected official's accomplishments as a Member over the previous term is an update and not deemed to be election related and allowed under the Code.

Q. Can the Integrity Commissioner receive Code complaints in an election year?

A. Yes. However, in accordance with section 22.1 of the Code, no investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day (for this election municipal election, August 19, 2022) and six weeks after voting day, as set out in the Municipal Elections Act, as amended, except as provided in s.223.4 and 223.4.1 of the Municipal Act

If the Integrity Commissioner has received a complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act*.

Q. Can Members of Council continue to seek advice from the Integrity Commissioner in an election year?

A. Yes. Members of Council continue in their role as elected officials until election day in a municipal election year. Therefore, Members of Council may consult with the Integrity Commissioner in respect of their obligations under the Code. Members of Council may not request advice from the Integrity Commissioner in respect of their activities and actions as a candidate in the municipal election.

If there are any questions regarding the above or regarding the application of the Code in an election year, please contact:

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