

ADVISORY BULLETIN

COUNCIL MEMBERS' ELECTION-RELATED ACTIVITY

I. PURPOSE OF THE BULLETIN

The purpose of this Bulletin is to provide guidance for Members of Council (“Members”) in understanding their obligations under the *Code of Conduct for Members of Council* (the “Code”) regarding their election-related activity, whether in a general election or an election to fill a vacancy.

II. DEFINITIONS

“**Campaign Period**” means:

- (a) in a general election begins on May 1 in the year of the election and ends on the start of the new term of Council as defined in Section 18(1) of The City of Winnipeg Charter; and
- (b) in an election to fill a vacancy, begins on the day when the senior election officer receives the direction from the City Clerk to hold the election and ends on the start of the term as defined in section 18(2) of *The City of Winnipeg Charter*.

“**Duties of Office**” means the duties and activities that relate to the position of the Member, namely participation in activities relating to the proceedings and work of Council and activities undertaken in representing the City or the Member's ward or constituents but do not include:

- activities related to the private interests of the Member;
- a Member’s election-related activities; and
- activities including fundraising activities designed, in the context of a federal, provincial or municipal election, or any other local election, to support or oppose a political party or an individual candidate.

“**General Election**” means an election of the Mayor and Councillors for all wards required to be held in October in every fourth year.

III. ELECTION-RELATED ACTIVITY UNDER THE *CODE*

A Member’s election-related activity is regulated by Section E, Rule 7 of the *Code*, as follows:

7. Election-Related Activity

- a. Members are required to follow all applicable election legislation and By-laws, including without limitation, *The City of Winnipeg Charter*, *The Municipal Councils and School Boards Elections Act* and all relevant City of Winnipeg By-laws.
- b. Members shall not use the facilities, equipment, supplies, services or other resources of the City (including Members' newsletters or websites linked through the City's website) for any election-related activities.
- c. Members shall not use the services of staff for election-related purposes during hours in which those staff members are in the paid employment of the City or paid by the use of City resources.
- d. Members shall not make any form of public funding announcement, including but not limited to press conferences, media releases and social media statements, pertaining to expenditures from the Land Dedication Reserve, Community Incentive Grants, Per Capita grants, Communities Fund, and/or the Mayor's Civic Initiative's fund in the sixty (60) day period prior to an election.

IV. UNDERLYING PRINCIPLES

The following principles underlie the advice in this Bulletin:

- The need to minimize the advantage a Member of Council has as an incumbent, over non-incumbent candidates; and
- The need to avoid misusing your influence. Under the *Code*, a Member must not use their influence for purposes other than the exercise of their duties of office. As per the definition in the *Code*, and cited at s. II of this Bulletin, a Member's "duties of office" specifically do not include their election-related activities.

V. KEEP ACTIVITIES SEPARATE

1. In the context of these underlying principles Members must establish a clear separation between their election-related activities and the performance of their duties of office.
2. This means that Members must not use any City-owned resources for their election-related activity, or to support the election-related activities of other Members, including, but not limited to:
 - a. Cellphones;
 - b. Business cards;

- c. Computers;
 - d. Phone numbers associated with City Hall and the City;
 - e. City email addresses;
 - f. City logos; or
 - g. City offices.
3. Members may only use City property for their election-related activity if such property is similarly available to all candidates.

Example: they may use a photograph of themselves which is taken at a location that is available to be used by any candidate.

4. Members must not use their incumbent position as their title in any communication that supports their election-related activity.

Example: A Member cannot say

- "Re-elect Mayor [Member's name]"
- "Re-elect Councillor [Member's name]"

A Member can say

- "Re-elect [Member's name] for Mayor"
- "Re-elect [Member's name] for Councillor"

VI. USE OF CONTACT INFORMATION FOR CAMPAIGN PURPOSES

Members must not use information including mailing lists or email lists which they obtained as a Member of Council during the performance of their duties of office, for the purposes of their election-related activity.

VII. MEMBERS' USE OF STAFF

Rule 7 of the *Code* specifically prohibits Members from using the services of staff for election-related activity during the hours in which those staff are in the paid employ of the City. The definition of "staff" for the purposes of the *Code* includes City staff and the Member's own staff.

VIII. PRACTICAL SUGGESTIONS

- Situations may arise where a Member receives messages through their City phone system, email address or website during the campaign period. It is not permissible for the Member

to use these resources for election-related activity. The following suggested strategies may be used to avoid an inadvertent breach of the *Code*:

- Set an autoreply email message indicating that:
 - *“in accordance with election year rules this email address is being used exclusively for City of Winnipeg business and I will not be reviewing or responding to any election-related communications sent to this email address. Please direct any election-related inquiries to the appropriate campaign office. Thank you for your cooperation.”*
- Add an email disclaimer to be put at the bottom of the response for all outgoing emails:
 - *“in accordance with election-related activity rules this message is exclusively related to the business of the City of Winnipeg.”*
- Set a telephone voicemail message stating:
 - *“Thank you for your call. Please note that in accordance with election-related activity rules this telephone number is being used exclusively for City of Winnipeg business. Accordingly, campaign-related messages will not be responded to from this number.”*
- If an incumbent Member wishes to respond to any written correspondence relating to their election-related activity that is sent or delivered to their City offices, they should do so outside of the hours they spend performing their duties of office and without using any City resources.
- If a Member wishes to use their staff to work on election-related activities, the Member should document the time that the staff spends working on such activity to demonstrate that staff are not working on the Member’s election-related activities during the hours when they are being paid by City resources.
- Members may also wish to consult the Councillors’ Ward Allowance Fund Policy or the Mayor’s Office Expenditure Policy (as applicable) for restrictions around use of City-owned equipment, office space, etc. during an election.

IX. USE OF SOCIAL MEDIA DURING AN ELECTION CAMPAIGN

Social media platforms, such as Facebook, X, Instagram, LinkedIn, YouTube and Snapchat are often used by Members of Council for communicating with their constituents and the public in general, during the performance of their duties of office.

In order to comply with the *Code* during an election, Members must clearly distinguish between their use of social media for election-related activity and their use of social media for City and Council-related activity.

For the purpose of election-related activity, Members must not use any social media accounts which are paid for by City resources, or which they use to perform their duties of office.

A Member must not at any time place a link to a social media account or website they are using for campaign purposes, on a website which is funded by City resources or which contains phone numbers, emails addresses, street addresses, or logos associated with the City. A Member may, however, provide a link on a website or social media account that they use for their election-related activity, to a site or account that they use for City or Council-related activity.

A Member may use social media accounts which are created in their personal names for election-related activity even if they have been using those accounts prior to an election for work relating to the performance of their duties of office, provided that:

- The social media accounts are not funded in any way by City resources;
- They remove all identifying information associated with their role as a Member of Council from the social media account such as, for example, any address, email address, or telephone number associated with City Hall, any City logo; and any reference to the Member's title as a councillor or mayor;
- They refrain from using the social media account in performing their duties of office during an election;
- They do not use staff to operate the social media account during the hours in which staff are paid through the use of City resources; and
- They add a disclaimer that says the social media account is not City-funded and is not being used for any Council or City-related business.

If, after an election is over, a Member wishes to use a social media account that they used for their election-related activity, as an account for Council-related purposes in the performance of their duties of office, that account can no longer be used for any election-related activity.

Example: if a Member converts a social media account used for campaign purposes back to an account being used for Council-related business, they cannot use that account to thank people who supported them during their campaign.

Members are encouraged to review the Advisory Bulletin entitled "Council Members' Use of Social Media".

X. APPLICATION OF THE CODE OF CONDUCT DURING AN ELECTION

Members are reminded that all of the rules of the *Code* continue to apply to their conduct during the campaign period. They are encouraged to contact the Integrity Commissioner for assistance and advice regarding compliance with their ethical obligations under the *Code*, during that time.

The *Complaint Procedures* set out in Appendix B, Part B of the *Code* state that during the campaign period, with respect to complaints alleging that a Member of Council has breached the *Code of Conduct*, the Integrity Commissioner will:

- a. Not receive any complaints alleging that a Member of Council has breached the Code of Conduct;
- b. Suspend any ongoing investigation of a previously filed complaint; and
- c. Not submit any report to Council, of findings with respect to complaints.

The rationale behind this provision is to prevent undue influence and interference in the electoral process including preventing the complaint process from being used as a political or campaign tool.

XI. FORMER MEMBER

Following the election, if a Member about whom an investigation was suspended during the election period is not re-elected, the Integrity Commissioner will only continue the investigation if they are of the opinion that it is in the public interest to do so.

In this regard, the *Complaint Procedures* say:

37. The Integrity Commissioner shall not commence an investigation and shall suspend an ongoing investigation if, before the investigation is commenced or completed, the Member whose conduct is the subject of the investigation resigns, is not re-elected following an election, or is otherwise removed from office.

38 .Suspended investigations may only be continued if the Integrity Commissioner is of the opinion that it is in the public interest to do so.

XII. RELEVANT LEGISLATION, BY-LAWS AND POLICIES

- *Code of Conduct for Members of Council*
- *The City of Winnipeg Charter, S.M. 2002, c. 39*
- *The Municipal Councils and School Boards Elections Act, C.C.S.M. c. M257*

- Policies, by-laws and procedures of the City of Winnipeg

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