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OFFICE OF THE INTEGRITY COMMISSIONER

June 29, 2026

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Election Year Activities FAQ Information Bulletin

PURPOSE

This Election Year Activities FAQ Information Bulletin is written to provide Members of Council, Local Boards and Committees (“Members”) with guidance on how the Code of Conduct for Members of Council and Local Boards/Committees (the “Code”) rules govern their role as elected and appointed officials of the Town of Essex (the “Town”) 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 official role as Members and their election-related activities/private activities as candidates and to avoid any use of the Town’s resources¹ to support election-related activities which may be in contravention of the Code.

DEFINITIONS

Municipal Resources and Facilities means any real or intangible property owned, operated or otherwise under the control of the Town including its land, buildings, structures (e.g. gateway signs) and infrastructure, including any Town hosted or sponsored events regardless if such event(s) are being hosted or held on Town property or not. Materials, equipment, vehicles, technology, Town developed computer programs or technological innovations, databases, intellectual property, Town owned images, logos, coat of arms, chain of office, corporate crest, photos, videos, municipal uniforms, graphics, and any other item of Town intellectual property.

¹Policy #98 - Prohibition on the Use of Corporate Resources during Elections

Working hours, the time during which the Town pays its employees to complete certain duties or tasks, is also considered to be a Municipal Resource.

Candidate means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include Third Party Advertisers and any other person seeking to influence other persons to vote for or against a Candidate or any question or By-Law submitted to the electors under Section 8 of the *Municipal Elections Act, 1996*.

Election Related Purposes/Activities means any participation in an election that seeks to promote or oppose the candidacy of an individual seeking office.

Election Period means:

- For a municipal election, commencing on the first day nominations may be filed and ending on voting day;
- For a provincial election, beginning on the date the writ is issued and ending on voting day;
- For a federal election, beginning on the date the writ is issued and ending on voting day;
- For a ballot question, the date on which Council passes the necessary by-law and ending on voting day;
- For a by-election, beginning the date the by-election is called and ending on voting day.

Official Business means: For Members of Council, Local Boards and Committees, 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 Council, Committees and boards. For Members of Local Boards and Committees, duties and responsibilities set out at the time of their appointment to the Local Board and Committee.

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, X, Instagram, Snapchat, YouTube, Threads, Bluesky, LinkedIn, Pinterest, Wikis, podcasts, social blogs, rating and bookmarking are some examples. This includes online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio.

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 and appointment, including but not limited to the Code of Conduct for Members of Council and Local Boards/Committees, *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*.

ENFORCEMENT

In accordance with Policy No: 98, the Clerk or designate is responsible for the development and implementation of the Prohibition on the Use of Corporate Resources during Elections (the “Policy”), the Town Clerk is responsible for interpreting and administering that Policy.

It is important to note that under the *Municipal Act, 2001*, the responsibility and authority to receive and review complaints under the Code against Members of Council, Local Boards and Committees has been vested in the appointed Integrity Commissioner for each Ontario municipality.

The Integrity Commissioner does not have jurisdiction over the enforcement of the provisions of the *Municipal Elections Act*.

The Municipal Clerk performs an independent statutory administrative role in administering municipal elections in accordance with the *Municipal Elections Act, 1996*. The *Municipal Elections Act, 1996* does not provide the Clerk with authority to investigate alleged contraventions, determine whether a contravention or offence has occurred, or impose penalties.

In matters relating to campaign finance, the Compliance Audit Committee is the legislated body responsible for considering applications for a compliance audit and determining whether further action is warranted. An individual with concerns about the conduct of a candidate may seek legal counsel or contact Ontario Provincial Police if the matter relates to an offence under the Criminal Code (Canada).²

² An eligible elector who believes that a mayor or councillor candidate, or registered third party advertiser, has contravened the election finance rules may apply for a compliance audit of their campaign finances. The Clerk must receive the compliance audit application within 90 days of the legislated financial filing deadlines for candidates and shall forward the application to the Compliance Audit Committee. The Committee shall consider the application and make a decision within 30 days whether to accept or reject the application. The decision of the Committee to grant or reject an application for a compliance audit may be appealed to the Superior Court of Justice. If an audit is approved and conducted, the Committee may commence legal proceedings against a candidate for any apparent contraventions of the *Municipal Elections Act, 1996*.

The Integrity Commissioner is available to assist you in understanding the application of the rules of the Code. The Integrity Commissioner cannot receive or respond to questions from candidates and has no authority to receive complaints under the *Municipal Elections Act*. **Notwithstanding the foregoing, sitting Members of Council may seek written Integrity Commissioner advice regarding their obligations under the Code at any time, including during the election campaign period from May 1st to voting day.**

FAQs

Q. Can a Member endorse a political candidate?

A. It is recognized that while Members are political representatives of the Town, 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 Town office (i.e. Mayor, Councillor) 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 Town 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 Town property?

A. Candidates may not use Municipal facilities, equipment, services, staff or other resources of the Municipal for any election related purpose or campaigning. Candidates and political parties who wish to rent spaces at Municipal community centres or parks for campaign or political purposes must follow the Use of Corporate Resources Policy.³

Q. Can Municipal staff lend support to a Member's campaign?

A. Members cannot use the services of any Municipal 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 election campaign purposes?

³Policy #98 - Prohibition on the Use of Corporate Resources during Elections

- A. Personal social media accounts for election activity cannot be created or supported using Town resources. The Code sets out rules relating to influence of office, prohibitions regarding conduct and election campaign work.⁴

Members must be mindful of how they use various social media sites. For example, if a Facebook account is used as Member's Facebook page (even though the page is not supported by municipal technologies or funds), the messages should not contain any campaign related information. Whether a social media account is paid for with Municipal funds or personal funds, Members are cautioned to not upload to the Member's site used as their "official" page or a page with which they communicate business of the Municipal to the public, links to other social media that contain campaign content. The Town of Essex logo, the Member's title of office and other corporate identifiers must not be used in any campaign materials or activities. Members should ensure that if they only have one account on a social media platform, and they have been using that account to communicate Municipal business to the public in their office role, that if they want to use that account for election campaign purposes, this is made clear to the public on the account and individuals are given an opportunity to "opt out" of following or subscribing to the account. **There should be clear evidence of the day that the page switched over from one used by the Member in their official elected/appointed capacity to one used for election campaign purposes.**

Members are prohibited from using pictures, videos or recording audio of Town staff and volunteers for any election activity (unless these are in the public domain and in accordance with copyright rules).

Members are prohibited from the use of the Town office, facilities or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities⁵.

Members shall not use Town stationary, printing or photocopying resources and other municipal materials for election activities. (See Sections 8, 11 and 12 of the Code).

Members will not use the Town email/voice mail system to record, distribute or disseminate election activity messages or correspondence. Members should not use contact information geared to respond to constituent inquiries for any

⁴ Sections 8, 11 and 12 of the Code are relevant to Members' obligations relating to election campaign activities.

⁵ Members may block off personal time without reference to election activity.

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 Councillors, or 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 Town projects and intergovernmental initiatives.

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

A. Yes. However, in accordance with Section 18.06⁶ of the Code, if any inquiry commenced by the Integrity Commissioner has not been completed by nomination day for a regular election⁷, the Integrity Commissioner shall not receive the inquiry or terminate the inquiry on that day. If any such inquiry has been terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned, makes a written request to the Integrity Commissioner that the inquiry be commenced.

Between nomination day and voting day in a regular election, there shall be no requests for an inquiry (and the Integrity Commissioner will not accept any Code complaints), no reports from the Integrity Commissioner on Code contraventions and no meetings of Council or a local board shall consider imposing any penalties on a Member of Council or a local board.

⁶ 18.06 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 and six weeks after voting day, except as provided in s.223.4 and 223.4.1 of the Municipal Act.

Section 223.4 of the Municipal Act. Inquiry by Integrity Commissioner.

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, the Commissioner shall terminate the inquiry on that day.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the Municipal Elections Act, 1996, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

⁷ August 21, 2026 in this election.

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

A. Yes. Members of Council, Local Boards and Committees continue in their role as elected and appointed officials until election day in a municipal election year (until the end of their appointment for Local Board and Committee Members). Therefore, Members may consult with the Integrity Commissioner in respect of their obligations under the Code. Members may not request advice from the Integrity Commissioner in respect of their activities and actions as a candidate in the municipal election, including with respect to campaign financing rules.

If there are any questions regarding the above or regarding the application of the Code in an election year, please contact me directly for clarification.

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