

ADVISORY BULLETIN: ELECTION RELATED TIPS AND SOCIAL MEDIA

Purpose of the bulletin

The next municipal election is Wednesday, October 24, 2018. The purpose of this bulletin is to provide guidance for members of council in understanding their obligations under The Code of Conduct (the “Code”) during the campaign period.

It should be noted that this Bulletin applies to any and all members of council who are in any way involved in a campaign, whether running for re-election or not.

The Code of Conduct

The following parts of The Code are especially relevant with respect to council members’ election related activities:

- Preamble - “Members of Council’s conduct must adhere to the highest ethical standards, exceeding the minimum obligations required by law.”
- Rule 5. Use of City Staff, Resources and Property
- Rule 6. Election – Related Activity
- Rule 7. Conduct Concerning staff

Rule 5 sets out the general prohibition against using city resources other than for the discharge of Members’ official duties of office:

“5. Members must not use or permit use of their staff, city staff, or city resources or property for purposes other than those connected with the discharge of their duties of office.”

Rule 6 of the Code specifically addresses election related activities:

“6. 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 must 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 campaign or campaign-related activities.

c. Members must not use the services of City staff for election-related purposes during hours in which those staff members are in the paid employment of the City.”

Guiding Principles

The guiding principle to keep in mind is that during an election, using one's position as a member of council to supplement campaign activities, gives the member an unfair advantage over non-member nominees.

Further, the City must remain neutral during elections. If members were permitted to utilize city resources for their campaign it would be tantamount to the City assisting in that campaign, which is obviously impermissible.

Separate Activities

To ensure that members of council do not receive any undue benefit by being an incumbent, members must not use any city owned resources for election related purposes including, but not limited to: cellphones, business cards, computers, civic phone numbers, city email addresses, official city photograph and city logo and their City office.

A member may only use City property for campaign purposes if such property is similarly available to all candidates.

Members are advised to establish a clear separation between their election related activities and their constituency related activities and to refrain from using city resources to support their election related activities.

Practical Suggestions

Practically speaking members will likely receive email messages on their city email account or on their city phone system concerning their election campaign. As it is not permissible to use these resources for election related purposes, here are some suggested strategies to implement in order to avoid being in 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 campaign related communications sent to this email address. Please direct any election campaign 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 year campaign rules this message is exclusively related to the business of the City of Winnipeg.”

- Set a telephone voicemail message:

“Thank you for your call. Please note that in accordance with election year campaign rules this telephone number is being used exclusively for official City of Winnipeg

business. Accordingly, election related messages will not be responded to and should instead be directed to the appropriate campaign office.”

- Reply to election related written correspondence:

“Thank you for your letter. Due to election year campaign rules I must keep my actions as an elected official and a sitting member of council separate from any actions related to the upcoming municipal election. Accordingly, I will not be responding to any campaign related communications that are sent to my city hall office and would ask that you kindly remove my city contact information from your distribution list. Should you have campaign related inquiries please direct your correspondence to the appropriate campaign office.”

Use of Social Media During the Election Year

Social media platforms, such as Facebook, Twitter, Instagram, Linked-in, YouTube, and Snapchat are very often used by members of council for communicating with constituents and the public in general.

While the use of social media engages many parts of the Code there are certain rules that should be kept in mind during an election year.

The purpose of the Rules surrounding the use of social media during election periods is not meant to curtail the effectiveness of social media. Rather, it is an attempt to level the playing field.

In order to comply with the Code, council members must clearly distinguish between the use of social media for personal or election purposes and the use of social media for official city business.

For the purposes of campaign activity, members should not use any social media accounts which are paid for or created by the City of Winnipeg.

A member must not at any time place links to their campaign website on either City websites or external websites paid for by the City. A member's campaign website may, however, link to a City website or an external website paid for by the City.

A member may use non-City funded social media and internet resources (e.g. Twitter accounts, Facebook sites) which are created in their personal names for election campaign purposes even if they have been using those resources prior to the election campaign so long as they place a disclaimer on the relevant account which indicates that the account is not City-funded and does not reflect City policy.

Members may use their title in their social media accounts so long as they do not use the City logo or official photograph.

Use of Office Mail Lists for Campaign Purposes

Members must not use mailing list information which they obtained as a member of council for the purposes of their campaign efforts.

Members' use of Staff on Campaigns

It should be noted that Rule 6(c) of the Code of Conduct specifically prohibits members from using the services of City staff for election related purposes during hours in which those staff members are in the paid employ of the City. As well, if a member wishes to use his or her own staff to work on campaign related activities the time the employee spent working as a city employee versus the time spent as a campaign volunteer ought to be clearly documented.

Code of Conduct Complaints During an Election Period

Rule 24 provides that during the campaign period, with respect to complaints alleging that a member of council has breach the Code, the Integrity Commissioner will:

- a) Not receive any complaints;
- 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 rule 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.

Members are also reminded that The Councillors' Ward Allowance (CWA) Fund policy applies to them (excluding the Mayor). It has a section detailing restrictions around the use of the fund as well as some restrictions around city owned equipment, office space, etc. see: <http://winnipeg.ca/council/pdfs/CWApolicy.pdf>.

The Mayor has a similar self-imposed policy that pertains to his expenses, see: <http://winnipeg.ca/council/expenses.stm>

As always, Members of Council are encouraged to contact the Integrity Commissioner for assistance and advice regarding compliance with their ethical obligations during the campaign period.