

c/o Town of Pelham
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**OFFICE OF THE INTEGRITY
COMMISSIONER**

April 30, 2026

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Municipal Election Year Activity FAQ Information Bulletin

PURPOSE

This Municipal Election Year Activities FAQ Information Bulletin is written to provide Members of Council and Local Boards (“Members”) with guidance on how the Code of Conduct for Members of Council and Local Boards (the “Code”) rules govern their role as elected officials of the Town of Pelham 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 resources to support election-related activities which may be in contravention of the Code.

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, *Municipal Act, 2001*, *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 the Use of Corporate Resources for Election Purposes Policy S201-11, the Town Clerk is responsible for interpreting and administering that Policy.

The above being said, 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 and Local Boards 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, 1996*.

The Town Clerk performs an independent statutory administrative role in administering municipal elections in accordance with the *Municipal Elections Act, 1996*. The Act 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 Niagara Regional Police Service if the matter relates to an offence under the Criminal Code (Canada).¹

The Integrity Commissioner is available to assist you in understanding the application of the rules of the Code. 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. The Integrity Commissioner cannot receive or respond to questions from candidates and has no authority to receive complaints under the *Municipal Elections Act, 1996*.

¹ 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 Town 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 Town's 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.

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 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 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 Town facilities, equipment, services, staff or other resources of the Town for any election related purpose or campaigning. Candidates and political parties who wish to rent spaces at Town facilities or parks for campaign or political purposes must follow the Use of Corporate Resources for Election Purposes Policy S201-11.

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

A. Members cannot use the services of any Town 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 Town resources.

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

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 Pelham logo and other corporate identifiers must not be used in any campaign materials. 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, 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 the use of the Town office or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities.

Members shall not use Town stationary, printing or photocopying resources and other corporate resources for election activities. (See sections 8 and 9 of the Code, as well as the Use Corporate Resources for Election Purposes Policy S201-11)

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 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 Town projects and intergovernmental initiatives.

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

A. Yes. However, in accordance with section 9 of the Advice, Complaint and Investigation Protocol S201-16, if any inquiry commenced by the Integrity Commissioner has not been completed by nomination day for a regular election, the Integrity Commissioner shall 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.

Between nomination day (August 21, 2026) and voting day (October 26, 2026) in a regular election, there shall be no requests for an inquiry, no reports from the Integrity Commissioner on Code or *Municipal Conflict of Interest Act* contraventions.

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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