



OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

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Sent via Email (No Original to Follow)

Members of Council
City of Toronto
Toronto City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Dear Members of Council,

Re: MM47.39 and Council's Election Year Policies

As Integrity Commissioner, I advise Council on issues of ethics and integrity.

In the lead up to the municipal election, I issued [an interpretation bulletin](#) on March 4, 2022 describing how the Code of Conduct for Members of Council incorporates Council's election-related policies.

Member's Motion MM47.39 proposes to change policies that have been in place since Toronto implemented an October voting day for its elections in 2010. I am writing to Council about MM47.39 to note some points members may wish to consider.

Current Policies

Council's [Use of City Resources during an Election Period Policy](#) and [Constituency Services Office Budget Policy](#) require that City resources cannot be used to support political activity. Without such a policy, there is a risk that City funds may be improperly used to skew the level playing field in an election. The *Municipal Elections Act, 1996* also prohibits City funds being used in an election.

In recognition of this, Council has adopted a "blackout period" between August 1st and Voting Day (October 24, 2022), which for a range of activities, equally limits the use of City resources by all members of Council.

Political Activity of Members of Council

The blackout period recognizes that publications sent from members' offices, whether or not the members are running for re-election, may be perceived as trying to exercise political

influence in the midst of an election. This is why during this period, only in an emergency, can members distribute material to respond to that situation.

The blackout period does not prevent members from attending City-organized ceremonial events, park openings, public meetings, consultations or other events organized by community groups and organizations. Members can always attend these events. I am noting this because a question about this was raised in the Planning and Housing Committee on July 5, 2022.

Changing Election-Related Policies

Changing election rules while an election is underway poses administrative and other challenges. As a best practice, changes to election-related rules should be made well before an election begins. This provides notice to those affected by the change and permits Council time to receive input from the public as well as City staff. Even if well-intentioned, it can erode public trust in the democratic process when a legislative body changes its own election rules in the midst of an election without advance public notice, study and consultation.

Conclusion

I recommend that whenever changing election-related rules, Council do so before nominations open. After that date, it may be perceived that the rules are being changed for the benefit of incumbents or for the benefit, or detriment, of candidates in one or more Wards. Given the issues the City of Toronto faces, most matters are of interest in Wards across the city. Last-minute policy changes may also have unforeseen effects. A considered review can identify solutions that do not require policy changes or identify other requirements that need to be updated.

The current policy prohibiting the distribution of newsletters between August 1st and Voting Day has been in place for the last three municipal elections. Council might consider referring this to City staff and my Office now for a comprehensive review of all these policies following the election. If Council does wish to amend its policies at this time, I recommend it do so in a narrow and time-limited manner so this change may be considered in a later comprehensive review.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jonathan Batty', with a stylized, cursive script.

Jonathan Batty
Integrity Commissioner