

2018 Election-Related Activities

Purpose of the Bulletin

1. This Bulletin is intended to assist members of local boards ("members") who intend to become involved in the upcoming provincial general election or municipal election to understand their obligations under the *Code of Conduct for Members of Local Boards (Restricted Definition)* (the "Code of Conduct").
2. The "municipal election" in this context refers to campaigns for members of City Council and school board trustees.
3. Failure to follow the guidance set out in this Interpretation Bulletin could lead to a finding that a member has contravened the Code of Conduct. The Office of the Integrity Commissioner is available as a confidential resource for advice.

The Code of Conduct and City policies

4. The following parts of the Code of Conduct are relevant to a member's involvement in election-related activities:
 - a. Preamble
 - b. Article II (Statutory Provisions Regulating Conduct)
 - c. Article VI (Use of Board and City Property, Services and Other Resources)
 - d. Article VII (Election Campaign Work)
 - e. Article VIII (Improper Use of Influence)
 - f. Article X.1 (Outside Activities)
 - g. Article XII (Conduct Respecting Staff)
 - h. Article XIII (Conduct Respecting Lobbyists)
 - i. Article XV (Failure to Adhere to Council or Local Board Policies and Procedures)
5. Members must also be aware of section 4.12 of the [City of Toronto Public Appointments Policy](#).
6. Members of Business Improvement Area (BIA) Boards of Management must additionally be aware of § 19-3.2 of Toronto [Municipal Code Chapter 19 – Business Improvement Areas](#).

General Guidance

7. The Code of Conduct does not preclude members from supporting candidates in the provincial and municipal elections. However, an election year is a time of heightened scrutiny, and accordingly members should use best efforts to ensure that their election-related activities are separate from their board-related activities.
8. Election-related activities include activities relating to third party advertising campaigns, which are now regulated by the *Municipal Elections Act, 1996*. General information from the City of Toronto regarding third party advertising can be found at [this link](#). If members would like to become involved in a third party advertising campaign, they should seek advice from the Integrity Commissioner about the specific application of the Code of Conduct to their proposed activity. (Article X.1 – Outside Activities)
9. It is never permissible for members to use board or City resources for election-related purposes (e.g., to support a candidate or third party advertising campaign). (Article VII – Election Campaign Work; and applicable policies approved by your board)
10. Members should not associate their title as a board member with any election or third party advertising campaign. This means that if members wish to publicly endorse a candidate or a campaign, they should not use their title as a board member in doing so. (Article VIII – Improper Use of Influence)

Special guidance for BIAs

11. In addition to the other guidance in this bulletin, BIA members must be mindful that the Toronto Municipal Code prohibits BIAs from offering or providing support in any form to political candidates or political parties, and from advertising or paying for advertisements in any political publications (§ 19-3.2 of Chapter 19 of the Toronto Municipal Code). Accordingly, members of BIAs must act with special care to ensure that their political activities are separate and distinct from their board-related activities.

Guidance for members running for office

12. Members who intend to run as candidates in the provincial or municipal election must obtain a leave of absence from the board. The leave must begin on the day the member is nominated as a candidate. (Section 4.12 of the City of Toronto Public Appointments Policy)
13. Members who are considering running for office should use extra diligence ahead of the nomination date, to ensure that there is no appearance they are using board resources or their influence as a member to support their future campaign. There must be a very clear line of separation between members' board activities and their potential campaign activities.

14. Members who are running for office cannot compel board or City staff to engage in partisan political activities. This means that members cannot, for example: ask board or City staff to produce information for campaign literature or activities, or appear in campaign literature; or ask board or City staff to assist with, or participate in, any activities that support impermissible activities during the election period. (Article XII – Conduct Respecting Staff)
15. When requesting information from board or City or board staff, members running for office should be clear if they are requesting the information as a board member or as a candidate. Inquiries as a candidate should not be made using City or board resources.
16. Members are obliged to be familiar with the Lobbying By-law, and should be aware that while a lobbyist may contribute to campaigns in accordance with the *Municipal Elections Act* (including third party advertising campaigns), they may not do so as a form of lobbying about an issue to be decided by the board. (Article XIII – Conduct Respecting Lobbyists)

Guidance for members seeking appointment to fill a vacant seat on City Council

17. The guidance contained in this Bulletin is also relevant to members who intend to seek appointment to City Council to fill a vacant seat, but special considerations apply to such cases, and such members should contact the Integrity Commissioner to seek specific advice as soon as possible.

Further Information

This interpretation bulletin is intended to provide general information. To rely on the Integrity Commissioner's advice respecting specific situations, members must seek written advice consistent with Article XVII of the Code of Conduct.

If you have any questions, please contact:

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