

## 2018 Election-Related Activities

### Purpose of the Bulletin

1. This Bulletin is intended to assist members of Council ("members") seeking re-election in the upcoming municipal election to understand their obligations under the *Code of Conduct for Members of Council* (the "Code of Conduct").
2. The Office of the Integrity Commissioner is available as a confidential resource for advice. Members are urged to take advantage of this by seeking advice about how to separate their work as members from their activities as candidates. 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 Code of Conduct

3. Members seeking re-election remain members of City Council until November 30, 2018, and accordingly continue to be bound by the Code of Conduct as long as they are members of Council.
4. Although members must adhere to the entire Code of Conduct, the following parts are particularly relevant to a member's involvement in election-related activities:
  - a. Preamble
  - b. Article II (Statutory Provisions Regulating Conduct)
  - c. Article VI (Use of City Property, Services and Other Resources)
  - d. Article VII (Election Campaign Work)
  - e. Article XII (Conduct Respecting Staff)
  - f. Article XIII (Conduct Respecting Lobbyists)
  - g. Article XV (Failure to Adhere to Council Policies and Procedures)

## Relevant Legislation, Policies and Guides

5. The current versions of the following provincial legislation and City policies and guides apply to members' activities during an election year:
  - a. [Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.](#)
  - b. [City of Toronto Use of City Resources during an Election Period Policy](#) (the "Use of City Resources Policy")
  - c. [City of Toronto Constituency Services and Office Budget Policy](#) (the "CSOB Policy")
  - d. [Human Resources and Ethical Framework for Members' Staff](#)
  - e. [Council Member-Organized Community Events Policy](#)
  - f. [City of Toronto Corporate Identity Program](#) (Intranet access only)
  - g. [Corporate Facilities Display Policy](#)
  - h. [Toronto Public Service Bylaw, Chapter 192 of the Toronto Municipal Code](#)
  - i. [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)
  - j. [City Council Handbook 2014-2018 - Volume 1: Operations](#) (the "City Council Handbook")

## Applicable Principles

6. It is never permissible for members to use City resources for election-related purposes. (Article VII – 'Election Campaign Work', and [Use of City Resources Policy](#))
7. Members must be familiar with special election-year restrictions regarding their Constituency Services and Office Budget (the "CSOB") and the use of City resources and facilities. ([CSOB Policy](#), [Corporate Facilities Display Policy](#) and [Use of City Resources Policy](#))
8. Members must arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny (Preamble to the Code of Conduct). An election year is a time of heightened scrutiny upon everyone involved.
9. Members are advised to transparently and clearly establish a separation between their election-related activities and their constituency-related activities and to avoid any use of City resources (whether actual or apparent) to support election-related activities.

## Use of City Resources

10. Members may not use City resources for any purpose related to any election campaign, including a campaign for a third-party advertiser. "City resources" is a specifically defined term in the [Use of City Resources Policy](#), and includes within

it defined terms "City employees", "City events", "City facilities", "City funds", "City information", and "City infrastructure".

11. Examples of City resources include: members' staff; websites funded by the CSOB; publications or online content produced using the CSOB; City-issued computers, mobile devices, smartphones or tablets; City-funded mobile devices or smartphones; members' office space; and any incident of office, which includes any privilege or benefit available to a member owing to their status as a member of Council.

12. After August 1, 2018 members can no longer:

- a. order new furniture or purchase office equipment, including computers or other computer accessories;
- b. attend any conferences or seminars, other than those held by an inter-governmental organization (such as FCM), as a Board or Committee member;
- c. purchase any gifts or promotional items for constituents, including greeting cards; and,
- d. organize community events in their wards or purchase tickets for community events or functions.  
(Section 4.7 of the [CSOB Policy](#))

13. After September 7, 2018 members can no longer:

- a. place advertisements;
- b. distribute print or electronic newsletters;
- c. engage services to update websites, post videos, or manage social media accounts; and,
- d. order any new stationery, including business cards, envelopes or letterhead in large quantities.

14. Members should be aware that after September 7, 2018 communications distributed by the City will cease referencing their names or images. After September 7, the Mayor will be subject to the same restrictions as members, but he will only continue to be named in media releases and City materials related to inter-governmental activities in his capacity as the Chief Executive Officer of the City.

### **Member-Organized Community Events**

15. In 2018, members cannot solicit donations for a member-organized community event unless that event was staged in the previous two years. ([Council Member-Organized Community Event Policy](#))

16. Members cannot solicit donations for a member-organized community event after their nomination papers are filed.

17. After August 1, 2018 members cannot organize community events. (Section 4.7 of the [CSOB Policy](#)).
18. Members, candidates and third party advertisers may attend City events, and may act as ceremonial participants, but may not campaign or disseminate election-related campaign materials. ([Use of City Resources Policy](#))

### Constituent Contact Information

19. Members should not use contact information gathered 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 ([City Council Handbook, at section 5.1](#) - "Running Your Office—Managing Your Information" (81-86)).

### Train and Prepare Constituency Staff

20. Members should ensure that their staff are familiar with the obligations described in this Bulletin.
21. Members' staff should be trained and provided with resources respecting campaign-related communications they may receive. As a good practice, members may wish to develop scripts to deal with common inquiries that could arise during an election year. For example:

When a member's office receives an email about the campaign, the following response could be sent:

*"Thank you for your correspondence. As a sitting Member of Council, I must ensure my actions as a councillor are kept separate from any actions related to the upcoming municipal election. As such, I will not be reading or responding to your (or any) campaign-related communications to my City Hall office. This email address is being utilized exclusively for the business of the City of Toronto."*

If a member's office receives a campaign-related telephone call, the call should be ended as soon as possible, and the following script could be followed:

*"Thank you for calling this Office. You have reached Councillor XXX's constituency office, and this phone line and the staff here can only assist with matters related to the City of Toronto. Your inquiry appears to relate to the municipal election campaign. It is best if you use other methods to locate the campaign office by searching online or by monitoring the City of Toronto Election Services' website at [www.toronto.ca/elections](http://www.toronto.ca/elections), which may include campaign contact information about registered candidates in each ward, where the candidate has provided it."*

22. Members and their staff should not use City resources to forward campaign inquiries from a member's office to a campaign office.

## City Staff

23. Members cannot compel City or agency staff to engage in partisan political activities. This means that members cannot, for example: ask City staff to produce information for campaign literature or activities, or appear in campaign literature; or, ask City staff to assist with, or participate in, any activities that support impermissible activities during the election period, such as events occurring after August 1, 2018. (Article XII (Conduct Respecting Staff) of the Code of Conduct)
24. When requesting information from City staff, members should be clear if they are requesting the information as a councillor or as a candidate. Inquiries as a candidate should not be made using City resources.

## Lobbyists

25. Members are obliged to be familiar with the Lobbying By-law. Accordingly, members 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 City Council. (Article XIII (Conducting Respecting Lobbyists) of the Code of Conduct)

## When Members' Staff Work on Campaigns

26. If members' staff volunteer on any campaign, including a campaign for a registered third-party advertiser, members should ensure there is sufficient contemporaneous documentation of the time spent working as a City employee versus the time spent as a campaign volunteer. If any staff will be heavily involved in the campaign, members should consider requiring that employee to obtain a leave of absence from their duties as a City employee.
27. If a member's employee is considering becoming a candidate in the election, the employee must consult the Human Resources and Ethical Framework for Members' Staff, inform their councillor (or mayor) and, if they decide to run, take a leave of absence.

## Social Media Accounts

28. Members should be familiar with the Integrity Commissioner's [Use of Social Media by Members of Council](#) Interpretation Bulletin issued in October 2016.

29. It is never permissible to use a social media account that (1) identifies the member as a Councillor or Mayor, or (2) is supported by City resources, to: post content that promotes (or appears to promote) any candidate or political party in any municipal, provincial, or federal election, including leadership campaigns.
30. Members are best advised to maintain a separate social media presence for campaign activities. However, if a member wishes to "convert" an account that identifies the member as a member of Council or uses City resources for campaign purposes, specific actions (i.e., notification to followers, removal of reference to "councillor") are required by May 1, 2018, and the member should seek advice from the Integrity Commissioner.

## Code of Conduct Complaints During an Election Period

31. Section 1(6) of the *Code of Conduct Complaint Protocol for Members of Council* provides that in an election year no complaints may be filed respecting members seeking re-election during the period starting on Simcoe Day (formerly known as Civic Monday; August 6 in 2018), and ending when a new City Council is deemed organized under the *City of Toronto Act, 2006*. Any complaints received by the Office of the Integrity Commissioner prior to August 6, 2018 will be dealt with as expeditiously as possible. Any members with concerns about communications relating to ongoing investigations are asked to raise those concerns directly with the Office.

## 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:

Office of the Integrity Commissioner  
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375 University Avenue, Suite 202  
Toronto, ON M5G 2J5  
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Fax: (416) 696-3615  
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## Examples for Interpretation Bulletin: Election-related Activities

1. *Print newsletters may not be distributed after September 7, 2018. Does the same rule apply to electronic newsletters?*

Yes—the same rule applies to electronic distribution of newsletters as to hard copies. Neither may be distributed after September 7, 2018.

2. *Are members permitted to use mass e-mailings to constituents after September 7, 2018? (for example, if there is information to report on infrastructure funding, etc. at the time)*

No. The only mass mailings permitted after September 7, 2018 are in emergencies—for example, notices about storm damages, mass flooding, sinkholes, and road closures.

3. *May a member update his/her website after September 7, 2018 to continue providing up-to-date information to constituents?*

Yes. Websites can be updated, because members continue in their roles as members of Council until the end of the term, and their staff continue to be paid until the end of the term. Members' staff can update their constituency website.

However, the Use of City Resources Policy restricts the use of the office budget for advertising and promotion purposes after September 7, 2018. The CSOB prohibits paying an outside firm or individual to update the website, as that would be using the office budget for advertising and promotion after September 7, 2018.

4. *May members continue to hold Town Hall meetings after August 1, 2018 for ward-related matters?*

No—not for routine or non-emergency ward matters. After August 1, 2018, members can only hold town hall meetings for emergency matters, such as flooding, storms, sudden road closures, etc.

City divisions may continue holding meetings after August 1, 2018, including planning matters, and members can attend those meetings. However, City flyers advertising those meetings will not note their names—reference will be made to a generic term "*Councillor, Ward xx*".

5. *May members use information on their office e-mail lists to send campaign e-mails? Can they use this information if they receive permission?*

No. Mailing list information obtained as a member of Council should not be made available to the campaign team. This is distinct from mailing list information that may have been obtained through campaign efforts, whether this year or in the past. The important point is to keep the two functions and collection systems separate.

6. *How should a member's staff respond to citizen requests to volunteer or work for a member's campaign before their campaign headquarters and team are in place? May a member's staff provide any information? How?*

Members' staff should advise callers that campaign information is not available from the constituency office, and that the caller should use other methods to locate the campaign office, such as by searching online or by monitoring the City of Toronto [Election Services website](#), which may include campaign contact information about registered candidates in each ward, where the candidate has provided it. The caller may also visit the City of Toronto Election Services office to view the candidate's nomination paper, which contains their contact information. The Election Services office is open Monday to Friday (excluding statutory holidays), from 8:30 a.m. to 4:30 p.m., and is located at Toronto City Hall, 100 Queen Street West, 1st Floor North, Toronto, M5H 2N2.

7. *Can a member use a City-issued or City-funded mobile device for occasional campaign communications?*

No. The [Code of Conduct](#) and the [Constituency Services and Office Budget Policy](#) both prohibit the use of City resources for campaign purposes, even occasionally. Members should keep their City-issued mobile device for councillor business only. They should have a separate mobile device, with a different phone number and e-mail address, for campaign activities.

8. *Can a member continue to prepare ceremonial documents, such as scrolls?*

Scrolls and ceremonial documents are addressed in section 5.1.4 of the Use of City Resources Policy and on page 19 of the [Constituency Services and Office Budget Policy](#).



Generally speaking, the purpose of the election year policies is to ensure that City resources are not used to support campaigns. Toward this end, there are specific restrictions preventing distribution of a member of Council's name in newsletters, advertising and email distributions. The policies also include restrictions around use of the City's logo and crest and an obligation not to order large quantities of letterhead after September 7.

In consideration general principles and spirit of the policies, it is my view that the intention of the policies is that after September 7:

- Members of Council should not prepare and issue scrolls on the special City of Toronto scroll paper.
- Ceremonial documents (i.e. scrolls and letters of greeting) that meet the standard criteria of the Protocol Unit will continue to be prepared by the Protocol Unit and issued by the Clerk.
- Members of Council should not use letterhead to issue letters of greeting.

*9. Is this guidance in this bulletin applicable to members of Council who are not running for re-election?*

Yes. The guidance in this bulletin pertains to all members of Council who are involved in any way in any campaign. In particular, section 4.7 of the [CSOB Policy](#) – and therefore the restriction on the use of the CSOB – applies equally to members whether they are running for re-election or not.

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