

2022 Municipal Election Requirements

Purpose

1. This Interpretation Bulletin reminds members of Council ("members") of their obligations under the [Code of Conduct for Members of Council \(the "Code of Conduct"\)](#) and how to separate their work as members from their political activities in the 2022 municipal election.
2. In addition to referring to this bulletin, members should consult the Integrity Commissioner for confidential advice when they have specific questions about the Code of Conduct. The public and media are also invited to contact the Integrity Commissioner for general information about the requirements in the Code of Conduct but opinions about whether or not someone has complied with these requirements will not be provided as such findings can only be made if an investigation is conducted.

Application of the Code of Conduct and MCIA

3. Voting Day in the municipal election is **October 24, 2022**.
4. Nomination papers in the municipal election must be filed between **May 2, 2022** and **2:00 p.m. on August 19, 2022**.
5. Unless they resign, current office-holders remain members until **November 14, 2022**. Until then, the Code of Conduct and the [Municipal Conflict of Interest Act \(MCIA\)](#) apply to their activities as members.
6. **Between August 19, 2022 and October 24, 2022:**
 - While the requirements in the Code of Conduct and MCIA still apply to members, the Integrity Commissioner cannot receive new Code of Conduct complaints or MCIA applications in this period. As the requirements in the Code of Conduct and MCIA still apply to members, the Integrity Commissioner will continue to provide confidential advice and answer inquiries.
 - All investigations are terminated. After Voting Day, the Integrity Commissioner can receive and investigate Code of Conduct complaints and MCIA applications about a member's activity during this period. The Integrity Commissioner may also resume investigations that were terminated.
7. In addition to Article 7 (Election Campaign Work), the Code of Conduct requires members to comply with election laws, City policies and the other requirements in the Code of Conduct that include rules concerning how their work as members is separated from their political activity.

Legislation, Policies and Guides

8. Members should review the [Municipal Elections Act, 1996](#), the [Use of City Resources during an Election Period Policy](#) and the guides and resources provided by [Toronto Elections](#).
9. Additionally, members need to be aware of the rules regarding election-related activity in the following City policies:
 - [Constituency Services and Office Budget Policy](#)
 - [Human Resources Management and Ethical Framework for Members' Staff](#)
 - [Council Member-Organized Community Events Policy](#)
 - [Corporate Facilities Display and Fundraising Policy](#)
 - [Corporate Identity Program](#) (intranet only)
10. The [Council Member Knowledge Base](#) provides detailed information about the requirements in these materials.

Key Reminders

11. As the Code of Conduct's Preamble advises, members must arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny. An election year is a time of heightened public scrutiny. Accordingly, members and their staff need to establish a clear separation between their election-related activities and their official duties.
12. To maintain this clear separation, members need to follow the election-related rules about:
 - Using City Resources and Other Restrictions
 - Organizing Community Events
 - Communicating with the Public
 - Managing Members' Staff
 - Working with City Staff
 - Using Social Media and Updating Webpages
 - Interacting with Lobbyists

Reminder #1: Using City Resources and Other Restrictions

13. Members must not use City resources to support election-related activities whether for their own campaign, the campaign for another candidate or a campaign for a third-party advertiser. A comprehensive set of requirements describe the limits on what their offices can do and what they can spend their office budgets on. These rules are found in:
 - Article 7 (Election Campaign Work), Code of Conduct
 - [Use of City Resources during an Election Period Policy](#)
 - [Constituency Services and Office Budget Policy](#)
 - [Corporate Facilities Display and Fundraising Policy](#)

14. The term "City resources" has a broad meaning. Under the [Use of City Resources during an Election Period Policy](#), it includes the defined terms "City employees," "City events," "City facilities," "City funds," "City information," and "City infrastructure." City resources also include:
- the use of City email accounts (e.g. "@toronto.ca" email addresses);
 - the City-paid work of members' staff;
 - websites funded by the Constituency Services and Office Budget ("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 at City Hall, a civic centre or a constituency office; or,
 - any privilege or benefit available to a member owing to their status as a member of Council.
15. Members may attend City events, and may act as ceremonial participants, but may not campaign or disseminate election materials under the [Use of City Resources during an Election Period Policy](#).
16. **After August 1, 2022 and until October 24, 2022:**
- There are a number of restrictions on what members are normally able to do, spend money on, or request help with from City staff. For example, this includes:
 - ordering any new stationery, including business cards, envelopes or letterhead for their office in large quantities;
 - purchasing any gifts or promotional items for constituents, including greeting cards; and,
 - ordering any congratulatory scrolls from the Strategic Protocol and External Relations Unit.

For a complete list of these items, see section 4.7, Council Expenses during Election Year, on pages 17-19 of the [Constituency Services and Office Budget Policy](#).

- The City's media releases or materials will not reference the name of a member of Council. Where the City would typically name a specific Member of Council or the Mayor in its communications or media materials during an election period, it will use the generic term "the Councillor for Ward XX" or "the Mayor of Toronto" without naming the specific Member of Council. With the exception of inter-governmental initiatives (noted

below), this practice will be used for all City programs, events, and announcements to ensure effective communications with residents and businesses with respect to operational requirements, impacts or emergency situations.

- The Mayor will be subject to the same restrictions as Councillors and will only continue to be named in media releases and City materials related to inter-governmental activities in the capacity as the Chief Executive Officer of the City.

17. Additional restrictions to the use of City resources apply:

- **after August 19, 2022** to Members who are not seeking re-election; and,
- **after October 24, 2022** to Members who are not re-elected.

For the details of these restrictions, Members should consult pages 18 and 19 of Section 4.7, Councillor Expenses during an Election Year, of the [Constituency Services and Office Budget Policy](#).

Reminder #2: Organizing Community Events

18. On the day a member files their nomination papers, they can no longer solicit or receive donations for a Community Event.
19. **After August 1, 2022 and until October 24, 2022**, members will only be allowed to use their CSOB for community events or community expenses in response to an emergency.
20. An emergency could be a storm, flood, power blackout, public health emergency or similar event in a Ward that requires an emergency response on the part of City of Toronto. Before using their CSOB in response to an emergency, members should consult the Integrity Commissioner.

Reminder #3: Communicating with the Public

21. Members' offices should not be answering election-specific inquiries (e.g. "where do I vote?" or "where can I get a lawn sign?") and, depending on the question, may in response refer the question to either Toronto Elections or the contact information for their re-election campaign.
22. The requirements in Article 5 (Confidential Information) apply to a member's election activities. Members must not use the contact information they have obtained in their official role dealing with constituents for election-related activities. Constituent contact list information obtained in their official capacity should not be provided to a member's re-election campaign team. Members who maintain contact lists from their previous election campaigns, or from other private activities outside their office, must keep the collection and storage systems separate from City resources.

23. **After August 1, 2022 and until October 24, 2022**, members may not use their CSOB for:
- placing any advertisement in newspapers, magazines, other publications or websites that have a publication date after August 1, 2022, even though the ad purchase itself may have been made prior to August 1, 2022;
 - distributing electronic newsletters including mass e-mails;
 - conducting or authorizing any automated phone campaigns, such as robocalls or any similar automated virtual townhalls;
 - printing and distributing any newsletter to constituents; or,
 - printing and distributing any flyers to constituents, except in the case of emergencies. As noted above, before doing so, members should consult the Integrity Commissioner.

Reminder #4: Managing Members' Staff

24. Members should provide this Interpretation Bulletin to their staff and review its guidance with them. Members' staff are considered City of Toronto employees and, even though they are not subject to the Toronto Public Service By-law, are subject to the requirements of the Human Resources Management and Ethical Framework for Members' Staff and other City policies.
25. Members' staff should not engage in election-related activities:
- at any time using City resources (e.g. using smartphones, computers or office supplies);
 - during their working hours as City of Toronto employees; or,
 - at any time from the member's office at City Hall, a civic centre or from a constituency office.
26. Election-related activities include assisting with organizing campaign events, responding to campaign-related inquiries or developing election communications and other promotional content for use in the campaign.
27. Both members and their staff are required to ensure that staff are not engaged in election-related activity during their working hours as City of Toronto employees.
28. If a member's staff person wishes to work or volunteer on a campaign, including a campaign for a registered third-party advertiser, the member must document and monitor when the staff person is working on election-related activities and when they are performing their duties as a City of Toronto employee.

29. During what would normally be their working hours, if a member's staff person is working:
- on their own election as a candidate to become a member of another municipal council or a school board; or,
 - for any candidate or third-party advertiser in a municipal, provincial or federal election,
- that person may only do so if their absence from work is approved by the member as:
- a) vacation time;
 - b) lieu time;
 - c) float days;
 - d) an unpaid leave of absence; or,
 - e) a combination of the above.
30. If a member's staff person is a candidate for election to Toronto City Council, the Legislative Assembly of Ontario, or the House of Commons, that staff person must be approved by the member to take an unpaid leave of absence or must resign from the member's office.

Reminder #5: Working with City Staff

31. Members must be aware that City and agency staff must comply with the political activity requirements in the Toronto Public Service By-law.
32. City and agency staff must not be asked to:
- support election-related activities;
 - assist with producing campaign materials;
 - appear in campaign materials; or,
 - assist with, or participate in, any activities that are contrary to City policies that apply to elections and political activity.
33. Members must not use or try to obtain information for election-related purposes that would not be ordinarily available and accessible to the public. When requesting information from City staff for election-related purposes, members and their staff must be clear they are not requesting the information in their official capacity but as, or on behalf of, a candidate and the request should not be made using City resources.

Reminder #6: Using Social Media and Updating Webpages

Social Media

34. Members should be familiar with the Integrity Commissioner's [Use of Social Media by Members of Council Interpretation Bulletin](#).
35. A member must not use a social media account that identifies them as “Councillor” or “Mayor,” or is supported by City resources, to post content promoting any candidate or political party in any municipal, provincial, or federal election, including nomination and leadership contests.
36. The Integrity Commissioner recommends that members seeking re-election maintain dedicated social media accounts for their re-election activities.
37. If a member wishes to "convert" a social account that identifies the member as a member of Council or uses City resources, to one used for campaign purposes, specific actions (e.g. notification to followers and removal of the title “Councillor”) are required before the member files their nomination papers and they should seek advice from the Integrity Commissioner.

Websites

38. Members cannot convert an existing website, which has been registered, designed or maintained using City resources, to an election campaign website.
39. **After August 1, 2022 and until October 24, 2022,** members may not use the CSOB to pay for:
 - external resources to:
 - update an existing website that has been registered, designed or maintained using City resources;
 - perform website maintenance; or,
 - create and post videos or other web content.
 - new domain names for websites or any web design services.

Reminder #7: Interacting with Lobbyists

- 40. Members and their staff should review the [Lobbying By-law](#) and consult the [Lobbyist Registrar](#) if they have any questions.
- 41. Members should be aware that while a lobbyist may contribute to candidate and third-party advertising campaigns in accordance with the Municipal Elections Act, 1996, they may not do so as a form of lobbying about an issue to be decided by City Council, in accordance with Article 13 (Conduct Respecting Lobbyists) of the Code of Conduct.
- 42. Members should be aware that, if they receive a contribution which is not permitted by law under the *Municipal Elections Act, 1996* or the Lobbying By-law, it may be deemed an impermissible gift and therefore contrary to Article 4 (Gifts and Benefits) of the Code of Conduct.

Interpretation

- 43. This bulletin provides guidance with respect to the 2022 municipal election and the applicable legislation, City bylaws and policies and the Code of Conduct. In the event of any inconsistency, the requirements in legislation, City bylaws and policies and the Code of Conduct govern.

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Notes	<p>This version updates the Article numbers to reflect the updated Code of Conduct, effective August 1, 2022.</p> <p>This bulletin replaces and supersedes interpretation bulletins issued in previous elections.</p>