

Political Activity Rules for Members of Local Boards and Members of Adjudicative Boards

Purpose

1. This Interpretation Bulletin reminds members of local boards and members of adjudicative boards for the City of Toronto about the political activity rules in their respective Codes of Conduct, the [Code of Conduct for Members of Local Boards \(Restricted Definition\)](#) and the [Code of Conduct for Members of Adjudicative Boards](#). These rules apply to political activity at the municipal, provincial or federal level.
2. This bulletin, in particular, should be consulted by any member with questions about being involved in the 2022 municipal elections in the City of Toronto. The key dates for that election are:
 - **May 2, 2022:** Nominations open for election to City Council
 - **August 19, 2022 at 2:00 p.m.:** Nominations close for election to City Council
 - **October 24, 2022:** Voting Day
3. While the Integrity Commissioner cannot receive new Code of Conduct complaints between August 19 and October 24, 2022, the requirements in the Codes of Conduct still apply. In this period, the Integrity Commissioner will continue to provide confidential advice and answer inquiries. After this period, the Integrity Commissioner may receive new complaints for any misconduct that is alleged to have occurred in this time.
4. In addition to referring to this bulletin, members should consult the Integrity Commissioner for confidential advice when they have specific questions about political activity rules. The public and media are also invited to contact the Integrity Commissioner for general information about the requirements in the Codes 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.

What do I need to know about political activity?

5. Members must remember that City and local board policies prohibit boards from supporting political activity, which includes endorsing candidates, political parties or third party advertisers or materially supporting their campaigns. For example, the Toronto Municipal Code prohibits Business Improvement Area (BIA) Boards of Management from offering or advertising such endorsement and support ([§ 19-3.2 of Chapter 19](#)).
6. If holding an event during an election period, boards must be, and be seen to be, politically neutral and impartial. This means, for example, that:

- If a board is holding a ceremonial or community event between August 1, 2022 and October 24, 2022 and wishes to invite a member of Council in that person's official capacity, the promotional materials for the event should not name that member of Council. The materials should use the generic term "the Councillor for Ward XX" or "the Mayor of Toronto" without personally naming them.
 - Candidates, including members of Council, should not be invited to the board's meetings and events to campaign for their election/re-election.
 - If a board wishes to hold, or permit its premises to be used for, an all-candidates meeting, the board must consult City policies to determine if this is permitted and the conditions that must be observed.
7. While members are individually permitted to engage in political activity, there are sometimes limits imposed on what they can do to ensure that their boards are, and are seen to be, politically neutral and impartial. A member individually engages in political activity when they:
- are a candidate for election to a school board or to a municipal council, Queen's Park or the House of Commons;
 - seek the nomination of a political party to run at the provincial or federal level;
 - are a member of, or hold office in, a political party, constituency association, third party advertiser, someone's election campaign, leadership contest or nomination contest; or,
 - campaign or publicly demonstrate support or opposition to a political party, candidate, leadership contestant, nomination contestant, third party advertiser or become involved in a referendum issue / question.
8. The fundamental principle that members need to observe is that they need to separate their political activity from their public duties. This promotes public confidence in their work on the board. It also ensures what they do bears close public scrutiny. This principle is found in the preamble to the Codes of Conduct and is used to interpret the rules found in the articles of the Codes of Conduct. These rules include requirements that members must:
- comply with laws governing conduct (Article 2 Local Boards / 3 Adjudicative Boards);
 - not use City resources for political activity or election campaign work (Article 7 Local Boards / 8 Adjudicative Boards);
 - not use the influence of their office for political purposes (Article V8 Local Boards / 10 Adjudicative Boards);
 - not compel City or board staff to participate in political or election activities (Article 12 Local Boards / 14 Adjudicative Boards);

- not accept the campaign contributions of a lobbyist if the contribution is a form of lobbying about an issue to be decided by the board (Article 13 Local Boards / 15 Adjudicative Boards); and,
- observe Council and their board's policies and procedures (Article 15 Local Boards / 18 Adjudicative Boards).

What do I need to know if I am thinking about running in an election?

9. Sometimes limits are placed on someone's political activities when they are serving on one of the City's local boards. The most significant restrictions are placed on someone who runs as a candidate in a municipal, provincial or federal election.
10. A member who intends to be a candidate must obtain a leave of absence from their board. If they take a leave of absence, it must begin on the day the member is nominated as a candidate. This requirement is in section 4.12 of the [City of Toronto Public Appointments Policy](#) which members agreed to follow as a condition of their appointment. If they take a leave of absence, their Code of Conduct still applies to them. Apart from any sanction under the Codes of Conduct, under section 4.4 of the Public Appointments Policy, City Council retains the right to remove any appointed member at any time and for any reason, unless legislation provides otherwise.
11. City or board resources must not be used for political purposes. This is broadly interpreted to include City or board facilities, equipment, supplies and services. City or board staff must not be compelled to help a member for political purposes. This means a member must not use City or board resources, or compel City or board staff, to:
 - help create, produce or distribute campaign materials and advertising;
 - make donations or assist with fundraising;
 - canvass or put up signs; or,
 - engage in any other activity which would interfere with the political neutrality that board and City staff are required to maintain in their work.
12. A member who is a candidate is permitted to fundraise and receive election contributions in accordance with the *Municipal Elections Act, 1996* (or provincial or federal election laws, depending what elected office they are seeking). Contributions may be accepted from lobbyists, except for purposes of Article 13 Local Boards / 15.
13. Adjudicative Boards, if the contribution is a form of lobbying about an issue to be decided by the board. Members should review the [Lobbying By-law](#) and consult the [Lobbyist Registrar](#) if they have any questions.

14. In practice, to comply with their Code of Conduct, a member must do the following:
- When seeking endorsements, asking for campaign contributions, canvassing for votes or asking someone to put up a campaign sign, the member must not use, or be perceived as using, their position on their board to obtain this support.
 - When making contributions to their own campaign, the member may only do so using their private resources rather than City or board resources.
 - When trying to attract people to work on their campaign on a paid or unpaid basis, a member must not offer, or be perceived as offering, anyone preferential treatment connected with their position on their board.
 - When advertising their candidacy (using flyers, brochures, their websites and social media accounts, robocalls or any other means of advertising) a member's campaign materials may refer to their position on their board as part of their personal credentials and should specify they are on a leave from their board to run for office. A member must not use City or board logos in their materials or give the impression that their candidacy is supported or endorsed by the City or their board.
 - When planning campaign activities, holding campaign meetings, or communicating with others about their campaign, a member must not do so from, or use, City or board facilities.
 - When canvassing or distributing campaign materials, a member must not do so on, or at, City or board premises, meetings or events.
 - When posting lawn signs a member must not do so on City or board premises and must also comply with the sign by-law.
15. If a member, who is a candidate, has a question about a political activity or situation not described above, they should seek advice from the Integrity Commissioner before engaging in that activity.

What do I need to know if I want to be politically active?

16. The limits placed on someone's general political activities, when they are serving on one of the City's local boards, are not as stringent as the limits on someone who runs as a candidate in a municipal, provincial or federal election.
17. The Codes of Conduct do not directly prohibit members from being a supporter, member or officer in a political party, constituency association, third party advertiser, someone's election campaign, leadership contest, nomination contest or referendum campaign. However, that activity must be consistent with their obligations under their

Code of Conduct and the Public Appointments Policy.

18. If a member has a question as to whether a political activity is consistent with their obligations under the Codes of Conduct and the Public Appointments Policy, they should consult the Integrity Commissioner in advance. Apart from any sanction under the Codes of Conduct, under section 4.4 of the Public Appointments Policy, Council retains the right to remove any appointed member at any time and for any reason, unless legislation provides otherwise.
19. In practice, to comply with their Code of Conduct, a member must do the following:
 - If asked to provide a public endorsement, the member must not do so if they would be perceived as associating their position on their board with the provision of this support. For example, if a member provides an endorsement, any campaign publication should not use their board title or refer to them being on the board.
 - If making contributions to a campaign, the member may only do so using their private resources rather than City or board resources.
 - If putting up a lawn sign, a member needs to consider if it could create a perception they would be associating their position on their board with a campaign. In most circumstances, putting up a sign would not create that perception but if the member has concerns they should seek advice from the Integrity Commissioner.
 - If considering working on a paid or unpaid basis for a campaign, a member must not do so if they would be perceived as associating their position on their board with this work on the campaign.
 - If canvassing in a campaign, or soliciting others to make contributions, a member must not do so if they would be perceived as associating their position on their board with this activity, or do so in a manner that would be perceived as offering anyone preferential treatment, connected with their position on their board, for offering support or making a contribution.
20. If a member has a question about a political activity or situation not described above, they should seek advice from the Integrity Commissioner before engaging in that activity.

Interpretation

21. This bulletin provides guidance with respect to political activity. In the event of any inconsistency, the requirements in legislation, bylaws, policies and Codes of Conduct govern.

Contact Information

Office of the Integrity Commissioner
City of Toronto
375 University Avenue, Suite 202
Toronto, ON M5G 2J5
(416) 392-3826

integrity@toronto.ca

toronto.ca/integrity

Issue Date	August 8, 2022
Version	1.1
Notes	<p>This version updates the Article numbers to reflect the updated Codes of Conduct, effective August 1, 2022.</p> <p>This bulletin replaces and supersedes interpretation bulletins issued in previous elections.</p>