



### PURPOSE

This Election Activities Information Bulletin (“Information Bulletin”) is written to provide Members of Council and Local Boards (“Members”) with guidance on the rules that govern their role as elected officials of the City of Vaughan in respect of election and campaign-related activities.

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 or in support of election campaigns. 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.

This Information Bulletin supports legislated requirements and City-established By-laws, policies and procedures that set out the governance and accountability framework for City of Vaughan.

### APPLICABLE PRINCIPLES

An underlying principle of the Code is that Members will conduct themselves in a manner that promotes public confidence and will bear close public scrutiny. A campaign period is a time of heightened scrutiny upon everyone involved at an election. Members are advised to transparently and clearly establish a separation between their election-related activities and their private activities and to avoid any use of City resources (whether actual or apparent) to support election related activities.

### DEFINITIONS

**City Resources** means Any City Facilities, infrastructure, technology or other item or asset owned, rented or leased by the Corporation of the City of Vaughan. For example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, branding (logo/wordmark) and any Members expense budgets.

**By-Election** means an election other than a regular election that is conducted in accordance with the governing legislation.

**Campaign Period** means The official campaign period of a municipal, provincial or federal election or by-election.

- For a municipal election, beginning May 1 in the year of an election, and ending on voting day.
- For a provincial election, beginning on the date the writ is issued and ending on voting day.
- For a federal election, beginning on the date the writ is issued and ending on voting day.
- For a ballot question, the date on which Council passes the necessary by-law and ending on voting day.
- For a by-election, beginning the date the by-election is called and ending on voting day.

**Candidate** means a person who has filed the relevant nomination (and not withdrawn that nomination) for an office on the council of a lower-tier or upper-tier municipality, local board, provincial or federal office at an election or by-election and includes those candidates who have been acclaimed.

**Election** means An election, by-election or ballot question governed by the Municipal Elections Act, 1996; the Elections Act, R.S.O. 1990; the Canada Elections Act, S.C. 2000, c. 9, as amended, or the Referendum Act, S.C. 1992, c. 30, as amended.

**Election Activity** refers to activities related to campaigning for school board, municipal council, provincial and federal office, including the seeking of a nomination in an election.

**Official Business** means:

For Members of Council, duties and responsibilities that include those activities that are reasonably related to a Member's office, taking into consideration the different interest, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a Member.

For Members of Local Boards, duties and responsibilities set out at the time of their appointment to the Local Board.

**Partisan** means identification or support for a specific political party or an individual seeking or holding public office.

**Regular Election** means a general election for school board, municipal council, provincial and federal office.

**Social Media** includes any freely accessible, third-party hosted interactive web technology

used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Websites, Twitter, Facebook, Instagram and Pinterest are examples.

**Voting Day** means the day the final vote is to be taken in an election.

## APPLICATION

This Information Bulletin operates as a supplement to the existing statutes governing the conduct of members of Council and Local Boards in all their roles of office, including but not limited to the *Code of Conduct for Members of Council and Local Boards, Municipal Act, Municipal Conflict of Interest Act, Municipal Elections Act, 1996, Municipal Elections Modernization Act, 2016, and the Municipal Freedom of Information and Protection of Privacy Act.*

## GENERAL GUIDELINES

Members are required to observe the terms of all policies and procedures established by the City that apply to Members, including the Code of Conduct for Members of Council and Local Boards (the "Code").

It is recognized that while Members are political representatives, they are also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties and candidates. However, Members shall not endorse a specific candidate or campaign on behalf of a specific candidate, in their capacity as Members. More specifically, Members must take care to clarify that they do so as a private individual and must not be seen as using their office to endorse political candidates for election. In order to preserve the public trust and the integrity in the elections process, Members should make every effort to separate their work and activities as City of Vaughan elected and appointed officials from activities in support of municipal, provincial or federal election candidates.

All candidates are prohibited from election activities on City property, including distribution of election related signs, pamphlets or buttons and the use of City resources or City communication tools. Use of election related signs on City premises in windows or offices is prohibited.

Refer to **Use of Corporate Resources for Election Purposes Policy**, Policy No. 03.C.03.

Members cannot distribute media releases using the resources of the City including communications networks or distribution systems for election purposes.

Members cannot use the services of any City staff (during hours in which those persons received any compensation from the City) to assist in any communication activity related to the preparation or distribution of election related materials or events.

Personal social media accounts for election activity cannot be created or supported using City resources.

Members (including their staff) are prohibited from using pictures, videos or recording audio of City staff and volunteers for any election activity.

Members are prohibited from the use of their City office or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities.

Members (including their staff) shall not use City stationary, printing or photocopying resources and other City materials for election activities.

Members will not use City resources or funds to print or distribute information which promotes a candidate for municipal, provincial or federal office.

Members will not use the City's email/voice mail system to record, distribute or disseminate election activity messages or correspondence. 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.

Members may distribute pictures, videos or audio recordings with sitting elected officials (including Members of Parliament, Members of Provincial Parliament, City Councillors, Trustees), provided the activity or event is related to fulfilling official business and is not for any election related activity. Members may continue to update their constituents on City projects and intergovernmental initiatives.

## **MEMBERS' OFFICE STAFF**

Members should ensure that their staff are familiar with the obligations described in this Information Bulletin.

As a best practice, Members may wish to develop scripts to assist their office staff with addressing common inquiries that could arise during a campaign period. 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, provincial, federal) 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 Vaughan"

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 \_\_\_\_\_’s office, and this phone line and the staff here can only assist with matters related to the City of Vaughan. Your inquiry appears to relate to the (municipal, provincial, federal) election campaign. It is best if you use other methods to locate the campaign office by searching online or by monitoring the (municipal, provincial, federal) Election Services’ website which may include campaign contact information about registered candidates in each ward, where the candidate has provided it.”

Members and their staff should not use City resources to forward campaign inquiries from a Member’s office to a campaign office. However, Members and their staff can provide residents with campaign contact information in circumstances where the resident reaches out to their municipal office attempting to reach the member’s campaign office.

If a Members’ staff volunteer on any campaign, including a campaign for a registered third-party advertiser, the Member 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, the Member should seek advice from the City’s Human Resources department on staff leaves of absence.

## **LOBBYING**

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 applicable legislation (including third-party advertising campaigns), they may not do so as a form of lobbying about an issue to be decided by City Council.

Members are encouraged to familiarize themselves with the City of Vaughan Lobbying

By-law and direct all public inquiries to: The City of Vaughan Lobbyist Registry

## **COUNCILLOR NEWSLETTERS AND SOCIAL MEDIA ACCOUNTS**

Members should not receive campaign-related emails or other communication on City-funded devices.

The Newsletter content shall not announce or illustrate the Member’s intention to run for election or the announcement of a candidate in the election. Generally, a listing of a sitting elected official’s accomplishments over the previous term is not deemed to be election-related.

Members must be mindful of how they use various social media sites. If a Facebook account is used as Councillor’s Facebook page, the messages should not contain any campaign related information. Whether a social media account is paid for with City funds or personal funds, Members of Council are cautioned to not upload to the Member of Council site, links to other social media that contain campaign content. The City of Vaughan logo must not be used in any campaign materials.

City funded cellular/android devices cannot be used for campaign related purposes, even for occasional use. Campaign event scheduling shall not be included in City funded devices. Members may block off time in their City funded devices so that their staff are aware that the time is not available for City appointments.

However, City devices shall not be used as scheduling calendars for campaign-related events.

For the purposes of a campaign, the City’s public website is available to any member of the public, including election candidates and therefore, any information that can be downloaded publicly from the City’s website, may be linked to a candidate running for

election on their campaign website, including photographs. A Member will not be penalized under the Code if a Member's publicly available photographs are used by an election candidate. However, photographs stored on City-funded devices and/or City servers cannot be uploaded to campaign websites or forwarded to campaign staff.

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 or record audio that promotes (or appears to promote) any candidate or political party in any municipal, provincial, or federal election, including leadership campaigns.

### **CONDUCT RESPECTING STAFF**

Rule 16.1 of the Code states that no Member shall compel staff to engage in partisan political activities or be subject to threats or discrimination for refusing to engage in such activities. Rule 16.3 reminds Members that they must be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.

City employees, including Council Member staff, are permitted to work on a campaign or support a candidate outside of the hours that they are compensated by the City, as long as they follow the City's Human Resources policy which defines permitted campaign activity for City employees. Information on hours of work, overtime and vacation entitlements for staff covered by collective agreements can be obtained from the Human Resources department.

### **RELEVANT LEGISLATION, POLICIES AND GUIDELINES**

Members are encouraged to review the following

- a. Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.
- b. Code of Conduct for Members of Council and Local Boards, Policy No. 01.35
- c. Use of Corporate Resources for Election Purposes Policy, Policy No. 03.C.03
- d. Employee Code of Conduct, Policy No. HR - 005
- e. Social Media Policy, Policy No. CC - 005

This Interpretation Bulletin is intended to provide general information.

In order to rely on the Integrity Commissioner's advice respecting specific situations, Members must seek written advice in accordance with section 3 of the Framework and Interpretation of the Code of Conduct.

If you have any questions, please contact:

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