

**PURPOSE:**

This Bulletin is written to provide guidance for Lobbyists about their roles under the Lobbying By-law with reference to election fundraising. It is intended to ensure that questions or concerns can be addressed well in advance of an election period, to identify potential situations of conflict of interest or undue influence and to take appropriate action.

1. The Municipal Elections Act, 1996 (“MEA”) prohibits corporations and trade unions from contributing to candidates for municipal office.
2. Lobbyists are permitted to make contributions in their personal capacity as individuals who are residents of Ontario, in accordance with the requirements of the MEA to candidates in the election. They may not do so as part of their lobbying activities as a consultant, in-house or voluntary unpaid lobbyist.<sup>1</sup>
3. During the election period<sup>2</sup>, City Council continues to meet and Members of Council continue to hold office, whether or not they choose to seek re-election. The Lobbying By-law continues to apply when lobbying public office holders, including Members of Council. Lobbyists must register before they lobby a public office holder and they must report their lobbying activities.
4. The Lobbyists’ Code of Conduct continues to apply to lobbyists in their dealings with public office holders. For example, the Code prohibits lobbying in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind; requesting public office holders to endorse or recommend lobbyists’ services; and lobbying at a charitable event, community or civic event, or similar public gathering.<sup>3</sup>
5. Lobbyists must not place public office holders in a conflict of interest or in breach of their codes of conduct or standards of behavior; and they must not bestow an improper benefit or exert improper influence on a public office holder.<sup>4</sup>
6. A conflict of interest is any interest, relationship, association or activity that may be incompatible with the duties of the public office holder, including the duty to act in the public interest, whether real or apparent.
7. Lobbyists should take all necessary measures to avoid creating any actual or apparent incompatibility between the public office holder’s personal interests or obligations and his or her public duties, including the duty to act in the public interest. Certain activities may result in a perception that a public office holder’s ability to serve the public interest has been compromised by a personal interest or obligation. If so, a conflict of interest has been created.

<sup>1</sup> [By-Law 165-2017, Section\(1\) Definitions](#)

<sup>2</sup> [City of Vaughan 2022 Municipal Elections, Important Dates](#)

<sup>3</sup> [City of Vaughan Lobbyist Code of Conduct](#)

<sup>4</sup> City of Vaughan Lobbyist Code of Conduct, Improper Influence:

- Lobbyists shall avoid both the deed and the appearance of impropriety.
- Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders’ codes of conduct or standards of behaviour.

8. Certain activities with respect to a Municipal Election campaign may place a public office holder in a conflict of interest. See the “FAQs – Frequently Asked Questions” below, for a discussion of the risk created by various types of campaign activities.

### FAQS – FREQUENTLY ASKED QUESTIONS

Q I am a registered lobbyist. May I also register as a candidate in Vaughan’s municipal elections?

A The MEA does not prohibit a lobbyist from filing a nomination as a candidate in an election. As a lobbyist, you must comply with the Lobbying By-law’s registration and reporting requirements, and the Lobbyists’ Code of Conduct

You should seek advice from the Lobbyist Registrar on any specific questions you have about your role as a lobbyist who is also a candidate.

Q I am a registered lobbyist or a client of a lobbyist. May I vote, place a campaign sign on my lawn or scrutineer for a candidate in Vaughan’s municipal elections? What restrictions on lobbying will then apply to me, if any, during the election period or should the candidate get elected?

A Yes, undertaking any combination of these activities is permitted and lobbying that candidate either during the election period or if elected is acceptable, as is lobbying his or her staff, if done in accordance with the Lobbying By-law and the Lobbyist Code of Conduct.

Q I am a registered lobbyist. May I contribute to the election campaign of a councillor who is running for re-election?

A Yes, you are permitted to make a campaign contribution to a candidate if you are an individual living in Ontario. The maximum individual contribution is \$1,200 to any one candidate, regardless of office. Corporations and trade unions cannot make contributions to candidates for municipal elections. The total amount you may contribute to all

candidates for office on Vaughan City Council is \$5,000. However, you must not make this contribution as a form of lobbying about an issue to be decided by City Council.

Q I am a lobbyist or a client of a lobbyist. May I volunteer to work on a candidate’s election campaign? Will I be able to lobby the candidate if he or she is successful in the election?

A Yes. However, your volunteer work must comply with the Lobbyists’ Code of Conduct. If you perform a significant role during the campaign, your activities pose a risk of creating a conflict of interest for the individual seeking to be a councillor should they be elected or re-elected.

For example, serving as the campaign chair, treasurer, fundraising manager or in another strategic role on a campaign team or leading the preparation of a candidate for debates or providing strategic advice in the context of debate preparation, will create, at minimum, a perception of conflict of interest or undue influence. Lobbyists undertaking such activities on behalf of an individual should not lobby that individual should he or she obtain or retain public office, nor should they lobby his or her staff.

When a lobbyist has carried out activities that pose a risk of creating a conflict of interest, the Registrar is of the view that in most instances, the Lobbyist may not lobby the successful candidate and/or his or her staff for the duration of his or her term of office.

You should seek the advice of the Lobbyist Registrar regarding whether your volunteer work and your individual circumstances are likely to result in a conflict of interest or undue influence.

Q May I volunteer for a candidate who is running in both the municipal and provincial election?

A Activities related to a particular candidate’s provincial election campaign may result in a lobbyist placing that candidate in a conflict of

interest at the municipal level, that is should the candidate be unsuccessful in the provincial election but get elected at the municipal level and the Lobbyist subsequently lobby them.

Such activities will be treated as if they occurred in relation to the candidate's municipal campaign and analyzed in accordance with the principles articulated in the previous question.

Q May I buy a ticket for a political fundraising function?

A Yes, if you are an individual living in Ontario and this amount will not result in you exceeding the contribution limits under the Municipal Elections Act, as noted above. You must comply with the Lobbyists' Code of Conduct. You must not buy the ticket as a form of lobbying.

Q May I fundraise for a candidate? If I do, will I be able to lobby that candidate if he or she is successful?

A Fundraising by a lobbyist creates a significant likelihood that a conflict of interest will result, should the lobbyist engage in lobbying that member of Council or candidate, once elected.

Justice Bellamy<sup>5</sup> recommended:

113. Professional lobbyists should not engage in any type of political fundraising for candidates or councillors they lobby, beyond making their own donations.

120. When registering, lobbyists should certify that they have not engaged in political fundraising at the City beyond making their own allowable donations.

Therefore, we advise that lobbyists should not fundraise for a candidate, if their intent is to lobby that candidate once elected, or if they

are concurrently lobbying a candidate who is a member of Council during the election period. Alternatively, they should not lobby a public office holder for whom they fundraise. For further advice on particular situations, lobbyists should contact the Lobbyist Registrar.

Q May an organization that lobbies hold an all candidates meeting or a similar election event?

A Yes, if it is an all candidates debate. All candidate debates to which the public is invited are not considered to be lobbying activities. In some circumstances, though, an organization may be required to report an election event as a lobbying activity. Lobbyists should seek advice from the Lobbyist Registrar on whether to report an election event as a lobbying activity if:

1. The holder or sponsor of the event is registered to lobby about subjects that will be considered in the current term of Council and these subjects will be discussed at the event;
2. The invited candidates include members of the current Council; and
3. The event is not open to the public, is by invitation only or by purchase of a ticket.

For more information, please visit the website of The City of Vaughan's Lobbyist Registrar [HERE](#), or contact the office via E-mail: [lobbyistregistrar@vaughan.ca](mailto:lobbyistregistrar@vaughan.ca)

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<sup>5</sup> [The Toronto Computer Leasing Inquiry, City of Toronto, The Honourable Madam Justice Denise E. Bellamy, Commissioner, 2005 pp.95-96](#)