

Integrity Commissioner Bulletin 2022-03: Election Activities and Conflict of Interest

In advance of the next City of Vancouver election set for October 15, 2022, this Bulletin is made with respect to how the [Code of Conduct By-Law No. 12886](#) (“Code of Conduct”) applies to the activities of Council members during an election campaign.

Election Activities

Sections 4.11 and 4.12 of the Code of Conduct place restrictions on Council members with respect to election activities. Section 4.11 prohibits the use of any City resources (which includes land, facilities, equipment, supplies, services and employees) for any election campaign or campaign-related activities unless those resources are similarly available to all candidates and are appropriately paid for by the election campaign. Section 4.12 restricts Council members from compelling City employees to engage in partisan political activities.

Conflict of Interest

Section 4.1 of the Code of Conduct may limit Council members during the election period, as it restricts Council members from engaging in a “conflict of interest”, by calling for compliance with the conflict-of-interest requirements set out in sections 145.2 to 145.911 of the [Vancouver Charter](#). Section 145.2(2) of the *Vancouver Charter* requires Council members to declare “(a) a direct or indirect pecuniary interest in a matter; or (b) another interest in the matter that constitutes a conflict of interest.”

Importantly, both the case law and the Code of Conduct are clear that the acceptance of lawful campaign contributions, without more, is not a conflict of interest. For that reason, a Council member may continue to speak about, and vote on, matters of interest to campaign donors so long as the Council member does not otherwise have a conflict of interest.

Rules Regarding Campaign Contributions

The [Local Elections Campaign Financing Act](#) (the “LECFA”) establishes the rules for campaign financing and Elections BC administers these rules with respect to local municipal elections, including City of Vancouver elections. Notably, the LECFA sets out the following rules which are designed to ensure transparency around campaign contributions:

- Only “eligible” individuals are permitted to make campaign contributions, meaning individuals who are both residents of BC and either a Canadian citizen or a permanent residency holder;
- Campaign contributions from corporations, organizations and unions are prohibited;
- Campaign contributions are capped at an amount set annually by the BC Chief Electoral Officer (\$1,250 per eligible individual for 2022);
- Any contributions of \$100 or more to a local elections candidate must be published in the Financial Reports and Political Contributions System operated by Elections BC, including the name of the contributor, the date the contribution was made and the amount; and
- Anonymous donations of \$50 or less are permissible.

For more information on the rules regarding campaign contributions, visit the Elections BC website: [Welcome to Elections BC](#).