



## **Use of Corporate Resources for Election Purposes**

<b>Policy #</b>	081
<b>Effective Date</b>	March 23, 2022
<b>Status</b>	Approved
<b>Final Approver</b>	Council

### **1.0 Purpose**

This policy provides guidelines for meeting the City of Kingston's responsibilities under the Municipal Elections Act, 1996, the Election Finances Act, and the Canada Elections Act by establishing requirements and restrictions related to campaign finances, the use of municipal resources, and municipal contributions to election campaigns.

### **2.0 Persons Affected**

2.1 This policy applies to:

2.1.1 all Employees

2.1.2 all Candidates

2.1.3 all Third-Party Advertisers

2.1.4 all members of City Council, including any acclaimed member of Council or member of Council who is not seeking re-election; and

2.1.5 any individual acting on behalf of a member of Council, a Candidate, or a Third-Party Advertiser.

### **3.0 Policy Statement**

3.1 The Municipal Elections Act, 1996, as amended, establishes the election campaign finance rules for Candidates running in a municipal election and for individuals, corporations or trade unions registered to support or oppose a Candidate or a question on the ballot. Pursuant to the Municipal Elections Act, 1996, public funds are not to be used for any election campaign related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office or a question on the ballot. Section 88.8(4) paragraph 5 of the Municipal Elections Act, 1996 prohibits the municipality, the City of Kingston, from making campaign contributions in any form, which includes through its assets, resources, services, and employees. Section 88.12(4)

paragraph 3 prohibits the municipality from contributing to a Third-Party Advertiser's campaign.

- 3.2 As campaign contributions may take the form of money, goods and services, any use of Corporate Resources for an election-related purpose by a member of Council, a Candidate, a Third-Party Advertiser, an Employee, or an individual acting on behalf of a member of Council, a Candidate, or a Third-Party Advertiser, is prohibited unless otherwise expressly stated in this policy.
- 3.3 The Election Finances Act, 1990, as amended, and the Canada Elections Act, 2000, as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29(1) of the Election Finances Act prevents any candidate, constituency association, nomination contestant, leadership contestant, or political party from accepting contributions from corporations. Section 363(1) of the Canada Elections Act prohibits any person or entity other than a Canadian citizen or a permanent resident from contributing to a registered party, a registered association, a nomination contestant, a candidate, or a leadership contestant.

## **4.0 Definitions**

- 4.1 Candidate - means a person who is running or has expressed an intention to run in a municipal, provincial, or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.
- 4.2 Candidate Campaign Period - means, for municipal elections, the period commencing on the date a Candidate files their nomination and ending on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, unless the campaign period is extended pursuant to the Municipal Elections Act, 1996. The Candidate Campaign Period is deemed to end on the day a nomination is withdrawn, on Nomination Day if the nomination is rejected, or on the day the Candidate files their financial statement pursuant to the Municipal Elections Act, 1996. For federal and provincial elections, the Candidate Campaign Period commences on the issuance of the writ of election and ends on voting day.
- 4.3 City of Kingston - means The Corporation of the City of Kingston.
- 4.4 Corporate Resources - includes but is not limited to Employees, events organized or funded solely or jointly by the City of Kingston, City of Kingston funds, City of Kingston information, and City of Kingston facilities, assets, and infrastructure.
- 4.5 Election Year - means January 1 through to voting day during a regular municipal election year.
- 4.6 Employees - includes full-time, part-time, and contract employees paid by The City of Kingston, and, for purposes of this Policy only, City of Kingston volunteers and students.

- 4.7 Nomination Day – means, in the case of a regular municipal election, the third Friday of August in the year of the election, and in the case of a by-election, the date established in accordance with Section 65 of the Municipal Elections Act, 1996.
- 4.8 Third-Party Advertiser - means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, 1996, Section 37.5 of the Election Finances Act, R.S.O. 1990, c.E.7, or Section 353 of the Canada Elections Act, S. C. 2000, c. 9.
- 4.9 Third-Party Advertiser Campaign Period -- means the period commencing on the date a Third-Party Advertiser is registered and ending on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, unless the campaign period is extended pursuant to the Municipal Elections Act, 1996.

## **5.0 Application**

- 5.1 Throughout the Candidate Campaign Period and Third-Party Advertiser Campaign Period all restrictions noted in this policy apply. Effective at 2:01 p.m. on Nomination Day, all restrictions noted in this policy apply to all Candidates, all members of Council referred to in section 2.1.4 of this policy, and Third-Party Advertisers.
- 5.2 No person may use Corporate Resources in contravention of this policy.
- 5.3 Technology Related Provisions
  - 5.3.1 Candidates, Employees, Third-Party Advertisers, and all members of Council, referred to in section 2.1.4 of this policy shall not use Corporate Resources for any election-related purposes, including computers, cell phones, tablets, printers, scanners, or other services such as email, internet, video conferencing and file storage.
  - 5.3.2 Websites, domain names and social media platforms that are funded by the City of Kingston shall not include any election-related campaign material or links to sites that feature election-related campaign material.
  - 5.3.3 The online Candidates list shall be the only area of the City of Kingston's website where links to external election campaign websites will be posted during the Campaign Period.
  - 5.3.4 Social media accounts hosted by members of Council are not sponsored by the City of Kingston and once a member of Council registers to be a Candidate, all links to their Twitter, Facebook, and/or other social media accounts, as well as links to personal external website(s) will be removed from all City of Kingston webpages. In addition, any website activity such as a blog account, for a member of Council will be deactivated and their page will be removed. Any election-related social media activity using Corporate Resources is prohibited.

- 5.3.5 In an Election Year, Mayor and Council biographies on the City of Kingston website will remain static, and no changes to these pages will be allowed.
- 5.3.6 The City of Kingston's voice mail system shall not be used to record election-related campaign messages nor shall the computer network, including the City of Kingston's e-mail system, be used to distribute election-related campaign correspondence.
- 5.3.7 Where an incumbent member of Council has registered to be a Candidate and subsequently receives election-related communications (for example phone calls or emails) through the City of Kingston's voice system or computer network, the member of Council is obligated to provide the individual with campaign-related contact information without embellishment.

#### 5.4 Facility Related Provisions

- 5.4.1 Candidates and Third-Party Advertisers shall not campaign and/or distribute campaign literature during any event being hosted by the City of Kingston, whether on municipal property or not.
- 5.4.2 Candidates and Third-Party Advertisers shall not use any City of Kingston owned facilities for any election-related purposes unless rented in accordance with the City of Kingston's standard rental procedures.
- 5.4.3 In accordance with the City of Kingston Election Sign By-Law, no campaign related signs or other election-related material shall be displayed in any City of Kingston owned facilities. Election signs are permitted to be placed in City of Kingston owned buildings that are leased to another person or entity.

#### 5.5 Communications Related Provisions

- 5.5.1 Members of Council are responsible for ensuring that the content of any communication material printed, hosted, or distributed by the City of Kingston is not election campaign related.
- 5.5.2 Candidates and Third-Party Advertisers shall not print or distribute any election campaign related material using municipal funds. The City of Kingston will not distribute material, through electronic or non-electronic means, which it determines is election campaign related.
- 5.5.3 The City of Kingston's logo, crest, coat of arms, or slogan may not appear on any campaign materials, whether electronic or printed. Other images or text that suggest endorsement by the City of Kingston are prohibited. Links to the City of Kingston's election website using the link provided by the City Clerk are not subject to this prohibition.
- 5.5.4 Photographs produced for and owned by the City of Kingston shall not be used by Candidates or Third-Party Advertisers for any election purposes.

5.5.5 No advertising paid for by the City of Kingston shall contain the name of a member of Council unless consistent with their duties as an elected official.

5.5.6 In an Election Year, neither Corporate Resources nor the budgets of members of Council shall be used to sponsor any advertisements, events, flyers, newsletters, or householders from the day after Nomination Day up to and including final voting day.

## 5.6 Employee Provisions

5.6.1 Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the federal, provincial, and municipal levels provided that such activity does not take place during normal working hours or involve the use of Corporate Resources. Notices, posters, or similar material in support of a particular Candidate, Third-Party Advertiser or political party are not to be produced, displayed or distributed by Employees on City of Kingston work sites or property.

5.6.2 Employees shall not canvass or actively work in support of a Candidate, Third-Party Advertiser, or party during normal working hours unless they are on a leave of absence without pay, lieu time, flex day, or vacation leave.

5.6.3 Employees shall not canvass or actively work in support of a Candidate, Third-Party Advertiser or political party while wearing a uniform, badge, logo, or any other item identifying them as an employee of the City of Kingston, or using a vehicle owned or leased by the City of Kingston.

5.6.4 Employees must conduct themselves in compliance with the City of Kingston Employee Conflict of Interest Policy.

## 5.7 Limitations

5.7.1 Nothing in this policy will preclude the City Clerk or their designate from performing their statutory duties, restrict them from distributing information respecting election activities, or undertaking actions that assist residents in exercising their right to vote.

5.7.2 Nothing in this policy will preclude a member of Council from performing their duties as a member of Council, nor inhibit them from representing the interests of their constituents.

5.8 This policy shall be reviewed during the term of Council and will be revised in light of any changes in legislation. A revised policy will be established prior to May 1 in an Election Year.

## **6.0 Responsibilities**

6.1 Council members are collectively responsible for approving this policy.

- 6.2 Supervisors/Managers/Directors are responsible for directing Employee compliance with this policy.
- 6.3 The City Clerk is responsible for:
  - 6.3.1 communicating this policy to Candidates and Third-Party Advertisers;
  - 6.3.2 directing Candidate and Third-Party Advertiser compliance with this policy; and
  - 6.3.3 resolving any issues or conflicts relating to this policy.
- 6.4 Candidates, Third-Party Advertisers, and all members of Council, referred to in section 2.1.4 of this policy are responsible for compliance with this policy.
- 6.5 Employees are responsible for ensuring their activities are not in conflict with this policy. Any Employee who breaches this policy may be subject to discipline up to and including dismissal.

**7.0 Approval Authority**

<b>Role</b>	<b>Position</b>	<b>Date Approved</b>
Quality Review	Deputy City Clerk	January 7, 2022
Subject Matter Expert	City Clerk	January 13, 2022
Legal Review	Senior Legal Counsel	January 20, 2022
Final Approval	Council	March 22, 2022

**8.0 Revision History**

<b>Effective Date</b>	<b>Revision #</b>	<b>Description of Change</b>