



Policy Name: Use of Corporate Resources for Elections Purposes

Administrator: City Clerk

Approval Date: April 24, 2018

Effective Date: May 1, 2018

Next Review Date: By April 30, 2022

Approval Authority: Council

1. Policy Statement

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. 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. The Municipal Elections Act, more specifically section 88.8(4) paragraph 5 relating to campaign contribution rules, prohibits the municipality, The Corporation of the City of Kingston, from making contributions in any form, which includes its assets, resources, services and employees. Section 88.12(4) paragraph 3 prohibits the municipality from contributing to a Third Party Advertiser's campaign.

As campaign contributions may take the form of money, goods and services, any use of a corporate resource for an election-related purpose by a member of Council, a Candidate, a Third Party Advertiser or staff, is prohibited.

The Election Finance 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 Finance Act and Section 363(1) of the Canada Elections Act prohibit municipal corporations from contributing to any candidate, constituency association, nomination contestant, leadership contestant, or political party.

This policy does not preclude a member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.

2. Purpose

The purpose of the Use of Corporate Resources for Election Purposes Policy is to meet the City of Kingston's responsibilities under the Municipal Elections Act, the Election Finance Act and the Canada Elections Act, by establishing the requirements and restrictions related to campaign finances, the use of municipal resources and municipal contributions to election campaigns.

3. Persons Affected

This policy is applicable to:

- all employees;
- all Candidates;
- all Third Party Advertisers;
- all members of City Council, including any acclaimed member of Council or member of Council who is not seeking re-election; and
- any individual acting on behalf of a member of Council, a Candidate or a Third Party Advertiser.

4. Definitions

“The Act” means the Municipal Elections Act, 1996, as amended, and includes any regulation made there under.

“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.

“Campaign Period - Candidates” begins the date a Candidate files their nomination and ends 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 candidate applies to extend the campaign period. The campaign period also ends 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. For federal and provincial elections the campaign period begins with the issuance of the writ through to voting day.

“Campaign Period – Third Party Advertisers” begins the date an individual, corporation or trade union is registered and ends 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 candidate applies to extend the campaign period.

“The City of Kingston” means The Corporation of the City of Kingston.

“Corporate Resources” includes but is not limited to The Corporation’s employees, events, funds, information and assets.

“Election Year” or **“Election Period”** means January 1 through to Voting Day during a regular municipal election year.

“Employees” includes full-time, part-time, and contract employees, paid by The City of Kingston.

“Nomination Day” for a regular municipal election is the fourth Friday in July in the year of the election.

“Third Party Advertiser” means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, Section 37.5 of the Election Finance Act, R.S.O. 1990, c.E.7, or Section 353 of the Canada Elections Act, S. C. 2000, c. 9.

5. Policy Applications

Throughout the Campaign Period all restrictions noted in this policy will be applied to all Candidates, including acclaimed Candidates and Third Party Advertisers. Effective Nomination Day at 2:01 p.m. all restrictions noted in this policy will be applied to all Candidates, all members of Council, including acclaimed Candidates and those members of Council not seeking re-election and registered Third Party Advertisers.

Individuals and Third Party Advertisers who have questions about this policy are encouraged to contact the Clerk’s Department to obtain further clarification.

No person may use Corporate Resources in contravention of this policy.

Technology Related Provisions

- Candidates, Third Party Advertisers and members of Council shall not use Corporate Resources, for any election-related purposes, including computers, cell/smart phones, tablets, printers, scanners, or other services such as email, internet, and file storage.
- Web sites or domain names 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.
- The online Candidate’s list shall be the only area of the City of Kingston’s websites where links to external election campaign websites will be posted during the Campaign Period.
- Social media accounts hosted by members of Council are not sponsored by the City 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 City resources is prohibited.

- In an Election Year, Mayor and Council biographies will remain static, and no changes to these pages will be allowed.
- The City of Kingston's voice mail system shall not be used to record election related messages nor shall the computer network, including the City of Kingston's e-mail system be used to distribute election related correspondence.
- 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.

Facilities Related Provisions

- 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.
- Candidates and Third Party Advertisers shall not use any municipally provided facilities for any election-related purposes unless rented in accordance with the City of Kingston rental procedures.
- In accordance with the Election Signs By-law, no campaign related signs nor any other election-related material shall be displayed in any municipally owned facilities. Election signs are permitted to be placed in municipally owned buildings that are leased to another person or entity.

Communications Related Provisions

- 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.
- 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.

- 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 suggests endorsement by the City are similarly prohibited. Links to the City's election web site using the link provided by the City Clerk is not subject to this prohibition.
- Photographs produced for and owned by the City of Kingston shall not be used by Candidates or Third Party Advertisers for any election purposes.
- No advertising paid for by the City of Kingston shall contain the name of a Councillor or the Mayor unless consistent with their duties as an elected official.
- In a municipal election year, City of Kingston resources and members of Councils' budgets shall not be used to sponsor any advertisements, flyers, newsletters or householders from the day after Nomination Day up to and including final voting day. This prohibition also applies to the use of any City of Kingston equipment, facilities or City-sponsored websites.

Employee Provisions

- 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 providing that such activity does not take place during normal working hours or use corporate assets or resources, or property. 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 on property.
- Employees shall not canvass or actively work in support of a municipal 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.
- Employees shall not canvass or actively work in support of a municipal Candidate, Third Party Advertiser or political party while wearing a uniform, badge, logo or any other item identifying them as an

employee of The Corporation, or using a vehicle owned or leased by The Corporation.

- Employees need to ensure that they act in compliance with the Employee Conflict of Interest Policy.

6. Limitations

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

7. Related Policies, Legislation and By-laws

Acceptable Use of Information Technology Policy
City of Kingston Member Code of Conduct
The Election Signs By-law, By-law 2014-16, as amended
Employee Conflict of Interest Policy
Municipal Elections Act, 1996
Election Finance Act, R.S.O. 1990, c.E.7
Canada Elections Act, S. C. 2000, c. 9

8. Review Period

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 the year of a regular election.