

CHAPTER 20

PARTICIPATION OF CIVIL SERVANTS, NON-CIVIL SERVICE GOVERNMENT STAFF, AND POLITICALLY APPOINTED OFFICIALS IN ELECTION-RELATED ACTIVITIES AND ATTENDANCE OF PUBLIC FUNCTIONS WITH CANDIDATES

PART I : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

20.1 Civil servants and non-civil service government staff (for the definition of non-civil service government staff, see Part IV of Chapter 8) who wish to participate in electioneering activities should observe the regulations, rules, and guidelines issued by the Civil Service Bureau. Directorate officers, Administrative Officers, Information Officers, police officers, and those officers acting in these grades or ranks with a view to substantive appointment, are not allowed to act as any candidate's agent or assist in electioneering activities. Other civil servants and non-civil service government staff, **unless** appointed as the CRO, ROs, AROs, PROs, or polling or counting staff, may act as a candidate's agent or assist in electioneering activities, provided that there is no conflict of interest with their official duties, no use of public resources is involved, and no government uniform is worn. To avoid unfairness, potential or perceived unfairness, or conflicts of interest, civil servants and non-civil service government staff working in a constituency or having extensive public

contact in a constituency should not act as an agent for a candidate in that constituency or participate in its electioneering activities. Civil servants and non-civil service government staff who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities.

PART II : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

On the Occasion of Being Invited

20.2 From the time any person publicly declares an intention to run for election in respect of a particular constituency or when the nomination period commences, whichever is earlier, until the end of polling day, civil servants and non-civil service government staff invited by individuals or organisations to attend public functions where candidates may also be present should exercise caution and act prudently.

20.3 Before accepting an invitation to such a public function, civil servants and non-civil service government staff must ensure:

- (a) attending the function is performing an official duty normally required of the post he is currently holding; and

- (b) to his best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

During the Public Function

20.4 The EAC appeals to civil servants and non-civil service government staff to avoid taking photos with candidates at the function since such photos may be perceived as lending support to the candidates, except in the following circumstances:

- (a) such photos are needed for him to perform his official duty at the function normally required of the post he is currently holding;
- (b) taking such photos is a natural part of the function, and his refusal would be seen as acting against proper etiquette; or
- (c) it is a group photo with all other candidates of the same constituency.

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

20.5 The EAC appeals to candidates attending public functions to avoid taking photos with civil servants or non-civil service government staff, as such

photos may be perceived as giving the candidate an unfair advantage, except in the following circumstances:

- (a) such photos are needed for him to perform his role at the function as requested by the function organiser;
- (b) taking such photos is a natural part of the function, and his refusal would be seen as acting against proper etiquette; or
- (c) it is a group photo with all other candidates of the same constituency.

PART IV : POLITICALLY APPOINTED OFFICIALS

20.6 The term “civil servants” used in this chapter does not include politically appointed officials. Politically appointed officials are political appointees who may belong to or be affiliated with political organisations.

20.7 Politically appointed officials should exercise prudence when participating in election-related activities, must comply with the “Code for Officials under the Political Appointment System”, should avoid using public resources, and ensure that there is no actual or potential conflict of interest between the participation in such activities and the business of the Government or his own official duties.