

Election Protocols for Council Officers

Approved by:

Chief Executive

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Keywords:

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1.0 Purpose

The purpose of these protocols is to give employees guidance on dealing with matters that may arise in the build-up to the triennial local government elections or by-elections.

2.0 Background

Local government elections are held every three years. In 2022, the elections will be held on Saturday, 8 October. The period leading up to an election is a time of increased interest and attention on Council officers, particularly in their dealings with current elected members, candidates, and the general public.

These protocols are to guide Council officers (including contractors and consultants) in relation to:

- interacting and communicating with current elected members, candidates, and the public in the pre-election period (being the period three months before the election, up to and including election day);
- participating in political activity (including standing for office) during a local government election;
- balancing personal and professional interests in a politically neutral way.

The protocols are based on the Taituarā 'Election Protocols for Staff', and developed in consultation with the Public Services Association (PSA). It also references the relevant guidelines from Taituarā "Communications in the Pre-election period". A separate set of protocols has also been prepared for elected members.

3.0 Key Definitions

- **BORA** – Bill of Rights Act 1990
- **Council officers** include all employees of the Chief Executive of a Council, including:
 - employees who may be on leave;
 - consultants, contractors, or temporary employees;
 - employees who are on secondment to (or from) their Council from (or to) another organisation.
- **Council resources** include, but are not limited to:
 - Council's officers;
 - Budgets;
 - Council-owned or -controlled property and other resources, including the Council logo and branding, all Council marketing and communication channels (including social media), Council-supplied business cards, stationery, computers, email, mobile phones, photocopiers, cars, and Council venues (other than those available for hire to the general public).
- **Electoral Candidates** are individuals contesting an election for any Council, community board, regional Council or licencing trust in New Zealand.

- **Pre-Election period** is the period three months before the election and including Election Day. In 2022, this begins Friday 8 July.
- **Political activity** refers to:
 - the activities that elected members undertake, including their right to make policy decisions;
 - the activities that individuals undertake during election year, including their right to stand for office and research electoral candidates.
- **Politically neutral** means respecting the right of elected members to make political decisions by acting impartially when providing advice or implementing Council decisions.

4.0 Protocols

Summary

1. Council officers are expected to be politically neutral when performing their role at the Council. It is important that they should not let their personal views or interests influence their advice to elected members or behaviour at work.
2. Officers have the same political rights and freedoms as other New Zealanders. They may stand for office, research and support candidates, and vote as private individuals. However, they must remain politically neutral while working with the current Council and any future Council. Officers must talk to their manager if they are considering standing for office as they may be required to take leave. If successfully elected to Council, the officer is legally required to resign as the law prohibits being both an elected member and an officer of Council. This does not apply to community boards or local boards.
3. The use of Council resources for election purposes is not acceptable or permitted. In particular, the Council must not promote, nor be perceived to promote, the election prospects of any candidate.
4. Council publications, including social media, should not raise, or have the effect of raising, the profile of any current elected member or any other candidate.
5. When a candidate requests information that is not publicly available, and the Council supplies it, this information will be supplied to all candidates using the process outlined in Appendix 1.

Protocol 1: Remaining politically neutral

Council officers are expected to be politically neutral when performing their role at the Council. They should not let their personal views or interests influence their advice or behaviour.

In order to perform their roles as trusted advisors to Council's elected members, officers need to provide advice and/or implement Council decisions without bias or favouritism for or against any candidate(s).

At all times, officers must:

- be aware that the Council is a political environment;
- exercise judgement about how they behave when involved in political processes, party-political activities, or lobby groups;
- remain politically neutral at work and not let their personal interests or views influence their advice or behaviour.

In the lead up to an election, officers may receive a higher volume of queries (especially queries of a political nature) and should remember that there may be increased interest or attention around:

- relationships, expectations and interactions between Council officers, elected members and electoral candidates; and
- how officers behave and carry out their roles.

It is more important than usual that all officers act, and are seen to act, in a politically neutral way.

Protocol 2: Standing for office or undertaking other political activities

Council officers have the same political rights and freedoms as other New Zealanders. They may stand for office, research and support candidates, and vote as private individuals. However, they must remain politically neutral while working with the current Council as well as any future Council.

Officers should make sure that their behaviour as a private citizen (for example, comments on social media or attendance at political meetings) does not compromise their ability to perform their duties, or the reputation of the Council.

Judgement should be used when taking part in, or assisting with, any activity in connection with the campaign of any electoral candidate (including any current elected members seeking re-election). These activities include organising meetings on behalf of any candidate, assisting with the development of campaign materials, signing election documents such as a nomination form, attending political meetings when not on leave, canvassing, or any other activity that could be seen as supporting a particular candidate.

The exercise of judgement is critical for those who exercise decision-making responsibilities, who provide policy advice to elected members or have regular dealings with elected members. Other employees should also be aware that these obligations exist, and exercise judgement accordingly.

Political activities, including researching candidates, commenting on issues, and attending candidate meetings, should take place in personal time and should not use Council resources (including computers and mobile phones).

Standing for Office

Council employees have the same rights to stand for election as any other elector. In pursuing candidacy, it is possible that conflicts of interest may arise, or workflows may be affected. ***It is important that officers talk to their Group Manager or Director when putting in a nomination to stand for office. They may be required to take leave, and if successfully elected to Council, they will need to resign. This does not apply to community boards or local boards.***

Note: in this section, “own Council” refers to the Council of the territorial authority that is their employer, and “another Council” refers to the Council of a territorial authority that is not their employer.

Standing as a candidate at an employees’ own Council may create a conflict or perceived conflict of interest. Officers standing for office must talk to their Group Manager or Director when they place their nomination. If officers feel comfortable doing this earlier, it would be appreciated.

The Group Manager or Director will assess each case on its merits and seek agreement with the officer on how any issues will be managed. This will include an agreement that, either:

- a. No serious conflict of interest exists.
- b. A conflict of interest exists, but can be managed by a change in work duties beginning when the officer submits a nomination until the declaration of the preliminary result. Any change of this nature would be considered in relation to the organisation's needs, the nature of the officer's role, and the nature of the conflict of interest.
- c. A serious conflict of interest exists which is incompatible with campaigning. A serious conflict of interest would be rare for most officers. In these instances the officer will take leave (annual leave or leave without pay) from the day they put in their nomination until the preliminary result is declared. During this period the officer will not be permitted to carry out any of their official duties.

Managers will consider who else in Council needs to be informed of any agreements that are in place. If an agreement cannot be reached between the officer and their Group Manager or Director, the Chief Executive will consult with the officer and make a decision. Decisions will be justified as per s103A of the Employment Relations Act 2002 and will be consistent with what a fair and reasonable employer would do in the circumstances. Officers who are considering standing for elections should be aware of these possibilities.

There are no restrictions on officers standing for office in another Council (for example, to a regional authority, or another territorial authority, including its community boards) so long as there is no use of Council time or resources of any kind for campaigning purposes. If an officer is considering standing for another election, they should discuss this with their Group Manager or Director.

If elected to their own Council, the officer must resign their position (in accordance with s41(5) of the Local Government Act 2002). This requirement does not apply if the officer is elected to a community board or another local authority. However, if this is the case, the officer should discuss this with their manager.

Protocol 3: Use of Council resources

The use of Council resources for election purposes is not acceptable. In particular, the Council must not promote or disadvantage, nor be perceived to promote or disadvantage, the election prospects of any candidate.

During the pre-election period, the Council has an obligation to:

- support public engagement with the election process and;
- support current elected members in their roles as the current elected members.

In the execution of these roles, Council resources may only be used in ways which do not give an advantage or disadvantage to any candidate's electoral campaign.

An officer standing for election may not use Council time or resources of any kind for campaigning purposes. "Council resources" includes the Council's logo and branding, all Council marketing and communication channels (including social media), Council-supplied business cards, stationery, computers,

email, mobile phones, photocopiers, cars, Council venues (other than those available for hire to the general public) and Council's human resources.

Protocol 4: Publications and communications during an election

Council publications, including social media, should not raise, or have the effect of raising, the profile of any current elected member or any other candidate.

Officers should make sure that Council publications do not raise, or have the effect of raising, the personal profile of any current elected member or any electoral candidate. Judging what is reasonable includes taking into account ongoing business as usual roles of the Council, spokesperson roles of elected members, and options for minimising the personal profiles of elected members.

Council officers will manage Council social media accounts to ensure current elected members are not advantaged.

The Council website gives details of current elected members and will remain as current information during the election period. Other information currently available on the website will be retained.

The Mayor and appropriate Councillors will continue to communicate matters of Council business to the public.

Council officers should take care not to make public any information about Council policies, activities or processes that are not already in the public domain, including to any current elected members. Information deemed to be substantive and of electoral interest that is shared with one candidate will be made publicly available to all candidates.

All elected members should have access to the same communication avenues and publicity opportunities. These should relate to the Council's regular pattern of activities.

Protocol 5: Providing information to candidates

During the election period, employees may receive a higher volume of queries, especially queries of a politically sensitive nature. Employees are reminded of the Council's policies and protocols around communications with elected members, the media, and the public. Generally, it is appropriate to observe the same processes and timeframes as would be observed at any other time. Where information is supplied to a candidate for campaign purposes that is deemed substantive and of electoral interest, the information will be made available to other candidates on request (See Appendix 1 for procedure).

How to apply these protocols

It is the responsibility of all Council officers to ensure that any political or personal activity fits within these guidelines. Employees must communicate their active involvement in standing for office or undertaking other political activities with the appropriate managers. Managers should make sure they consider the provisions of the New Zealand Bill of Rights Act 1990 (BORA) when providing this advice.

It is important to remember that a breach of these guidelines may constitute grounds for disciplinary action.

If a Council officer is unsure whether a particular action or request is in breach of these guidelines, they should seek advice from their Group Manager, Director or the Chief Executive.

5.0 References and Revision History

5.1 References

Title	Document Reference
<ul style="list-style-type: none"> SOLGM Election Protocols for Employees – 2022 Election Protocols – other Councils 	

5.2 Revision History

Revision #	Policy Owner	Date Approved	Approval by	Date of next review	Document Reference
1.0	Electoral Officer	July 2016	Management Team	2019	#986175 GOVERNANCE - ELECTIONS, POLLS AND REFERENDA - Election 2016: F9010: Planning and Preparation
2.0	Electoral Officer	April 2019	Chief Executive	2022	Record Number 1240333
3.0	Electoral Officer	July 2022	Chief Executive	2025	Record Number 1500352

Appendix 1: Procedure for Council Information requests from candidates

Where Council information is requested by and supplied to a registered candidate (including a current elected member) it should be assumed that the information may be used for campaign purposes. If deemed to be substantive and of electoral interest, the information will also be made available to other registered candidates as well.

Information requests from candidates will be coordinated through an Executive Support Assistant; for the 2022 election, the Executive Support Assistant that will manage this process is Kerry Purcell (Kerry.Purcell@timdc.govt.nz).

This applies where a request for information is received by any employee for campaign purposes, and that information is not already publicly available through an existing medium, e.g. the Council website.

The process for requests deemed substantive and of electoral interest:

- 1) Information request received by an employee from a candidate. If an employee is unsure whether this information is for campaign purposes, they will check with their Group Manager or Director.
- 2) Request forwarded to Executive Support Assistant (Kerry Purcell)
- 3) Executive Support Assistant determines answer to question(s) with assistance from relevant Group Manager or Director, and replies to request
- 4) Question and answer published under Candidate Information section on www.timaru.govt.nz/elections

Note: any information requests received from candidates that are not deemed to be substantive and of electoral interest should be responded to in accordance with standard Council processes.

The Local Government Official Information and Meetings Act and the Privacy Act will apply to all requests for Council information.