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**Memorandum****To: Kaipara District Council Elected Members****From: Gavin Dawson, Governance Advisor****Date: 6 April 2022****Subject: Election Protocols for Candidates – 2022 Local Government Elections**

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On Saturday 8 October 2022, the Kaipara district will elect a new Council. These protocols have been created to provide guidance on the use of council resources in the pre-election period for all candidates (whether current elected members or not).

**Key dates**

- Friday 8 July 2022 – Pre-election period begins (three months prior to election day)
- Friday 15 July 2022 – Nominations open
- Friday 12 August 2022 – Nominations close at 12 noon
- Friday 16 September to Wednesday 21 September 2022 – Voting documents delivered to households (voting starts)
- Saturday 8 October 2022 – Voting closes at 12 noon, progress and preliminary results available as soon as practicable after close of voting.
- Saturday 8 October to Tuesday 25 October 2022 – Period between election day and swearing in of new council.

**Pre-election period**

All candidates are impacted by the three month 'pre-election period' (8 July to 7 October). This period is the subject of the good practice advice 'Communications in the pre-election period' issued by the Local Government New Zealand and Taituarā (previously the Society of Local Government Managers) and peer reviewed by legal advisors from the Office of the Auditor General (OAG) and the Department of Internal Affairs (DIA).

Candidates are encouraged to be familiar with this document, to ensure their own conduct during the pre-election period does not result in the guidelines being breached or being perceived as having been breached.

Relevant sections are as follows:

***Principle 1 – The operation of local authorities continues during the pre-election period. Elected members continue to have the right to govern and make decisions during the pre-election period.***

There is no legal requirement that local authorities avoid making decisions in the pre-election period. Routine business must continue. However, it is best practice, where practicable to make and significant decisions before the pre-election period commences.

***Principle 3 – Local authorities must not promote, or be perceived to promote, the prospects of any candidate, especially a sitting member. Using council resources for re-election of sitting members is unacceptable and possibly unlawful.***

Promoting the re-election prospects of a candidate, directly or indirectly, advertently or inadvertently, is not the role of a local authority and could result in an election result being overturned.

An elected member standing for office may not use council resources of any kind for campaigning purposes. This includes, but is not limited to 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.

Other uses of council communications facilities during a pre-election period may also be unacceptable. For example, allowing members access to council resources to communicate with constituents, even in their official capacities as members, could create a perception that council is helping sitting members to promote their re-election prospects over other candidates.

### **Other important factors to consider during the pre-election period:**

#### ***Communications.***

Ceasing all council communications during a pre-election period is not possible. Statutory council business must continue. However, care must be taken to avoid the perception, and the consequent risk of electoral irregularity. Two examples are:

- Journalistic use of photographic material or information that may raise the profile of a member in the electorate should be discontinued during the pre-election period; and
- Access to council resources for members to issue media releases, in their capacities as official spokespersons, should be limited to what is strictly necessary to communicate statutory council business.

To comply with best practice, from the beginning of the pre-election period, elected members must not be quoted in media releases or other council communications unless it is for a statutory purpose. Elected member attendance at public events and tools such as Council newsletters, publications, the Mayors newspaper columns (other than basic factual information) or use of photographic material or information that may raise the profile of a member in the electorate will be suspended during the pre-election period.

Some mandatory and routine statutory council business can continue, such as the Annual Report, which would include information (including photos) about current elected members.

#### ***Council staff***

Council staff should always remain politically neutral in their dealings with elected members and the public in general. This is even more important in the pre-election period when there is a heightened interest in Council. Council staff will be briefed prior to the pre-election period to ensure they are familiar with the requirement for both elected members and staff.

It is not appropriate or acceptable for staff to align themselves to, or demonstrably support, a candidate in their capacity as an employee. This could result in allegations of bias by Council.

#### ***Social Media***

A big part of being an elected member is engaging with the community – social media is a useful tool for this. However, during the election period, the following guidelines for candidates apply to your interactions with Council social media channels.

#### ***Commenting on and sharing council posts***

- Kaipara District Council (KDC) web and social media channels may not be used by anyone (candidates or members of the public) for campaigning or electioneering. These channels include (but are not limited to) Facebook, Twitter, LinkedIn, Instagram and Youtube. Any such comments will be deleted immediately.
- Any post (positive or negative) made on KDC social media by an individual specifically relating to his or her own (or someone else's) nomination, intention to run for council or election campaign, will be removed immediately.

- Candidates may engage with KDC social media posts (react, share or comment), provided their engagement is not deemed to be campaigning. Any such activity will be removed immediately. This also applies when sharing KDC content to a candidate's own social media. You may be asked to remove this where it breaches protocol. Refer to the Taituarā guide, "Communications in the pre-election period" for examples.
- Resources that have already been produced and made available publicly through KDC digital channels may be shared to educate or inform people about what council does. However, we will not supply original versions of these assets to candidates.

#### *Working with staff*

- No candidate should approach KDC staff (in their capacity as a staff member) for advice or support with the set up or management of their social media accounts.
- Candidates must not actively solicit social media sharing, posting or any other form of endorsement from staff (in their capacity as a staff member). Council staff must observe political neutrality when performing their duties as an employee of council.

#### *KDC will:*

- Monitor all candidate pages during the pre-election and election period.
- Remain neutral during the election process but will encourage people to stand for election and encourage the public to vote in the elections. These posts will not be associated with any candidates.

#### ***Requests for information***

All requests for information should be lodged as official information requests and will be treated as such. Please also note that the information released will also be provided to all other candidates to ensure that no candidate is disadvantaged (actual or perceived).