

Memo

Date: 23 May 2022

From: Dawn Baxendale, Chief Executive

To: All Staff

Election Protocols for Council Officers

Local government elections are held every three years. This year the elections are on Saturday 8 October 2022. 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 guidelines and protocols support 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.
- Participating in political activity (including standing for office) during a local government election.
- Balancing personal and professional interests in a politically neutral way.

For further guidance or for clarification of these guidelines, please contact your Head of Service.

Key Points

1. Christchurch City Council officers are expected to be politically neutral when performing their role. It is important that they should not let personal views or interests influence their advice or behaviour at work. The Council's Employee Code of Conduct available on the Hub details this.
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 performing their Council role. Officers must talk to their manager if they are considering standing for office.
3. The use of Council resources for election purposes is not acceptable. 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, it may be appropriate to make this information available to all candidates.

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 the Council's elected members, officers need to provide advice and/or implement Council decisions without bias. At all times, officers must:

- be aware that 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 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 officers, elected members and electoral candidates
- 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 performing their role as a Council officer, 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. It is unlikely to be an issue for most officers.

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).

It is important that officers talk to their manager if they put in a nomination to stand for office. They may be required to take leave, and if successful being elected to the Council, they will need to resign.

Standing for office while working at the Council may create a conflict of interests. Officers standing for office must talk to their manager when they place their nomination. If officers feel comfortable doing this prior to nomination, it would be appreciated.

Managers will assess each case and will seek agreement with the officer as to how any issues will be managed. This will include an agreement that one of the following apply:

- a) No serious conflict of interest exists.
- b) A conflict of interests 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 the Council needs to be informed of any agreements that are in place.

If agreement cannot be reached between an officer and their manager, the Chief Executive or their delegate will consult with the officer and a decision will be made quickly. Decisions will be justified in accordance with 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 elections that are not Christchurch City Council elections (for example, to Environment Canterbury or another territorial authority, including its community boards) so long as there is no use of Christchurch City 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 manager.

If elected to Council, an officer must resign their position (in accordance with s41(5) of the Local Government Act 2002). This 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 Christchurch City Council resources

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

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

- support public engagement with the election process
- 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 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 the Council's human resources.

Protocol 4: Publications and communications during an election

Christchurch City 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 any 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 the ongoing business as usual roles of Council, spokesperson roles of elected members, and options for minimising the personal profiles of elected members.

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

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 that is shared with one candidate should 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

When a candidate requests information that is not publicly available, and the Council supplies it, it may be appropriate to make this information to all other candidates.

Like any other individual or organisation, candidates may request information from the Council under the Local Government Official Information and Meetings Act 1987. Candidates should request this information through the Official Information Team.

If a request for information is received by another business unit (including the Contact Centre), and the requester is a candidate (including a current elected member seeking re-election), officers in that business unit should:

- respond directly if the information is already publicly available
- follow the usual Council process for information requests when a response requires collation or analysis. They should then advise the Official Information Team of the request officialinformation@ccc.govt.nz
- forward information requests about the running of the election to the Electoral Officer elections2022@ccc.govt.nz

When Council provides information that is not already public, to a candidate including a current elected member, there may be a broader interest in this information, and at its discretion, Council may make this information available to all other candidates.

How to apply these protocols

As a Council officer, it is your responsibility to make sure that any political or personal activity fits within these guidelines. You should communicate your 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 when providing this advice.

It is important to remember that a breach of these guidelines may be considered to be misconduct or serious misconduct, which will be considered in accordance with the Council's processes and employment law. If proven, misconduct or serious misconduct may result in disciplinary action or dismissal.

If you are unsure whether a particular action or request is in breach of these guidelines, you should seek advice from your Manager or the Head of Legal & Democratic Services.

Appendix 1: Definitions

Christchurch City Council officers are all employees of the Chief Executive of the Christchurch City Council, including:

- any employees who may be on leave
- employees who are consultants, contractors or temporary staff
- any employees who are on secondment to (or from) the Council from (or to) another organisation.

Council resources include, but are not limited to:

- Christchurch City Council 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, postage, stationery, computers, devices, email, mobile phones, addresses, photocopiers, cars, Council venues (other than those available for hire to the general public).

The **pre-election period** is the three months before the local election. In 2022, this begins on Friday 8 July.

Electoral candidates are individuals contesting an election; including for Christchurch City Council and its community boards or for other bodies such as Environment Canterbury or other territorial authorities.

Political activity refers to both:

- 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.

Appendix 2: Further reading

Council documents

- Elected member protocols for the election period
- Social media guidelines for the election period
- Code of Conduct