

PRE-ELECTION PROTOCOLS (MEMBERS)

INTRODUCTION

Leading into an election, effective Council business must continue AND members must keep their Council activities separate from any campaigning.

They must be separate to:

- Protect Council decisions from potential challenge and Council meetings from use as an electioneering platform.
- Protect you as a member and a candidate. Public interest in, and scrutiny of Council and elected members typically increases markedly at this time.
- Avoid investigation by the Office of the Auditor-General. For example, they may choose to undertake extra scrutiny if there are questions as to whether a council-funded communication was made for a proper purpose.
- Protect the election itself from legal challenge. Actions that breach the principles of the Local Electoral Act 2001 could give rise to an irregularity in the election process, which may be used as grounds to challenge an election outcome under the Local Electoral Act.

PRINCIPLES

The following principles guide maintaining “business as usual” appropriately in the lead into an election. Note, staff also have protocols they must follow at this time.

More information on how the principles are applied, including controls to mitigate and manage risk, is provided below.

1. Council business does not stop. Elected members continue to have the right to govern and make decisions.
2. The community has the same legitimate need for information about Council decisions and activities as at any other time.
3. Council must not promote, or be perceived to promote, the prospects of any candidate, especially sitting members.
 - a. This includes that Council resources must not be used for any campaigning

PRINCIPLES IN ACTION

Council business and decision making

Care should be given to what decisions are made when. Local government in New Zealand does not have a formal ‘shut down period’ for decision making. However, there can be risk related to decisions that rises from when in an election year they are made.

Significant decisions should ideally be made before the pre-election period begins. There is less risk to ‘routine’ decisions continuing between July and late September.

There may also be less risk to completing a decision making process which is already underway (for example a matter that has been consulted on and submissions heard as part of its

requirements). However, Council may wish to seek specific advice on risk for particular decision where these circumstances apply.

Where there is an established 'business as usual' pattern for spokespeople this can generally continue. The current (as at 5 March 2025) guide followed by Council's communications team is included below as Appendix One. Remarks must be solely focussed on explaining Council decisions and policy.

However, there may be instances where the risk of electioneering occurring is higher (for example, an unscripted media interview) – it is recommended that an officer such as the Chief Executive speak on these occasions.

Information preparation and provision

Any established time frames for reporting and provision of factual information should be maintained. Adjusting these around an election can lead to a perception of staff bias or undue political influence occurring (for example, postponing the circulation of a factual report established as being provided in September may give rise to questions about whether something is being hidden in advance of the election and why).

Responses to requests for information are an operational matter, and will continue as normal. See below for a further note on requests by candidates.

The pre-election report is a statutory requirement which is the responsibility of the Chief Executive. To all intents and purposes, it is a "State of the nation" report providing information to the public on key demographics for the community and Council's financial standing. The report is a fully operational requirement with no elected member contributions.

Council cannot promote any candidate

Council must maintain an 'even playing field' in relation to all candidates, and must avoid actions that would promote (or be perceived as promoting) the interests of any candidate, especially sitting members.

Events or requests to speak, photo taking, ad hoc requests for comment and other instances that may provide "visibility" for members will be carefully managed. At a minimum, opportunities must be treated in an even-handed way. There may be instances where an officer (such as the Chief Executive) is better placed to represent Council to avoid actual or perceived promotion of one or more individuals.

Information provision to all candidates will be equal and public. For example, all requests for information by candidates will have the formal LGOIMA process applied and the response publicly provided to all candidates.

Council resources must not be used for electioneering

Council resources must not be used for electioneering.

A Council resource is anything Council provides, purchases or funds. Examples include:

- Staff and contractors
- Council vehicles and any associated equipment or assets

- Council phones/ phone numbers*
- Council computing devices*
- Council email addresses
- Photocopiers and printers
- Business cards
- Stationery
- Letterheads and stamps
- Radio slots
- Newspaper columns
- Social media sites and audiences
- Website
- Logo and branding
- Meeting rooms
- Council taken photos of buildings and amenities or landmarks

* Note: while this is strictly true, the Electoral Officer tends to be device-agnostic out of pragmatism. However, devices remain included in the examples list as should there be a particular issue related to use of a Council-provide device this would still be considered and decided on by the Electoral Officer.

Electioneering events must not take place at Council facilities, unless the facility is bookable for events by the general public and the candidate has followed the same booking process, payment requirements and terms of use as anyone else.

KEY DATES

4 July	Nominations open
10 July	Māori Electoral Option Closes
11 July	Pre-election Period starts
16 July	Candidate Briefing with EO
1 August	Nominations close at 12 noon
11 August	Election signs can go up (2 months prior to polling day)
9 September to 11 October	Special voting period
10 October	Removal of election signs by midnight
11 October	Close of voting at 12 noon Progress results available (usually mid-afternoon)
12 October	Preliminary results announced
Approx 16 October	Final results announced, Official declaration
Late October	Inaugural Meeting of Council
Approx 11 December	Candidate expenses deadline (date depends on official publication of final results)

OTHER USEFUL NOTES

- Timings and key dates related to the election (see above) were altered for 2025 onwards by the recent legislative change. Candidates should ensure they and their campaign manager are working to the new dates.
- The Māori electoral option is now available consistently, except for a three month hiatus before any election. An unintended consequence of the recent legislative timing changes is that nominations open just before the electoral option (to move between electoral rolls) closes. We still recommend lodging nomination papers early, but candidates should check their nominees do not move between rolls once they have lodged, as this could mean another nominee must be found leading to delays in the nomination being confirmed. NOTE: electoral officers will also be checking for this potential issue.
- This year all candidates must provide a list of the locations of their electoral signage (maximum number: a total of 10 signs throughout the city (all zones) per candidate). Specific information regarding requirements and management of election signage will be provided through the candidate handbook and enforced by the Regulatory team in conjunction with the Electoral Officer and Deputy Electoral Officer.
- Absence should be avoided in the period between the election and mid-December. The first few months of a triennium are an important time for a new Council to build connections and discuss priorities together. It is also a vital time for early business to be undertaken. Attendance is also expected at the induction for the incoming Council and will stand all members of a new Council in good stead for the next three years.