

## **Election protocols for ICC officers**

2021 By-Election

### **Background**

With the resignation of Cr Toni Biddle the Local Electoral Act 2001 requires us to hold a By-Election. The period leading up to an election is a time of increased interest and attention on Invercargill City Council officers, particularly in their dealings with current elected members, candidates, and the general public. The By-Election will be held on **17 February 2021** with voting opening on 26 January 2021. Nominations can be received from Tuesday 24 November 2020.

These protocols provide guidance for ICC 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 the Deputy Electoral Officer, Michael Morris, 2118 396 or [michael.morris@icc.govt.nz](mailto:michael.morris@icc.govt.nz) .

### **Summary**

1. ICC 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 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 as well as any future Council. Officers must talk to their manager if they are considering standing for office. They may be required to take leave. If successful, they will need to resign.
3. The use of the 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. ICC 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 supply this information to all other candidates.

## **Protocol 1: Remaining politically neutral**

***ICC 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 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 ICC 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**

***ICC 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. 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 the Council resources (including computers and mobile phones).

***It is important that officers talk to their manager if they are thinking about being nominated for office. Council officers may be required to take leave for the election period (from date of nomination) or accept altered duties and changes to their privileges and permissions in Council systems. This will be at their Managers/ ELT discretion. Officers need to be aware, that if successful, the Local Electoral Act requires that the officer 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 to do this earlier, it would be appreciated.

The manager will assess each case on its merits and will seek agreement with the officer as to how any issues will be managed. This will include an agreement that, either:

- 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 the officer and their manager, the chief executive will consult with the officer and a decision will be made quickly. 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.

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

### **Protocol 3: Use of Invercargill City Council resources**

***The use of the 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, the 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, the 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 ICC time or resources of any kind for campaigning purposes. "Council resources" includes the Council's logo and branding, all ICC marketing and

communication channels (including social media), ICC-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**

***ICC 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 ICC 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 Council, spokesperson roles of elected members, and options for minimising the personal profiles of elected members.

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

ICC officers should take care not to make public any information about ICC 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 supply 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 Governance team or Deputy Electoral Officer.

If a request for information is received by another business unit (including Customer Services), 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 ICC process for information requests when a response requires collation or analysis. They should then advise Jodi Conway of the request [Jodi.Conway@icc.govt.nz](mailto:Jodi.Conway@icc.govt.nz) ;
- forward information requests about the running of the election to the Deputy Electoral Officer- Michael Morris at [Michael.Morris@icc.govt.nz](mailto:Michael.Morris@icc.govt.nz).

When the Council provides information that is not already public, to a candidate, the Council may consider if there is any broader interest in this information, and at its discretion may make this information available to all other candidates.

## **How to apply these protocols**

As an ICC 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 constitute grounds for disciplinary action.

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 chief executive.

## **Appendix 1: Definitions**

**ICC officers** are all employees of the chief executive of the Invercargill 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:

- 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, Council venues (other than those available for hire to the general public).

**Electoral candidates** are individuals contesting this By-election.

**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

### ***External advice***

Controller and Auditor General. April 2004. "Good Practice for Managing Public Communications by Local Authorities" <https://www.oag.govt.nz/2004/public-communications/docs/public-communications.pdf>.

Society of Local Government Managers. February 2018. "Part 1: Overview of the management of local authority elections and polls." *Code of Good Practice for the management of local authority elections and polls 2019*. <http://www.solgm.co.nz/assets/Health-and-Safety-at-Work/2017-19-Update/Code-Part-1-2017-19.pdf> (login required).

State Services Commission. April 2010. "Political Neutrality Guidance." <http://www.ssc.govt.nz/sites/all/files/political-neutrality-april10.pdf>.