

## Election protocols for WCC elected members

### Appendices:

- **Council social media guidelines for candidates**
- **Social media channel list**

Updated March 2025 for the Local Government Elections.

### Context

Local government elections are held every three years. In 2025, the elections will be held on Saturday 11 October, and a binding poll will be held at the same time. The period leading up to an election is a time of high interest from parties including the media, members of the public, and electoral candidates.

As an incumbent elected member seeking re-election, you have two roles. You will continue to make the decisions of your council as members of the Council or its community boards, while at the same time campaigning for re-election as a candidate.

These protocols provide guidance for you to balance your dual role as elected members and candidates seeking re-election. Following these protocols ensures that no elected member has an electoral advantage at the ratepayers' expense. For further guidance or for clarification, please contact the Deputy Electoral Officer (Jennifer Parker) in the first instance.

### Summary

1. If you are standing for re-election, you must clearly and transparently differentiate between activities conducted as an incumbent elected member (e.g., business-as-usual Council activities) and activities conducted while campaigning for re-election.
2. Resources owned by the Council and made available to you should only be used for business-as-usual Council activities. The use of Council resources for election purposes is unacceptable. This includes Council-owned computers and mobile phones, social media channels, email addresses and publications.
3. Council-run social media accounts are considered Council resources and must remain politically neutral during the election. You must comply with any social media guidelines for candidates (see Appendix 1) at all times.
4. You will continue to have access to the information you need to do your job as an incumbent. Council officers will not provide assistance with electioneering activities. Your role does not stop three months before polling day - you should be able to fulfil your "business as usual" duties on behalf of the Council up until polling day.
5. These protocols have general application at all times but are especially relevant in the three months before the local election (Friday 11 July – Saturday 11 October). It is your responsibility to ensure your behaviour falls within these guidelines.
6. Councils must not promote a 'council position' on a poll; this would likely be a breach of the Local Electoral Act.

## **Protocol 1: Continuation of Council business**

***The normal business of Council continues during the pre-election period. Incumbents seeking re-election must balance and differentiate between these two roles.***

Leading up to the election, elected members continue to have the right and responsibility to govern and to make decisions.

Elected members should generally not use Council-funded media slots to express personal views on any issues, although common sense has to prevail. If an elected member is unsure, they should seek advice from Democracy Services. For example, an elected member invited to write a newspaper column or speak on a radio slot, not funded by the local authority, cannot reasonably be seen to be receiving an "electoral advantage at ratepayers' expense".

A helpful reference is the Taituarā guidelines for "Communications in the pre-election period" (February 2025).

Similarly, whether or not a mayoral column in a council newsletter represents a form of electioneering needs to be judged on the nature of the content and how it is presented. Elected members' roles do not stop three months before polling day - they should be able to fulfil their "business as usual" duties on behalf of the council up until polling day. There is no lacuna or gap in an elected member's three-year term.

However, you should be mindful of an increased level of media and public scrutiny during this period and make a clear and transparent distinction between your activities as an **elected member** and your activities as a **candidate**.

## **Protocol 2: Use of Council resources**

***A local authority must not promote, nor be perceived to promote, the re-election prospects of an incumbent. The use of Council resources for re-election purposes is unacceptable, and the use of Council resources to promote a Council position on the poll is unacceptable.***

Council would be promoting a member's re-election prospects if it allows incumbent elected members to use Council resources<sup>1</sup> explicitly for campaign purposes. This includes all Council communications facilities (such as Council branding, stationery and postage, social media channels, document reproduction equipment, and communications devices).

Council communications will be restricted during the pre-election period, to remove any perception that the Council is helping incumbents to promote their re-election prospects over other candidates.

Your Council contact information will still be available (for example on the Council website and in the Annual Report) so your constituents can contact you about Council business. However, you should not be using your Council-supplied email address or mobile phone for electioneering purposes. If

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<sup>1</sup> Council resources include, but are not limited to, Council-owned or -controlled property, Council logo and branding, all Council marketing and communication channels (including social media), Council-supplied photos, business cards, stationery, computers, email, mobile phones, photocopiers and other document reproduction equipment, cars, Council meeting rooms or venues (other than those that can be hired by the public), and Council's human resources.

someone contacts you regarding the election on either of these channels, **you should reply from your personal email address or mobile phone.**

For any binding poll, legal advice is that councils must not promote a 'council position' on a poll; this would likely be a breach of the Local Electoral Act. Such a breach could cause the poll to be declared void. Council resources must not be used in promoting a position on a binding poll.

### **Protocol 3: Social media**

***Council's social media channels are Council resources and must remain politically neutral during the election. Elected members seeking re-election must follow any Council social media guidelines for candidates at all times, and not comment on, share, or otherwise use Council social media channels for electioneering.***

Most councils have produced a set of social media guidelines for candidates. Advice on how to effectively and safely use social media during the election period is in the example attached as Attachment 1 to this protocol. (see Appendix 1). You should comply with your Council guidelines at all times.

Council's social media channels will remain neutral at all times. Council will promote elections and the importance of voting, but will not associate these posts with any candidates. A list of WCC social media channels is provided as Appendix 2 to this protocol.

Please note that for the period of the election:

- Council's social media channels must not be used by anyone for campaigning purposes. Any campaign-related material (including posts related to nominations and candidacy) will be removed.
- Council social media accounts will not follow any candidates. This may result in your account being unfollowed.
- You may not reply to comments or posts on Council's social media channels encouraging people to like or follow your social media accounts.
- You may not rate, review, check-in or tag the Council's social media channels in your own posts or comments.

### **Protocol 4: Availability of information**

***Elected members will have access to the information they need to discharge their roles for business-as-usual Council activities and their Council contact information will still be publicly available. However, Council officers will not provide assistance with electioneering activities.***

You will continue to be supported in your role as an incumbent elected member, including by your Elected Member Support Advisor. Staff will continue to provide information relevant to business-as-usual Council activities that is not for re-election purposes. However, information requests should be clearly related to Council business and not for re-election purposes.

Information requests for election purposes are welcome. These should be made to the Governance team and will be carried out in accordance with the Local Government Official Information and Meetings Act 1987.

Where the Council supplies information that is not already in the public domain to a candidate, the Council may consider any broader interest in this information alongside the requirement that Council resources are not used to give an electoral advantage to any candidate, and at its discretion make this information available to all other candidates.

### **Protocol 5: Use of Mayoral resources**

In addition to the other protocols, Council resources provided for mayoral use should not be used for any electioneering activities associated with any candidate.

If an incumbent mayor is seeking re-election a clear and transparent distinction will be made between that mayor's business-as-usual activities and the mayor's campaigning activities. An incumbent mayor seeking re-election will not employ or direct any current council staff to carry out campaigning activities for them. They must establish at their own expense a separate office with separate staff for campaigning activities.

The incumbent mayor's office will establish systems and protocols to ensure that any information or other requests from the public, media, other elected members or council employees during the pre-election period are identified as either business as usual or campaign related and to ensure that these are kept separate and responded to appropriately

### **Application of protocols**

As an incumbent elected member seeking re-election, it is ultimately your responsibility to ensure that your behaviour falls within these guidelines. A breach of these guidelines may constitute a breach of the Code of Conduct,

If you are unsure as to whether a particular action or request is in breach of these protocols, you should seek advice from your Electoral Officer or Deputy Electoral Officer as soon as possible.

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## Appendix 1

### Council Social Media Guidelines for Candidates

Candidates must comply with the following guidelines for social media use and presence related to campaigning:

#### Things to be aware of

- Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001. This means in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You do not have to include a physical address in the authorisation statement, it can be an email or website address, a mobile phone number, or a social media link.
- The Council's social media accounts (listed in Appendix 2), including but not limited to Facebook, TikTok, X, Instagram, LinkedIn, YouTube, and Neighbourly, are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by Council-controlled organisations.
- The Council's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If Council already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.
- Any social media post – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for Council, or election campaign, will be removed immediately.
- Candidates cannot reply to the Council's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the Council's social media accounts.
- Candidates cannot rate, review, check-in or tag the Council's social media channels.
- The Council's social media accounts will remain neutral. Council will promote elections and the importance of voting but will not associate these posts with any candidates.

Council's social media accounts are listed in Appendix 2.

## Some things you can do

It's a good idea to encourage people to follow your social media accounts while campaigning, include it in any promotional material. It's a great way to engage with the public – you can ask questions, run polls, encourage people to register to vote and then actually vote! Remind them of important dates, etc.

Great images are important on social media – post pics from your campaign trail, or post videos of yourself explaining who you are and what you stand for. You may have people who are happy to be filmed sharing why they will be voting for you – seeing other members of their community may encourage people to vote.

### Facebook

- It's a good idea to have a public figure Facebook Page with a clear profile picture to help your election campaign. It's best to have a new photo. You cannot use any photos taken by the council.
- Set-aside budget for Facebook advertising to reach voters. You need to become authorised to run ads with political content. Facebook has helpful info on this here.
- Facebook has a helpful guide about using Facebook to engage with voters and build your online community here.

### X (formerly Twitter)

- Create an X account. New Zealander's can be very active on X especially when it comes to political discussions. See what hashtags are trending for the election. Follow prominent locals, and if people follow you, follow them back.
- Think of X more like a newsfeed or forum to release information about everything you are doing.
- X is a great platform to get involved in conversation and engage the public in the issues you are passionate about. Let people know what you stand for/what you want to change, give people the chance to share their views and explain the reasons for the changes you want to make.

### Neighbourly

- Set up a personal profile on Neighbourly if you don't have one already and then you can add a special candidate pin to your profile picture so the community knows you are a candidate. On this platform you can speak directly to your ward and let the community get to know you and see what upsets them/what they care about. Neighbourly often runs special groups for local elections that you can be part of. Visit [neighbourly.co.nz/help](https://neighbourly.co.nz/help) for more info.

### Instagram

- Instagram is all about photos. You can feature a single photo or a collage of photos that will show up on your follower's feeds. You want to drive engagement, not just reach. So remember to focus on quality rather than quantity. Instagram is most successful when you tell personal stories and pictures that give the public greater insight into your campaign, rather than promotional images.

- Stories are a great way to group photos into albums. You might use them to share behind the scenes, promote an event, or focus on a specific issue you care about. You can also customise your Stories by adding music, text, emoji or even polls so you can make them more interactive and add a bit of your own personality.

## Appendix 2

### WCC Social Media Channel List

Wellington City Council has a number of social media pages, for example:

- Wellington City Council pages
  - Wellington City Council Facebook
  - Wellington City Council Instagram
  - Wellington City Council LinkedIn
  - Wellington City Council TikTok
  - Wellington City Council YouTube
  - Wellington City Council X (formerly Twitter)
  - Wellington City Council Neighbourly
- Office of the Mayor
  - Mayor of Wellington Facebook
  - Mayor of Wellington Instagram
- Wellington Gardens
  - Wellington Gardens Facebook
  - Wellington Gardens Instagram
- Wellington City Archives
  - Wellington City Archives Facebook
  - Wellington City Archives X
  - Wellington City Archives Instagram
- Tip Shop Wellington
  - Tip Shop Wellington Facebook
  - Tip Shop Wellington Instagram
- Sports Centre pages
  - Ākau Tangi Sports Centre Facebook
  - Ākau Tangi Sports Centre Instagram
- Recreation Centre pages
  - Club Active Gym Wellington Facebook
  - Wellington Recreation Centres Facebook
  - Wellington recreation Centres Instagram
- Library pages
  - Wellington City Libraries Facebook
  - Wellington City Libraries Instagram
  - Wellington City Libraries X

- Wellington City Libraries YouTube
- Johnsonville Library Facebook
- Newtown Library Facebook
- Tawa Library Facebook
- Wellington Music at WCL Facebook
- Swimming Pool pages
  - Wellington Community Pools Facebook
  - SwimWell Facebook
  - Wellington Regional Aquatic Centre Facebook
- Art pages
  - Toi Pōneke Arts Centre Facebook
  - Toi Pōneke Arts Centre Instagram
  - Wellington City art collection Instagram
  - Public Art Wellington Instagram
- Community Centre pages
  - Churton Park Community Centre Facebook
  - Island Bay Community Centre Facebook
  - Linden Community Centre Facebook
  - Miramar and Maupuia Community Centre Facebook
  - Newlands Community Centre Facebook
  - Tawa Community Centre Facebook
  - Waitohi Community Hub Facebook
- Council Advisory Group pages
  - Wellington City Youth Council Facebook
  - Wellington City Youth Council Instagram
  - Wellington City Youth Council X
  - Wellington City Youth Council TikTok
  - Wellington City Pacific Advisory Group
- Council Region Emergency Management Office pages
  - Wellington Regional Emergency Management Office (WREMO) Facebook
  - Wellington Regional Emergency Management Office (WREMO) X
  - WREMO (Wellington Regional Emergency Management Office) Instagram

#### List of Council-controlled organisations

- Experience Wellington
  - Wellington Museum
  - Nairn Street Cottage

- Space Place
- Cable Car Museum
- New Zealand Cricket Museum
- CapitalE
- City Gallery Wellington
- Wellington Cable Car
- Basin Reserve
- Wellington Zoo
- Wellington Water
- WellingtonNZ
- Sky Stadium
- Zealandia

# Communications in the pre-election period





## FOREWORD

This guidance sets out principles and guidelines for local authorities and their members to apply when developing and delivering communications during the pre-election period. It may also assist elected members seeking to distinguish between their campaigning and council responsibilities.

It is important that local authorities be able to continue to operate effectively during the pre-election period, but additional care should be taken during this time. Public interest in, and scrutiny of, communications by councils and their elected members is likely to be greater during this period.

With the development of tools such as social media, guidance can not possibly contemplate every potential situation that may arise. As a result, this guidance is principle based – though there are a number of worked examples (based on real life issues that have arisen). These serve as a ‘common sense’ basis for the application of good judgement backed by appropriate advice.

There are cases or circumstances that are relatively clear cut. For example, elected members inserting personal statements or photos in the pre-election report is both a legislative breach and a breach of the principles set out in this guidance. For cases that are not as clear cut, the guidance provides some bottom lines to keep in mind when navigating the situation

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## WHAT STATUS DOES THIS GUIDANCE HAVE?

The guidance represents good practice advice prepared by Taituarā. It has been reviewed by legal advisors and by staff at the Office of the Auditor-General.

Taituarā has no authority to receive or investigate allegations around local authority communications made during the pre-election period.

However, the Auditor-General remains interested in the appropriate use of council resources at all times. Use of council resources for personal or political purposes is not appropriate.

The Office of the Auditor-General is not the agency to take complaints about the veracity (or otherwise) of claims made in communications material, but it could choose to investigate where, for example, there are questions as to whether a council-funded communication was made for a proper purpose. In the latter case the Auditor-General may report their conclusions and make recommendations – they cannot direct local authorities to take (or not take) a particular action.

Local authorities and their members should also be aware that, in some cases, communications that breach the principles of the *Local Electoral Act 2001* could give rise to an irregularity in the election process. Such an irregularity may be used as grounds to challenge an election outcome under the *Local Electoral Act*.

## WHAT IS THE PRE-ELECTION PERIOD?

For the purposes of this guidance, we've aligned the pre-election period to the definition of the 'applicable period' in *section 104* of the *Local Electoral Act 2001*. That is, the pre-election period starts three months from polling day. An election could be a triennial general election, by-election or less frequently, a poll.

## WHAT IS A COMMUNICATION?

For the purposes of this guidance, a communication is any presentation of information by the council to its local community, regardless of the form in which the information is presented (e.g. documents, internet, spoken word etc).

Some common examples of a communication include but are not limited to:

- statutory documents such as an annual report (or its summary), long-term or annual plans (or their associated consultation documents)
- information contained on a council website about council plans, policies, bylaws, services, or information about council meetings (such as meeting agendas and minutes)
- newsletters and information releases providing council news and information about council activities
- educational material about issues affecting the community
- promotional material about a particular event, proposal or policy
- council administered social media channels (such as Facebook, YouTube, Twitter and the like)
- representing council in media interviews.

## PRINCIPLES

### **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. Equally, there is no convention such as the so-called “period of restraint” that applies in central government or the so-called “purdah” that applies in local government in some jurisdictions in the United Kingdom.

In any case, routine business must continue. Some examples of routine business include the following:

- giving effect to decisions that have already been made. For example, implementing decisions in an already adopted long-term plan or annual plan (the necessary actions and funding have already been committed)
- meeting statutory requirements e.g. reviewing a bylaw that is due to expire or adopting some policy or bylaw where a deadline falls during the pre-election period (though this should be rare)
- preparing, adopting and publicly releasing reports or other documents that are statutory requirements (for example the pre-election report and annual report)
- releasing other factual information – especially where release regularly occurs during the pre-election period in other years (for example, where information of a monitoring or statistical nature is regularly released in August, September and October).<sup>1</sup>

Councils can minimise the risks of undue and adverse public scrutiny of decision-making in the pre-election period by ensuring that, where practicable, significant decisions are made before the pre-election period commences or that officers have sufficient direction to continue to work on major projects during the pre-election period. Mechanisms such as providing a rolling programme of policy and bylaw reviews early in the triennium can help manage this and ensure the work gets done.

Sitting members with roles such as a mayor, council chair or council spokesperson on an issue may continue to make public statements on council business as they would outside the pre-election period.

During the pre-election period councils should take particular care to actively identify and manage risks associated with communications that might be used for political purposes (or be seen to be). For example, media interviews often contain elements of the unscripted where its easy for politicians to slip into campaign mode unintentionally. If the risks can't be managed it may be less risky for the chief executive or communications manager to act as a spokesperson.

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<sup>1</sup> Decisions to defer or alter releases of information in the pre-election period can give rise to the same claims of undue politicisation as decisions to communicate such information.

**2. *During the pre-election period, communities have the same legitimate need for information about their local authority's decisions and activities as at any other time.***

A legitimate provision of information consists of five key elements: timeliness, accuracy, completeness, fairness of expression and neutrality. Information is timely if it is provided either before an event or decision, or as soon as reasonably practicable thereafter. Accuracy means that information should be based on a verifiable fact, and recorded in a manner consistent with those facts. Completeness requires that all of the information necessary for readers to reasonably form a view on a matter is included. Information is fairly expressed if its presented in an objective, unbiased and equitable way. Neutrality in expression means that the council's collective position is expressed.

The council's 'usual' processes and timeframes for the preparation and release of information should continue to operate 'as normal' in the pre-election period. For example, staff who prepare responses to requests for official information should continue to follow the same timeframes they normally would. Decisions to defer or to expedite a request for information during the pre-election period can leave officers open to claims of bias that are mostly avoidable.

The *Local Government Act 2002* allows councils until 31 October to adopt an annual report. However it is not good practice for an incoming council to adopt a report on the performance of its predecessor. It is good practice to adopt an annual report before the elections – indeed around two-thirds of local authorities did so in the lead-up to the 2019 elections. (In 2022 all local authorities were given a two-month deferral on the adoption of an annual report – most adopted after the 2022 local elections.) Local authorities wanting to adopt pre-election should exercise caution in the use of comment from elected members, photos of elected members etc.

**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 potentially unlawful.***

The Office of the Auditor-General has previously noted that promoting the re-election prospects of a sitting member, whether directly or indirectly, wittingly or unwittingly, is not part of the proper role of a local authority. We can only agree with what should be a statement of the obvious. This includes allowing sitting members to use council resources for election purposes.

While much less likely to arise, it would also be entirely inappropriate for a local authority to, in any way, promote any other candidates for an election. Again, council resources cannot be used for such electioneering purposes.

Council resources include assets and services such as stationery, post, internet, council provided email/social media accounts or telephones. If in doubt as to whether something is a council provided resource, a good question to ask is whether the council purchases or funds it. For example, a council funded radio slot would be regarded as a council resource.

Election activities carried out at council facilities are similarly unacceptable, except where these facilities are open to hire by the general public (for example, community halls) and the candidate is meeting the standard terms for using the facility.

If in doubt, it's usually a good idea to take a precautionary approach. It doesn't mean that elected members can not use a council's resources for normal activities but care is needed as the boundaries between answering a ratepayer query and campaigning can be difficult to navigate. For example, it's legitimate for an elected member to use a council email to defend a council decision or action, or even to explain their own position on a decision where different from other elected members. But doing the latter without slipping into campaign mode can sometimes be difficult during the pre-election period.

## CASE STUDIES: THE PRINCIPLES IN ACTION

### **Example One: Appearances in a council-funded radio slot**

Manu is the Mayor of the Kiwi District Council. Kiwi District Council pays for a fortnightly radio spot on Eastland FM. The mayor and the Eastland FM director of news talk about issues facing Kiwi District and other issues in the Eastland Region.

A month out from the election, Manu appears on the radio show 'as usual'. His interview covers a range of topics – including a change to the council's recycling policy, the first instalment of rates for the year, and the council's joining in the Eastland economic development CCO. Manu answers these questions drawing on a series of talking points prepared by council staff that reflect the existing council policy.

A fortnight from the election Manu appears again. This time the interview occurs the night after a candidates' debate in which the mayor's opponent (local business leader IB Sharp) described the council's financial management as an "uninterrupted retreat from reality". Among regular questions such as the Prime Minister's visit to Kiwi District and answering ratepayer questions on recycling, the interviewer asks if Manu wants to respond to Ms Sharp's comments.

Manu replies with a comment that, "rates have gone up an average 10 percent across the district in this term, debt's increased but we've funded the recycling transfer station, and the new Kiwi bypass. We haven't had to lay anyone off, unlike Ms Sharp recently did. If I'm re-elected, I'll reduce the council debt by a third in the next term".

Ms Sharp releases a statement deploring Manu's regular misuse of a council resource for political purposes.

Is she right?

In the first interview, Manu did nothing more than state and explain the council policy. On the facts presented, Manu has not made any statements that could be seen as anything beyond a spokesperson's role.

Manu's statements during the second interview have elements of campaigning. Manu's statements about the average rates increase, the increase in debt and what the debt was applied to are factual (assuming they were correct). A council spokesperson would normally be required to provide factual information about council performance.

The statement about the council not having to lay off any staff may well be factual, as indeed may the layoffs in Ms Sharp's business. But the latter has little or nothing to do with any council activity. By linking or comparing the two, Manu has, however inadvertently, used a council resource for campaign purposes.

In a similar vein, in using the personal pronoun "I" and referencing his own re-election in his statement about future council debt ("*If I'm re-elected, I'll. . .*"), Manu would almost certainly be seen as making a campaign pledge. Had Manu said something like "*the council's current financial strategy has debt forecast to reduce by a third over the next term*", he would have been providing a factual statement about the forecast impacts of present policy.

This example, while having fictional elements, provides a good example of challenges that sitting elected members may face when in a role as a council spokesperson during the pre-election period. It illustrates how easily the line between legitimate council communications and campaigning can be crossed, sometimes unintentionally.

These situations usually occur spontaneously and cannot be easily predicted. While normal council business continues during the pre-election period, risks must be actively managed. There may be less risk in Kiwi District's Chief Executive filling the slot, or perhaps getting an elected member who is not standing again, or has been re-elected unopposed to do the interview.

### **Example Two: Use of a council vehicle**

Lucy is the chair of the Eastland Regional Council. Her remuneration package includes the use of a council-provided motor vehicle (assume this is all in accordance with Remuneration Authority guidelines). The car has the Eastland Regional Council logo painted on the front door on each side.

Campaigning has started. One night Lucy's teenage son returns from a stint handing out campaign collateral and places a 'Re-elect Lucy' sticker on the car's rear bumper. Lucy does not notice the sticker and drives around Eastland Region for the next week before a local journalist sees the car at the council office, takes a cellphone photo of it, and runs it in the newspaper the following day.

On seeing the story the council's electoral officer asks Lucy to remove the sticker.

What should Lucy do?

Lucy should remove the sticker to avoid any appearance of using council resources for her campaign advertising. While there is some element of de minimis (the law does not bother with trifles), in the pre-election period it is probably 'better to be safe than sorry'.

It would be up to Lucy to decide whether she might seek to respond to the newspaper story about the sticker. If she were to do so, it would be in the context of her campaign, not in her role as chair.

### **Example Three: Use of council-owned facilities**

Ted is a councillor at the Weka District Council and the council's local economy spokesperson. His campaign manager has booked two campaign meetings in two council-owned halls. Both halls are open for any member of the public to book – subject to payment of the applicable fee. The campaign manager booked the venue and paid the fee on 31 August i.e. during the pre-election period.

Ted's opponent, I M Wright, claims Ted is using council resources for campaign purposes. The council's chief executive responds pointing out that Ted's campaign paid the same fee as any other user, and that Wright (and any other candidate) could book the halls. She declines to take further action.

Who is correct?

In this instance the chief executive is correct. While the halls are council-owned, they are open to booking by any person who pays the fee and meets the Council's standard terms and conditions. As long as Ted and his campaign have paid the fee and met any relevant conditions in the same way that any other person hiring the venue would need to, this is not considered a council resource for the purpose of this guidance.

Had the council extended use of the halls for free or not made the halls available to other candidates on the same terms as they did for Ted, that would be a potentially serious issue.

Of course, Ted should ensure the payment of the booking fee is properly documented and recorded as a campaign expense for *Local Electoral Act* purposes.

#### **Example Four: Candidate use of social media**

Councillor Playne is a member of Kiwi District Council and chair of the Finance Committee. She runs a personal Facebook page 'Playne Speaking' in which she comments on issues of the day. The council has recently adopted a service delivery plan in which it proposes to join Eastland Water, a regional water services CCO being established by the three Eastland Region TAs. The Anti-Privatisation League of Aotearoa (APLA) has endorsed a mayoral candidate and a slate of five anti-water CCO council candidates.

A week before election day, Cr Playne posts two comments on Facebook. In the first she posts on her own Facebook page to comment on a press release put out by the APLA comparing the council's recent decision to "privatisation by stealth". Her post includes a link to APLA's Facebook page with a 'thumbs down' emoji and states: "Speaking for myself, I have better things to do than debate the policy equivalent of the flat earth society when they're so obviously wrong. Get a life APLA!" We'll call this the APLA Post.

In the second instance, she comments on a post by the council on the council's Facebook page celebrating the first anniversary of the Upper Creek branch library opening. She 'likes' the post on the council's page and comments: "Happy anniversary! It was a real battle to convince the other members that Upper Creek needed a library. Re-elect me and I'll get the town a pool." We'll call this the Library Post.

Do these posts contravene these guidelines?

Councillor Playne's post about APLA, while somewhat aggressively worded, is not contrary to these guidelines. She has used a personal social media account and clearly identified that she is not speaking on behalf of the Council in response to material on a social media site not associated with council. The rest of the comment is a matter for democratic debate and henceforth for the voters to judge.

The Upper Creek Library post is a little different. Here Councillor Playne has commented on a council post on a council social media site (which is a council resource). The last sentence is obviously a campaign pledge and therefore puts this post into the campaigning category. The second sentence also has elements of campaigning in that it suggests a particular service choice might not have been made without Councillor Playne's intervention. Council would then be justified in deleting Councillor Playne's comment on the post. Council is entitled to edit its own Facebook page to ensure this council resource remains 'neutral', i.e. not supporting/promoting or criticising any election candidate.

But suppose Cr Playne had just 'liked' the post, or 'liked' and said "*Happy anniversary*". In and of itself, that isn't necessarily campaigning. In other words, an assessment of these cases turns on what the candidate has **actually communicated** in such a post.

What about members (or others) using their personal social media accounts to link to the council's account? Suppose, for the sake of clarity, that Councillor Playne had used a personal social media tool such as Twitter to 're-tweet' a Twitter communication from the Council regarding the anniversary of the Upper Creek Library, and that Councillor Playne made the same campaigning comment described in the above example.

While Councillor Playne has linked to a Council social media site she's done so using her own account. The information she has accessed is a general communication about council services available to anyone with a social media account, and therefore can be used by any candidate (and indeed any other member of the public). It does not necessarily amount to the council promoting Councillor Playne (or anyone else).

While council resource (such as staff time) has been used to produce the communication, this expenditure has already occurred regardless of whether Councillor Playne had posted or not. In this instance, the information is quite obviously a communication to inform the public of a significant date in the Upper Creek community, and even in the pre-election period, it would be pretty difficult to suggest that it amounts to a promotion of a candidate.

At this point readers may ask what the council might do in this circumstance? If feasible, it may delete any post **on its own social media account** (note it can delete other people's comments on its Facebook page, although cannot typically delete other people's re-Tweets). It could potentially ask Councillor Playne to delete a communication on or from her own personal social media account, but it cannot enforce such a request (and indeed if she's circulating publicly available information there is probably a larger reputational risk from making such a request).

#### **Example Five: Release of statistical information**

The Upper Creek District Council releases the 'Upper Creek 2030 – Community Outcomes report on or around September 20 each year. The release date is driven by the release of data from Stats NZ (mid-late August) which is not within council's control.

(For the purposes of this example assume the release date each year is within a week either side – it is council's practice to release information like this on a Wednesday.)

The report effectively provides the results of the monitoring the council has done of progress its community outcomes for the year ended 30 June prior.

The report is a compilation of statistical information drawn from sources at Stats NZ, NIWA, Waka Kotahi etc. This is accompanied by analysis and commentary from the staff under the CEs signature. Elected members are provided a copy 'for information' only.

The data is keenly sought after by ratepayer groups, local media and the council's partners in achieving community outcomes.

In February 2025, a new manager asks your advice as to whether release of the 2025 report should be delayed?

What would you advise?

This is a good example of the community having rights to information to hold councils accountable at all times. Release when ready is consistent with the above guidelines. The release is regularly undertaken on the same (or similar) dates – delaying or deferring may risk claims of politicisation – especially where the report might contain matters that are ‘good’ or ‘bad news’.

Further adding to this stance is that the report is statistical and monitoring in nature. The elected members have little or no role in the preparation – it’s an officer document signed by the chief executive. The release date is largely driven by the release of data from an independent third party.



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