

OIR: 2223/328

29 August 2022

[REDACTED]

[REDACTED]

**Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)**

Thank you for your email of 4 August 2022 requesting the following information:

***Any communications between staff, The Mayor and or the Deputy Mayor about the pre-election period including discussions about the use of council material. This includes conversations, written and or digital communications.***

**Council response regarding your request**

On 12 May 2022 there was a briefing for elected members presented by Janice McDougall Group Manager People and Partnerships (see Attachment 1).

On around 6 or 7 July 2022, there were there were three separate discussions between staff and the Mayor to discuss risks in the pre-election period and any changes required. These discussions were between:

- Janice McDougall Group Manager People and Partnerships and the Governance and Legal Services Manager Sarah Wattie.
- Gary Simpson Interim Chief Executive and Janice McDougall Group Manager People and Partnerships.
- His Worship the Mayor Gurunathan and the Group Manager People and Partnerships.

During these discussions, it was agreed that to minimise these risks of council activities being politicised in the lead up to the election and to ensure that potential candidates were treated equally by staff some changes would be made. These changes were:

- The Mayor would be the official Council spokesperson during the pre-election period. If the Mayor was unable to be a spokesperson, this would be referred to the Chief Executive or other member of staff; and
- Ordinary portfolio activities including meetings between portfolio holders and senior staff would cease during the pre-election period.

Please find attached emails between staff relating to the pre-election period which fall within the scope of your request, which are set out in Attachment 2.

Please note, the personal details of other parties has been withheld from this information. The decision to withhold this information is made under section 7(2)(a) of the LGOIMA which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons. In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



**Janice McDougall**

Group Manager People and Partnerships  
Te Kaihautū, ngā Rangapū, Tāngata hoki

# Elections 2022 update

12 May 2022

# Overview

- Timeline
- Resourcing changes
- Advice for elected members
- Planning for the new triennium

# Timeline

- 8 Jul pre-election period begins
- 15 Jul nominations open
- 12 Aug nominations close
- 16 Sept start of voting paper mailout
- 8 Oct voting closes midday
- 13 Oct official results published

# Resourcing changes

- Elections managed in-house to date
- One of very few councils to do so
- Recent years – increasing risks around resourcing and technology
- COVID-19 increases the risk further

# A move to outsourcing

- Election Services contracted to provide electoral services for 2022 elections
- One of two firms providing services to councils and other bodies in NZ
- Director - Dale Ofoske – well known to us
- Vote processing centre in Auckland

# Electoral Officer

- Management preference for clear, end-to-end-accountability for electoral processes
- Recommend Council appoints Dale Ofsoske Electoral Officer – 26 May Council meeting
- Katrina Shieffelbein would remain an electoral official – Dale’s liaison point for day-to-day matters



# Advice for elected members

- The business of Council continues during pre-election period – but care is needed
- Key risk areas –
  - communications/media
  - use of council resources
- More detailed advice and information on election 2022 coming soon

# Planning for the new triennium

- Planning for transition between triennia is underway
- We'll be asking you for feedback on:
  - Priority topics for induction programme
  - Training and development
  - Technology and other support

# Questions?

**From:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Sent time:** 07/07/2022 12:25:13 PM  
**To:** Mayor K Gurnathan <k.gurnathan@kapiticoast.govt.nz>  
**Cc:** Janice McDougall <Janice.McDougall@kapiticoast.govt.nz>; Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Subject:** Changes in the pre-election period - Council spokesperson & portfolios

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Kia ora Guru,

Further to your discussion with Janice and Gary, see below some draft wording for you as a starter for a communication from you to elected members today.

It would be appreciated if you can please let me know once sent and I'll send additional guidance out to elected members around the pre-election period.

Any queries, please don't hesitate to let me know.

Ngā mihi nui,

Sarah

Kia ora koutou,

As we enter the pre-election period starting tomorrow 8 July 2022, I am emailing to communicate a couple of key changes to ensure the integrity of our local body elections this year.

From 8 July 2022 up until the local body elections on 8 October 2022, I will be the only elected member authorised to speak as an official Council spokesperson. If I am unable to be the spokesperson, I will refer this to the Chief Executive or another member of staff. While elected members holding particular roles and portfolios have had the ability to speak on behalf of Council for different matters during the triennium, this change is important to help in managing potential risks during the pre-election period including Council being seen to promote the prospects of particular candidates and prohibitions around the use of Council resources for campaign purposes. Please note this change is consistent with the discretions under the Elected Member Code of Conduct 2019-2022.

In addition, usual portfolio activities including meetings between portfolio holders and senior staff will cease during the pre-election period to ensure all candidates have equal access to information.

The above measures reflect discussions I have had with staff and I support both as important to managing political and reputation risks during this time.

Staff will be in touch with further guidance this afternoon to assist you in navigating the pre-election period.

Ngā mihi nui,

Mayor Guru

**Sarah Wattie**  
Governance & Legal Services Manager  
Te Kaiwhakahaere Ratonga Kāwanatanga me te Ture

Tel 04 2964 724  




# Mānawatia a Matariki

Unite  
against  
COVID-19

Wash and dry  
your hands

Stay home if  
you're sick

Cough into  
your elbow

Be kind  
to others

Find out more at [Covid19.govt.nz](https://www.covid19.govt.nz) New Zealand Government  
[www.kapiticoast.govt.nz](https://www.kapiticoast.govt.nz)

 Find us on  
Facebook

**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent time:** 07/27/2022 11:14:11 AM  
**To:** Mayor K Gurnathan <k.gurnathan@kapiticoast.govt.nz>  
**Subject:** FW: Draft: Confirmation - guidance in the pre-election period

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Good morning  
Just checking you are ok with the detail in red below  
I'll send this out early this afternoon once ok'd by you  
Thanks  
Amanda

**Amanda Yannetta**  
Executive Assistant to the Chief Executive  
Te Kaiāwhina ki te Tumuaki

Kāpiti Coast District Council  
Tel 04 296 4665

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Amanda Yannetta  
**Sent:** Tuesday, July 26, 2022 10:54 AM  
**To:** Mayor K Gurnathan <k.gurnathan@kapiticoast.govt.nz>  
**Subject:** FW: Draft: Confirmation - guidance in the pre-election period

Hi there

Do the sentences in red address your concerns?

Cheers  
AY

**Amanda Yannetta**  
Executive Assistant to the Chief Executive  
Te Kaiāwhina ki te Tumuaki

Kāpiti Coast District Council  
Tel 04 296 4665

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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Kia ora

A number of elected members sought guidance after the note from the Mayor suspending portfolio holders from being spokespersons for the Council during the pre-election period. The advice was wholly consistent with guidelines and principles issued by LGNZ to its members throughout the country and is largely self explanatory. The advice is reproduced below:

Guidance issued by staff on managing the risks in the pre-election period follow the principles and guidelines for local authorities and their members, which are set out in the Local Government New Zealand Guide [‘Communications in the Pre-Election Period’](#) in addition to the Staff Pre-election Protocol which has been in place for a number of years. Both represent good practice advice, and the LGNZ advice has been reviewed by staff and legal advisors at the Office of the Auditor-General and Department of Internal Affairs.

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 of councils and their elected members is likely to be greater during this period. Key principles worth highlighting are as follows:

- 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. While technically, sitting members with roles such as a Mayor, Council Chair or Council spokesperson could continue to make public statements on Council business as they usually would outside the pre-election period, this is a decision for the Mayor under the Elected member Code of Conduct, and changes may be made to official spokespeople during this time where there is a political risk that this platform may be used or perceived to be used for

campaign purposes.

- 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. Council resources include anything funded by Council including Council-funded media opportunities, social media accounts, events and venues. Further to this requirement and aligned to our Staff Pre-election Protocol, where a council supplies information to a candidate that is not already in the public domain, it is important to consider any broader interest in this information and at its discretion make this information available to all other candidates. Equal access to information is a key consideration in considering how to manage different portfolios through this period.

While portfolio meetings have been suspended for the duration of the campaign some have interpreted this to mean that elected members cannot speak or meet with staff. This was not the intention and that access remains open to you where it is needed. Similarly meeting with community groups in the normal course of events remains possible but cannot go as far as speaking on behalf of the council. **This was the primary reason why the Mayor who is not seeking re-election assumed the role of spokesman for the affairs of the council with the proviso that if he was unavailable he would ask another elected member who was also not seeking re-election to step in for him on the issue at hand.**

**I hope this clarifies the position but if there are outstanding questions or issues that arise over the pre-election period please don't hesitate to contact me.**

Ngā mihi,

Gary

**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent time:** 07/26/2022 10:53:35 AM  
**To:** Mayor K Gurnathan <k.gurnathan@kapiticoast.govt.nz>  
**Subject:** FW: Draft: Confirmation - guidance in the pre-election period

---

Hi there

Do the sentences in red address your concerns?

Cheers  
AY

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Ngā mihi,

Gary

**From:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Sent time:** 07/26/2022 10:51:34 AM  
**To:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Subject:** RE: Draft: Confirmation - guidance in the pre-election period

I've added a couple of sentences at the bottom in red so you can see the additions. When you send it to the EM's can you copy it to SLT and Sarah Wattie please

Gary

**Gary Simpson**  
Acting Chief Executive

Kāpiti Coast District Council  
Tel 04 296 4894

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent:** Tuesday, 26 July 2022 10:40 am  
**To:** Gary Simpson <Gary.Simpson@kapiticoast.govt.nz>  
**Subject:** FW: Draft: Confirmation - guidance in the pre-election period

Comment below from the Mayor:

Gary

This is a very useful framework but includes the grey area where the Mayor has a discretion which is open to concerns. My impartiality is critical.

You might want to conclude by adding that you are open to queries for clarification of issues you have framed.

Regards

Mayor Guru  
KCDC

On 26/07/2022, at 10:17 AM, Amanda Yannetta <[Amanda.Yannetta@kapiticoast.govt.nz](mailto:Amanda.Yannetta@kapiticoast.govt.nz)> wrote:

Good morning Guru

Below is a draft email from Gary to send to the Councillors following on from queries around the pre-election guidance.

Gary would like your review and ok before sending.

Thanks!  
Amanda

---

Kia ora

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Ngā mihi,

Gary

**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent time:** 07/26/2022 10:40:14 AM  
**To:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Subject:** FW: Draft: Confirmation - guidance in the pre-election period

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Comment below from the Mayor:

Gary

This is a very useful framework but includes the grey area where the Mayor has a discretion which is open to concerns. My impartiality is critical.

You might want to conclude by adding that you are open to queries for clarification of issues you have framed.

Regard

Mayor Guru  
KCDC

On 26/07/2022, at 10:17 AM, Amanda Yannetta <[Amanda.Yannetta@kapiticoast.govt.nz](mailto:Amanda.Yannetta@kapiticoast.govt.nz)> wrote:

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Gary would like your review and ok before sending.

Thanks!  
Amanda

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Kia ora

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considering how to manage different portfolios through this period.

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I hope this clarifies the position.

Ngā mihi,

Gary

**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent time:** 07/26/2022 10:20:31 AM  
**To:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Subject:** RE: Draft: Confirmation - guidance in the pre-election period

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No problems, have tidied up and sent to Guru

**Amanda Yannetta**  
Executive Assistant to the Chief Executive  
Te Kaiāwhina ki te Tumuaki

Kāpiti Coast District Council  
Tel 04 296 4665

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Gary Simpson <Gary.Simpson@kapiticoast.govt.nz>  
**Sent:** Tuesday, July 26, 2022 9:54 AM  
**To:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Subject:** RE: Draft: Confirmation - guidance in the pre-election period

Hi Amanda

Can you tidy this up by converting Sarah's input into italics and then getting it to Guru for signoff before it go out.

**Gary Simpson**  
Acting Chief Executive

Kāpiti Coast District Council  
Tel 04 296 4894

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent:** Tuesday, 26 July 2022 8:49 am  
**To:** Gary Simpson <Gary.Simpson@kapiticoast.govt.nz>  
**Subject:** Draft: Confirmation - guidance in the pre-election period

*Hi Gary*  
*Email draft for your edit below:*

Kia ora

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I hope this clarifies the position.

Ngā mihi,

Gary

**From:** Amanda Yannetta <Amanda.Yannetta@kapiticoast.govt.nz>  
**Sent time:** 07/26/2022 08:48:33 AM  
**To:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Subject:** Draft: Confirmation - guidance in the pre-election period

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*Hi Gary*

*Email draft for your edit below:*

Kia ora

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Ngā mihi,

Gary



**From:** Janice McDougall <Janice.McDougall@kapiticoast.govt.nz>  
**Sent time:** 07/18/2022 05:26:08 PM  
**To:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Subject:** RE: Local authority elections 2022 - guidance as we move into the pre-election period

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Excellent, thank you.

**Janice McDougall**  
Group Manager People & Partnerships  
Te Kaiwhakahaere Rōpū Tangata me ngā Rhononga

Kāpiti Coast District Council  
Tel 04 296 4841

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Sent:** Monday, 18 July 2022 5:24 pm  
**To:** Gary Simpson <Gary.Simpson@kapiticoast.govt.nz>  
**Cc:** Janice McDougall <Janice.McDougall@kapiticoast.govt.nz>  
**Subject:** FW: Local authority elections 2022 - guidance as we move into the pre-election period

Kia ora Gary,

As discussed here is a starter para for you regarding the LGNZ guidance – please feel free to use what you see as relevant to your note.

Guidance issued by staff on managing the risks in the pre-election period follow the principles and guidelines for local authorities and their members, which are set out in the Local Government New Zealand Guide '[Communications in the Pre-Election Period](#)' in addition to the Staff Pre-election Protocol which has been in place for a number of years. Both represent good practice advice, and the LGNZ advice has been reviewed by staff and legal advisors at the Office of the Auditor-General and Department of Internal Affairs.

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 of councils and their elected members is likely to be greater during this period. Key principles worth highlighting are as follows:

- 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. While technically, sitting members with roles such as a Mayor, Council Chair or Council spokesperson could continue to make public statements on Council business as they usually would outside the pre-election period, this is a decision for the Mayor under the Elected member Code of Conduct, and changes may be made to official spokespeople during this time where there is a political risk that this platform may be used or perceived to be used for campaign purposes.
- 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. Council resources include anything funded by Council including Council-funded media opportunities, social media accounts, events and venues. Further to this requirement and aligned to our Staff Pre-election Protocol, where a council supplies information to a candidate that is not already in the public domain, it is important to consider any broader interest in this information and at its discretion make this information available to all other candidates. Equal access to information is a key consideration in considering how to manage different portfolios through this period.

Happy to discuss if you have any further queries.

Ngā mihi,  
Sarah

**Sarah Wattie**  
Governance & Legal Services Manager  
Te Kaiwhakahaere Ratonga Kāwanatanga me te Ture

Kāpiti Coast District Council  
Tel 04 2964 724

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Sarah Wattie  
**Sent:** Thursday, 7 July 2022 3:32 pm

To  
Cc:

Dale Ofsoske ([dale@electionservices.co.nz](mailto:dale@electionservices.co.nz)) <[dale@electionservices.co.nz](mailto:dale@electionservices.co.nz)>; Susan

Owens <[Susan.Owens@kapiticoast.govt.nz](mailto:Susan.Owens@kapiticoast.govt.nz)>

**Subject:** Local authority elections 2022 - guidance as we move into the pre-election period

Kia ora koutou

As you are well aware, our local authority elections will take place on Saturday 8 October 2022. It is important that we uphold our Elected Member Code of Conduct 2019-2022 and the integrity of the Local Body Elections process during this time which is why I'm reminding you of the pre-election protocol, and some of the key things you need to be aware of as we enter the pre-election period commencing on 8 July 2022 (tomorrow).

Ordinary Council business may continue during the pre-election period however care is needed around key risk areas:

- **The Mayor is the official Council spokesperson during the pre-election period**

From 8 July 2022, only the Mayor will be the only elected member authorised as an official Council spokesperson to make public comments via media releases, media interviews or other means on behalf of Council. If the Mayor is unable to be a spokesperson, this will be referred to the Chief Executive or other member of staff.

As per the Elected Member Code of Conduct 2019-2022, elected members are free to express a personal view to the media as part of their campaign or otherwise, however, must state that the comments represent a personal view only and not the view of Council. Elected members should take particular care to avoid politicising any ordinary business of Council that must continue during the pre-election period (i.e. using this as part of your campaign) and it is recommended that if you are ever unsure, please seek guidance from the Electoral Officer, Dale Ofsoske [dale.ofsoske@electionservices.co.nz](mailto:dale.ofsoske@electionservices.co.nz) or staff.

- **The use of Council resources for campaign purposes**

A local authority must not promote nor be perceived to promote the re-election prospects of a sitting member. Therefore, the use by elected members of Council resources for re-election purposes is unacceptable and potentially unlawful under the Local Electoral Act 2001. This includes Council resources such as facilities, stationery, postage, internet, email or telephones where such resources are used explicitly for campaign purposes. Care should also be exercised by candidates around the use of social media. Except where routine business needs to be maintained, elected member use of Council resources will cease during the pre-election period.

- **Provision of equal information to election candidates**

Local authorities must not promote, or be perceived to promote, the prospects of any candidate, especially a sitting member during the pre-election period. It will be assumed that any Council information requested by a potential or actual candidate (including a current elected member) may be used for campaign purposes and any information provided to one candidate, will be provided to other registered candidates as well.

Any requests to staff for information should be directed to [informationrequest@kapiticoast.govt.nz](mailto:informationrequest@kapiticoast.govt.nz) in the first instance so they can be managed in accordance with Council's LGOIMA Policy and shared with other candidates.

- **Portfolio activities during the pre-election period**

To ensure fairness to candidates in access to information and any risk of Council being seen to promote one candidate over another, ordinary portfolio activities including meetings between portfolio holders and senior staff will cease during the pre-election period. If you have any queries about this please contact Janice McDougall, Group Manager People and Partnerships.

For further guidance around managing election risks, please refer to the LGNZ guide [Communications in the pre-election period](#) or contact Dale Ofsoske, Electoral Officer / Sarah Wattie Governance and Legal Services Manager.

For more information on the upcoming elections including enrolling to vote, nominations or information for prospective candidates, please refer to the [Council website](#).

Ngā mihi nui,

Sarah

**Sarah Wattie**

Governance & Legal Services Manager  
Te Kaiwhakahaere Ratonga Kāwanatanga me te Ture

Tel 04 2964 724  
Mobile 027 5555 724



# Mānawatia a Matariki

Unite  
against  
COVID-19



Wash and dry  
your hands



Stay home if  
you're sick



Cough into  
your elbow



Be kind  
to others

Find out more at [Covid19.govt.nz](https://www.covid19.govt.nz) New Zealand Government  
[www.kapiticoast.govt.nz](https://www.kapiticoast.govt.nz)



Find us on  
Facebook

**From:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Sent time:** 07/18/2022 12:28:11 PM  
**To:** Steffi Haefeli <Steffi.Haefeli@kapiticoast.govt.nz>  
**Subject:** FW: Election protocols

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FYI - in case this comes up in any correspondence the team are copied to.

Sarah Wattie  
Governance & Legal Services Manager  
Te Kaiwhakahaere Ratonga Kāwanatanga me te Ture

Kāpiti Coast District Council  
Tel 04 2964 724

www.kapiticoast.govt.nz

-----Original Message-----

From: Janice McDougall  
Sent: Friday, 15 July 2022 11:07 am  
To: Gary Simpson ; Sarah Wattie  
Subject: FW: Election protocols

Hi Gary

Following on from our conversation, I've gone back and had a look at the guidance provided to councillors in relation to portfolios during the pre-election period - here's the relevant piece from Sarah's note to them:

Portfolio activities during the pre-election period To ensure fairness to candidates in access to information and any risk of Council being seen to promote one candidate over another, ordinary portfolio activities including meetings between portfolio holders and senior staff will cease during the pre-election period. If you have any queries about this please contact Janice McDougall, Group Manager People and Partnerships.

I think where the confusion has arisen is that staff and at least some elected members have quite different interpretations of "ordinary portfolio activities including meetings between portfolio holders and senior staff will cease during the pre-election period". This piece of advice should really also be viewed in the context of the information covered elsewhere in Sarah's note about media spokesperson responsibilities and the processes for requesting information during the pre-election period.

The regular portfolio activities I would see needing to cease to reduce risk would include:

1. the proactive, planned, regular portfolio meetings between senior staff and portfolio holders. In these meetings portfolio holders are often given early access to information; are asked to provide insight into likely areas of interest and concern from councillor; and sometimes have the opportunity to shape work before it is put before the council.
2. the practice of having portfolio holders make introductory comments when officer reports within their portfolio area are put before the council or one of its committees for a decision
3. portfolio holders acting as spokesperson for the council - I would suggest that as well as media and social media activities, this also applies to the nature of comments councillors might make when attending meetings in the community.

I believe some elected members have interpreted this guidance as meaning their access to senior staff has been cut off. I don't believe this to be the case. Councillors should still be able to contact senior staff directly - senior staff would then need to consider whether the nature of the query was such that the pre-election protocols around information requests (as outlined in Sarah's note) applied. As a matter of course elected members can generally directly contact staff at tier three and above - all of whom should be in a position to apply that judgement.

Some councillors are also concerned that there is an expectation they stop meeting with the community. That was not part of the advice. But when doing so councillors should be mindful of the pre-election guidance particularly in relation to not using council resources and being clear to offer their own personal opinions and not be seen to be speaking for the Council.

Let me know if you need anything else you need.  
Cheers  
Janice

Janice McDougall  
Group Manager People & Partnerships

Te Kaihwhakahaere Rāpapa Tangata me ngā Rhononga

Kāpiti Coast District Council  
Tel 04 296 4841

www.kapiticoast.govt.nz

-----Original Message-----

From: Mayor K Gurnathan  
Sent: Thursday, 14 July 2022 7:05 pm  
To: Gary Simpson ; Janice McDougall ; Sarah Wattie  
Subject: Election protocols

Gary,

On the matter of councillor/candidates and public statements supported by staff.

I think there is a need to stress the legal difference between the legitimacy of the Deputy Mayor's role under the LGA and those of portfolio holders. The deputy mayor has a legal right to represent the mayor in his absence.

Having said this as mayor I'm conscious of not compromising this legal responsibility in the run up to the elections and any perception of unnecessarily giving the deputy mayor opportunities for public exposure.

As a back up if needed I have the ability to ask Cr Buswell, who has indicated she is not standing and possibly Cr Cootes who may also not stand, to step in for any public engagement that I can't attend.

The matter of portfolio holders wanting to front council statements I refer to the protocols we have used where the mayor is quoted first and then the portfolio holder.

Given the election campaign we should be comfortable dropping the portfolio holders from council generated public statements.

But the question that has been raised about the ability of elected members doing their BAU is a valid one. Something complicated by the portfolio system.

I'm keen to hear staff views on navigating through this.

Regards

Mayor Guru  
KCDC

**From:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>  
**Sent time:** 07/15/2022 03:31:33 PM  
**To:** Janice McDougall <Janice.McDougall@kapiticoast.govt.nz>; Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Subject:** RE: Election protocols

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Thanks Janet

Pretty much as I see it hopefully it will be sorted on Monday and quickly settle down.

Gary Simpson  
Acting Chief Executive

Kāpiti Coast District Council  
Tel 04 296 4894

www.kapiticoast.govt.nz

-----Original Message-----

From: Janice McDougall  
Sent: Friday, 15 July 2022 11:07 am  
To: Gary Simpson ; Sarah Wattie  
Subject: FW: Election protocols

Hi Gary

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Let me know if you need anything else you need.  
Cheers  
Janice

Janice McDougall  
Group Manager People & Partnerships  
Te Kaiwhakahaere Rāpāki Tangata me ngā Rhononga

Kāpiti Coast District Council  
Tel 04 296 4841

www.kapiticoast.govt.nz

-----Original Message-----

From: Mayor K Gurunathan

Sent: Thursday, 14 July 2022 7:05 pm

To: Gary Simpson ; Janice McDougall ; Sarah Wattie

Subject: Election protocols

Gary,

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Regards

Mayor Guru  
KCDC

**From:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Sent time:** 07/07/2022 03:21:34 PM  
**To:** Janice McDougall <Janice.McDougall@kapiticoast.govt.nz>; Gary Simpson <gary.simpson@kapiticoast.govt.nz>; Steffi Haefeli <Steffi.Haefeli@kapiticoast.govt.nz>; Nicky Astwood <Nicky.Astwood@kapiticoast.govt.nz>; Becky Kraakman <Becky.Kraakman@kapiticoast.govt.nz>; Alexander Danne <Alexander.Danne@kapiticoast.govt.nz>; Susan Owens <Susan.Owens@kapiticoast.govt.nz>  
**Subject:** FW: Changes in the pre-election period - Council spokesperson & portfolios

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FYI

**Sarah Wattie**  
Governance & Legal Services Manager  
Te Kaiwhakahaere Ratonga Kāwanatanga me te Ture

Kāpiti Coast District Council  
Tel 04 2964 724

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**From:** Jessica Mackman <Jessica.Mackman@kapiticoast.govt.nz>  
**Sent:** Thursday, 7 July 2022 1:28 pm  
**To:** Sarah Wattie <Sarah.Wattie@kapiticoast.govt.nz>  
**Subject:** FW: Changes in the pre-election period - Council spokesperson & portfolios

CFYI

**Jessica Mackman**  
Personal Assistant to the Mayor  
Te Kaiāwhina ki te Koromatua

Kāpiti Coast District Council  
Tel 04 2964 757

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

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**From:** Jessica Mackman **On Behalf Of** Mayor K Gurunathan  
**Sent:** Thursday, 7 July 2022 1:27 pm  
**To:** \*DEM - Councillors <[KCDDCCouncillors@kapiticoast.govt.nz](mailto:KCDDCCouncillors@kapiticoast.govt.nz)>  
**Subject:** Changes in the pre-election period - Council spokesperson & portfolios

Hi all,

As we enter the pre-election period starting tomorrow 8 July 2022, I am emailing to communicate a couple of key changes to ensure the integrity of our local body elections this year.

From 8 July 2022 up until the local body elections on 8 October 2022, I will be the only elected member authorised to speak as an official Council spokesperson. If I am unable to be the spokesperson, I will refer this to the Chief Executive or another member of staff. While elected members holding particular roles and portfolios have had the ability to speak on behalf of Council for different matters during the triennium, this change is important to help in managing potential risks during the pre-election period including Council being seen to promote the prospects of particular candidates and prohibitions around the use of Council resources for campaign purposes. Please note this change is consistent with the discretions under the Elected Member Code of Conduct 2019-2022.

In addition, usual portfolio activities including meetings between portfolio holders and senior staff will cease during the pre-election period to ensure all candidates have equal access to information.

The above measures reflect discussions I have had with staff and I support both as important to managing political and reputation risks during this time.

Staff will be in touch with further guidance this afternoon to assist you in navigating the pre-election period. I may have other issues I am thinking about.

Regards,

Mayor Guru

**K Gurunathan JP MA**



Mayor  
Koromatua

Kāpiti Coast District  
Tel 04 2964 757

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**From:** [Sarah Wattie](#)  
**To:** [Janice McDougall](#)  
**Subject:** FW: Election update briefing this Thursday - key message for elected member  
**Date:** Tuesday, May 10, 2022 3:33:12 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)

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FYI

**Sarah Wattie**  
Governance & Legal Services Manager

Kāpiti Coast District Council  
Tel 04 2964 724

[www.kapiticoast.govt.nz](#)

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**From:** Becky Kraakman <[Becky.Kraakman@kapiticoast.govt.nz](mailto:Becky.Kraakman@kapiticoast.govt.nz)>  
**Sent:** Tuesday, 10 May 2022 9:18 am  
**To:** Sarah Wattie <[Sarah.Wattie@kapiticoast.govt.nz](mailto:Sarah.Wattie@kapiticoast.govt.nz)>  
**Subject:** RE: Election update briefing this Thursday - key message for elected member

Hi Sarah,

Looks great and covers all the key points

B.

**Becky Kraakman**  
Lead Communications & Engagement Advisor - Programmes

Kāpiti Coast District Council  
Tel 04 2964 630

[www.kapiticoast.govt.nz](#)

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**From:** Sarah Wattie <[Sarah.Wattie@kapiticoast.govt.nz](mailto:Sarah.Wattie@kapiticoast.govt.nz)>  
**Sent:** Monday, May 9, 2022 2:02 PM  
**To:** Becky Kraakman <[Becky.Kraakman@kapiticoast.govt.nz](mailto:Becky.Kraakman@kapiticoast.govt.nz)>; Alexander Danne <[Alexander.Danne@kapiticoast.govt.nz](mailto:Alexander.Danne@kapiticoast.govt.nz)>  
**Cc:** Steffi Haefeli <[Steffi.Haefeli@kapiticoast.govt.nz](mailto:Steffi.Haefeli@kapiticoast.govt.nz)>  
**Subject:** Election update briefing this Thursday - key message for elected member

Kia ora Becky,

As discussed, there is an election update briefing this Thursday, which Janice predominantly will be

speaking to and we're hoping to use this as an opportunity to reinforce key messages for elected members ahead of the elections in October.

Happy to be guided by you and Alex on what these key message should be (further to the strategy you are working on contemporaneously) but as a start I have summarised below key things I think we'll need to reinforce (taken directly from the [LGNZ communications in the pre-election period guide](#)):

### **Message for elected members**

- *Key dates*
  - *Pre-election period starts three months from polling day*
  - *Nominations open Friday 15 July and close Friday 12 August 12pm*
  - *Close of voting Saturday 8 October, official results announced 13 October*
- *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*
  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... 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, however, Council needs to take particular care to be taken to manage risks associated with communications that could be used for political purposes i.e. .media interviews.*
  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 i.e. processing LGOIMA requests in same way as usual.*
  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. Care to be taken in candidate use of social media and use of Council owned facilities. Independence here is key.*

If you are able to look at these key messages for Thursday this would be much appreciated.

Ngā mihi,

Sarah

**Sarah Wattie**  
Governance & Legal Services Manager

Tel 04 2964 724





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