



NZSTA

Returning Officers' Handbook 2016–2019

Running Elections For School Boards of Trustees

2016 COUNTDOWN DIARY

Days before Election Day	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	1	2	1	4	1	6	7				
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STEP ONE: Preparation for election process

STEP TWO: Election process countdown

STEP THREE: Preparing the electoral roll

STEP FOUR: Calling for and accepting nominations

STEP FIVE: When an election is required

Select returning officer by:

Close main roll at noon:

Nominations called for by:

Close supplementary roll at noon:

Nominations close at noon:

Voting papers must be sent by:

Important information for returning officers prior to commencing duties

Congratulations on your appointment as a returning officer for running elections for school boards of trustees for 2016 to 2019.

The NZSTA Election Advice Line 0800 ELECTION (0800 353 284) is available to assist and support you in your returning officer role.

First you must register in order to obtain your log-on details. Please go to the Trustee election website: www.trustee-election.co.nz and follow the instructions to register as a returning officer.

There are many resources and key information online. During triennial elections you will also be provided with email memos to assist you throughout the election process. The procedures in this handbook apply when conducting all elections. These include:

- ▶ triennial and staggered (mid-term) elections for parent representatives
- ▶ triennial staff elections
- ▶ annual student elections
- ▶ by-elections for all three categories, and
- ▶ establishment elections. These include elections to replace a commissioner, for a new school, and for a newly merged board.

You do not have the authority to alter the election timetable in any way. You also do not have the authority to alter the wording of nomination and voting forms. These forms are available from www.trustee-election.co.nz for you to complete and download for photocopying.

When each election is completed RETURN THIS HANDBOOK to the school office for safekeeping.

If you have been appointed as the returning officer for elections for a combined board of trustees or a board with an alternative constitution, contact the NZSTA election advice line 0800 ELECTION (0800 353 284), which operates around triennial elections and staggered (mid-term) elections, OR the NZSTA Advisory and Support Centre (0800 782 435) at all other times, BEFORE you start your role, to obtain specific advice on running the elections.

All questions regarding the running of a triennial or staggered (mid-term) election should be directed to the NZSTA election advice line 0800 ELECTION (0800 353 284). For any other election call the NZSTA Advisory and Support Centre (0800 782 435). You can also email questions about triennial, staggered (mid-term) or by-elections at any time to: electionsadvic@nzsta.org.nz, or make contact via www.trustee-election.co.nz.

HOW TO USE THIS HANDBOOK

- ▶ First, thoroughly read the regulations on pages 26-32 of the handbook. Then read the rest of the handbook.
- ▶ Follow the sequence of steps in the handbook. These are the steps that must be taken to ensure a valid election. On the blue pages in the handbook you will see this symbol . This indicates that actions are required to be taken. These actions are time sensitive and must be achieved by the dates indicated.
- ▶ The handbook also contains a Countdown Diary and Step Summary. These can be found on the inside front and back covers. There is a photocopier-friendly master sheet in the centre of the handbook that can be removed. Please photocopy and use this as your working document.
- ▶ Forms 1-11 are available for download from www.trustee-election.co.nz. After the election, complete “Candidates and Elections Results – Appendix 1”. **NOTE:** This replaces Appendices A-E and must be completed online within one week of declaring the results of the election. You must be registered as a returning officer and logged on to the website to access these forms. (See page 20 for more details).
- ▶ After the election, complete “Change in Membership of Board of Trustees – Appendix 2.” **NOTE:** Appendix 2 was previously called Appendix F. It must be completed online preferably within one week of declaring election result/s, or other change in membership. (See page 20 for more details).

NOTES

CONTENTS

Step One: Preparation for election process.....	1
Step One: Preparation for election process – supporting information.....	2
Step Two: Election process countdown.....	3
Step Three: Preparing the electoral roll	3
Step Three: Preparing the electoral roll – supporting information	4
Step Four: Calling for and accepting nominations	7
Step Four: Calling for and accepting nominations – supporting information.....	9
Step Five: When an election is required	13
Step Five: When an election is required – supporting information	15
Step Six: Declaration of results	17
Student elections	18
Documentation for all Trustee elections.....	20
Relevant Legislation	21
Education (School Trustee Elections) Regulations 2000	26
Schedule 1 Short Election Timetable	31
Schedule 2 Long Election Timetable.....	31
Explanatory note	32
Ministry of Education Regional and Local Offices.....	33
Index	34

STEP ONE: Preparation for election process

RETURNING OFFICER'S FEE

The Ministry of Education provides funding directly to boards to contribute towards the cost of running triennial and staggered (mid-term) elections. Out of this funding comes the returning officer's fee.

The election funding consists of two components: a base amount, which is the same for all schools, and a per-student amount for each full-time student. The funding formula is the same for all schools except stand-alone intermediate schools. For stand-alone intermediate schools the per student funding is more.

Check the Ministry of Education's website: <http://www.education.govt.nz> for election funding for the particular year the election is being held in.

Examples of how to calculate these amounts and the amount to pay the returning officer can be found at www.trustee-election.co.nz.

If you have not received a letter of appointment that states the fee to be paid to you, the following are the recommendations you should discuss with the board chair prior to commencing your duties.

Recommendation one:

That the returning officer fee be calculated on the basis of 50% of the base amount plus 25% of the per-student amount.

Recommendation two:

That the agreed fee be paid in full regardless of whether there is a voting election.

The board can retrospectively claim election funding for by-elections from the Ministry of Education by submitting receipts for actual and reasonable costs attached to a reimbursement claim form. The claim form is available online at:

www.education.govt.nz/school/running-a-school/resourcing/board-of-trustees-by-elections-expenses-reimbursement.

INFORMATION FROM THE BOARD

The following information should be provided to you by the board:

- The election date. School trustee 2016 triennial elections must be held between 13 May and 10 June 2016. The common election date has been set at **3 June 2016**. As this date was chosen to ensure the best possible fit of tasks and dates, any variance from this date will require you to set a different election timetable. Please go to www.trustee-election.co.nz to calculate your election dates.
- The number of positions to be filled.
- If the board is opting into the staggered (mid-term) election cycle at these triennial elections, a special nomination form (Form 2) and special voting form (Form 6) will need to be used. If the school board is already in the staggered (mid-term) election cycle, the standard nomination form (Form 1) can be used, but only half the number of parent representative positions will be vacant.
- A letter of appointment confirming the elections for which you are the returning officer, that is, parent and/or staff elections.
- The board chair's name and contact details
- Who to contact about obtaining access to the school voting roll.

You should then open an election file, which will subsequently be held by the school administration and which should include all relevant documentation.

All questions regarding the running of a triennial or staggered (mid-term) election should be directed to the NZSTA election advice line 0800 ELECTION (0800 353 284). For any other election call the NZSTA Advisory and Support Centre (0800 782 435). You can also email questions about triennial, staggered (mid-term) or by-elections at any time to: electionsadvic@nzsta.org.nz, or make contact via: www.trustee-election.co.nz.

STEP ONE: Preparation for election process – supporting information

LEGAL FRAMEWORK

Elections must be held in accordance with provisions contained in the Education Act 1989 and the Education (School Trustee Elections) Regulations 2000. A copy of the regulations is included for your reference on pages 26-32 of this handbook, along with relevant sections of the Education Act (refer pages 21-25). **Read the regulations first.** In this handbook these abbreviations are used for the legislation:

- ▶ section “x” means section “x” of the Education Act
- ▶ regulation “x” means regulation “x” of the Education (School Trustee Elections) Regulations.

As a returning officer you should be aware that where a matter is not dealt with in the Education Act or in the regulations you have the authority to conduct the elections as you see fit; refer regulation 5(4)c). You do not, however, have the authority to alter the election timetable.

KEY MILESTONES

Ensure that you understand your key tasks and know the latest dates by which they must be completed. On the inside front and back covers of this handbook are the Countdown Diary and Step Summary. Pull-out versions can be found in the centre of this handbook. These can be photocopied and used as working documents.

NOTE: The intervals between legislative actions in the election timetable must not be altered. The dates for each action are determined by the chosen election date.

ELIGIBILITY

The board of trustees is required to appoint a returning officer for each election. One person may be the returning officer for more than one election. No person may be both a candidate and a returning officer for the same election.

Good independent practice requires that the school principal not be the returning officer.

RESPONSIBILITIES

Your responsibilities as returning officer are to prepare separate rolls of all persons eligible to vote in:

- ▶ the election of parent representatives
- ▶ the election of one staff representative, and
- ▶ any by-election for the above positions

- ▶ to call for nominations of people eligible to stand as candidates
- ▶ to receive nominations and determine eligibility to stand
- ▶ to ensure that the name of every eligible candidate is available for inspection at any reasonable time at the school, that is, from the time of receipt until polling day
- ▶ to receive candidates' statements and, if necessary, edit these statements. **NOTE:** The only grounds for editing a statement are if you consider, on reasonable grounds, that part of the statement is likely to be defamatory or offensive, or the statement is too long. A statement of about 400 words is a reasonable length. **NOTE:** Retyping or sub-editing purely to improve the presentation is not a requirement
- ▶ to prepare and distribute by post or by delivering personally to each elector on the parent roll a voting paper containing the names of candidates for whom the elector is entitled to vote, together with candidates' statements and a return envelope
- ▶ to prepare and distribute to each elector on the staff roll a voting paper containing the names of candidates for whom the elector is entitled to vote, together with candidates' statements and a return envelope, or advise where these can be collected
- ▶ to receive all voting papers and ensure they are held in safe custody
- ▶ to open and examine all voting papers and envelopes to determine whether the votes meet the requirements for validity, and count the number of votes cast for each candidate
- ▶ to declare the results of elections, and
- ▶ to promptly complete and submit the two online Appendices so the Ministry of Education is advised of the outcomes of all elections.

STEP TWO: Election process countdown

- ▶ To ensure a successful election process, planning is essential. There are a Countdown Diary and a Steps Summary with all legislative timeframes and suggestions included on the inside front and back covers. Versions for photocopying are available in the centre of this handbook and include dates for boards using the common election date of 3 June 2016. If you are not using this date, use the blank third row of the Countdown Diary to fill in the dates for your school.
- ▶ You can also use the online election calculator on: www.trustee-election.co.nz. Once you have typed in your school's election date the other election timetable dates are automatically calculated.

STEP THREE: Preparing the electoral roll

It is the responsibility of the returning officer to prepare a roll that contains the name and address of every person entitled to vote in the election. This roll is referred to as the main roll and after it closes a supplementary roll needs to be opened. **See below for the actions to be taken, definitions and an explanation of the eligibility criteria.**

ACTIONS

- ✔ **Advise the school administration staff that you need an electoral roll as soon as possible after your appointment.**

You need this information to determine who to send nomination forms to, who is eligible to nominate candidates, and who is eligible to vote in both the staff and the parent elections. This roll must be available at the school at any reasonable time throughout the election process.

Updating and checking the names can take some time, so advise the school office staff that you will need:

- ▶ a list of all parents and caregivers (refer to definitions on page 4) of students enrolled full-time at the school, and
- ▶ a list of all staff eligible to participate in the staff election (see pages 5-6).

NOTE: Inform staff members who have dual eligibility as parent/staff members (see page 4) that they are required to advise you in writing before the roll closes if they wish to be enrolled on the parent roll instead of the staff roll.

The rolls should be in alphabetical order of surnames. The electoral roll for parent representative elections must include the names of all eligible voters.

- ✔ **Have the main roll open for inspection**

The roll must be available for inspection at any reasonable time at the school. If you do not work at the school site, it is recommended that you ensure the roll is available for public inspection.

NOTE: When the roll is on display for inspection, no addresses should be visible.

Telephone enquiries are acceptable. A name provided by a caller may be confirmed as being on the roll or not. No address should be disclosed by you or any person authorised to assist you.

- ✔ **Close the main roll at noon on:**

04/05/2016 (or .././201x)

At noon on this day the parent/staff main roll closes. Do not alter this roll once it has closed. You may have to open a supplementary roll, identical in format. The supplementary roll will contain names and addresses of people who have become eligible to vote, such as the parents of students newly enrolled at the school and staff members newly employed at the school.

- ✔ **Have the supplementary roll open for inspection after noon on:**

04/05/2016 (or .././201x)

A supplementary roll contains the names and addresses of every person:

- who becomes eligible to vote in the election after the close of the main roll, or
- whose name was wrongly omitted from the main roll.

The returning officer must ensure that any notices relating to the election that have been given to electors on the main roll are also promptly given to electors on the supplementary roll.

- ✔ **Establish which staff members have dual eligibility as parent/staff members by noon on:**

18/5/2016 (or .././201x)

In the event of a staff member not informing you in writing of the roll on which they wish to be, they will remain on the staff roll. (See page 4.)

- ✔ **Close the supplementary roll at noon on:**

18/05/2016 (or .././201x)

Once the supplementary roll has closed, it forms part of the main roll for the election.

STEP THREE: Preparing the electoral roll – supporting information

DEFINITION OF PARENT AND CAREGIVER

Parent

Section 92 of the Education Act defines the term “parent”, in relation to any person, as meaning someone who is the person’s father, mother, legal guardian or immediate caregiver.

In this handbook, wherever the word “parent” is used, it is with the understanding that it includes legal guardian or immediate caregiver.

Immediate caregiver

In section 92, an “immediate caregiver”:

- ▶ in relation to a student who usually lives in a household that includes the student’s father or mother but not both, but also includes the spouse or partner of the father or mother, means the spouse or partner
- ▶ in relation to a student who usually lives in a household that includes the student’s father or mother and no spouse or partner of the father or mother, but also includes a person who has turned 20 and has a day-to-day responsibility for the student clearly greater than that of any other person, means that person, and
- ▶ in relation to a student who usually lives in a household that does not include the student’s father or the student’s mother, means any member of the household who has turned 20 and has a day-to-day responsibility for the student clearly greater than that of any other person.

Student lives with Mum and partner during the week and with Dad and partner on weekend. Mum, Mum’s partner and Dad (but not his partner) are eligible to vote.

A student is regarded as having no immediate caregiver if they:

- ▶ usually live in a household that includes both parents
- ▶ spend approximately equal time in two or more households, or
- ▶ do not usually live in a household (for instance, they live in a hostel).

A hostel is not deemed to be a household, and hostel employees are not regarded as being immediate caregivers.

ELIGIBILITY CRITERIA

A person who has taken up a permanent appointment to a position in the employment of the board

A permanently appointed member of the board staff is ineligible to be a trustee except by being elected as the staff representative (section 103(3)). This means that such a person is ineligible to be a parent representative.

The nomination form (see Form 1; or Form 2 if the board is opting (at these triennial elections) into the staggered (mid-term) election cycle contains a statement that the candidate declares their eligibility. The ineligibilities are summarised on the back of the nomination form. The details can be found in sections 103 and 103A, which are set out in the legislation chapter of this handbook.

Where a person is eligible to be placed on both a parent and a staff electoral roll

The Education Act provides that no person may participate in more than one election for the same board of trustees.

Staff members who have dual eligibility must advise you in writing if they wish to be enrolled on the parent roll instead of the staff roll.

In the event of a staff member not exercising that choice, that person remains on the staff roll. That decision remains in force until the next triennial election, unless the voter’s status as parent/staff member alters. You should inform them of this fact.

You should make it clear that if they choose to go on the parent roll they can nominate and vote but not stand as a candidate.

You should note that the right to choose which election a person will participate in extends only to a person with dual parent/staff member status in the same school.

STEP THREE: Preparing the electoral roll – supporting information

ELIGIBILITY CRITERIA

Eligibility to vote in an election for parent representatives

Parents of students are eligible to vote if the students are under 20 years of age and are enrolled full-time at the school on the day that the roll or the supplementary roll for the election closes. They include parents of foreign fee-paying students regardless of where they live in the world.

Adult students are students who are 20 years of age or older. Adult students are eligible to vote in a parent election if they are enrolled full-time at the school on the day that the roll or the supplementary roll for the election closes.

Parents of adult students are not entitled to vote in a parent election.

Conditions

- ▶ A parent who is also a permanently appointed member of the board staff (i.e. a staff member) and who decides to stand as a staff representative can vote only in the staff election.
- ▶ A parent who is also a permanently appointed member of the board staff (i.e. a staff member) must choose which election to participate in. This person may not stand as a candidate in the parent election. They may only nominate and vote.

Other examples of eligibility to vote in parent elections

a) Parents of students enrolled in year 6 at contributing schools

Parents of students enrolled in year 6 at contributing schools may vote in the school elections. They are also eligible to vote in parent elections at stand-alone intermediate schools at which their children are likely to be enrolled as full-time students in the year after the elections.

NOTE: “Stand-alone intermediate” refers to schools in which only years 7 and 8 students are enrolled.

If an intermediate school has an enrolment scheme, the returning officer should delete the names of parents of year 6 students with addresses outside the enrolment zone.

If the contributing school has concerns regarding privacy, point out that by law an intermediate school board of trustees is elected by parents of students enrolled at the school AND parents of students likely to be enrolled at the intermediate school in the year after the year in which the election is held. Advise also that these details will only be used in these board of trustee elections.

For that second group of parents to vote they must be on the voting roll of the intermediate school to enable the returning officer to send them nomination forms and then voting papers (if required).

If you are the returning officer for an intermediate school, promptly contact the returning officers at the contributing schools and remind them that they must arrange for you to be given the names and addresses of all voters with at least one child in year 6.

If you are the returning officer at a contributing school, ensure that the intermediate school is provided with the names and addresses of voters with students in year 6.

Parents of students in satellite classes of special schools

Parents of students in satellite classes of special schools are eligible to vote in elections for parent representatives at the special schools but not the host schools where the classes are sited.

b) Parents of alternative education students

Parents of alternative education students may vote in parent elections for the schools where the students are enrolled full-time.

c) Parents of students enrolled at special schools

Parents of mainstreamed students (i.e. students enrolled in special schools who regularly attend classes in other schools) are eligible to vote in elections for parent representatives at the special schools.

d) Principals as parents

A principal who is a parent of a student (who is under 20 years of age) enrolled full-time at the school is eligible to nominate and vote in the parent elections, but not stand as a candidate.

Eligibility to participate in the board staff election

Most board staff (other than the principal and those listed as ineligible to stand under section 103 of the Education Act 1989), including staff in alternative education centres attached to the school for administrative purposes, are eligible to nominate, stand and vote in the staff election.

A board staff member is defined as:

- ▶ a person who has taken up a permanent appointment to a position in the employment of the board, or

STEP THREE: Preparing the electoral roll – supporting information

- ▶ a person who has been continuously employed in one or more such positions by the board during the period of two months immediately before the day the roll closes. Refer to sections 92(1) and 97(1).

Examples of board staff members include but are not limited to:

teacher	clerk
cleaner	laundry worker
teacher aide	secretary
speech/language therapist	custodian
ancillary staff	tutor
residential social worker	caretaker
gardener	groundsperson
nurse	

Other examples:

- ▶ A teacher of physics employed for three hours per week is eligible to stand/vote if the appointment is a permanent one, or if it is not permanent but the teacher occupied the position continuously for two months or more before the day the roll closed.
- ▶ A night school tutor of computer studies employed by the board, provided they are permanently employed or were employed continuously for a period of two months prior to the day the roll closed, is eligible to stand and to vote.
- ▶ Contractors, such as lawn-mowing contractors, bus drivers employed by transport companies and employees of cleaning contractors working at schools, are not regarded as board staff members.

Itinerant, resource and similar teachers

Itinerant, resource and similar teachers, working from base schools, are entitled to vote/stand in the staff representative elections of those base schools, that is, the schools at which the teachers are employed as members of the board staff.

STEP FOUR: Calling for and accepting nominations

This step of the election process requires the returning officer to ensure that the required information is provided correctly to all eligible voters. It is also important to maintain timely and ongoing communication with the board chair during this process. **Please follow the actions below carefully.**

ACTIONS

In order to meet legislative requirements

(best, as early as possible):

- ▶ be clear about the date by which nomination forms will need to be sent out and the notice printed in the newspaper, and
- ▶ determine the deadline cut-off for your local newspaper in order to meet the publishing deadline.

Prepare nomination forms ready to be sent out by: **06/05/2016 (or .././201x)**

If using the common triennial election date, nominations must be called for by the date above. When calling for nominations you must:

- ▶ prepare a parent election nomination cover notice. This notice explains the parent election process and should accompany the nomination form (Form 1) to all eligible people on the voting roll. See page 9 for an example notice, or download from: www.trustee-election.co.nz
- ▶ prepare a nomination form. Use Form 1 which you can download from: www.trustee-election.co.nz. Before downloading you must:
 - ▶ enter the name of the school
 - ▶ enter the school profile number
 - ▶ enter the address to which the form must be posted or delivered, and
 - ▶ enter the date and time (noon) by which the completed form must be received by the returning officer, and
- ▶ print one copy and circle the type of election (parent/staff). Photocopy the required number of forms.

Prepare parent/staff election notices by: **06/05/2016 (or .././201x)**

Parent election

- ▶ By this date, have an advertisement ready to be published in a newspaper circulating in the area of the school. This advertisement calls for nominations. Use the wording from the parent election notice example on page 10, or download from: www.trustee-election.co.nz.

Staff election

- ▶ By this date, you must have put a printed staff election notice on the noticeboard in the staffroom. Print enough copies for every staff member to receive a copy of the notice attached to a correctly filled-out nomination form.
- ▶ Make sure the nomination form (Form 1) and a copy of the notice are either posted OR placed in every staff member's pigeonhole or wherever they collect their mail. Alternatively, your notice may advise where these forms can be picked up. Use the wording from the staff election notice example on page 10, or download from www.trustee-election.co.nz.

Call for nominations 28 days before voting closes:

by 06/05/2016 (or .././201x)

Parent election

- ▶ Ensure publication of the notice calling for nominations by this date, in a newspaper circulating in the area of the school AND a nomination form (Form 1, or Form 2 if the board is opting into the staggered (mid-term) election cycle) PLUS a copy of the notice is posted or personally delivered to each person named on the roll, also by this date. In addition, a similar or identical notice could be published in a school newsletter or on the school website before this day.

Staff election

- ▶ Ensure that a nomination form (Form 1) AND a copy of the notice is posted or personally delivered to each person named on the roll, OR notices are displayed in prominent places around the school. These notices must specify where nomination forms can be obtained.

STEP FOUR: Calling for and accepting nominations

ACTIONS

- ✔ **Update the board chair on the number of valid nominations received as they come to hand. Also, please remember to log on to the returning officers' section of the Trustee election website and update the number of valid nominations as you receive them.**

If there are fewer nominations than there are vacancies to be filled, keep the board chair informed, as the board will need to encourage nominations.

Keep receiving nominations and candidates' statements. Ensure that the name of every eligible candidate is available for inspection at any reasonable time at the school throughout the election process.

- ✔ **Receive nominations until noon on the day nominations close:**

20/05/2016 (or .././201x)

- ▶ When nominations are received, check them immediately and if valid put the candidates' names on a list that is displayed in an area such as the noticeboard in the school foyer/staffroom where the public/staff can see it.
- ▶ Log on to www.trustee-election.co.nz and update the number of valid nominations.
- ▶ If a nomination is not valid, advise the nominee and nominator and give the reason.
- ▶ If a nomination form has one or more errors, advise the nominee and nominator and give them the opportunity to correct any errors. Do not let them alter anything; instead provide another blank nomination form. If, say, a signature is missing, get the person to fill in the gap.
- ▶ Nomination forms faxed or scanned (if otherwise correct) can be accepted and the nominees declared to be candidates. However, promptly make arrangements to get the originals.

- ✔ **Close nominations at noon on:**

20/05/2016 (or .././201x)

Nominations must close at noon on this day. The nomination forms, along with any candidates' statements, must be in your hands by noon or held at the school office for you to collect later in the day. No nominations received after noon can be accepted.

In a triennial election, if after nominations close valid nominations for parent representatives number fewer than three (and the board is NOT in the staggered (mid-term) election cycle), a commissioner will be appointed to replace the board. Promptly advise the board chair so they can contact the nearest office of the Ministry of Education.

If there are three or more valid parent representative nominations, and these are fewer than, or equal to, the number of vacancies, you can promptly declare all candidates elected. (This requirement does not apply to boards of trustees that have adopted the staggered (mid-term) election process.)

If there is only one valid nomination for a staff representative, you can promptly declare the candidate elected.

In this situation the election has come to an end, so you can declare the final result as follows:

- ▶ give written notice to the board
- ▶ prominently display notices at the school
- ▶ publish a notice in a newspaper circulating in the area (see examples on page 11 for each election), which must include the name of the candidate(s) elected.

You should also:

- ▶ complete online the required form "Candidates and Elections Results - Appendix 1" via www.trustee-elections.co.nz. You must be logged on as returning officer to complete this. (**NOTE:** this form applies to any election type and replaces Appendices A - E). Retain the forms in the board's election file, and
- ▶ complete online the required form "Change in Membership of Board of Trustees - Appendix 2" via www.trustee-elections.co.nz. Completion of this form does not require logging on as returning officer (**NOTE:** this form was previously called Appendix F).

STEP FOUR: Calling for and accepting nominations – supporting information

Sample Nomination Cover Notice (to mail with Nomination Forms)

20XX BOARD OF TRUSTEE PARENT ELECTIONS

EXAMPLE SCHOOL

School profile number: XXXX

Nominations are invited for the election of (insert number) parent representatives to the board of trustees.

Nomination Form

Enclosed is a nomination form to enable you to put your name forward as a candidate in the forthcoming board of trustees' election, or to nominate someone else as a candidate.

Include this sentence if you are the returning officer for a stand-alone intermediate school: "If you have a child enrolled in year 6 at a contributing school you are entitled to participate in this election also".

NOTE: If you are on the school roll and eligible to vote, you can nominate yourself and do not require a seconder, but you must sign both parts of the form. Information on those who are ineligible to stand for election is on the back of the nomination form (Form 1).

Complete the nomination form, including the necessary signatures. Complete the candidate's contact details, including their address and telephone numbers (home and mobile), and post or hand deliver the form to the returning officer at the address shown below.

Nominations close at 12 noon on *(insert date)*.

Candidate Statement

As a candidate you are invited to submit a brief (*up to 400 words*) statement.

NOTE: The returning officer may omit or abridge any part of the candidate's statement where it exceeds 400 words, or is offensive or defamatory.

It is the candidate's responsibility to ensure that the signed candidate's statement is received by the returning officer.

If the statement is not received by 12 noon on *(insert date)* your statement cannot be sent to voters with the voting papers.

Voting Roll

A copy of the voting roll is available for inspection at the school office during normal school hours.

Eligibility

Anyone, other than those ineligible under sections 103 and 103A of the Education Act 1989, may stand for election for the board of trustees. *However, if you are not on the voting roll you must be nominated by a person who is.*

Scrutineers

A candidate may appoint a scrutineer to observe the vote count. Please advise the returning officer in writing of the scrutineer's name and contact details before election day.

Voting and results of the election

If there are more nominations than vacancies for parent representatives, eligible voters will be posted voting papers and candidates' statements (where provided) on or before *(insert date)*.

The poll closes at 12 noon on *(insert date)*. The highest polling candidates will be elected to the board of trustees. The results will be made available at the school and also published in a local newspaper.

Nomination forms are available in te reo Māori. Please contact the returning officer if these are required.

Post or hand deliver completed nomination forms to: *(insert name and address of returning officer)*.

STEP FOUR: Calling for and accepting nominations – supporting information

EXPLANATIONS

A candidate in a parent representative election DOES NOT need to be a parent of a student enrolled at the school.

NOTE: You are required to post or personally deliver to each voter a separate envelope containing a nomination form and a copy of the notice calling for nominations. It is immaterial if two voters have the same address.

NOTE: The parents of foreign fee-paying students are entitled to participate in any parent representative election or by-election. Because of their distance from the school in many instances, it is strongly recommended that you process their requirements first and use FastPost as a matter of urgency. See www.nzpost.co.nz

NOTE: A person who has been appointed the returning officer for an election is ineligible to be nominated as a candidate in that election. However, if otherwise eligible the returning officer can vote in the election.

A special nomination form (Form 2) and special voting form (Form 6) will need to be used if the board is opting into the staggered (mid-term) election cycle at these triennial elections.

Sample Parent Election Notice

(insert school name) School
Board of trustees' election

Nominations are invited for the election of *(insert number of vacancies)* parent representatives to the board of trustees.

A nomination form and a notice calling for nominations will be posted to all eligible voters.

You can nominate another person to stand as a candidate, or you can nominate yourself (make sure you sign both parts of the form).

Additional nomination forms can be obtained from the school office.

Nominations close at noon on *(insert date that is 14 days before the election date)* and may be accompanied by signed candidates' statements.

The voting roll is open for inspection at the school and can be viewed during normal school hours.

There will also be a list of candidates' names, as they come to hand, for inspection at the school.

Voting closes at noon on *(insert date)*.

Signed *(insert name)*
Returning Officer

Sample Staff Election Notice

(insert school name) School
Staff representative election for the board of trustees

Nominations are invited for the election of one staff representative to the board of trustees.

Some staff may also be eligible to be on the parent roll. You can be on only one roll.

A nomination form and a copy of this notice are being distributed to all eligible voters on the staff.

Further nomination forms can be obtained from the school office.

Dual eligibility

NOTE: You may be eligible to participate in both the parent and the staff elections. This occurs where you are a staff member and a parent of a student enrolled at the same school. In law you are entitled to be on only one roll, but you have the right to decide which one. You must advise me in writing before the roll closes or you will remain on the staff roll.

You should note that if you remain on the staff roll you can stand as a candidate, nominate and vote in the staff election. If you choose the parent roll you can nominate and vote but not stand in the parent election. The decision you make stays in place until the next triennial election unless your circumstances change.

Nominations close at noon on *(insert date that is 14 days before the election date)* and may be accompanied by signed candidates' statements.

Candidate Statement

As a candidate you are invited to submit a brief *(up to 400 words)* statement. **NOTE:** The returning officer may omit or abridge any part of a candidate's statement where it exceeds 400 words, or is offensive or defamatory. It is the candidate's responsibility to ensure that the signed candidate's statement is received by the returning officer. If your statement is not received by 12 noon on *(insert date)* it cannot be sent to voters with the voting papers.

The voting roll is open for inspection at the school office and can be viewed during the hours the office is open.

There will also be a list of candidates' names, as they come to hand, for inspection at the school office.

Voting closes at noon on *(insert date)*.

Scrutineers

A candidate may appoint a scrutineer to observe the vote count. Please advise the returning officer in writing of the scrutineer's name and contact details before election day.

Signed *(insert name)*
Returning Officer

STEP FOUR: Calling for and accepting nominations – supporting information

If there are three or more valid parent representative nominations, and these are fewer than, or equal to, the number of vacancies, you can promptly declare all candidates elected. (This requirement does not apply to boards of trustees that have adopted the mid-term election process.)

Sample Parent Election Results Declaration

(insert school name) School

Board of Trustees' Election

Declaration of Parent Election Results

At the close of nominations, as the number of valid nominations was equal to/fewer than (*delete whichever is not applicable*) the number of vacancies required to be filled, I hereby declare the following duly elected:

Dean, Jane Francis, Alan Robinson, Paula

Matiu, Te Pou Ngan, Peter

Signed

(insert name)

Returning Officer

Sample Staff Election Results Declaration

(If only one valid nomination is received)

(insert school name) School

Board of Trustees' Election

Declaration of Staff Election Results

At the close of nominations, as there was only one valid nomination received I hereby declare

Dunbar, Jill duly elected:

Signed

(insert name)

Returning Officer

VALIDATION OF CANDIDATES' ELIGIBILITY

Sections 103 and 103A (pages 23-24) list the categories of persons who are not eligible to be a trustee. This includes all types of trustees, i.e: elected, co-opted or appointed trustees, and trustees elected or selected to a casual vacancy. A person is ineligible if they:

- ▶ are an undischarged bankrupt
- ▶ are prohibited from being a director or promoter of, or being concerned with or taking part in the

management of, a company under section 382, 383 or 385 of the Companies Act 1993

- ▶ are a permanently appointed member of the board staff, unless they are standing for election as a staff representative
- ▶ contract or sub-contract with the board without the approval of the Secretary for Education and receive payments exceeding \$25,000 in any financial year (this provision is set out in section 103A). This also covers situations where a person has a 10% or more shareholding in the contracting company or a company that controls the contracting company
- ▶ are subject to a property order under the Protection of Personal and Property Rights Act 1988
- ▶ are a person in respect of whom a personal order has been made under that Act that the person either is not competent to manage their own property affairs or does not have the capacity to communicate/make decisions relating to their welfare/personal care
- ▶ are a person who has been convicted of an offence punishable by imprisonment for two years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence or otherwise suffered the penalty imposed on the person, or
- ▶ are not a New Zealand citizen, **and** are:
 - ▶ a person to whom section 15 or 16 of the Immigration Act 2009 applies
 - ▶ a person obliged, by or pursuant to that Act, to leave New Zealand immediately or within a specified time, being a time that is less than 12 months, or
 - ▶ deemed for the purposes of that Act to be in New Zealand unlawfully.

NOTE: If a person has approval to reside in New Zealand for more than 12 months they may stand as a candidate if they are otherwise eligible.

It is not the returning officer's job to check candidate eligibility under sections 103 and 103A.

No person who has been appointed as the returning officer for an election of trustees is eligible to be nominated as a candidate in the election.

STEP FOUR: Calling for and accepting nominations – supporting information

CANDIDATE STATEMENTS

- ▶ Receive candidates' statements and, if necessary, edit these statements.
- ▶ Statements may include each candidate's:
 - ▶ experience
 - ▶ qualifications
 - ▶ abilities
 - ▶ previous involvement with the school(s) or institution(s) administered by the board
 - ▶ reasons for standing for election
 - ▶ interests, and
 - ▶ anything else that can be reasonably linked to the education of children.

Regulation 11(2) authorises you to omit or abridge any part of a statement if you are satisfied on reasonable grounds that it is likely to be defamatory or offensive, or is too long.

Your role in editing statements about candidates is limited to the requirements expressed in this regulation. It is vital that you are not seen either to favour one candidate over another or in any way to attempt to influence the voters when editing candidates' statements.

You must be seen to be impartial. You should not be involved in organising or calling public meetings of candidates. You may be present at such meetings in order to receive nominations, but this should be your only involvement.

CANDIDATE PHOTOGRAPHS

- ▶ Photographs of candidates are not necessary; however, if photographs are received they can be distributed with the candidates' statements.

STEP FIVE: When an election is required

If there are more valid nominations received than the number of positions advertised, a voting election must be held. Voting papers must be posted or personally delivered to all people on the electoral roll after nominations close (14 days before the election date) and by nine days before the election date.

ACTIONS

Preparation of voting papers after noon on: 20/05/2016 or (.././201x)

The voting paper can be accessed in electronic form by returning officers through log-on access to the Trustee election website www.trustee-election.co.nz.

NOTE: If you are a returning officer running elections for a combined board of trustees you will need to use a special voting paper (Form 9).

- ▶ The names of validly nominated candidates should be entered in alphabetical order by their surnames or family names on the voting paper and the appropriate number of copies made.
- ▶ Each voting paper can be coded or numbered to ensure that voters are not able to vote more than once by duplicating their voting forms. The system used should allow you to check the number of votes exercised but should not enable voters to be identified, as this is a secret ballot. Coloured voting paper could also be considered.
- ▶ If a numbering system is used the numbers must be added randomly to the voting papers so that you are not able to ascertain from a voting paper who has voted, but are able to confirm that the number is one that has been allocated.
- ▶ An alternative system is to stamp each voting paper with the school seal or some other original stamp that cannot be easily duplicated.
- ▶ Whatever system is used, the returning officer must be confident that a completed voting paper when received is the one that was issued.
- ▶ If there are more candidates than the number of spaces on the voting paper, please contact the NZSTA Election Advice Line 0800 ELECTION (0800 353 284).
- ▶ Print only the required number of voting papers.
- ▶ The official voting paper for parent representative elections (Form 5) states, "You may vote for up to *(insert the number of vacancies to be filled)* candidates." Boards may have resolved to have three, four, five, six or seven positions for parent elected representatives. Make sure you insert the

correct number of vacancies to be filled. The board must advise you if it has opted into the staggered (mid-term) election cycle at these triennial elections. If so, you will be required to use a special voting paper (Form 6). If the board is in the staggered (mid-term) election cycle already, the standard voting form (Form 5) must be used, but only half (refer section 101A, page 23) the number of parent representative positions on the board will be vacant.

NOTE: Voting papers must be in a separate envelope for each voter. The following must be included with them:

- a) Copies of any candidates' statements, other than statements by candidates who have withdrawn
- b) The envelope in which the voting paper must be returned.

We also recommend that a voting cover letter accompany the above; see the example on page 15.

Post cover letter, voting paper, return addressed envelope and candidate statement by: 25/05/2016 (or .././201x)

Please ensure that office staff at the school know and follow your requirements for the return of voting papers.

- ▶ If you intend to use a ballot box, you must ensure that it is secure and locked away each evening.
- ▶ **Staff representative election.** You may follow the process above or you may display notices around the school advising where and when voting papers may be collected.

If you choose to do this it is advisable to keep a record of which staff have collected voting papers.

STEP FIVE: When an election is required

ACTIONS

 **ELECTION DAY. Close voting at noon on:**

03/06/2016 (or .././201x)

- ▶ Voting closes at noon. You must not count votes and declare results until six days after the election date.
- ▶ At noon remove all ballot boxes to a secure place so that no more voting papers can be placed in them. Do not include any voting papers that may be handed to you after this time. Rather, take them but do not open the envelopes. Instead mark the envelopes as “Invalid: received after noon on (*insert date voting closes*)”.

 **Count votes and declare results on:**

09/06/2016 (or .././201x)

- ▶ Count the votes in the presence of any scrutineers.
- ▶ You may be assisted in the vote counting procedure by someone you have appointed as a clerical assistant. That person cannot be a scrutineer.
- ▶ The suggested order of proceedings is to gather all the voting papers in one place under your direct care. Open and examine all voting papers and envelopes to determine whether the votes meet the requirements for validity.

Separate out those voting papers that you think are invalid. You should then consider each of these and decide if in fact it is valid or invalid. That decision is yours alone to make. Return the valid voting papers to the uncounted pile and count the invalid votes to get a final total, then put them aside.
- ▶ Have a simple system to record the number of valid votes cast for each candidate.
- ▶ Count all valid votes and ascertain individual totals.

NOTE: One invalid voting paper is counted as one invalid vote regardless of how many times the paper is marked or not marked.

STEP FIVE: When an election is required – supporting information

WITHDRAWAL OF CANDIDATES

Any candidate may withdraw from election by giving written notice to the returning officer. Where this occurs you must take all reasonable steps to ensure that voters are notified of this, and if the withdrawal reduces the number of candidates standing to the same number as, or a smaller number than, the number of trustees required, that voting will no longer be required.

Voters may be notified of the withdrawal, where time allows, by public advertisement or written notice to electors, through the school newsletter, on the school website, and by prominent notices around the school.

If the withdrawal occurs after the voting papers have been distributed or too late to notify electors and the withdrawn candidate is elected, the withdrawal in effect causes a casual vacancy on the board. If the withdrawn candidate is not elected no further action is required.

Sample Voting Cover Letter

(insert school name) School

Board of Trustees' Election Parent representative Voting Paper

(insert date)

How to return your voting paper

Please read carefully before voting!

This is a postal election and the voting paper is valid only if returned in the addressed envelope provided.

1. If posting your voting paper, you must use the enclosed envelope and post it to:

Returning Officer
(insert address)

Your vote will **not** be counted **unless** the envelope is postmarked before the day of the election, *(insert date)*, and received by the returning officer not later than five days after the date of the election. **Ensure that you post it as soon as possible because New Zealand Post has reduced its mail delivery service.**

2. If delivering your voting paper, please ensure that it is delivered before noon on *(insert date)* in the enclosed envelope.

It should be taken to:
(insert address)

3. If your voting paper is delivered to the school, please ensure that it is delivered before noon on *(insert date)* in the enclosed envelope.

Voting closes on *(insert date)* at noon.

Signed *(insert name)*
Returning Officer

For the staff election, you may prepare a voting cover letter similar to the example above.

VOTING PROCESS

Each voter must be given a voting paper and a separate return envelope. This should be addressed to the returning officer and titled "voting paper".

There is no requirement for the school board to pay for return postage by placing a stamp on each envelope or arranging a freepost service.

However, the board may decide to pay for the cost of return postage. If you decide to use a freepost service to have the voting papers returned through the post, you must have a clear, preferably written, agreement with an accredited postal service, specifying the frequency with which it will deliver that mail to you.

Alternatively you can arrange to call at a PostShop or mail sorting centre at regular intervals to collect the mail. One of those calls must be on the day the voting closes. If you do "call and collect" you may be required to pay the amount of postage owing at each visit. The important thing is to make sure you understand the arrangements between yourself and the accredited postal service early in the process, and preferably before nominations close.

Many voting papers are returned by hand. In this case there will be no need for postage stamps.

- ▶ The preparation and distribution of voting papers may begin immediately after the closing time for receiving nominations, and voting papers must be distributed to all people on the electoral roll by nine days before the election date.
- ▶ **Staff representative election.** You may follow the process above or you may display notices around the school advising where and when voting papers may be collected. If you choose to do this it is important to keep a record of which staff have collected voting papers.
- ▶ Any statements provided by the candidates must be posted/personally delivered with the voting papers.
- ▶ Completed voting papers must be returned to the returning officer in the envelopes provided or they can be delivered by hand to the returning officer until noon on election day in the envelopes provided. It is recommended that a sealed ballot box be provided at the school office under the direct supervision of a person nominated by you. All voting papers that are returned to the school either through the post or by hand should immediately be placed in the ballot box.

NOTE: “Personally deliver or post” does not include sending a notice home through the “schoolbag post”. It does mean sending the notice through an accredited postal service, or the returning officer personally handing the notice to the individual voter.

- ▶ Make sure that voters who intend to post their votes know they should do so as early as possible **before** voting day. All valid voting papers that are received by you through the post before the end of the fifth day after voting closes will be included and counted, provided the envelopes are postmarked with dates before election day.

During the voting process

- ▶ It is the responsibility of returning officers to receive all voting papers and ensure they are held in safe custody.

INVALID VOTES

A voting paper received after noon on election day is invalid unless the voting paper was posted before election day. A vote is also invalid if:

- ▶ the voter votes more than once in the election
- ▶ the voter votes for more candidates than there are trustees to be elected
- ▶ the voting paper was not contained in the envelope included with the voting paper
- ▶ the voting paper does not, in the opinion of the returning officer, clearly indicate the candidate or candidates for whom the voter intended to vote, or
- ▶ the returning officer believes on reasonable grounds that the voting paper was not issued to the voter by the returning officer.

NOTE: A voting paper deemed to be invalid, for whatever reason, is to be recorded as one invalid vote regardless of the markings on the paper.

APPOINTMENT OF SCRUTINEERS

Scrutineers are appointed as candidates’ “agents” and may be present during the time you are opening the envelopes, counting the votes and making decisions about the result of the election.

A candidate may appoint one person as a scrutineer but they cannot appoint themselves or another candidate. You must be advised, in writing, of the names (and preferably contact details) of any scrutineers before the day that voting closes.

You must advise the scrutineer(s) of when and where you will be counting the votes. You should attempt to make arrangements to suit everyone involved, but you have a timetable that must be adhered to.

A scrutineer is entitled to be present and observe the opening of envelopes containing voting papers. They

may also examine the envelopes and voting papers, and then observe the counting of votes. They are not entitled to be involved in the process. If there is a tie involving a candidate represented by a scrutineer, the scrutineer is entitled to be present while you break the tie by lot (see below).

TIED VOTES

Where an equal number of valid votes have been cast for two or more candidates in any election, and the position at issue is the last to be filled, you must decide by lot which candidate is elected. For example, if there is a tie for first place both candidates are declared elected.

However, if there are five positions being contested and four are clearly filled but there is a tie for the fifth position, you need to break the tie. This decision must be made in the presence of two trustees from the existing board, or two members of staff if board members are not available in a reasonable time, and in the presence of any scrutineers representing the affected candidates. **NOTE:** The principal and staff representative are both members of the existing board.

Examples of “lot” are tossing a coin, cutting a pack of cards, drawing straws and pulling a name out of a hat.

INTEGRITY OF THE ELECTORAL PROCESS

Voting papers may NOT be faxed or emailed as attachments. It is a postal election and each voting paper must be sent back in the return envelope that was posted out or hand delivered with the voting paper; otherwise the voting paper is invalid.

This election is by way of a secret ballot. This is the same as voting in government and local body elections. You should find a quiet room or area to concentrate on the vote count without distractions. Access to that area should be confined to any appointed assistants and scrutineers.

None of those people can communicate any information about the state of the voting or tell anyone how the votes are stacking up or provide any other information likely to defeat the secrecy of the ballot.

That state of confidentiality should be maintained from the moment the first voting paper is returned until you declare the result.

STEP SIX: Declaration of results

ACTIONS

- When you are satisfied that the totals are correct you must declare the final result on:**

09/06/2016 (or .././201x)

This is done by:

- ▶ giving written notice to the board.
NOTE: Arrange in advance with the board chair who will be responsible for contacting the candidates
- ▶ prominently displaying notices at the school
- ▶ publishing a notice in a newspaper circulating in the area of the school (see the example on this page), which must include the name of the candidate(s) elected, **the number of valid votes cast for each candidate**, and the number of invalid votes cast, and
- ▶ completing the two required forms online via www.trustee-election.co.nz. The two forms are:
 - (a) “Candidates and Elections Results – Appendix 1” (replaces Appendices A-E).
Submitting this form online advises the Ministry of Education that a voting election has been held in a parent representative election. As a result, the remaining 30% of the election funding will be distributed to the board following the triennial and staggered (mid-term) elections of parent representatives.
 - (b) “Change in Membership of Board of Trustees – Appendix 2” (previously called Appendix F).
 - ▶ Refer page 20 for more details of these forms

- Dispatch of papers to District Courts**

After declaring the result of an election, all sets of voting papers, including invalid votes and copies of all electoral rolls should be sent to the registrar of the nearest District Court with the school name stated on the outside of the parcel.

Court registrars have asked that voting papers be securely wrapped and tied with string.

Sample Election Declaration Notice

(insert school name) School

Board of Trustees' Election Declaration of Parent and Staff Election Results

Parent representative votes:

Benson, Albert	74	Ngan, Peter	87
Dean, Jane	82	Francis, Alan	114
Knight, Martin	61	Robinson, Paula	103
Te Pou, Matiu	86	Watene, Lyn	69
Invalid votes	14		

I hereby declare the following duly elected.

Jane Dean	Alan Francis
Peter Ngan	Paula Robinson
Matiu Te Pou	

Staff representative votes:

Dunbar, Jane	13	Morgan, Ray	7
Invalid votes	14		

I hereby declare Jane Dunbar duly elected.

Signed
(insert name)
Returning Officer

CHALLENGE TO ELECTIONS

If the result of an election or the integrity of the electoral process is challenged or called into question, you should immediately notify the nearest office of the Ministry of Education of the nature of the challenge.

Step Summary

for Returning Officers Using Common Election Date

Date 2016	Steps to be taken to complete election process	Actions for completion by deadlines	Supporting information
Returning officer once appointed Returning officer once appointed	Step One: Preparation for election process Step Two: Election process countdown	Collect information from board Plan dates and actions	Review information on page 1 Review information on page 3
7 April 4 May, noon 4 May, after noon	Step Three: Preparing the electoral roll	Advise office electoral roll required Establish dual eligibility of staff Main roll open for inspection Close main roll Open supplementary roll	Eligibility criteria pages 4 - 5
4 May, after noon May By 6 May 6 May - 20 May	Step Four: Calling for and accepting nominations	Prepare nomination forms Prepare parent/staff election notice Call for nominations Update board chair on number of valid nominations	See page 7 See page 10 explanation, sample notice See validation information page 11 See page 8
18 May, noon 20 May, noon	Nominations close	Close supplementary roll Receive nominations	See page 8
20 May, after noon By 25 May 3 June, noon	Step Five: When an election is required ELECTION DAY	Prepare voting papers Post voting information Close voting	See page 13 See pages 13, 15 See pages 14, 15
9 June 9 June	Step Six: Declaration of results	Count votes Declare final results Fill in appendices	See pages 14, 15 See page 17 See page 17
10 June	BOARD TAKES OFFICE	Dispatch papers to District Court	

2016 COUNTDOWN DIARY

Days before Election Day	
37	27 April
36	28 April
35	29 April
34	30 April
33	1 May
32	2 May
31	3 May
30	4 May
29	5 May
28	6 May
27	7 May
26	8 May
25	9 May
24	10 May
23	11 May
22	12 May
21	13 May
20	14 May
19	15 May
18	16 May
17	17 May
16	18 May
15	19 May
14	20 May
13	21 May
12	22 May
11	23 May
10	24 May
9	25 May
8	26 May
7	27 May
6	28 May
5	29 May
4	30 May
3	31 May
2	1 June
1	2 June
	3 June
1	4 June
2	5 June
1	6 June
4	7 June
1	8 June
6	9 June
7	10 June

STEP ONE: Preparation for election process

STEP TWO: Election process countdown

STEP THREE: Preparing the electoral roll

STEP FOUR: Calling for and accepting nominations

STEP FIVE: When an election is required

Select returning officer by:

Close main roll at noon:

Nominations called for by:

Close supplementary roll at noon:

Nominations close at noon:

Voting papers must be sent by:

ELECTION DAY 3 JUNE 2016

Count votes

New board takes office

*** Use row three (***), the blank row, to add your own dates if you are not using the common election date of 3 June 2016. These dates can be checked by going to the Trustee election website www.trustee-election.com.nz

Student Elections

Which boards have student representatives?

The board of every school that has students above year 9 MUST include a student trustee (unless an approved alternative constitution under section 105A provides otherwise).

When do student elections occur?

Student elections take place in September each year. You should note that election funding is not provided to boards by the Ministry of Education for the conduct of student elections.

Timeframe

The same timetable as parent and staff elections is used (see page 19).

Forms

Use Form 1 nomination paper and Form 8 if a voting election is required. These forms are available for download from www.trustee-elections.co.nz. You must be logged on as returning officer.

After the election go to www.trustee-elections.co.nz and log on as returning officer to complete online “Candidates and Elections Results – Appendix 1” (this replaces Appendix E). It is recommended to complete “Change in Membership of Board of Trustees – Appendix 2” (previously called Appendix F) at the same time. You do not have to be logged on to complete Appendix 2.

Eligibility to stand and vote in a student election

All students (other than adult students, who may only participate in parent elections) enrolled full-time in year 9 and above at the school concerned are eligible to be placed on the electoral roll and to vote and stand in the school election for student representatives.

The student representative’s term of office is 12 months. The law requires a student election to be held every year, with the polling day being in September.

In order to meet this requirement, at least 28 days before the election date arrange to have printed notices displayed prominently at the school advising where the student roll is held, where nomination forms (Form 1) can be obtained, and the date and the time (noon) of the closing of nominations and of the poll.

Sample Student Election Notice

(insert school name) School

Student representative election for the board of trustees

Nominations are invited for the election of one student representative to the board of trustees.

A nomination form and a copy of this notice are being distributed to all eligible voters on the student roll.

Further nomination forms can be obtained from the school office.

Nominations close at noon on *(insert date that is 14 days before the election date)* and should be accompanied by candidates’ statements.

The voting roll is open for inspection at the school and can be viewed during the hours the office is open.

There will also be a list of candidates’ names for inspection, as they come to hand, on the *(insert details)* notice board.

The poll closes at noon on *(insert date)*.

Signed
(insert name)

Sample Student Election Results Declaration (if only one valid nomination is received)

(insert school name) School

School Board of Trustees’ Election Declaration of Student Election Results

At the close of nominations, as there was only one valid nomination received, I hereby declare

Mary Brown duly elected:

Signed
(insert name)
Returning Officer

Student Election Timetable

- Appoint returning officer**
At least 37 days before election day
- Close roll**
At noon, 30 days before election day
- Call for nominations**
At least 28 days before election day
- Close supplementary roll**
16 days before election day
- Close of nominations**
At noon, 14 days before election day
- Issue voting papers**
After close of nominations and at least nine days before election day
- Close voting**
At noon on election day
- Accept postal votes**
Up to five days after the day before election day
- Count votes**
On the sixth day after election day
- Declare results**
As soon as result is known

Note for timetable

Advertise the election and call for nominations at the school (see the sample election notice on page 18). You must call for nominations for the election of a student representative by posting or personally delivering a nomination form (Form 1) AND a copy of the notice (see page 18) to each person named on the roll, or by displaying notices in prominent places around the school.

Ensure that nomination forms are available at the school office (Form 1).

Please ensure that students are aware that both people being nominated and the nominators must be current students from year 9 or above. Eligible students may nominate themselves. Any full-time student in year 9 and above and aged under 20 years is entitled to stand for election and vote.

Information regarding a student's eligibility to stand and vote in the student election is on the back of the nomination form. Nominations must be in the hands of the returning officer by noon on the day the nominations close. These may be faxed or posted.

Voting is not compulsory.

If there is only one nomination the candidate will be duly elected. (See the sample notice on page 18.)

Voting procedure

If two or more eligible nominations are received, a voting election will be required. Use Form 8.

Voting papers should be prepared and distributed to eligible members of the student cohort and/or can be collected from a central point as advised by the returning officer in a notice displayed around the school.

A sealed ballot box should be set up in the school office. Students should be able to vote in private.

Integrity of the electoral process

This election is by way of a secret ballot. This is the same as voting in government and local body elections. In all cases the voting closes before the votes are counted. Therefore there is a requirement to maintain the secrecy of the state of the ballot.

The easiest way to do this is to not open any envelopes containing voting papers until it is time to count the votes.

The confidentiality of the state of the ballot must be maintained at all times until you are satisfied that you have the correct result. This means that you should find a quiet room or area to concentrate on the vote count without distractions. Access to that area should be confined to any assistants you have asked to help you and scrutineers who have been appointed by candidates.

Declaration of results and completion of forms

Results are declared to the school community using the notice below.

Go to www.trustees-elections.co.nz and log on as returning officer to complete online "Candidates and Elections Results - Appendix 1" (this replaces Appendices A-E). It is recommended to complete "Change in Membership of Board of Trustees - Appendix 2" (previously called Appendix F) at the same time. You do not have to be logged on to complete Appendix 2.

Sample Student Election Results Declaration (if result is decided by election)

(insert school name) School

Board of Trustees' Election Declaration of Student Election Results

Votes:

Brown, Mary	13
Reynolds, John	7
Invalid votes	1

I hereby declare Mary Brown duly elected.

Signed
(insert name)
Returning Officer

Documentation for all Trustee Elections

FORMS 1 – 11

You use these forms during the election process. These forms can be downloaded from: www.trustee.election.co.nz. You must be registered as a returning officer and logged on to access these forms. They include te reo Māori translations of the staff and student trustee voting papers (Forms 10 and 11).

INFORMATION ABOUT SOME OF THE FORMS

FORM 1: Standard election nomination paper

This nomination paper is for use in all parent, staff and student elections, including all by-elections, except when a board opts in to the staggered (mid-term) election cycle in a triennial election year.

FORM 2: Opting into staggered (mid-term) election cycle nomination paper (triennial election year only)

This nomination paper is for use in elections for parent representatives, but only when a board opts in to the mid-term election cycle in a triennial election year.

FORM 5: Parent representatives' voting paper

This voting paper is for use in all elections and by-elections for parent representatives, apart from a triennial election when a board opts in to the staggered (mid-term) election cycle.

FORM 6: Parent representatives' voting paper (opting into staggered (mid-term) elections in a triennial election year)

This voting paper is only for use in elections for parent representatives when a board opts in to the staggered (mid-term) election cycle in a triennial election year.

FORM 7: Staff representative voting paper

This voting paper is for use in elections and by-elections for staff representatives.

FORM 8: Student representative voting paper

This voting paper is for use in elections and by-elections for student representatives.

FORM 9: Combined board of trustees' election parent representatives' voting paper

This voting paper is for use in elections and by-elections for parent representatives on combined boards of trustees.

INFORMATION ABOUT THE APPENDICES

Candidates and Elections Results – Appendix 1

You should complete Appendix 1 online as soon as possible after an election. Go to: www.trustee.election.co.nz. You must be registered as a returning officer and logged on to access Appendix 1. **NOTE:** This form replaces Appendices A-E.

Change in Membership of Board of Trustees – Appendix 2

Appendix 2 is for use following: parent, staff and student elections and by-elections; selections to fill casual vacancies; and for newly co-opted or appointed trustees. It is also used when there is a change of principal or chair.

Appendix 2 should be completed as soon as possible after a change in membership or change of chair.

When there has been an election it is recommended that Appendices 1 and 2 are completed at the same time.

NOTE: Appendix 2 was previously called Appendix F. It is not necessary to log on as returning officer. Examples of people who can complete Appendix 2 are: the returning officer in triennial or staggered (mid-term) elections, the trustee involved or the board secretary.

Relevant Legislation

EDUCATION ACT 1989

Section 92 Interpretation

- (1) In this Part of this Act, unless the context otherwise requires,—
- “Adult student”** means a student who has turned 20.
- “Board”**, means a Board of Trustees constituted under this Part of this Act; and—
- In relation to a school or institution, means the Board of the school or institution; and
 - In relation to a trustee, means the Board of which the trustee is a member.
- “Board staff”**, in relation to a Board on any day, means the people who, on the day, are not students enrolled full-time at a school or institution administered by the Board, and who—
- On the day have taken up a permanent appointment to a position in the employment of the Board, or a position (at a school or institution administered by the Board) in the employment of a body established under this Act or the Education Act 1964, or of the Secretary; or
 - During the period of 2 months ending with that day, have been continuously employed in one or more such positions.
- “Combined Board”** means a Board that administers more than one school or institution.
- “Commissioner”** means a person for the time being appointed under this Act or the School Trustees Act 1989 to act in place of a Board; and, in relation to a Board, means a commissioner appointed to act in its place.
- “Election year”** means a year divisible by 3.
- “Household”** does not include hostel.
- “Immediate caregiver”**, subject to subsection (3) of this section,—
- In relation to a student who usually lives in a household that includes the student’s father or mother but not both, but also includes the spouse or partner of the father or mother, means the spouse or partner; and
 - In relation to a student who usually lives in a household that includes the student’s father or mother and no spouse or partner of the father or mother, but also includes a person who has turned 20 and has a day to day responsibility for the student clearly greater than that of any other person, means that person; and

- In relation to a student who usually lives in a household that does not include the student’s father or the student’s mother, means any member of the household who has turned 20 and has a day to day responsibility for the student clearly greater than that of any other person.

“Parent”, in relation to any person, means a person who is the person’s father, mother, guardian, or immediate caregiver.

“Partner”, in the phrase “spouse or partner” and in related contexts, means civil union partner or de facto partner.

“Principal”, in relation to a school or institution, means the principal or other chief executive of the school or institution; and except in section 94(1)(c) of this Act includes an acting principal.

“Trustee”, means a member of a Board; and, in relation to a Board, a school, or an institution, means a member of the Board, or the Board of the school or institution.

Section 96 Parent elections

- (1) The parent representatives on the lone Board of an intermediate school shall be elected by people who are:
- parents of students (other than adult students):
 - enrolled full-time at the school when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes; or
 - likely to be enrolled full-time at the school in the year after the year the election is held; or
 - adult students (other than adult students who are also parents of students so enrolled) enrolled full-time at the school when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes.
- (2) The parent representatives on the lone Board of any other State school shall be elected by people who are:
- parents of students (other than adult students) enrolled full-time at a school that the Board administers when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes; or
 - adult students (other than adult students who are also parents of students so enrolled)

enrolled full-time at the school when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes.

- (3) The parent representatives on the combined Board of 2 or more state schools shall be elected by people who are:
- parents of students (other than adult students) enrolled full-time at a school that the Board administers when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes; or
 - parents of students (other than adult students) likely to be enrolled full-time at an intermediate school that the Board administers in the year after the year the election is held; or
 - adult students (other than adult students who are also parents of students so enrolled) enrolled full-time at a school administered by the Board when the roll for the election closes.

Section 97 Staff and student representatives

- (1) A staff representative on a Board shall be a person (other than the principal) who, on the day on which the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes, is a member of the Board staff, elected by people (other than principals) who are members of the Board staff on that day.
- (2) A student representative on a Board shall be a person who, on the day on which the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes, is a student (other than an adult student) enrolled full-time in a class in Year 9 or above at a school or institution administered by the Board, elected by students (other than adult students) enrolled full-time in a class in Year 9 or above at a school or institution administered by the Board.

Section 101 Elections of trustees

- (1) Before 1 September in every year, the board of a State school or of a special institution, that is required to have a student representative, must fix a day in September in that year for the holding of an election for a student representative.
- (2) The board of a school or institution to which subsection (1) applies must hold an election of any student representative on the day fixed for that purpose under subsection (1).
- (3) Subject to subsection (5), in every election year a board shall hold 1 or more elections of other elected trustees.

- (4) Elections under subsection (3) must be held,—
- in the case of a school that is not a correspondence school,—
 - on a date fixed by the board that is within the range of dates for those elections in that election year that is specified by the Minister by notice in the *Gazette*; or
 - if the Minister has not, by notice in the *Gazette* published on or by 31 October in any year, specified a range of dates for those elections in that election year, on a date fixed by the board that is within the range of dates for those elections in the previous election year; and
 - in the case of a correspondence school, on the second Tuesday in July, unless the board, before 1 April in that year, fixes an earlier date for the election (being a date after 1 April).
- (4A) The notice referred to in subsection (4)(a) may specify different ranges of dates, for elections under subsection (3), for boards that have, and for schools that have not, adopted staggered election cycles under section 101A.
- (5) If—
- the first elections of trustees for the board of a school established or integrated after the commencement of this section; or
 - elections under section 78P are held after 31 October in the year before an election year and before 31 December in the election year, the board shall not hold an election (or, as the case requires, another election) under subsection (3) in the election year.
- (6) Notwithstanding anything in sections 94 to 98, where there are to be held (pursuant to subsection (3) or section 78P, or in respect of a newly established or integrated school or institution) both—
- an election of 1 or more parent representatives on a board; and
 - an election of 1 or more staff representatives on the board,
- no person may both stand or vote in one of the elections and stand or vote in the other.
- (7) Subject to subsection (8), the first elections for and first meetings of boards of schools and institutions established or integrated after the commencement of this Act shall be held on days fixed by the Minister by notice in the *Gazette*.
- (8) The days fixed by the Minister under subsection (7) for the first elections for and first meeting of the board of a school integrated after the

commencement of this Act shall be days before the day on which the integration of the school takes effect.

- (9) The first elections (if any) for and first meeting of the board of a special institution (being a special institution that was established before the commencement of this section but that had not had a first election or meeting before that commencement) shall be held on a day or days specified by the Minister by notice in the *Gazette*.
- (10) This section is subject to section 101A (which provides for the election of some parent representatives at the mid-point of an election cycle under this section), and to section 101AB (which provides that elections are not to be held when a school is under notice of closure).

101A Staggered elections for parent representatives

- (1) This section and section 101B apply to the election of trustees who are parent representatives.
- (2) A Board may decide, in accordance with this section, to adopt a staggered election cycle in which half the number of its parent representatives are elected at an election held at a mid-term election, and the remainder are elected at an election held in an election year.
- (3) For the purposes of subsection (2), if there is an odd number of parent representatives on the Board, half the number of its parent representatives means the highest whole number less than half the total number of parent representatives.
- (4) A Board that has decided to adopt a staggered election cycle must:
- a) hold a mid-term election in the month that is 18 months after the month in which the election in the preceding election year was held; and
 - b) conduct every mid-term election in accordance with the provisions of this Part and any regulations under this Act relating to the election of trustees (modified as necessary to give effect to this section and section 101B).
- (5) If the Board's decision under subsection (2) is made at a time when the next election due to be held is in an election year, the Board must ensure that at that election the nomination forms and voting papers indicate which nominees are standing for 18 months and which are standing for 3 years.

- (6) If the Board's decision under subsection (2) is made within 18 months after an election in an election year, the Board must decide which of its parent representatives will stand down at the mid-term election; and that decision must be by consensus of the parent representatives or, if consensus cannot be reached, by ballot of all the parent representatives.
- (7) Every parent representative who, in accordance with subsection (6), is to stand down at a mid-term election, goes out of office at the close of the day before the day on which the successor takes office following the election.
- (8) A Board that has a staggered election cycle may decide to revert to holding elections only in election years. In that case, at the next election held in an election year, all the parent representatives go out of office in accordance with section 102(8).

Section 103 Certain persons ineligible to be trustees

- (1) A person who:
- a) [Repealed]; b) [Repealed]
 - c) is an undischarged bankrupt; or
 - d) is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993; or
 - da) [Repealed];
 - db) is ineligible to be a trustee under section 103A (2); or
 - dc) is subject to a property order under the Protection of Personal and Property Rights Act 1988; or
 - dd) is a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's:
 - (i) competence to manage his or her own affairs in relation to his or her property; or
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare;
 - de) is a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained

- a pardon, served the sentence, or otherwise suffered the penalty imposed; or
- e) is not a New Zealand citizen, and is:
 - (i) a person to whom section 15 or 16 of the Immigration Act 2009 applies; or
 - (ii) a person obliged, by or under the Act or any other enactment, to leave New Zealand immediately by or within a specified time (being a time that, when specified, was less than 12 months); or
 - (iii) treat for the purposes of that Act as being unlawfully in New Zealand
- may not become an elected, appointed, or co-opted trustee.
- (2) [Repealed]; (2A) [Repealed]
- (3) Any permanently appointed member of the Board staff may, if otherwise eligible for election, be elected as a staff representative, but no permanently appointed member of the Board staff may otherwise be elected to the Board or be appointed or co-opted on to the Board.
- (4) A non-permanently appointed member of the Board staff may, if otherwise eligible, be elected, appointed or co-opted to the Board.
- (5) No person who has been appointed returning officer for an election of trustees is eligible to be nominated as a candidate in the election.

Section 103A Financial interests that disqualify persons from being trustees

- (1) In this section:
 - “**Contract**”, in relation to a Board:
 - a) means a contract made by any person directly with the Board; and
 - b) includes any relationship with the Board that is intended to constitute a contract but is not an enforceable contract; but
 - c) does not include any contract for the employment of any person as an officer or employee of the Board;
 - “**Company**” means a company incorporated under the Companies Act 1993 or any former Companies Act or a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act;
 - “**Subcontract**”, in relation to any contract made by a Board:
 - a) means a subcontract made with the contractor under that contract, or with another subcontractor, to do any work or

- perform any service or supply any goods or do any other act to which the head contract relates; and
- b) includes any subsidiary transaction relating to any such contract or subcontract.
- (2) A person is not capable of being a trustee of a Board or a member of a committee of a Board, if the total of all payments made or to be made by or on behalf of the Board in respect of all contracts made by it in which that person is concerned or interested exceeds in any financial year:
 - a) the amount determined for the purpose by the Secretary, in consultation with the Auditor-General, by notice in the *Gazette*; or
 - b) in the absence of an amount determined under paragraph (a), \$25,000.
- (3) For the purposes of subsection (2), a trustee or a member of a committee of a Board is deemed to be concerned or interested in a contract made by a Board with a company, if:
 - a) the trustee owns, whether directly or through a nominee, 10% or more of the issued capital of the company or of any other company controlling that company; or
 - b) the trustee is the managing director or the general manager (by whatever names they are called) of the company.
- (4) For the purposes of this section, a company is deemed to control another company if it owns 50% or more of the issued capital of that other company or is able to control the exercise of 50% or more of the total voting powers exercisable by all the members of that other company.
- (5) Despite anything in this section:
 - a) a person is not disqualified under this section if the Secretary approves the contract at the request of the Board, whether or not the contract is already entered into; and
 - b) the Secretary may, by notice in the *Gazette*, issue guidelines setting out the basis on which applications for approval under paragraph (a) will be considered.

Section 103B Requirements before appointment

Before a person is elected, co-opted, or appointed as a trustee, the person must confirm to the governing board that he or she is, to the best of his or her knowledge, eligible to be a trustee, having regard to the grounds of eligibility in section 103 or section 103A.

Section 105A Minister may approve alternative constitution in certain cases

- (1) The Minister may from time to time, by notice in the *Gazette*, approve an alternative constitution under this section for the Board of a state school, or the combined Board of state schools, if
 - a) the Minister has reasonable cause to believe that an alternative constitution is in the best interests of the school or schools governed by the Board, and
 - (i) the Chief Review Officer, in a written report, recommends the Minister consider devising an alternative constitution; or
 - (ii) 20% or more of the parents of children enrolled at the school or schools have requested an alternative constitution; or
 - (iii) the Board has requested an alternative constitution; and
 - b) the Minister has consulted such persons or organisations as the Minister considers appropriate about whether an alternative constitution is in the best interests of the school or schools.
- (2) In the case of an integrated school, the Minister must consult with the proprietor of the school when conducting the consultation required under subsection (1)(b).
- (3) A constitution approved under this section applies instead of a constitution under section 94.
- (4) A notice under this section must establish a Board comprising 1 or more persons who are to be elected or appointed as trustees in the manner specified in the notice; and the notice may (without limitation)
 - a) set out a procedure for any election, appointment, or co-option of trustees;
 - b) set out the manner in which vacancies are to be filled;
 - c) provide for the appointment of returning officers and set out their functions;
 - d) set out other formal and procedural provisions for the purposes of any election, appointment, or co-option of trustees.
- (5) While a notice that approves an alternative constitution under this section is in force, sections 94, 94A, 94B, 95, 96, 97, 98, 99, 101, 102, 104, and 105 do not apply in respect of the Board concerned and the schools governed by it.
- (6) In their application to a Board that has an alternative constitution under this section, the other sections and any schedules of this Act

relating to Boards must be read subject to this section and subject also to all modifications necessary to give effect to this section.

Section 110 Boards may combine

- (1) Subject to section 111 of this Act, if satisfied that—
 - a) Each of the Boards concerned has made reasonable efforts to consult the parents of students (other than adult students) enrolled full-time at its school or schools (or institution or institutions) about combining with the other Boards; and
 - b) The consultation that has in fact taken place has been adequate in all the circumstances; and
- ba) the number of trustees on the Board who are parent representatives will exceed the number of other trustees on the Board; and
- c) [Repealed];
- d) [Repealed];
- e) The proposed combined Board is appropriate in all the circumstances,—

the Minister may, by notice in the *Gazette*, establish a combined Board for the schools or institutions that the applicant Boards administer, with effect on a date specified in the notice.
- (2) Subject to subsection (3) of this section, this Act shall apply to a combined Board as if—
 - a) The Board had been in existence immediately before the day on which the notice establishing it was published; and
 - b) Every trustee had resigned on that day.
- (3) Until the day specified in the notice establishing a combined Board—
 - a) It shall have no powers, functions, duties, or rights; and
 - b) The applicant Boards shall continue in existence as if the combined Board had not been established.
- (4) On the day specified in the notice establishing a combined Board, all rights, assets, liabilities, and debts of the applicant Boards shall become rights, assets, liabilities, and debts of the combined Board.

Education (School Trustee Elections) Regulations

2000 SR 2000/195

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 2nd day of October 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 118 of the Education Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

CONTENTS	PAGE
Title	27
Commencement	27
Interpretation	27
Election Timetables	
School use either short election timetable or long election timetable	27
Returning Officers	
Returning officers	27
Rolls and Nominations	
Roll	27
Supplementary roll	27
People not to participate in two elections	28
Call for nominations	28
Acceptance of nominations	28
Statements by nominees	28
Withdrawal of nominations	29
Election	
Election not necessary in certain circumstances	29
Voting papers	29
Validity of voting papers	29
Declaration of results	29
Custody of voting papers	30
Miscellaneous	
Secretary to approve nomination papers and voting papers	30
Scrutineers	30
Maintaining secrecy of election	30
Revocation	30
Schedule 1 Short election timetable	31
Schedule 2 Long election timetable	31

EDUCATION (SCHOOL TRUSTEE ELECTIONS) REGULATIONS 2000

1 Title

These regulations are the Education (School Trustee Elections) Regulations 2000.

2 Commencement

These regulations come into force on 30 October 2000.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
“**Act**” means the Education Act 1989;
“**election day**” means the day on which the poll for the election closes;
“**nomination papers**” means the appropriate form of nomination papers as approved by the Secretary under regulation 18;
“**returning officer**”, in relation to an election, means the returning officer appointed under regulation 5 to be the returning officer for that election;
“**voting papers**” means the appropriate form of voting papers as approved by the Secretary under regulation 18.
- (2) In these regulations, a reference to an election for a parent representative includes a reference to an election for 1 or more parent representatives.
- (3) In these regulations, terms defined in section 92(1) of the Act have the meanings defined in that section.

Election timetables

4 Schools Use Either Short Election Timetable Or Long Election Timetable

- (1) Every school must use the timetable for trustee elections set out in Schedule 1 (the “short election timetable”), unless the school is a school to which subclause (2) applies.
- (2) The following schools must use the timetable for trustee elections set out in Schedule 2 (the “long election timetable”):
 - a) a correspondence school.
 - b) a school whose Board has applied to the Secretary for permission to use the long election timetable and received permission to do so from the Secretary.
- (3) A school (other than a correspondence school) that uses the long election timetable may change to using the short election timetable if, on application, the Secretary gives permission.

Returning Officers

5 Returning Officers

- (1) The Board of every school must appoint a returning officer for each trustee election held to elect any of the following:
 - a) a parent representative;
 - b) a staff representative;
 - c) a student representative.
- (2) If a Board fails to appoint a returning officer for an election within the time required under the relevant election timetable, the Secretary must appoint a returning officer for that election.
- (3) If a returning officer becomes unable to carry out the duties of a returning officer, the Board or the Secretary (depending on who appointed the original returning officer) must appoint a replacement returning officer.
- (4) Every returning officer must conduct the election
 - a) in accordance with these regulations; and
 - b) in accordance with the relevant election timetable; and
 - c) otherwise as he or she thinks fit.

Rolls and nominations

6 Roll

- (1) The returning officer must prepare a roll for the election.
- (2) The roll must contain the name and address of every person entitled to vote in the election.
- (3) At any time before election day, the name (but not the address) of every person on the roll or supplementary roll must be available for inspection at any reasonable time at the school.

7 Supplementary Roll

- (1) This regulation applies only to schools that use the short election timetable.
- (2) After the close of the roll (in this regulation, the main roll), the returning officer must prepare a supplementary roll that contains the names and addresses of every person—
 - a) who becomes eligible to vote in the election after the close of the main roll; or
 - b) whose name was wrongly omitted from the main roll.
- (3) Once the supplementary roll has closed, it forms part of the main roll for the election.

- (4) The returning officer must ensure that any notices relating to the election that were given to electors on the main roll before the close of the supplementary roll are also given to electors on the supplementary roll.

8 People Not To Participate In Two Elections

- (1) This regulation applies to a person who is eligible to stand or vote in both an election for a staff representative and an election for a parent representative, but who (by virtue of section 101(6) of the Act) is not entitled to stand or vote in both elections.
- (2) A person to whom this regulation applies must be enrolled only on the staff representative roll unless, before the close of that roll, the person advises the returning officer in writing that he or she wishes to be enrolled on the parent representative roll instead.
- (3) If the returning officer receives advice from a person under subclause (2), the returning officer must ensure that—
- a) the person's name does not appear on the staff representative roll; and
 - b) the person's name appears on the parent representative roll.
- (4) The name of a person that is entered on the parent representative roll under subclause (3) must remain on that roll until either—
- a) 3 years have elapsed, and the person gives notice in writing that he or she wishes to be enrolled on the staff representative roll instead of the parent representative roll; or
 - b) the person ceases to be eligible to be enrolled on the parent representative roll.
- (5) The returning officer must take reasonable steps, before the close of the staff representative roll, to notify all persons to whom this regulation applies of the effect of this regulation.

9 Call For Nominations

- (1) The returning officer for all schools except correspondence schools must call for nominations for the election of a parent representative by—
- a) posting or personally delivering a notice to each person named on the roll; and
 - b) publishing a notice in a newspaper circulating in the area of the school.
- (2) The returning officer for all schools except correspondence schools must call for nominations for the election of a staff representative or a student representative—
- a) by posting or personally delivering a notice

to each person named on the roll; or

- b) if the returning officer is satisfied that displaying notices will adequately inform electors about the call for nominations, by displaying notices in prominent places around the school.

- (3) The returning officer for a correspondence school must call for nominations for the election of any trustee by posting a notice to each person on the relevant roll.
- (4) Every notice under this regulation must—
- a) invite nominations for election; and
 - b) state how many trustees are to be elected, and for what term (if applicable); and
 - c) give the closing date and time for nominations; and
 - d) state that the roll is open for inspection, and say where it may be inspected; and
 - e) give the date of the election, and the time on which the poll closes; and
 - f) in the case of a notice that is posted or delivered, include a nomination paper; and
 - g) in the case of a notice that is published or displayed, say where nomination papers may be obtained.

10 Acceptance Of Nomination

- (1) Every nomination must give the name of the nominator and the nominee, and must be signed by both the nominator and the nominee.
- (2) A nomination for a parent representative is not valid unless the name of the nominator is on the roll; but the name of the nominee need not be on the roll.
- (3) A nomination for a staff representative is not valid unless the name of both the nominator and the nominee are on the roll.
- (4) A nomination for a student representative is not valid unless the name of both the nominator and the nominee are on the roll.
- (5) At any time before election day, the names (but not the addresses) of every candidate for election (being a person whose nomination has been accepted and not withdrawn) must be available for inspection at any reasonable time at the school.

11 Statements By Nominees

- (1) A nominee may, before the close of nominations, give the returning officer a brief statement, signed by the nominee, about his or her experience, qualifications, abilities, previous involvement with the school, interests, and reasons for standing for election.

- (2) For the purpose of including a copy of any such statement in the voting papers issued to electors, the returning officer may omit or abridge any part of the statement if the returning officer considers, on reasonable grounds, that the part is likely to be defamatory or offensive, or is too long.

12 Withdrawal Of Nomination

- (1) A person who has been nominated may, by written notice to the returning officer, withdraw from the election.
- (2) The returning officer must take reasonable steps to ensure that voters are notified of the withdrawal of any candidate that occurs after voting papers are issued.

Election

13 Election Not Necessary In Certain Circumstances

- (1) If the number of valid nominations received by the close of nominations does not exceed the number of trustees to be elected, the returning officer must immediately declare the nominee or nominees duly elected, and no election may be held.
- (2) If at any time between the close of nominations and election day a candidate withdraws and, as a result of that withdrawal, the number of nominations does not exceed the number of trustees to be elected, the returning officer must immediately declare the remaining nominee or nominees duly elected, and no election may be held.
- (3) If no election is to be held because subclause (1) or subclause (2) applies, the returning officer must take all reasonable steps to ensure that voters are notified of that fact.

14 Voting Papers

- (1) If an election is to be held, the returning officer must issue voting papers by posting or personally delivering them to every person whose name appears on the roll for the election.
- (2) In the case of an election for a staff or a student representative, if the returning officer is satisfied that electors can collect their own voting papers, the returning officer may, as well as or instead of issuing voting papers in accordance with subclause (1),—
- a) display notices in prominent places around the school advising where and when voting papers may be collected; and
 - b) issue voting papers to any elector who seeks to collect his or her voting papers from the place, and at a time, specified in the notice.

- (3) When voting papers are issued, the following must be included with them:

- a) copies of any statements provided by nominees under regulation 11, other than statements by nominees who have withdrawn;
- b) the envelope in which the voting papers must be returned.

15 Validity Of Voting Papers

- (1) A voting paper received after noon on election day is invalid, unless the voting paper was posted and the date stamp on the envelope shows that it was posted before noon on election day.
- (2) A vote is also invalid if—
- a) the voter votes more than once in the election; or
 - b) the voter votes for more candidates than there are trustees to be elected; or
 - c) the voting paper was not contained in the envelope included with the voting papers; or
 - d) the voting paper does not, in the opinion of the returning officer, clearly indicate the candidate or candidates for whom the voter intended to vote; or
 - e) the returning officer believes on reasonable grounds that the voting paper was not issued to the voter by the returning officer.

16 Declaration Of Results

- (1) After counting the number of valid votes cast for each candidate, the returning officer must, subject to subclause (2), declare the result of the election.
- (2) If 2 or more candidates receive the same number of valid votes, the returning officer must decide which of them is elected by conducting a lot.
- (3) The lot must be conducted in the presence of the candidates' scrutineers (if any) and—
- a) 2 members of the Board; or
 - b) if 2 members of the Board are not available within a reasonable time, 2 members of staff of the Board.
- (4) The returning officer must declare the result of an election by giving written notice to the Board and to the Secretary of the names of the candidates elected, the number of valid votes cast for each candidate, and the number of invalid votes cast.
- (5) After declaring the result, the returning officer must give notice of the names of the candidates elected, the number of valid votes cast for each

candidate, and the number of invalid votes cast, by—

- a) prominently displaying notices at the school; and
- b) in the case of a school that uses the short election timetable, publishing a notice in 1 or more newspapers circulating in the area of the school; and
- c) in the case of a school that uses the long election timetable, sending a notice to all electors on the roll.

17 Custody Of Voting Papers

- 1) Until the result of an election is declared, the returning officer must keep all voting papers received by the returning officer in his or her custody.
- 2) As soon as practicable after declaring the results of an election, the returning officer must seal up the voting papers and give them, along with a copy of the roll for the election, to the Registrar of the nearest District Court, who, subject to any order to the contrary made by a court of competent jurisdiction,—
 - a) must not open the papers; and
 - b) must destroy the voting papers and the copy of the roll at the end of 6 months.

- a) to be present and observe the opening of envelopes containing voting papers; and
- b) to examine the envelopes and voting papers; and
- c) to observe the counting of the votes.

20 Maintaining Secrecy of Election

No returning officer, scrutineer, or other person involved in the conduct of an election may, directly or indirectly, give any person information likely to defeat the secrecy of the election, and in particular may not—

- a) give or pretend to give information by which the final result may be made known before its declaration; or
- b) make known who has voted for whom.

21 Revocation

The Education (Trustee Elections) Regulations 1992 (SR 1992/78) are revoked.

Miscellaneous

18 Secretary To Approve Nomination Papers And Voting Papers

- 1) The Secretary may approve different forms of nomination papers and voting papers for use in different schools or types of school, and in different circumstances.
- 2) When the Secretary approves a form of nomination paper or voting paper, he or she must publish a notice in the *Gazette*—
 - a) setting out the approved form of nomination or voting paper; and
 - b) specifying the schools or types of school that must use that form, or the circumstances in which that form must be used, or both.
- 3) All or part of any approved form of nomination or voting paper may be written in Te Reo Māori or any other language.

19 Scrutineers

- 1) Any candidate for election may, by written notice to the returning officer received before election day, appoint a scrutineer.
- 2) The role of a scrutineer is—

SCHEDULE 1

R4 (1)

SHORT ELECTION TIMETABLE

ACTIONS	DATE AND TIME FRAME
Appoint Returning Officer	At least 37 days before election day
Close roll	At noon, 30 days before election day
Call for nominations	At least 28 days before election day
Close supplementary roll	At noon, 16 days before election day
Close of nominations	At noon, 14 days before election day
Issue voting papers	After close of nominations and at least 9 days before election day
Close poll	Noon on election day
Accept postal votes	Up to 5 days after election day (if postmarked before noon on election day)
Count votes	On 6th day after election day
Declare results	As soon as result is known

SCHEDULE 2

R4(2)

LONG ELECTION TIMETABLE

PROCESS	DATE AND TIME FRAME
Appoint Returning Officer	At least 72 days before election day
Close roll	At noon, 65 days before election day
Call for nominations	At least 60 days before election day
Close of nominations	At noon, 50 days before election day
Issue voting papers	After close of nominations and at least 30 days before election day
Close poll	Noon on election day
Accept postal votes	Up to 5 days after election day (if postmarked before noon on election day)
Count votes	On 6th day after election day
Declare results	As soon as result is known

Marie Schroff
Clerk of the Executive Council

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 October 2000, replace the Education (Trustee Elections) Regulations 1992. They provide a single set of rules that apply to the election of parent representatives, staff representatives, and student representatives, to school Boards of Trustees. Most schools must use a “short election timetable”, but correspondence schools and schools that are permitted to by the Secretary may use a “long election timetable”. Both timetables are set out in tabular form in schedules.

The regulations provide for the Secretary to approve, by notice in the *Gazette*, different forms of nomination and voting papers for use by different schools, and in different circumstances.

The regulations specifically permit forms of papers that include or are written in te reo Māori or any other language.

Date of notification in *Gazette*: 5 October 2000.

Issued under the authority of the Acts and Regulations Publication Act 1989.

The Education (School Trustee Elections) Regulations 2000 are administered in the Ministry of Education.

MINISTRY OF EDUCATION REGIONAL AND LOCAL OFFICES

Northern Region

Auckland

Phone: (09) 632 9400

Whangarei

Phone: (09) 436 8900

Central North Region

Hamilton

Phone: (07) 850 8880

Napier

Phone: (06) 833 6730

Rotorua

Phone: (07) 349 7399

Gisborne

Phone: (06) 869 1520

Central South Region

Lower Hutt

Phone: (04) 463 8699

Whanganui

Phone: (06) 349 6300

Southern Region

Christchurch

Phone: (03) 378 7300

Dunedin

Phone: (03) 471 5200

Invercargill

Phone: (03) 211 8000

Nelson

Phone: (03) 546 3470

INDEX

A

Advertising — Declaration of Results	17
Advertising — parent election	10
Advertising — Staff election notice	10

C

Candidate photographs	12
Candidate statements	9, 10, 12, 13, 29
Candidates Withdrawal	15, 28-29
Caregiver — Definition of	3, 4, 21
Challenge to elections	17
Commissioner appointed	8, 22
Cover letter Voting — example	13, 15

D

Definitions — of parents and caregivers	4
District courts	17

E

Education (School) Election Regulations	26-32
Education Act 1989	21-25
Election Day	9, 10, 14, 15, 16, 19
Election Timetables	28
Election Required	13, 14, 15
Eligibility — Alternative Education Centre	5
Eligibility — Special School	5
Eligibility — Candidate	2, 4, 5, 9, 11, 23-24
Eligibility — Contributing schools	5, 9
Eligibility — Dual	3, 10
Eligibility — Principals as Parents	5
Eligibility — Satellite Classes	5
Eligibility — Student Election	18, 19
Eligibility — permanent appointment	4, 5, 21
Eligibility to participate in the board staff election	5
Eligibility to vote in an election for parent representatives	5

F

Fee — returning officer	1
Foreign fee-paying student	5, 10
Forms	i, 1, 3, 7-10, 17-20, 23, 27, 30, 32

I

Integrity of the electoral process	16, 17, 19
Invalid votes	14, 16, 17, 19, 30
Itinerant, resource and similar teachers	6

L

Legal framework — elections	2
-----------------------------	---

M

Ministry of education contacts	33
--------------------------------	----

N

Nominations close	8-10, 13, 15, 18, 19
Nomination cover letter	7, 9
Nomination form	1-5, 7, 8-10, 18-20, 23
Nomination forms — faxed	8, 16, 19
Nomination forms — preparation of	7
Nominations — calling for	2, 7-12
Nominations — fewer than required	8, 11
Nominations — received	7, 8

P

Parent election notice	10
Parents — Definition of	4
Principals	5, 21-22

R

Responsibilities — Returning Officer	2
Results — Declaration of	9, 11, 14, 17-20, 29-31
Returning officer role	i, 2
Roll — inspection of	2, 3, 8, 9, 10, 18, 27, 28
Roll — Preparation of	3, 27-28
Roll — Supplementary	3, 5, 19, 21, 22, 23, 28, 31

S

Scrutineers – appointment of	9, 10
Staff election notice	7, 10
Staff Election	i, 1, 3, 5, 7, 10, 11, 15, 17, 18
Student Election – Declaration of results	19
Student Election – Integrity of the electoral process	19
Student election – timetable	19
Student Election – Voting procedure	19
Student election notice – Election	18
Student election notice – No Election	19
Student Elections – Sample notice	18
Student Elections – Timing of	18
Student Elections – Eligibility	18
Student Elections – Timetable and forms	18
Student representative on boards	18
Student representative	18

T

Te Reo Māori	9, 20
Tied voting	16
Timetable – Election Long	31
Timetable – Election Short	31

V

Votes – Counting	14, 16, 29, 30
Voting Closes	7, 14, 15, 16, 19
Voting papers – Preparation	2, 13
Voting process	15, 16

NOTES

NOTES

Step Summary

for Returning Officers Using Common Election Date

Date 2016	Steps to be taken to complete election process	Actions for completion by deadlines	Supporting information
Returning officer once appointed	Step One: Preparation for election process	Collect information from board	Review information on page 1
Returning officer once appointed	Step Two: Election process countdown	Plan dates and actions	Review information on page 3
7 April 4 May, noon 4 May, after noon	Step Three: Preparing the electoral roll	Advise office electoral roll required Establish dual eligibility of staff Main roll open for inspection Close main roll Open supplementary roll	Eligibility criteria pages 4 - 5
May By 6 May 6 May - 20 May	Step Four: Calling for and accepting nominations	Prepare nomination forms Prepare parent/staff election notice Call for nominations Update board chair on number of valid nominations	See page 7 See page 10 explanation, sample notice See validation information page 11 See page 8
18 May, noon		Close supplementary roll	
20 May, noon	Nominations close	Receive nominations	See page 8
20 May, after noon By 25 May 3 June, noon	Step Five: When an election is required ELECTION DAY	Prepare voting papers Post voting information Close voting	See page 13 See pages 13, 15 See pages 14, 15
9 June 9 June	Step Six: Declaration of results	Count votes Declare final results Fill in appendices	See pages 14, 15 See page 17 See page 17
10 June	BOARD TAKES OFFICE	Dispatch papers to District Court	

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