

# Returning Officers' Handbook 2019 – 2022

## Amendment September 2020

### Introduction

In 2020 there have been two major legislative updates that affect the contents of the [Returning Officer Handbook 2019-2022](#). As the regulations have changed following the publication of the Returning Officers' Handbook, we have included the following amendments to ensure your board's elections are in line with the new regulations.

### Education (Board Elections) Regulations 2000

Effective from 1 September 2020 the [Education \(Board Elections\) Regulations 2000](#) was updated with the [Education \(School Trustee Elections\) Amendment Regulations 2020](#).

Key changes are:

- Name of the Regulations has changed from the original Education (School Trustee Elections) Regulations 2000
- The call for nominations and declaring election results no longer needs to be done in a newspaper. This can be done in any manner that best meets the needs of your community.
- The terms "posting" or "personally delivered" have been replaced with "issued" to allow schools flexibility in running their elections
- Voting papers still need to be issued with an envelope but, voting papers no longer need to be returned in the supplied envelope
- The election timetable has been extended to allow more time for nominations and voting

The changes will impact any elections started after 1 September 2020. This includes the 2020 mid-term elections, but, this amendment **does not** apply to the 2020 student elections.

We acknowledge there are several changes which will affect your planning and timetabling. These timeframe changes have been updated on our [election planning page](#).

### Education and Training Act 2020

Effective from 1 August 2020, the [Education and Training Act 2020](#) (including [Schedule 22](#) and [Schedule 23](#)) replaces the Education Acts 1964 and 1989.

Key changes affecting board elections are:

- References have been shifted around in the Act, and some references have been moved into the schedules
- "Trustee" and "trustees" are now called "board member" and "board members"
- "[X School] board of trustees" is now called "[X School] board"

Note, your board is not expected to immediately switch to these new terms. For now, NZSTA will use both sets of terms.

### Contact the NZSTA Elections Team

NZSTA has a dedicated team of people who can help answer any questions you may have.

- NZSTA Election Advice Line 0800 ELECTION (0800 353 284)
- Email [electionsadvise@nzsta.org.nz](mailto:electionsadvise@nzsta.org.nz)

## Amendment details

<a href="#">Returning Officer Handbook reference</a>	Change details	Legislative Reference
Page 2 – Countdown diary Page 8 – Step Two: Bullet 1 Page 25 - Countdown diary	<b>Countdown diary</b> Do not use, as the short election timetable has changed Instead: Use online <a href="#">Election planner tool</a> .	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 8 -Step Two: Bullet 1 Page 24 step summary Page 47 step summary	<b>Step summary</b> Do not use, as short election timetable has changed Instead: Use online <a href="#">Election planner tool</a> .	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 7 – Legal Framework: First paragraph and Bullet 1	<b>Education Act 1989</b> Change to: Education and Training Act 2020, and Schedules 22 and 23 of the Education and Training Act 2020	<a href="#">Education and Training Act 2020</a>
Page 7- Legal framework Bullet 2	<b>Education (School Trustee Elections) Regulations 2000</b> Change to: Education (Board Elections) Regulations 2000	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 7 – Responsibilities Bullet 6	<b>“Distribute by post, or by delivering personally”</b> Change to: “issue”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 7- Responsibilities Bullet 7	<b>“Prepare and distribute”</b> Change to: “issue”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 7 – Responsibilities, Bullet 9	“To open and examine all voting papers <b>and envelopes</b> to determine whether the votes ... candidate” Delete: “and envelopes”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 8 – Step three	“You need this information to determine who to <b>send</b> ... election process” Change “send” to: “issue”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 9 – eligibility declaration Page 16 – validation of candidates’ eligibility: Bullet 4	<b>Section 103</b> Change to: schedule 23(9), Education and Training Act, 2020 <b>section 103A</b> change to: schedule 23(9)2, Education and Training Act 2020	<a href="#">Education and Training Act 2020, Schedule 23</a> , clauses 9 and 10  <a href="#">Education and Training Act 2020, Schedule 23</a> , clause 9, sub clause 2
Page 9 – Parent Election: Eligibility to participate in the parent election: Parent Page 9 – Parent Election: Eligibility to participate in the parent election: Immediate caregiver Page 11 – Staff election: Eligibility to participate in the staff election: Board staff (staff member)	<b>Section 92</b> Change to: Section 10	<a href="#">Education and Training Act 2020</a>

<a href="#">Returning Officer Handbook reference</a>	Change details	Legislative Reference
Page 9 - A person who has taken up a permanent appointment as an employee of the board	<b>Section 103(3)</b> Change to: Schedule 23(10)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 12 – Actions: Bullet 1	<b>“Sent out”</b> Change to: “issued”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Actions: Bullet 1	<b>“the notice printed in the newspaper, and”</b> Change to: Notified your school community and the local community	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Actions: Bullet 2	<b>“find out the ... publishing deadline”</b> Delete.	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Actions: Bullets 3 and Bullet 5/3	<b>“Posted or delivered”</b> Change to: “issued”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Actions: Parent election	Change this paragraph to: “By this date, you must notify your school community and the local community, that nominations are open. You should use Notice 1 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a> as a template.  You can notify the school community and any other affected parties in the local community in a way that best meets the needs of your communities. You could do this by displaying or posting Notice 1 in these places: <ul style="list-style-type: none"> <li>• School website, newsletter, or school Facebook page</li> <li>• Local community noticeboards e.g. library, supermarket, sports clubs</li> <li>• Local community web pages e.g. Facebook, Neighbourly</li> <li>• Local newspaper</li> <li>• School parent and whānau meeting or hui”</li> </ul>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Actions	“Call for nominations <b>28</b> days before voting closes by:” Change to: <b>54</b> (days)	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 12 – Staff election Bullet 1	Add Download Notice 5 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a>	<a href="#">Education (Board Elections) Regulations 2000</a>

<u>Returning Officer Handbook reference</u>	Change details	Legislative Reference
Page 12 – Staff election Bullet 2	Replace with: “Your responsibility as returning officer to “issue” the nomination form (Form 1) and a copy of Notice 5 to every staff member could include: <ul style="list-style-type: none"> <li>• Posting or emailing the notice to every staff member, together with a nomination form, or information about where a nomination form can be collected</li> <li>• displaying notices in prominent places around the school”</li> </ul>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 13 – Actions: Bullet 5	<p><b>“Nomination forms faxed or scanned and sent via email (if otherwise correct) can be accepted and the nominees declared to be candidates. However, promptly make arrangements to get the originals.”</b></p> Change to: “Nomination forms can be received in a number of ways provided they arrive by the date and time nominations close. Examples: hand delivery, post, email (scanned) and fax.”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 13 – Declaring results in a non-voting election: Bullet 3	<p><b>“Publish a notice in a newspaper circulating in the area (see examples on page 17), which must include the name(s) of the candidate(s) elected.”</b></p> Replace with: “Notify your school community and any other affected parties in the local community. Download Notice 4B from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a> . NOTE: Examples of ways to notify your communities: <ul style="list-style-type: none"> <li>• Posting on school website, school Facebook page</li> <li>• Including in school newsletter</li> <li>• Displaying on local community noticeboards e.g. library, supermarket, sports clubs</li> <li>• Displaying at school parent and whānau meetings or hui</li> </ul>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 14 - Sample Parent Election Notice (Cover Letter)	<p><b>Do not use.</b>            Download Notice 2 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a>.</p>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 15 – Sample Parent Election Notice (Newspaper)	<p><b>Do not use.</b> Download Notice 1 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a>.</p>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 15 -Sample Staff Election Notice (Display at School)	<p><b>Do not use.</b> Download Notice 5 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a>.</p>	<a href="#">Education (Board Elections) Regulations 2000</a>

<a href="#">Returning Officer Handbook reference</a>	Change details	Legislative Reference
Page 15 – Reminders Bullet 1 and 2	Replace with: “The regulations require: <ul style="list-style-type: none"> <li>• That a notice is issued to <b>each person</b> named on the roll</li> <li>• Notifying the school community and any other affected party in the local community in a way that best meets their needs”</li> </ul>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 15 – Reminders After bullet 2	Add new paragraph: “Examples of ways to issue the notice and nomination form to every person named on the roll are: <ul style="list-style-type: none"> <li>• email</li> <li>• hand delivery</li> <li>• post”</li> </ul>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 18 – When a voting election is required Second paragraph	<p><b>“NOTE: Voting papers must be posted or personally delivered to all people on the electoral roll after the date nominations close (e.g. 14 days before the election date, and by nine days before the election date). Voting papers cannot be sent by email.”</b></p> <p>Change to: “Note: Voting papers must be issued to all people on the electoral roll after the date nominations close (33 days before the election date). They must not be issued any later than 28 days before the election date. Voting papers must be posted or personally delivered to every person named on the roll. They must include a return envelope that voters may choose to use.”</p>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 18 -When a voting election is required Actions Paragraph 4	<b>Section 101A</b> Change to: “Schedule 23(4)2”	<a href="#">Education and Training Act 2020, Schedule 23, clause 4, sub clause 2</a>
Page 18 – Actions NOTE before bullet 9	<p><b>“Note: Voting papers must be in a separate envelope for each voter. The following must be included with them:”</b></p> <p>Change to: “The following must be included with the voting papers:”</p>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 18 - Actions Bullet 10	The envelope in which the voting paper <b>must</b> be ...”  Change “must” to “may”	<a href="#">Education (Board Elections) Regulations 2000</a>

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Page 18 – Actions Sentence below bullet 11	<b>“Post</b> cover letter, voting paper, return addressed envelope and candidate statement by:” Change to: “Issue cover letter (if included)”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 19 – Actions First sentence, Bullet 1 Bullet 2  Page 20 – Voting process Bullet 4  Page 21 – Invalid votes First sentence	Change all references to <b>noon</b> to “4pm”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 19 – Actions Bullet 5	“Open and examine all voting papers <b>and envelopes ...</b> ” Delete: “and envelopes”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 20 - Sample Voting Cover Letter	<b>Do not use.</b> Download Notice 3 from <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 20 – Voting process Bullet 1	“...by <b>nine</b> days...” Change “nine” to: “28” (days)	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 20 – Voting process Bullet 4	“Completed voting papers <b>must</b> be returned...” Change “must” to “may”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 21 – Voting process (continued) Bullet 1	Replace sentence with: “Your responsibility as returning officer to “issue” voting papers” could include posting, personally delivering, handing out at a meeting or hui”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 21 – Voting process (continued) Bullet 3	“All valid ... <b>counted, provided the envelopes are postmarked with dates before election day</b> ” Change to: “All valid ... counted.”	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 21 – Invalid votes Bullets 3 and 6	<b>Delete</b>	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 21 – Integrity of electoral process First sentence	<b>“Voting papers may ...is invalid”</b> Delete this sentence	<a href="#">Education (Board Elections) Regulations 2000</a>
Page 22 – Declaration of results Actions Bullet 3	<b>“publishing a notice in a newspaper ... page).”</b> Change to: “Notifying the school community and any other affected parties in the local community in a way that best meets the needs of the community.”	<a href="#">Education (Board Elections) Regulations 2000</a>

<a href="#">Returning Officer Handbook reference</a>	Change details	Legislative Reference
Page 30 92 Interpretation	Refer to the Education and Training Act 2020 Section 10	<a href="#">Education and Training Act 2020</a>
Page 31 96 Parent representatives	Refer to the Education and Training Act 2020 Schedule 22(1)	<a href="#">Education and Training Act 2020, Schedule 22</a>
Page 31 97 Staff and student representatives	Refer to the Education and Training Act 2020 Schedule 22(2)	<a href="#">Education and Training Act 2020, Schedule 22</a>
Page 31 98A Minister may approve alternative constitution in certain cases	Refer to the Education and Training Act 2020 Schedule 23(4)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 31 98B Consequences of approval of alternative constitution	Refer to the Education and Training Act 2020 Schedule 22(5)	<a href="#">Education and Training Act 2020, Schedule 22</a>
Page 32 101 Elections of trustees	Refer to the Education and Training Act 2020 Schedule 23(3)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 32 101A Staggered elections for parent representatives	Refer to the Education and Training Act 2020 Schedule 23(4)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 33 101AB Election not to be held when school under notice of closure	Refer to the Education and Training Act 2020 Schedule 23(8)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 33 101D Validation and invalidation of elections of boards	Refer to the Education and Training Act 2020 Section 170	<a href="#">Education and Training Act 2020</a>
Page 33 102 Term of office	Refer to the Education and Training Act 2020 Schedule 23(8)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 34 103 Certain persons ineligible to be trustees	Refer to the Education and Training Act 2020 Schedule 23(9)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 34 103A Financial interests that disqualify persons from being trustees	Refer to the Education and Training Act 2020 Schedule 23(10)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 35 103B Requirements before appointment	Refer to the Education and Training Act 2020 Schedule 23(11)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 35 104 When casual vacancies arise	Refer to the Education and Training Act 2020 Schedule 23(12)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 36 105 Filling casual vacancies of elected trustees	Refer to the Education and Training Act 2020 Schedule 23(13)	<a href="#">Education and Training Act 2020, Schedule 23</a>
Page 42 – schedule 1 short election- timetable.	Refer to <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a> for an updated short election timetable.	<a href="#">Education (Board Elections) Regulations 2000</a>

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Page 42 – schedule 2 Long election timetable	Refer to <a href="http://www.trustee-election.co.nz">www.trustee-election.co.nz</a> for an updated long election timetable.	<a href="#"><u>Education (Board Elections) Regulations 2000</u></a>