

Returning Officers' Handbook 2019-2022

Running Elections For School Boards of Trustees

 **SCHOOL
TRUSTEE
ELECTIONS**

2019 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	0	1	2	1	4	1	6	7		
1 May	2 May	3 May	4 May	5 May	6 May	7 May	8 May	9 May	10 May	11 May	12 May	13 May	14 May	15 May	16 May	17 May	18 May	19 May	20 May	21 May	22 May	23 May	24 May	25 May	26 May	27 May	28 May	29 May	30 May	31 May	1 June	2 June	3 June	4 June	5 June	6 June	7 June	8 June	9 June	10 June	11 June	12 June	13 June	14 June			
STEP ONE: Preparation for electoral process																																															
STEP TWO: Election process countdown																																															
STEP THREE: Preparing the electoral roll																																															
STEP FOUR: Calling for and accepting nominations.																																															
STEP FIVE: When a voting 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 7 JUNE 2019																																															
Count votes																																															
Elected trustees take office																																															

*** Use row three (***), the blank row, to add your own dates if you are not using the common election date of 7 June 2019. These dates can be checked by going to the Trustee election website www.trustee-election.co.nz

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IMPORTANT INFORMATION FOR RETURNING OFFICERS BEFORE STARTING DUTIES

USE THIS HANDBOOK FOR ALL SCHOOL BOARD OF TRUSTEE ELECTIONS

Congratulations on your appointment as returning officer!

Use the procedures in this **Returning Officers' Handbook 2019 – 2022** when running all elections for school boards of trustees for the period 2019 – 2022. They apply to:

- ▶ Triennial and mid-term parent elections (for boards that use the staggered election cycle)
- ▶ Triennial staff elections
- ▶ Annual student elections
- ▶ By-elections for all three categories of representative trustee
- ▶ Establishment board elections, including elections:
 - ▶ for a new school
 - ▶ for a newly merged school
- ▶ Combined board elections and elections for boards with an alternative constitution
- ▶ Elections to replace a commissioner.

Contact NZSTA (see below) for advice about these elections before you start your role.

HELP FOR RETURNING OFFICERS RUNNING SCHOOL BOARD OF TRUSTEE ELECTIONS

New Zealand School Trustees Association (NZSTA) is contracted by the Ministry of Education to advise and assist returning officers in their role. This is provided in the following ways:

- ▶ Returning Officers' Handbook (updated each triennial election cycle)
- ▶ Phone: NZSTA's election advice line 0800 ELECTION (0800 353 284)
- ▶ Email: electionsadvic@nzsta.org.nz
- ▶ Contact: www.trustee-election.co.nz
- ▶ Returning officer memos: emailed to all registered returning officers during triennial elections (all boards) and mid-term elections.

FIRST TASK AS RETURNING OFFICER - REGISTER

To register please go to: www.trustee-election.co.nz and follow the links.

Once registered, you will receive an email. Please keep this email handy. It contains important information which you need to use via www.trustee-election.co.nz as follows:


- ▶ Use your 8-digit returning officer ID to enter information about the election, such as the election date and number of nominations ("0" if none received yet)

- ▶ Use your returning officer log-on details to access:
 - ▶ election forms 1-11 (these are the nomination and voting forms). Complete online, then download and photocopy.
NOTE: the returning officer does not have authority to alter these forms in any way
 - ▶ Appendix 1 ("Candidates and Election Results"). Complete online within one week of declaring the results of an election.

NOTE: you do not need to login or use your returning officer ID to access appendix 2 for new trustees to complete online. See page 29 for more details.

HOW TO USE THIS HANDBOOK

- ▶ Have a good look at the regulations on pages 36–40 of the handbook. Then read the rest of the handbook
- ▶ Follow the sequence of steps in the handbook. These are the steps the returning officer must follow to ensure a valid election.
- ▶ NOTE:

- ▶ The blue pages with the symbol  cover the actions returning officers must take to complete each of the steps of an election. These actions are time sensitive and must be achieved by the dates shown

The other pages contain:

- ▶ Supporting information about each of the five steps
- ▶ Information specific to the running of a student election
- ▶ Information relevant to school trustee elections from the Education Act 1989 and Education (School Trustee Elections) Regulations 2000
- ▶ On the inside front cover there is a Countdown Diary and on the inside back page there is a Step Summary.
- ▶ In the centre of the handbook is a removable master sheet for you to photocopy and use as your working document
- ▶ There are blank pages at the front and back of the book for you to make notes on
- ▶ Please don't write on the rest of the handbook – at the end of the election process you are asked to return the handbook to the school office for safekeeping – and for use in subsequent elections.

STEP ONE: Preparation for election process

RETURNING OFFICER'S FEE

Triennial and mid-term elections

The Ministry of Education provides funding directly to boards to contribute towards the cost of running triennial and mid-term elections (for boards that use the staggered election cycle). 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 for election funding for the particular year the election is being held in. Go to:

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

The board should give you a letter of appointment that states the fee to be paid to you. For a template letter of appointment go to: www.trustee-election.co.nz/

If you have not received a letter of appointment, discuss the following recommendations 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 or not there is a voting election.

By-elections

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.

NOTE: Maximum funding of \$96 can be claimed for a staff by-election. No funding is provided for a student election. But the board can still resolve to pay its returning officer a fee to run the student election.

INFORMATION FROM THE BOARD

Triennial and mid-term elections

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

- ✓ The election date. School trustee 2019 triennial elections must be held between 17 May and 21 June 2019.
The common election date has been set at **7 June 2019**. 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 the **election planner tool** on www.trustee-election.co.nz to calculate your board's election timeline.
- ✓ The number of positions to be filled.
- ✓ If the board is opting into the staggered (mid-term) election cycle at these triennial elections. In that case, a special nomination form (Form 2) and special voting form (Form 6) will need to be used.
NOTE: If the 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.
NOTE: For a board with an unequal number of parent representatives, e.g. five, more than half of its parent representative positions will be vacant at the triennial elections.
- ✓ A letter of appointment.
- ✓ 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.

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 37-42 of this handbook, along with relevant sections of the Education Act (refer pages 30-36). **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

Make sure 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.

If you use the election planner tool on www.trustee-election.co.nz to insert the election date for your board's election(s), the key election dates in the election process will generate automatically. Print out the resulting table.

ELIGIBILITY TO BE RETURNING OFFICER

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. A Returning Officer may be the Returning Officer for more than one school.

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

RESPONSIBILITIES

The board is responsible for promoting elections.

The role of the returning officer is:

- ▶ To prepare separate rolls of all persons eligible to vote in:

- ▶ the election of parent representatives at the triennial or mid-term elections (for boards that have adopted the staggered election cycle)
- ▶ the election of one staff representative at the triennial elections
- ▶ the election of one student representative, held each year in September
- ▶ any by-election for the above positions.
- ▶ To call for nominations of people eligible to stand as candidates
- ▶ To receive nominations, determine eligibility to stand, and update the chair about the number of nominations
- ▶ 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; and to receive a candidate photograph, if included as part of their statement
NOTE: The only grounds for editing a statement are if you reasonably consider 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. Retyping or sub-editing purely to improve the presentation is not a requirement
- ▶ If a voting election is required: 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
- ▶ If a voting election is required: 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
- ▶ To promptly complete and submit Appendix 1 online, so the Ministry of Education is advised of the outcomes of all elections
- ▶ To ensure that Appendix 2 is completed and submitted by newly elected trustees, or report to the board chair that this needs to be done by the new trustee(s).

NOTE: Returning officers must follow the election timetable and can not alter it in any way.

STEP TWO: Election process countdown

- ▶ To ensure a successful election process, planning is essential. There are a Countdown Diary and a Step Summary with all legislative timeframes 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 7 June 2019. 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 election planner tool 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 election 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.

- ✔ **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 (no addresses) must be available at the school for inspection 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 9) of students enrolled full-time at the school, and
- ▶ a list of all staff eligible to participate in the staff election (see pages 9-11).

NOTE: Inform staff members who have dual eligibility, as both parent and staff members (see page 9), 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.

NOTE: The rolls should be in alphabetical order of surnames. The electoral roll for parent elections should include the names of **all** eligible voters, as far as is reasonable.

- ✔ **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:**

08/05/2019 (or .././202x)

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, namely:

- ▶ the parents of students newly enrolled at the school
- ▶ staff members newly employed at the school
- ▶ non-permanent staff newly employed at the school who have become eligible.

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

08/05/2019 (or .././202x)

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:**

22/5/2019 (or .././202x)

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 9.)

- ✔ **Close the supplementary roll at noon on: 22/05/2019 (or .././202x)**

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

STEP THREE: Preparing the electoral roll - supporting information

Eligibility declaration

The nomination form (Forms 1 or 2) contains a statement that the candidate declares their eligibility. The categories of persons who are not eligible to be elected 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 pages of this handbook.

Returning officer

The returning officer appointed for an election can nominate and vote in that election (if otherwise eligible) but cannot stand as a candidate in that election.

PARENT ELECTION

Eligibility to participate in the parent election

Parent

Section 92 defines the term "parent", as meaning someone who is the person's father, mother, legal guardian or immediate caregiver. Both parents of a student have the right to vote, even if they do not live with the student.

In this handbook, wherever the word "parent" is used, it is with the understanding that it includes legal guardian or "immediate caregiver" as defined below.

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; 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.

Example

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
- ▶ 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.

A person who has taken up a permanent appointment as an employee of the board

A permanently appointed member of the board staff is ineligible to be a parent representative at that staff member's school. They can only be elected as the staff representative (section 103(3)).

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 stays on the staff roll. That decision remains in force until the next triennial election, unless the voter's status as parent/staff member alters (e.g. they resign their position at the school). You should inform them of this fact.

You can also make it clear to a staff member who chooses to go on the parent roll, that unless they are a non-permanent (fixed-term) staff member, they can nominate and vote, but can't stand as a candidate.

NOTE: The right to choose which election a person will participate in only applies to a person with dual parent/staff member status in the same school.

STEP THREE: Preparing the electoral roll - supporting information (continued)

PARENT ELECTION

Eligibility Criteria (continued)

The following are eligible to be on the parent roll:

- ▶ **parents of those students** who 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
- ▶ **parents of international students**, regardless of where they live in the world. They should be posted election papers, if their address is known
- ▶ **adult students** who are 20 years of age or older who are enrolled full-time at the school on the day that the roll or the supplementary roll for the election closes
- ▶ **staff members** who are also a parent of a student enrolled at the same school. They automatically go on the staff roll but can opt to go on the parent roll instead. See pages 9 for more information

More examples of eligibility to go on the parent roll

- ▶ **Parents of students enrolled in year 6 at contributing schools to an intermediate school**

These parents can go on the roll of both the contributing school and the stand-alone intermediate school at which their child is likely to be enrolled as a full-time student 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.

NOTE: 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. Reassure the parent that these details will only be used in these board of trustee elections.

For that second group of parents to participate they must be on the parent 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 parents 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 parents 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 be on the parent rolls at the special schools, but not the host schools where the satellite classes are sited.

- ▶ **Parents of students enrolled at special schools**

Parents of mainstreamed students (e.g. students enrolled in special schools who regularly attend classes in other schools) are eligible to be on the parent rolls at the special schools provided the student is under 20 years of age.

- ▶ **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.

- ▶ **Principals as parents – dual eligibility**

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

STEP THREE: Preparing the electoral roll - supporting information (continued)

STAFF ELECTION

Eligibility to participate in the staff election

Board staff (staff member)

Section 92 defines the term "board staff" as someone (who is not a full-time student) who, on the day the main or supplementary roll closes has either:

- ▶ taken up a permanent appointment to a position in the employment of the board (i.e. is "permanent")

OR

- ▶ been continuously employed during the period 2 months before the day in one or more positions in the employment of the board (i.e. is "fixed-term").

Itinerant, resource and similar teachers

Itinerant, resource and similar teachers can go on the staff rolls of the "base schools" that employ them, but not the staff roll of any of the other schools at which they work.

Dual eligibility – staff member eligible to opt to go on the parent roll

A staff member with dual eligibility can only be on one roll at a time. They automatically go on the staff roll and stay there unless they advise the returning officer in writing they wish to be on the parent roll. They must do this before the applicable roll (main or supplementary) closes.

- ▶ While on the staff roll the staff member can fully participate (e.g. stand, nominate and vote) in the staff election
- ▶ If the staff member opts to go on the parent roll they can nominate and vote in the parent election, but can't stand as a candidate
- ▶ Once on a particular roll for a triennial election, the staff member must wait until the next triennial election to change, unless their circumstances change (see example).

Example

A staff member with dual eligibility opted to go on the parent roll at the last triennial elections. Their child then left the school. There is a staff by-election coming up. Which roll can they be on?

The staff member lost their dual eligibility when their child stopped being a student at the school. They cannot stay on the parent roll for the by-election, so will go back on to the staff roll. At the next triennial elections they will stay on the staff roll, unless one of their children is attending the same school.

Quick summary of eligibility to go on the staff roll

- ▶ Permanent staff eligible to go on the staff roll can be:
 - ▶ full-time

- ▶ part-time
- ▶ teaching
- ▶ non-teaching
- ▶ staff employed by the school who also work at other schools.
- ▶ Non-permanent (fixed-term) staff could* include staff who are:
 - ▶ full-time
 - ▶ part-time
 - ▶ teaching
 - ▶ non-teaching
 - ▶ staff employed by the school (board) who also work at other schools.

*NOTE: Fixed-term staff can go on the staff roll only if they've been continuously employed at the school in one or more positions for two or more months before the day the main or supplementary roll closes.

NOTE: Permanent and fixed-term staff that work at the school but are employed by another school (board) can't go on the staff roll. They can only go on their employing school (board)'s staff roll.

NOTE: Contractors are not employed by the school and are not eligible to go on any staff roll

Examples of eligibility to go on the staff roll

- ▶ A permanent computer studies tutor can go on the staff roll of the school (board) that employs them
- ▶ A permanent itinerant speech language therapist working across schools can go on the staff roll of the school (board) that employs them
- ▶ The following people can go on the staff roll, if they've been continuously working for the school (board) that has employed them for at least two months on the day either the main or supplementary roll closes:
 - ▶ A fixed-term teacher employed to cover the period another staff-member is on parental leave
 - ▶ A fixed-term physics teacher employed to teach for three hours a week
 - ▶ A fixed-term Resource Teacher of Learning and Behaviour (RTL) teacher
 - ▶ A fixed-term "across schools" Community of Learning | Kāhui Ako teacher.
- ▶ An itinerant teacher of the deaf can go on the staff roll of the "base school" that employs them
- ▶ The following people are not eligible to go on any staff roll:
 - ▶ A social worker working at the school but employed by an outside (non-school) agency
 - ▶ An IT services contractor and a lawnmowing services contractor working at the school. They are not employed by the school (board)

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 (preferably, 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
- ▶ find out the cut-off date for your local newspaper in order to meet the publishing deadline.
- ✔ **Prepare nomination forms ready to be sent out by: 10/05/2019 (or .././202x)**

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 notice (cover letter). This notice explains the parent election process. It should accompany the nomination form) that is posted or delivered to all eligible people on the voting roll
See page 14 for a sample notice, or download from: www.trustee-election.co.nz
- ▶ prepare a nomination form. Use Forms 1 or 2 which you can download from: www.trustee-election.co.nz
- ▶ **Before** downloading you must enter:
 - ▶ the name of the school
 - ▶ the school profile number
 - ▶ the address to which the form must be posted or delivered (usually the school office)
 - ▶ the date and time (noon) by which the completed form must be received by the returning officer.
- ▶ print one copy and circle the type of election (parent/staff). Photocopy the required number of forms.

- ✔ **Prepare parent/staff election notices**

10/05/2019 (or .././202x)

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 15, or download from: www.trustee-election.co.nz.
NOTE: It is a good idea to also place a notice on the school website and in the school newsletter

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 15, or download from www.trustee-election.co.nz.

- ✔ **Call for nominations 28 days before voting closes by:**

10/05/2019 (or .././202x)

STEP FOUR: Calling for and accepting nominations (continued)

ACTIONS

- ✔ **Update the board chair on the number of valid nominations received as they come to hand.**
Log on to the returning officers' section of www.trustee-election.co.nz 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:**

24/05/2016 (or .././202x)

- ▶ 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
NOTE: Errors must be corrected before nominations close
- ▶ 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.

- ✔ **Close nominations at noon on:**

24/05/2016 (or .././202x)

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, and once nominations close, if valid nominations for parent representatives number fewer than three a commissioner will be appointed to replace the board. Promptly advise the board chair so they can contact the Ministry of Education.

NOTE: This does not apply to a board that has a staggered (mid-term) election cycle.

Non-voting election

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.

NOTE: This is a non-voting election.

Similarly, if there is only one valid nomination for a staff representative, you can promptly declare the candidate elected. This too, is a non-voting election.

Declaring results of a non-voting election

In the case of a non-voting election, the election has come to an end, so you can declare the final result as follows:

- ▶ Give written notice to the board
NOTE: in a non-voting election elected trustees take office seven days after the date nominations close
- ▶ Prominently display notices at the school (see page 17)
- ▶ 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.

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.
- ▶ Ensure that new trustees complete (online form) "Change in Membership of Board of Trustees – Appendix 2" via www.trustee-elections.co.nz, or report to the board chair that new trustees need to complete this form. See page 29 for more information.

STEP FOUR: Calling for and accepting nominations - supporting information

Sample Parent Election Notice (cover letter) - to mail out with nomination forms

20XX BOARD OF TRUSTEE PARENT ELECTIONS

(Name of) 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 **only** 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.

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, hand deliver or email the form to the returning officer at the address shown below. If emailed, promptly make arrangements to get the originals to the returning officer.

Nominations close at 12 noon on (insert date).

Information for Candidates

If you are a candidate, you are invited to submit an optional statement (up to 400 words), which can include a photograph. 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) your statement cannot be sent to voters with the voting papers.

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.

Voting Roll

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

Eligibility

Anyone may stand for election for the board of trustees, other than those ineligible under sections 103 and 103A of the Education Act 1989. Information about who is eligible is on the back of the nomination form.

Note: 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, a voting election will be held. Eligible voters will be posted voting papers and any candidates' statements provided, including any photograph, 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, hand deliver, fax, or email (scanned) completed nomination forms to: *(insert name and address of returning officer)*. If emailed, promptly make arrangements to get the originals to the returning officer.

STEP FOUR: Calling for and accepting nominations - supporting information (continued)

Reminders

The regulations require (see regulation 9, page 39):

- ▶ an individual envelope for each voter (even if two voters have the same address), and
- ▶ inside the envelope there needs to be a nomination form and the election notice (nomination cover letter)

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.

The parents (see definition on page 10) of foreign fee-paying students enrolled at the school are entitled to participate in any parent representative election or by-election. The returning officer needs to process their requirements first. To check overseas postal delivery times go to: www.nzpost.co.nz.

The returning officer appointed for an election can nominate and vote in that election (if otherwise eligible) but cannot stand as a candidate in that election.

A candidate in a parent representative election does **not** need to be a parent of a student enrolled at the school. If not on the roll the candidate needs someone on the roll to nominate them.

Sample Parent Election Notice (Newspaper)

(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. Both parts of the form must be signed.

Additional nomination forms can be obtained from the school office.

Nominations close at noon on (insert date) and may be accompanied by a signed candidate statement and photograph.

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 (Display at school)

(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.

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.

Nominations close at noon on (insert date) and may be accompanied by a signed candidate statement, including a photograph.

Dual eligibility

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

NOTE: 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 in the parent election. If you are a permanent staff member you cannot stand in the parent election. The decision you make stays in place until the next triennial election, unless your eligibility circumstances change.

Candidate Statement

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

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 (continued)

OPTIONAL CANDIDATE STATEMENTS

- ▶ Receive candidates' statements and edit if necessary
- ▶ 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
 - ▶ 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.

OPTIONAL CANDIDATE PHOTOGRAPHS

Photographs of candidates are not necessary; however, if photographs are received in time (by noon the day nominations close) they can be distributed with the candidates' statements.

VALIDATION OF CANDIDATES' ELIGIBILITY

Sections 103 and 103A (pages 34-35) list the categories of persons who are not eligible to be a trustee. This includes all types of trustees, e.g. elected, co-opted or appointed trustees, and trustees elected or selected to fill a casual vacancy.

A person is **ineligible** if they:

- ▶ are an undischarged bankrupt
- ▶ are not allowed to be a director or promoter of, or be concerned with or take part in the management of, a company (under sections 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 or personal order (under the Protection of Personal and Property Rights Act 1988)
- ▶ are a person 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".
- ▶ are not a New Zealand citizen, and are:
 - ▶ a person in New Zealand unlawfully (ie, section 15 or 16 of the Immigration Act 2009 applies to them)
 - ▶ a person who has been granted a temporary visa for less than 12 months
 - ▶ 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 12 months or more they may stand as a candidate (if otherwise eligible).

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

NOTE: 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 - a non-voting election - supporting information

ACTION

Declaring results of a non-voting election

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.

NOTE: The requirement to receive at least three valid parent representative nominations does not apply to boards of trustees that have adopted the staggered (mid-term) election cycle

The election has now ended. Follow the process on page 13: Declaring results of a non-voting election.

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

(Only one valid nomination 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 the following duly elected:

Dunbar, Jill

Signed

(insert name)

Returning Officer

STEP FIVE: When a voting election is required

If there are **more** valid nominations received than the number of positions advertised, a voting election must be held.

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.

ACTIONS

Preparation of voting papers after noon on: 24/05/2019 or (.././20x)

The voting paper can be accessed in electronic form by returning officers through log-on access via 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 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 32) the number of parent representative positions on the board will be vacant."

- ▶ Enter the names of validly nominated candidates in alphabetical order by their surnames or family names on the voting paper, and make the appropriate number of copies
- ▶ Each voting paper can be coded or numbered to ensure 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 used
- ▶ If a numbering system is used the numbers must be added randomly to the voting papers. This is so you cannot see from a voting paper who has voted, but can confirm that the number is an allocated one
- ▶ 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." Make sure you insert the correct number of vacant positions to be filled.

A voter can vote for fewer than the number of vacant positions available, but they cannot vote for more candidates than the number of vacancies to be filled.

Example

There are three vacant positions in the election. The voter can therefore vote for up to three candidates.

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

- ▶ Copies of any candidates' statements (but not statements by candidates who have withdrawn)
- ▶ The envelope in which the voting paper must be returned
- ▶ Recommended: a voting cover letter. See the sample on page 20.

Post cover letter, voting paper, return addressed envelope and candidate statement by:

29/05/2019 (or .././202x)

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 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 a voting election is required (continued)

ACTIONS

✔ ELECTION DAY. Close at noon on:

07/06/2019 (or .././202x)

- ▶ Voting closes at noon. You must not count votes and declare results until six days after the election date. This allows time to receive postal votes
- ▶ 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. 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:

13/06/2019 (or .././202x)

- ▶ Count the votes in the presence of any scrutineer/s appointed by candidate/s
- ▶ 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 a voting 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.

If the withdrawal reduces the number of candidates standing to the same number as, or a smaller number than, the number of trustees required, ensure voters are notified 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. The voting paper **must** be returned in the addressed envelope provided, and only **one** voting paper goes in each envelope.

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.

Post it as soon as possible - New Zealand Post has reduced the frequency of 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)*

NOTE: 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".

The board may decide to pay for the cost of return postage by placing a stamp on each envelope or arranging a freepost service. But there is no requirement for the school board to pay for return postage.

If the board decides to use a freepost service to have the voting papers returned through the post, this needs 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
Voting papers must be distributed to all people on the electoral roll by **nine** days before the election date
- ▶ **Staff 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, 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.

STEP FIVE: When a voting election is required - supporting information (continued)

VOTING PROCESS (continued)

- ▶ “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.
- ▶ Voters who intend to post their votes need to 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.
- ▶ 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 for any of the following reasons:

- ▶ 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
- ▶ There are two voting papers in one envelope.

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 followed.

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 two candidates receive the same number of votes they are both elected unless the position is the last to be filled. In that case you must decide by lot which candidate is elected. 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. Any scrutineers representing the affected candidates must also be present.

“Tie broken by lot” should be noted on the results notice.

Example

There are five positions being contested and four are clearly filled, but there is a tie for the fifth position. The returning officer is responsible for breaking the tie “by lot”.

NOTE: The principal and staff representative are both members of the existing board.

Examples of a “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:

13/06/2019 (or .././202x)

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).
- ▶ The notice 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
- ▶ Completing the two required forms online via www.trustee-election.co.nz. The two forms are:
 - ▶ "Candidates and Elections Results – Appendix 1"
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 mid-term elections of parent representatives.
 - ▶ "Change in Membership of Board of Trustees – Appendix 2".
 - ▶ Refer page 29 for more details.

- ✔ **Dispatch of papers to District Court**

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, Jean	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 NZSTA.

Step Summary For Returning Officers Using Common Election Date 7 June 2019

Date 2019	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 pages 5-7
Returning officer once appointed	Step Two: Election process countdown	Plan dates and actions	Review information on page 8
11 April	Step Three: Preparing the electoral roll	Advise office electoral roll required. Establish dual eligibility of staff. Main roll open for inspection	Eligibility criteria pages 8-11
8 May, noon		Close main roll	
8 May, after noon		Open supplementary roll	
	Step Four: Calling for and accepting nominations	Prepare nomination forms	See page 12
May		Prepare parent/staff election notice	See page 12 explanation, sample notices, pages 14-15
By 10 May		Call for nominations	See validation information page 13
10 May – 24 May		Update board chair on number of valid nominations	See page 11
22 May, noon		Close supplementary roll	
24 May, noon	Nominations close If voting election not required move to step six	Receive nominations	See page 13
24 May, after noon	Step Five: When a voting election is required	Prepare voting papers	See page 18
By 29 May		Post voting information	See pages 18,20
7 June, noon	ELECTION DAY	Close voting	See page 19
13 June		Count votes	See page 19
13 June	Step Six: Declaration of results	Declare final results	See pages 13,17,22
		Fill in appendices	See pages 17,29
		Dispatch papers to District Court	See page 22
14 June	BOARD TAKES OFFICE		

2019 COUNTDOWN DIARY

Days before Election Day	Day	Month
37	1	May
36	2	May
35	3	May
34	4	May
33	5	May
32	6	May
31	7	May
30	8	May
29	9	May
28	10	May
27	11	May
26	12	May
25	13	May
24	14	May
23	15	May
22	16	May
21	17	May
20	18	May
19	19	May
18	20	May
17	21	May
16	22	May
15	23	May
14	24	May
13	25	May
12	26	May
11	27	May
10	28	May
9	29	May
8	30	May
7	31	May
6	1	June
5	2	June
4	3	June
3	4	June
2	5	June
1	6	June
0	7	June
-1	8	June
-2	9	June
-3	10	June
-4	11	June
-5	12	June
-6	13	June
-7	14	June

**STEP TWO: Election process
countdown**

STEP THREE: Preparing the electoral roll

STEP FOUR: Calling for and accepting nominations.

STEP FIVE: When a voting 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 7 JUNE 2019

Count votes and declare results
Elected trustees take office

Student elections - supporting information

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 98A provides otherwise).

When do student elections occur?

Student elections take place in September each year.

The same election timetable is used as for any other election (parent or staff). The student representative's term of office is 12 months.

Funding and the returning officer's fee

Election funding is not provided to boards by the Ministry of Education for the conduct of student elections. However, the board still needs to appoint its returning officer to run the student election, and it can still decide to pay a fee, which would be paid from the board's funds.

Timeframe

The board needs to decide on the September election day date. Follow the same election timetable as is used for parent and staff elections. Use the election planner tool on www.trustee-election.co.nz, inserting the election date in September, as notified by the board.

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".

Ensure that the new trustee completes "Change in Membership of Board of Trustees – Appendix 2", or report to the board chair that this needs to be done by the new trustee.

Eligibility to participate in the board student election

All students except for adult students (they can 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 nominate, vote and stand as a candidate in the student election.

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) nominations close and when voting closes (if there is a voting election).

Sample Student Election Notice (Cover letter)

(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)* and can be accompanied by a candidate statement and photograph.

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)

Returning Officer

Sample Student Election Results Declaration (only one valid nomination 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 the following duly elected:

Mary Brown

Signed

(insert name)

Returning Officer

Student elections - supporting information (continued)

Student Election Timetable

Follow the same election timetable as is used for parent and staff elections.

Use the election planner tool on www.trustee-election.co.nz, inserting the election date in September as notified by the board.

Calling for nominations

Call for nominations at the school. Use the sample election notice on page 27.

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 27) to each person named on the roll, **or** by displaying notices in prominent places around the school.

Make sure that nomination forms are available at the school office (Form 1), and that students know that both people being nominated and the nominators must be current full-time 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 nominate, stand as a candidate 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, posted or emailed. However if emailed, promptly make arrangements to get the originals.

Voting is not compulsory.

Electioneering by candidates is managed by the school.

If there is only one nomination the candidate will be duly elected. See the sample notice on page 27.

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 students in years 9 and above and/or can be collected from a central point known to students and 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 votes cannot be counted before voting closes.

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".

Ensure that the new trustee completes (online) "Change in Membership of Board of Trustees – Appendix 2", or report to the board chair that this needs to be done by the new trustee.

Sample Student Election Declaration Notice (voting election)

(insert school name) School

Board of Trustees' Election

Declaration of Student Election Results

Votes:

Brown, Mary 80

Reynolds, John 78

Invalid votes 10

I hereby declare Mary Brown duly elected.

Signed

(insert name)

Returning Officer

Documentation for all 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.

NOTE: These forms must not be altered in any way

The parent and staff nomination form is in English (form 1) and te reo Māori (form 3).

The parent and staff voting forms are in English (forms 5 and 7), te reo Māori (forms 4, 10 and 11). Voting forms in other languages are also available to download.

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 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 (staggered) mid-term election cycle in a triennial election year.

FORM 5: Parent election voting paper

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

FORM 6: Parent election 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 election voting paper

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

FORM 8: Student election voting paper

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

FORM 9: Combined board of trustees election (parent election voting paper)

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

INFORMATION ABOUT THE APPENDICES

Appendix 1 - Candidates and Elections Results

The returning officer 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 goes to the Ministry of Education.

Appendix 2 - Change in Membership of Board of Trustees

Ensure that the new trustee(s) complete(s) (online) "Change in Membership of Board of Trustees – Appendix 2" by emailing them the link to www.trustee-election.co.nz (if you have their email address) and / or report to the board chair that this needs to be done by the new trustee(s).

NOTE: Appendix 2 is for use by the board following any:

- ▶ parent, staff or student election;
- ▶ parent, staff or student by-election,
- ▶ selection to a casual vacancy of a parent trustee,
- ▶ co-option, and
- ▶ when there is a change in principal or chair.

Appendix 2 does not have to be completed by re-elected trustees, unless their status has changed e.g. a trustee becomes chair, or a chair reverts to being a trustee.

Relevant legislation

Education Act 1989 - Extract

Part 9 School boards

92 Interpretation

(1) In this Part, unless the context otherwise requires,—

adult student means a student who has turned 20

board means a board of trustees constituted under this Part; and,—

(a) in relation to a school or institution, means the board of the school or institution; and

(b) 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—

(a) 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

(b) during the period of 2 months ending with that day, have been continuously employed in 1 or more such positions

casual vacancy means a vacancy in the membership of a board arising under [section 104](#)

combined board means a board that administers more than 1 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),—

(a) 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

(b) 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

(c) 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

...

lone board means a board that administers only 1 school or institution

...

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\(1\)\(c\)](#) includes an acting principal

...

special institution means an institution that is—

(a) for the time being specified in [Schedule 5](#); or

(b) a correspondence school; or

(c) an institution (other than an institution that is part of a school) situated within—

(i) an institution under the control of the chief executive of the department for the time being responsible for the administration of the [Oranga Tamariki Act 1989](#); or

(ii) a hospital care institution (within the meaning of [section 58\(4\)](#) of the Health and Disability Services (Safety) Act 2001)

State school means an institution that is a primary school, a composite school, or a secondary school; and,—

(a) in relation to a lone board that administers a school, means that school; and

(b) in relation to a combined board that administers schools, means those schools or any of them; and

(c) in relation to a trustee of a lone board that administers a school, means that school; and

(d) in relation to a trustee of a combined board that administers schools, means those schools or any of them

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.

...

- (3) Notwithstanding subsection (1), for the purposes of this Part, a student who—
- (a) usually lives in a household that includes the student's father and mother; or
 - (b) usually spends approximately equal time in 2 or more households; or
 - (c) does not usually live in a household,— has no immediate caregiver.

96 Parent representatives

- (1) The parent representatives on the lone board of an intermediate school shall be elected by people who are—
- (a) parents of students (other than adult students)—
 - (i) enrolled full-time at the school when the roll for the election (or, where there is a supplementary roll, the supplementary roll) closes; or
 - (ii) likely to be enrolled full-time at the school in the year after the year the election is held; or
 - (b) 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—
- (a) 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
 - (b) 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—
- (a) 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

- (b) 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
- (c) 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.

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 form 3 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 form 3 or above at a school or institution administered by the board.

98A 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 a combined board of State schools.

...

98B Consequences of approval of alternative constitution

- (1) If an alternative constitution is approved under section 98A(1), the notice made under that 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.

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,—
 - (a) in the case of a school that is not a correspondence school,—
 - (i) 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
 - (ii) 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
 - (b) 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—
 - (a) the first elections of trustees for the board of a school established or integrated after the commencement of this section; or

- (b) elections under section 78P—

are held after 30 April 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—
 - (a) an election of 1 or more parent representatives on a board; and
 - (b) 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 subsections (8) and (8A), 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.
 - (8A) If the Minister approves an alternative constitution for a newly established school under section 98A, subsection (7) does not apply and the first elections (if any) for, and the first meeting of, the board of such a school must be held in accordance with a notice under section 98A.
 - (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—
- 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
 - 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\(8\)](#).

101AB Election not to be held when school under notice of closure

Nothing in this Act requires or permits the board of any school or special institution to hold an election for a student representative or other elected trustee if the date for the election calculated in accordance with [section 101](#) or [101A](#) (as

the case may be) is after the date of any notice in the *Gazette* that, in accordance with [section 154\(2\)](#), specifies a day for the school's closure.

101D Validation and invalidation of elections of boards

- (1) Subsection (2) applies if—
- anything required to be done in connection with an election under this Act—
 - has been done after the time it is required to be done; or
 - has not been done at all; or
 - has been done irregularly; and
 - the Minister thinks the lateness, omission, or irregularity could not materially have affected the result of the election.
- (2) If this subsection applies, the Minister may, by notice in the *Gazette*, validate the lateness, omission, or irregularity.
- (3) Where anything required to be done in connection with an election under this Act cannot be done at or by the time at or by which it is required to be done, the Minister may, at any time, by notice in the *Gazette*, extend the time for doing it.
- (4) Subsection (5) applies if there occurs in connection with an election under this Act—
- any lateness, omission, or irregularity that is capable of being validated under this section, but which the Minister thinks would be improper or undesirable to validate; or
 - any other irregularity that the Minister thinks could materially have affected the result of the election.
- (5) If this subsection applies to an election, the Minister may at any time within 60 days of the election, by notice in the *Gazette*,—
- declare the election invalid; and
 - require a new election to be held on a day specified in the notice; and
 - declare that the trustees holding office on the date of the invalid election remain in office until the close of the day before the day on which the new trustees take office.

102 Term of office

- Elected trustees take office 7 days after their election, unless otherwise provided in this section.
- Trustees elected for a board replacing a commissioner take office when the commissioner's appointment ends.

- ...
- (4) No trustee shall be co-opted until the board has a vacancy for a co-opted trustee; and a co-opted trustee shall take office when co-opted.
- (5) A trustee appointed when the board has a vacancy for a trustee appointed by the body or person concerned takes office on appointment.
- (6) Within 6 months before an appointed trustee's term of office expires, the person or body by whom or which the trustee was appointed (or the successor to that person or body) may appoint a trustee to succeed that trustee (or reappoint that trustee); but—
- (a) the newly appointed trustee shall not take office until the day on which elected trustees take office under subsection (1); and
- (b) if on that day the person or body concerned is no longer entitled to appoint a successor to the trustee holding office when the newly appointed trustee was appointed, the newly appointed trustee's appointment shall be deemed to have been void.
- (7) A trustee elected under section 101(2) shall go out of office 7 days after the day on which a further election under the said [section 101\(2\)](#) is held at the school or schools concerned.
- (8) Subject to subsection (9), all elected trustees (other than a trustee elected under [section 101\(2\)](#)) holding office at the close of the day before the day on which trustees take office under subsection (1) shall then go out of office.
- (8A) Subject to subsection (9), the appointment or co-option of a trustee may be for a term not exceeding 3 years.
- (9) If—
- (a) the first elections of trustees for a board; or
- (b) elections under [section 78P](#),—
- are held in an election year before 1 May, no trustee shall go out of office under subsection (8) or subsection (8A) in the election year.
- (10) A board may, when co-opting a trustee, specify a term of office for the trustee; and in that case—
- (a) if the term expires before the trustee goes out of office under subsection (8A), the trustee shall then go out of office; but
- (b) otherwise the trustee shall go out of office under that subsection.
- (11) This section is subject to sections [101A](#) and [104](#).

103 Certain persons ineligible to be trustees

- (1) A person who—
- ...
- (c) is an undischarged bankrupt; or
- (d) in the management of, an incorporated or

unincorporated body under the [Companies Act 1993](#), or the [Financial Markets Conduct Act 2013](#), or the [Takeovers Act 1993](#); or

- ...
- (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; or
- (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 on the person; 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 that 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) treated for the purposes of that Act as being unlawfully in New Zealand—
- may not become an elected, appointed, or co-opted trustee.

- ...
- (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 be otherwise 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 on 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.

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.

103B Requirements before appointment

Before a person is elected, co-opted, or appointed as a trustee, the person must confirm to the 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 ineligibility in section 103 or section 103A.

104 When casual vacancies arise

- (1) When an elected, appointed, or co-opted trustee—
- (a) dies; or
 - (b) resigns by written notice to the board; or
 - (c) without the prior leave of the board, is absent from 3 consecutive meetings of the board; or
 - (d) becomes a person who (in terms of section 103(1)) may not become an elected, appointed, or co-opted trustee,—
- the trustee's office becomes vacant.
- (1A) If a property order is made in respect of a trustee under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
- (a) subsection (1)(d) does not apply to the trustee by virtue only of the making of that order; but
 - (b) while the order remains in force, the trustee is deemed to have been granted leave of absence by the board and is not capable of acting as a trustee during that period.
- (2) When a trustee elected by the board staff ceases to be a member of the board staff, the trustee's office becomes vacant.
- ...
- (5) When a trustee elected by students ceases to be enrolled full-time at the school or institution, the trustee's office becomes vacant.
- (6) If—
- (a) at any election of trustees fewer persons are elected than there are vacancies to be filled; and
 - (b) the board is not then dissolved,—

every unfilled vacancy is a casual vacancy, and shall be deemed to have arisen on the day on which the elected trustees take office.

least 6 weeks before the election date.

(9) If the board resolved under subsection (4) to fill a casual vacancy by selection, then, once the last date for lodging a request under subsection (7) has passed, the board must select a person within 6 weeks of that date, and the person selected takes office on the day of selection by the board.

(10) This Act applies to a trustee selected under this section to fill a casual vacancy of an elected trustee as if the person had been elected, and every reference to an elected trustee (except in subsection (6)) includes a reference to a trustee so selected.

105 Filling casual vacancies of elected trustees

(1) Subject to subsections (2) to (9), every casual vacancy for an elected trustee shall be filled by the election of a trustee, in the same manner as that in which the vacating trustee was elected, for the residue of the vacating trustee's term.

(2) If no nominations are received for the election of a trustee by students, or no trustee is elected at such an election, the vacancy shall not be filled until the next election required to be held by [section 101\(2\)](#) or [section 78P](#).

(3) Where a casual vacancy for an elected trustee occurs during any period of 6 months commencing on 1 October in a year before an election year, the board may, not later than 28 days after it occurs, resolve not to fill it; and in that case it shall not be filled.

(4) When a casual vacancy for an elected trustee occurs at any other time, the board must resolve, within 8 weeks of the vacancy occurring, whether to—

- (a) hold an election to fill the vacancy; or
- (b) fill the vacancy by selection.

(5) If the board resolves to fill the vacancy by selection it must, within 14 days of the resolution, publish a notice in a newspaper circulating in the area stating that there is a vacancy and that the board proposes to fill it by selection.

(6) A board may not resolve to fill a casual vacancy by selection if the effect would be that the number of elected parent representatives on the board is less than, or equal to, the number of parent representatives on the board who have not been elected.

(7) Despite resolving to fill a vacancy by selection, the board must hold an election to fill the vacancy if, within 28 days of the publication of the notice referred to in subsection (5), a total of at least 10% of the people entitled to vote in an election for trustees advises the board, in writing, that they wish the vacancy to be filled by an election.

(8) An election to fill a casual vacancy for an elected trustee must be held,—

- (a) if the board resolved under subsection (4)(a) to hold an election, on the 15th Friday after the date on which the vacancy occurred, or on any earlier date fixed by the board at least 6 weeks before the election date; or
- (b) if the board holds an election as a result of a request under subsection (7), on the tenth Friday after receiving the request, or on any earlier date fixed by the board at

Education (School Trustee Elections) Regulations 2000 - Extract

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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 2 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 result

- (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.

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—
 - (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.

...

Schedule 1

Short election timetable

Process	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 sixth day after election day
Declare results	As soon as result is known

Schedule 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 sixth day after election day
Declare results	As soon as result is known

Explanatory note

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

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

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Step Summary For Returning Officers Using Common Election Date 7 June 2019

Date 2019	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 pages 5-7
Returning officer once appointed	Step Two: Election process countdown	Plan dates and actions	Review information on page 8
11 April	Step Three: Preparing the electoral roll	Advise office electoral roll required. Establish dual eligibility of staff. Main roll open for inspection	Eligibility criteria pages 8-11
8 May, noon		Close main roll	
8 May, after noon		Open supplementary roll	
	Step Four: Calling for and accepting nominations	Prepare nomination forms	See page 12
May		Prepare parent/staff election notice	See page 12 explanation, sample notices, pages 14-15
By 10 May		Call for nominations	See validation information page 13
10 May – 24 May		Update board chair on number of valid nominations	See page 11
22 May, noon		Close supplementary roll	
24 May, noon	Nominations close If voting election not required move to step six	Receive nominations	See page 13
24 May, after noon	Step Five: When a voting election is required	Prepare voting papers	See page 18
By 29 May		Post voting information	See pages 18,20
7 June, noon	ELECTION DAY	Close voting	See page 19
13 June		Count votes	See page 19
13 June	Step Six: Declaration of results	Declare final results	See pages 13,17,22
		Fill in appendices	See pages 17,29
		Dispatch papers to District Court	See page 22
14 June	BOARD TAKES OFFICE		



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