



**NZSTA**  
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# Returning Officers' Handbook 2022 and beyond

Running elections for school boards



# 2022 countdown diary

## KEY DATES



**6 July**

Select returning officer by



**13 July**

Close main roll



**15 July**

Call for nominations by



**3 August**

Close supplementary roll



**5 August**

Nominations close



**10 August**

Voting papers issued by



**7 SEPTEMBER**  
**ELECTION DAY!**



**12 September**

Accept postal votes



**13 September**

Count votes



**14 September**

Board takes office

# CONTENTS

2022 countdown diary	2
Notes	4
Important information for returning officers before starting duties	5
Step one: Preparation for election process	6
Step one: Preparation for election process – supporting information	7
Step two: Election process countdown	8
Step three: Preparing the electoral roll	8
Step three: Preparing the electoral roll – supporting information	9-11
Step four: Calling for and accepting nominations	12-13
Step four: Calling for and accepting nominations – supporting information	14-17
Step four: Calling for and accepting nominations – a non-voting election – supporting information	18
Step five: When a voting election is required	19-20
Step five: When a voting election is required – supporting information	21-22
Step six: Declaration of results	23
Step summary for returning officers using common election date (pull-out)	24
2022 countdown diary (pull-out)	25
Student elections – supporting information	26-28
Documentation for all elections	29
Relevant legislation	30-40
Index to handbook	41-42



# Important information for returning officers before starting duties

## Use this handbook for all school board elections, including by-elections

Congratulations on your appointment as returning officer!

Use the procedures in this Returning Officers' Handbook when running all elections for school boards for 2022 and beyond. 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 representatives
- 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

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
- phone: NZSTA's election advice line 0800 ELECTION (0800 353 284)
- email: [electionsadvic@nzsta.org.nz](mailto:electionsadvic@nzsta.org.nz)
- website: [www.schoolboardelections.org.nz](http://www.schoolboardelections.org.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: [returning officer registration](#) 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 on the [school board elections website](#) 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).
- Go to [elections dashboard](#).

- Use your returning officer login details to access:
  - election forms A-G (these are the nomination and voting forms). Complete online, then download and photocopy. Go to [elections forms and appendices](#).

**NOTE:** The returning officer does not have authority to alter these forms in any way.

- Sample election notices 1A - 8B. [Go to sample election notices](#) to download these Word documents. You can then type in the required information.


**NOTE:** The online sample election notices are also in this Returning Officers' Handbook (in case you find it easier to use them). The handbook will tell you which notices to use.

- Appendix 1 (candidates and election results). Complete online within one week of declaring the results of an election, including a non-voting election. Go to [election forms and appendices](#).
- Appendix 2 (change in school board membership). Ensure this is completed as soon as possible. Go to [election forms and appendices](#). 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 five steps a returning officer must follow to ensure a valid election.

#### NOTE:

The green 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 board elections from the Education and Training Act 2020
- In the centre of the handbook is a removable master sheet of the step summary and countdown diary for you to photocopy and use as your working document
- There are blank pages at the front and back of the handbook for you to make notes on.

# 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.
- 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 higher.

Check the Ministry of Education's website for election funding for the particular year the election is being held in. Go to [school board elections funding](#).

The board should give you a letter of appointment that states the fee to be paid to you. Go to: [appoint a returning officer](#) to download a template appointment letter.

If you have not received a letter of appointment, discuss the following recommendations with the presiding member 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 to download from [www.education.govt.nz](http://www.education.govt.nz): [school board elections funding](#).

**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 or by-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 board 2022 triennial elections must be held between **5 September and 23 September**.

The common election date has been set at **7 September**.

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](#) 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 B) and special voting form (Form D) will need to be used.

**NOTE:** If the board is already in the staggered (mid-term) election cycle, the standard nomination form (Form A) 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 presiding member'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 should include all relevant documentation.

### Staff elections

**NOTE:** A staff election must be run by all boards at the same time as the parent election during a **triennial election**.

# STEP ONE: Preparation for election process – supporting information

## Legal framework

Elections must be held in accordance with provisions in the Education and Training Act 2020, including schedules 22 and 23, and the Education (Board Elections) Regulations, 2000. Relevant extracts are included for your reference on pages 30-40 of this handbook. Read the regulations first (see pages 36-40).

In this handbook, these abbreviations are used for the legislation:

- Section “x” refers to the Education and Training Act 2020.
- Schedule “x(x)” refers to the Education and Training Act 2020.
- Regulation “x” refers to the Education (Board Elections) Regulations 2000.

As a returning officer, be aware that where a matter is not dealt with in legislation you have the authority to conduct the elections as you see fit (regulation 5(4)(c)). You do not have authority to alter the election timetable. Contact NZSTA for advice.

## Key milestones

Make sure that you understand your key tasks and know the latest dates by which they must be completed. Pull-out versions of the step summary and countdown diary 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.

Use the election planner tool on [election planning](#) 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 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 is not the returning officer.

## Responsibilities

The board is responsible for promoting elections.

The role of the returning officer is:

- 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.
- Call for nominations of people eligible to stand as candidates.
- Receive nominations, determine validity and update the presiding member about the number of nominations.
- 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.
- Receive candidates’ statements and, if necessary, edit these statements and receive a candidate’s 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 editing purely to improve the presentation is not a requirement.
- If a voting election is required, prepare and issue 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, issue 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.
- Receive all voting papers and ensure they are held in safe custody.
- Open and examine all voting papers to determine whether the votes meet the requirements for validity, and count the number of votes cast for each candidate.
- Declare the results of elections.
- Promptly complete and submit Appendix 1 online so the Ministry of Education is advised of the outcomes of all elections.
- Ensure that Appendix 2 is completed and submitted by newly elected board members or report to the presiding member that this needs to be done by the new board members.

**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. Use the **election planner tool** on [election planning](#). Once you have typed in your school's election date, the other election timetable dates are automatically calculated.

## STEP THREE: Preparing the electoral roll

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

- ✔ **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 issue 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 administration 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
- a list of all staff eligible to participate in the staff election (see pages 9 and 11).

**NOTE:** Inform staff members who have dual eligibility, as both parent and staff member (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:**

13 July 2022

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:**

13 July 2022

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
- 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 a parent/staff member by noon on:**

13 July 2022

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:**

3 August 2022

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 (Form A) has a statement the candidate **must** sign about their eligibility to be a board member.

**Optional but recommended:** With each nomination form issued, include the information sheet “People who are not eligible to be school board members”.

**NOTE:** Download the information sheet from [elections forms and appendices](#).

### 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 10 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 10, an “immediate caregiver”:

- in relation to a student who usually lives in a household that includes the student’s father or mother but not both, but also includes the spouse or partner of the father or mother, means the spouse or partner
- in relation to a student who usually lives in a household that includes the student’s father or mother and no spouse or partner of the father or mother, but also includes a person who has turned 20 and has a day-to-day responsibility for the student clearly greater than that of any other person, means that person
- 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 Mum’s partner during the week and with Dad and Dad’s partner on the weekend. Mum, Mum’s partner and Dad (but not Dad’s 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 (schedule 23(10)).

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

The Education and Training Act 2020 provides that no person may participate in more than one election for the same board.

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.

**NOTE:** In the event of a staff member not exercising that choice that person stays on the staff roll. **Their decision remains in force until the next triennial elections** 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 page 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 legally, an intermediate school board 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 school board 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 roll 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**

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. **They do not participate at all in a staff election.**

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

### Staff election

#### Eligibility to participate in the staff election

##### Board staff (staff member)

Section 10 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 unless they are in a fixed-term position.
- Once on a particular roll for the triennial elections, 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.*

- 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. Day-to-day relievers do not go on the 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: 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.

These people are not eligible to go on the 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).
- A day-to-day reliever.

##### 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

## 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 presiding member during this process. Please follow the actions below carefully.

### Actions – parent election

In order to meet legislative requirements (preferably as early as possible), be clear about the date by which nomination forms will need to be issued and notify your school community and local community.

#### Prepare nomination forms ready to be sent out by:

15 July 2022

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

- Prepare a parent election nomination cover letter. This notice explains the parent election process. It should accompany the nomination form that is issued to all eligible people on the voting roll.
- See page 14 for Notice 2: Sample parent election nomination cover letter or download from [sample election notices](#).
- Prepare a nomination form. Use Forms A or B (if the board is opting into the staggered election cycle), which you can download from [elections forms and appendices](#).

Before downloading, you must enter:

- the name of the school
- the school profile number
- the address to which the form must be returned (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.
- All nomination forms are available in other languages. Download these languages: English, Te Reo Māori, Tongan, Samoan and Simplified Chinese. Download from [election forms and appendices](#).

### Eligibility

**Optional but recommended:** Download and print the required number of information sheets about eligibility. See next column for details about the information sheets.

### Actions – staff election

#### Prepare staff election notices ready to be issued by:

15 July 2022

If using the common triennial elections date, nominations must be called for by 15 July 2022. When calling for nominations for the staff election use Notice 5 (see page 16 or download from [sample election notices](#)). This notice explains the staff election process. You, as returning officer, can EITHER:

- Issue the notice to each staff member on the roll or
- Display copies of the notice in prominent places around the school if you, as returning officer, are satisfied that doing this will adequately inform staff about the call for nominations.

**NOTE:** If you issue the notice to each staff member, you can choose to also display the notice in prominent places around the school (but you do not have to).

### Issuing the parent and staff election notices

Ways to issue the notice include personally delivering, emailing or placing in each staff member's pigeon hole (if these are used).

**NOTE:** with each notice you issue, you must include a nomination form (Form 1A).

### Including information about eligibility with each nomination form

**Optional but recommended:** With each nomination form issued, include the information sheet "People who are not eligible to be school board members".

**NOTE:** Download the information sheet from [elections forms and appendices](#).

### Parent election (continued)

#### Notify school community and wider local community

By 15 July 2022, you must notify your school community and local community that nominations are open. Use Notice 1A (see page 15 or download from [sample election notices](#)).

You can notify the school community and any other affected parties in the local community in a way that best meets the needs of your communities. You could do this by displaying or posting Notice 1A: Sample parent election notice (notify community) in places such as:

- school website, newsletter or school Facebook page
- local community noticeboards (e.g. library, supermarket, sports clubs)
- local community webpages e.g. Facebook, Neighbourly
- local newspaper
- school parent and whānau meetings or hui.

Several schools can publish a Combined parent election notice (notify community). Use Notice 1B (download from [sample election notices](#)).

#### Call for nominations by Noon:

15 July 2022

## STEP FOUR: Calling for and accepting nominations (continued)

### Actions

- ✓ **Update the presiding member on the number of valid nominations received as they come to hand.**

Log in to the [elections dashboard](#) 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 presiding member 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:

- ✓ 5 August 2022

- 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 in to the [elections dashboard](#) 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 can be received in a number of ways provided they arrive by the date and time nominations close (e.g. hand delivery, post, email (scanned) and fax).

#### Close nominations at noon on:

- ✓ 5 August 2022

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 the triennial elections, and once nominations close, if valid nominations for parent representatives number fewer than three, a commissioner may be appointed to replace the board. Promptly advise the presiding member 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 is also 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 board members take office seven days after:

12 August 2022.

- Use Notice 4B (see page 18 or download from [sample election notices](#)).
- Also notify your school community and any other affected parties in the local community. Use notice 4B for a parent election and notice 6 for a staff election (see page 18 or download from [sample election notices](#)).

**NOTE:** Examples of ways to notify your communities are:

- school website or school Facebook page
- school newsletter
- local community noticeboards (e.g. library, supermarket, sports clubs)
- school parent and whānau meetings or hui.

You should also ensure the following are completed:

- Complete Appendix 1: Candidates and elections results online on [election forms and appendices](#) (you must be logged in as returning officer).
- Ensure Appendix 2: Change in school board membership is completed as soon as possible. Options for doing this:
  - Go to [election forms and appendices](#).
  - Or, you can email the presiding member to report that new board members need to complete this form on [Appendix 2](#). (They do not need to log in to access this page).

## STEP FOUR: Calling for and accepting nominations – supporting information

### Notice 2: Sample parent election nomination cover letter (enclose with nomination forms)

#### 20XX SCHOOL BOARD PARENT ELECTIONS

[INSERT SCHOOL NAME]

School profile number: XXXX

Nominations are open for the election of [insert number] parent representatives to the school board.

#### Your nomination form is enclosed

You can use this form to nominate yourself or someone else in your community. We have nomination forms available in Te Reo Māori and some other languages. Please contact the returning officer if these are required. **[NOTE: please include the following sentence *only* if you are returning officer for a stand-alone intermediate school.]** If you have a child enrolled in year 6 at a nearby years 1-6 (contributing) primary school, you can participate in this election also.

#### Nominating yourself or someone else

If you are on the voting roll and eligible to vote, you can nominate yourself. Please remember to sign **both** parts of the form.

If you are nominating someone else, complete the nomination form and make sure it includes all the required contact details and signatures.

You can post, hand deliver or email your nomination form/s to the returning officer (see details below). Nominations close at **noon** on [insert date].

**[NOTE: the following sentence is optional but recommended].** Information on who is not eligible to be a board member is enclosed.

#### Candidate statement

If you are a candidate, you are invited to submit an optional statement (up to 400 words) and photo. Make sure your statement is received by **noon** on [insert date] so that it can be sent to voters with the voting papers.

The returning officer may remove or edit any part of the candidate's statement if it exceeds 400 words or is offensive or defamatory.

#### Electoral roll

The electoral roll is held at the school office and can be viewed during normal school hours.

#### Eligibility

Anyone can stand for election for the board, except for some exclusions. Please check information on who is not eligible. If not enclosed, ask the returning officer for this. If you are not on the voting roll, you must be nominated by a person who is.

#### Scrutineers

A candidate may nominate a person to sit with the returning officer during the vote count to make sure it is done correctly. Please advise the returning officer in writing of your scrutineer's name and contact details before election day. Candidates **cannot** be scrutineers.

#### Voting and results

If there are more nominations than vacancies for parent representatives, a voting election will be held. Eligible voters will be issued voting papers and candidate statements on or before [insert date by which voting papers must be issued].

The poll closes at **4pm** on [insert election day date]. The highest polling candidates will be elected to the board, and results will be notified to the school community and other affected parties.

**Post, hand deliver or email completed nomination form/s to:** [insert name and address of returning officer].

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

### Reminders

The regulations require:

- that a notice is issued to **each person** named on the roll
- notifying the school community and any other affected party in the local community in a way that best meets their needs.

Examples of ways to issue the notice and nomination form to every person named on the roll are email, delivery by hand or post.

A special nomination form (Form B) and special voting form (Form D) 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](http://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.

### Notice 1A: Sample parent election notice (notify community)

*[Insert school name]*

School Board Elections

Parent Election Notice (notify community)

Nominations are open for the election of *[insert number of vacancies]* parent representatives to the school board.

All eligible voters will receive a nomination form. Use this form to nominate yourself or someone in your community. You will also receive a nomination cover letter calling for nominations.

**[NOTE: the following sentence is optional but recommended].** Information on who is not eligible to be a board member is provided with the nomination form.

If you need more nomination forms, contact the school office.

Nominations close at **noon** on *[insert date]*. You may provide a signed candidate statement and photograph with your nomination.

The electoral roll is held at the school and can be viewed during normal school hours.

As nominations are received, there will be a list of candidates' names kept at the school up until election day, which you can view.

Voting closes at **4pm** on *[insert election day date]*.

*Signed [insert name]*

Returning Officer

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

### Notice 5: Sample staff election notice (cover letter/display at school)

[Insert school name]

School Board Elections

Staff Election Notice

Nominations are open for the election of one staff representative to the school board.

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

If you need more nomination forms, contact the school office.

Nominations close at **noon** on [insert date].

**[NOTE:** *The following sentence is optional but recommended for the cover letter*]: Information on who is not eligible to be a board member is attached to this notice.

**[NOTE:** *The following sentence is optional but recommended for the display at school notice*]. Information on who is not eligible to be a board member is provided with the nomination form.

#### Dual eligibility (triennial elections only)

Some staff may also be eligible to be on the parent roll. You can only be on one roll. You have the right to decide which one. You must advise the returning officer in writing before the roll closes or you will remain on the staff roll.

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 elections, unless your eligibility circumstances change.

#### Voting roll

The voting roll is held at the school office and can be viewed during normal school hours.

#### Candidate statement

If you are a candidate, you are invited to submit an optional statement (up to 400 words) and photo. Make sure your statement is received by **noon** on [insert date] so that it can be sent to voters with the voting papers.

The returning officer may remove or edit any part of the candidate's statement if it exceeds 400 words or is offensive or defamatory.

#### List of candidates

There will also be a list of candidates' names kept at the school office up until election day.

#### Voting

Voting closes at **4pm** on [insert date].

#### Scrutineers

A candidate may nominate a person to sit with the returning officer during the vote count to make sure it is done correctly. Please advise the returning officer in writing of your scrutineer's name and contact details before election day. Candidates cannot be scrutineers.

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

The Education and Training Act 2020 lists the categories of persons who are not eligible to be a board member. This includes all types of board members – e.g. elected, co-opted or appointed board members and board members elected or selected to fill a casual vacancy.

**Optional but recommended:** With each nomination form issued, include the information sheet "People who are not eligible to be school board members".

Download the information sheet from [elections forms and appendices](#).

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 subcontract with the board without the approval of the Secretary for Education and receive payments exceeding \$25,000 in any financial year – 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 (i.e. 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.

**NOTE:** No person who has been appointed as the returning officer for an election of board members is eligible to be nominated as a candidate in the election.

## STEP FOUR: Calling for and accepting nominations – a non-voting election – supporting information

### 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 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. Use Notice 4B on page 18 or download from [sample election notices](#). Nothing needs to go to the local District Court. The Board should keep the roll and nomination papers until after the election has been completed.

### Notice 4B: Sample declaration parent election results (no voting election required)

*[Insert school name]*

School Board Elections

Parent Election Results Declaration (no voting election required)

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

### Notice 6: Sample declaration staff election results (no voting election required)

*[Insert school name]*

School Board Elections

Staff Election Results Declaration (no voting election required)

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 issued to all people on the electoral roll after the date nominations close. They must not be issued any later than 28 days before the election date. Voting papers can be posted or personally delivered to every person named on the roll. Each voting paper must include a return envelope that voters **may** choose to use (but do not have to).

### Actions

#### Preparation of voting papers after noon on:

5 August 2022:

Download the voting paper from [election forms and appendices](#). Voting papers are available in these languages: English, Te Reo Māori, Tongan, Samoan, Simplified Chinese.

**NOTE:** If you are a returning officer running elections for a combined board, you will need to use a special parent representatives voting paper (Form G).

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 parent representatives voting paper (Form D).

If the board is in the staggered (mid-term) election cycle already, the standard voting form (Form C) must be used, but only half 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 C) 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 issued in a separate envelope for each voter. The following must be included with the voting papers:

- Copies of any candidates’ statements (but not statements by candidates who have withdrawn).
- The envelope in which the voting paper **may** be returned (but does not have to be).
- Recommended: A voting cover letter. See the sample on page 21 or download from [sample election notices](#).

- Issue cover letter, voting paper, return addressed envelope and candidate statement by:**  
10 August 2022

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 4pm on:**

7 September 2022:

- Voting closes at 4pm. You must not count votes and declare results until six days after the election date. This allows time to receive postal votes.
- At 4pm, 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 4pm on (insert date voting closes)”.

#### ✓ **Count votes and declare results on:**

13 September 2022:

- Count the votes in the presence of any scrutineer/s appointed by candidate/s.
- You may be helped 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 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 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 board members 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.

### Notice 3: Sample parent election voting cover letter

[Insert school name]

School Board Elections

Parent Election Voting Cover letter

#### How to return your voting paper

Please read carefully before voting.

#### 1. If posting your voting paper, post it to:

Returning Officer

[insert postal address]

If posted, your vote **MUST** be received by the returning officer **no later than 5 days after the date of the election**. Try to post it as early as possible as New Zealand Post has reduced postal delivery days in some areas.

#### 2. If delivering your voting paper, deliver it to:

Returning Officer

[insert postal address]

You must deliver it before **4pm** on [insert date of election day].

Voting closes on [insert election date] at **4pm**.

#### 3. Voting papers may not be emailed or faxed as attachments.

Signed

[insert name]

Returning Officer

**NOTE:** For the staff election, you may prepare a voting cover letter similar to the example on this page.

### 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.

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 **28 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 may be returned to the returning officer or they can be delivered by hand to the returning officer until 4pm on election day. They do not have to be returned in the envelope previously provided (but they can be).
- 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)

- Your responsibility as returning officer to issue voting papers could include posting, personally delivering or handing out at a meeting or hui.
- 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.
- 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 4pm 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 board members to be elected.
- 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.
- The returning officer believes on reasonable grounds that the voting paper was not issued to the voter by the returning officer.

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

### Appointment of scrutineers

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

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

You must advise any scrutineers 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 as follows).

### 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 members 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.**

They may be either posted back or personally delivered to the required address (usually the school office).

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 as soon as the result is known.**

This is done by:

- Giving written notice to the board.  
**NOTE:** Arrange in advance with the presiding member who will be responsible for contacting the candidates.
- Prominently displaying notices at the school.
- Notifying the school community and any other affected parties in the local community in a way that best meets the needs of the community.
- Use notice 4A on this page to declare parent and staff election results together (or download from [sample election notices](#)).
- To declare the results of the parent and staff elections separately you can use notices 4B and 6 (see page 18 or download from [sample election notices](#)).
- 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 (go to: [election forms and appendices](#)):
  - Appendix 1: Candidates and elections results.
  - 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.
  - Appendix 2: Change in school board membership.
  - **NOTE:** you can also email the presiding member to report that new board members need to complete this form on [Appendix 2](#). (They do not need to log in to access this page).

- ✓ **Dispatch papers to the District Court.**

After declaring the result of an election, including all by-elections, 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.

### Notice 4A: Sample declaration parent & staff elections results

*[Insert school name]*

School Board Elections

Parent & Staff Elections Results Declaration

#### 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 contact NZSTA.

## Step summary

For returning officers using common election date 7 September 2022

Date 2022	Steps to be taken to complete election process	Actions for completion by deadlines	Supporting information
Returning officer once appointed	<b>Step one: Preparation for election process</b>	Collect information from board	Review information on pages 5-7
Returning officer once appointed	<b>Step two: Election process countdown</b>	Plan dates and actions	Review information on page 8
6 July	<b>Step three: Preparing the electoral roll</b>	Advise office electoral roll required Establish dual eligibility of staff Main roll open for inspection	Eligibility criteria pages 9-11
13 July, noon		Close main roll	
13 July, after noon		Open supplementary roll	
	<b>Step four: Calling for and accepting nominations</b>	Prepare nomination forms	See page 12
By 15 July 2022		Call for nominations	See validation information page 12
3 August, noon		Close supplementary roll	
5 August		Update presiding member on number of valid nominations	See page 13
5 August, noon	<b>NOMINATIONS CLOSE</b> If voting election not required, move to step six	Receive nominations	See page 13
5 August, after noon	<b>Step five: When a voting election is required</b>	Prepare voting papers	See page 19
By 10 August		Issue voting information	See pages 19 and 21
7 September, 4pm	<b>ELECTION DAY</b>	Close voting	See page 20
13 September		Count votes	See page 20
As soon as known	<b>Step six: Declaration of results</b>	Declare final results	See pages 13, 18 and 23
		Fill in appendices	See page 29
		Dispatch papers to District Court	See page 23
14 September	<b>BOARD TAKES OFFICE</b>		



# 2022 countdown diary

## KEY DATES



**6 July**

Select returning officer by



**13 July**

Close main roll



**15 July**

Call for nominations by



**3 August**

Close supplementary roll



**5 August**

Nominations close



**10 August**

Voting papers issued by



**7 SEPTEMBER**  
**ELECTION DAY!**



**12 September**

Accept postal votes



**13 September**

Count votes



**14 September**

Board takes office

## Student elections – supporting information

### Which boards have student representatives?

The board of every school with students in year 9 and above must include a student representative, unless it has an alternative constitution that provides otherwise.

**NOTE:** This requirement also applies to a special institution named in Schedule 2 that is required to have a student representative (section 122).

### 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.

If there are no nominations received for the student election, this position remains vacant until the following year.

### Funding and returning officer's fee

**Election funding is not provided to boards by the Ministry of Education for the running 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. The returning officer needs to register on [returning officer registration](#).

### Timeframe

The board needs to decide on the September election date. Follow the same election timetable as is used for parent and staff elections. Use the election planner tool on [election planning](#), inserting the election date in September as notified by the board.

### Forms

Use the nomination form (Form A) and Form F if a voting election is required. Both forms are available in other languages. Download from [elections forms and appendices](#). You must be logged in as returning officer.

After the election, go to [elections forms and appendices](#) and log in as returning officer to complete online Appendix 1: Candidates and elections results.

Ensure that the new student representative completes Appendix 2: Change in membership of school board or report to the presiding member that this needs to be done by the new student representative. See page 29 for more details.

### Eligibility

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 form (Form A) can be obtained and the date and the time (noon) nominations close and when voting closes (if there is a voting election).

### Issuing the student election notice

You, as returning officer, can:

- issue the notice to each student on the roll or
- display copies of the notice in prominent places around the school if you, as returning officer, are satisfied that doing this will adequately inform students about the call for nominations.

**NOTE:** If you issue the notice to each student, you can choose to also display the notice in prominent places around the school (but you do not have to).

## Student elections – supporting information (continued)

### Notice 7: Sample student election notice (cover letter/display at school)

[Insert school name]

School Board Elections

Student Election Notice

Nominations are open for the election of one student representative to the school board.

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

**[NOTE: The following sentence is optional but recommended for the cover letter].** Information on who is not eligible to be a board member is attached to this notice.

**[NOTE: The following sentence is optional but recommended for the display at school notice].** Information on who is not eligible to be a board member is provided with the nomination form.

If you need more nomination forms, contact the school office.

Nominations close at **noon** on [insert date].

#### **Voting roll**

The voting roll is held at the school office and can be viewed during normal school hours.

#### **Candidate statement**

If you are a candidate, you are invited to submit an optional statement (up to 400 words) and photo. Make sure your statement is received by **noon** on [insert date] so that it can be sent to voters with the voting papers.

The returning officer may remove or edit any part of the candidate's statement if it exceeds 400 words or is offensive or defamatory.

#### **List of candidates**

There will also be a list of candidates' names kept at the school office up until election day.

#### **Voting**

Voting closes at **4pm** on [insert date].

#### **Scrutineers**

A candidate may nominate a person to sit with the returning officer during the vote count to make sure it is done correctly. Please advise the returning officer in writing of your scrutineer's name and contact details before election day. Candidates cannot be scrutineers.

Signed

[insert name]

Returning Officer

### Notice 8B: Sample declaration student election results (no voting election required)

[Insert school name]

School Board Elections

Declaration of Student Election Results

(no voting election required)

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 [election planning](#), inserting the election date in September as notified by the board.

### Calling for nominations

Call for nominations at the school. Use notice 7 on page 27 or download from [sample election notices](#).

You must call for nominations for the election of a student representative by issuing or personally delivering a nomination form (Form 1) and a copy of the notice (see page 27, notice 7, or download from [sample election notices](#)) 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 the 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.

**Optional but recommended:** With each nomination form issued, include the information sheet “People who are not eligible to be school board members”.

**NOTE:** Download the information sheet from [elections forms and appendices](#).

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.

Voting is not compulsory.

Campaigning 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 F.

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 must 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

Declare results of a voting election to the school community using notice 8A below (or download from [sample election notices](#)).

Declare results of a non-voting election to the school community using notice 8B.

Go to [elections forms and appendices](#) and log in as returning officer to complete online Appendix 1: Candidates and elections results.

Ensure that the new student representative completes online Appendix 2: Change in school board membership on [Appendix 2](#). (They do not need to log in to access this page).

**The roll and voting papers need to be taken to the local District Court.**

### Notice 8A: Sample declaration student election results

[insert school name]

School Board Election

Student Election Results Declaration

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 A–G

You use these forms during the election process. These forms can be downloaded from [elections forms and appendices](#). You must be registered as a returning officer and logged in to access these forms.

**NOTE:** Forms A–G must not be altered in any way.

These forms are in English, Te Reo Māori, Tongan, Samoan, and Simplified Chinese.

### FORM A: 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 B: 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 C: Parent election voting paper

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

### FORM D: 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 E: Staff election voting paper

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

### FORM F: Student election voting paper

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

### FORM G: Combined school board election (parent election voting paper)

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

## SAMPLE ELECTION NOTICES 1A–8B

Notices 1A–8B) can be downloaded from [sample election notices](#). Notices can also be created using the samples, as relevant, on pages 16–28 of this handbook.

## 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 [elections forms and appendices](#).

**NOTE:** This form goes to the Ministry of Education.

### Appendix 2: Change in school board membership

Ensure Appendix 2 is completed as soon as possible. Options for doing this:

- Go to [election forms and appendices](#).
- Or, you can email the presiding member to report that new board members need to complete this form on [Appendix 2](#). (They do not need to log in to access this page).

**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 representative
- co-optation or appointment
- change in principal or presiding member.

Appendix 2 does not have to be completed by re-elected board members unless their status has changed – for example, a board member becomes presiding member.

# Relevant legislation

## Education and Training Act 2020 – extracts

### 10 Interpretation

(1) In this Act, unless the context otherwise requires, –

**adult student** means a student who is aged 20 years or over

**board of trustees or board** means a board constituted under subpart 5 of Part 3 and, –

Part; and, –

(a) in relation to a State school, means the school's board:

(b) in relation to a principal, means the board of the relevant State school:

(c) if a commissioner has been appointed to act in place of a board, means the commissioner

**board member** means a member of a board constituted under subpart 5 of Part 3

**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 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 administered by the board) in the employment of a body established under this Act or of the Secretary; or

(b) during the period of 2 months ending with that day, have been continuously employed in that position

**combined board** means a board that governs more than 1 school

**designated character school** means a school designated in accordance with sections 204 and 205

**election year** means a year divisible by 3

**household** does not include hostel

**immediate caregiver**, –

(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 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 1 school only

**parent**, in relation to an individual, means, –

(a) for the purposes of serving on a board of a State school (whether elected, appointed, or co-opted), the mother, father, guardian, or immediate caregiver of the individual:

(b) for all other purposes, the mother, father, or guardian of the individual

**principal**, means the chief executive of a State school and, in relation to a school, a person enrolled at a school, or the enrolment of a person at a school, means the principal of the school, and except in section 119(1)(c) includes an acting principal

**special institution** means a State school that is–

(a) for the time being specified in Schedule 2; or

(b) a distance school

**special service** means a service established under section 197 as a special service

**specialist school** means a school that offers special education to students in any of years 1 to 13

**State integrated school** means a State school that–

(a) offers education with a special character; and

(b) has been established as a State integrated school under clause 5 of Schedule 6

**State school** means a school that is a primary school, an intermediate school, a composite school, a secondary school, or a specialist school.

## Education and Training Act 2020 - extract Schedule 22

### 1 Parent representatives

- (1) The parent representatives on the lone board of an intermediate school must 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, if 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, if there is a supplementary roll, the supplementary roll) closes.
- (2) The parent representatives on the lone board of any other State school must 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, if 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, if there is a supplementary roll, the supplementary roll) closes.
- (3) The parent representatives on the combined board of 2 or more State schools must 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, if 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.

### 2 Staff and student representatives

- (1) A staff representative on a board must 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, and who is elected by people (other than principals) who are members of the board staff on that day.

- (2) A student representative on a board must 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) who is enrolled full-time in year 9 or above at a school or a special institution administered by the board.

### 4 Minister may approve alternative constitution in certain cases

- (1) The Minister may, by notice in the Gazette, approve an alternative constitution under this clause for the board of a State school or a combined board of State schools.

### 5 Consequences of approval of alternative constitution

- (1) If an alternative constitution is approved under [clause 4\(1\)](#), the notice under that clause must establish a board comprising 1 or more persons who are to be elected or appointed as board members in the manner specified in the notice, and the notice may (without limitation)—
  - (a) set out a procedure for any election, appointment, or co-optation of board members;
  - (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-optation of board members.

## Education and Training Act 2020 – extracts

### Schedule 23

#### 3 Elections of Board Members

- (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 or institution to which subclause (1) applies must hold an election of any student representative on the day fixed for that purpose under subclause (1).
- (3) In every election year, a board must hold 1 or more elections of other elected board members.
- (4) Elections under subclause (3) must be held,—
  - (a) for a school that is not a distance 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) for a distance 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).
- (5) The notice referred to in subclause (4)(a) may specify different ranges of dates, for elections under subclause (3), for boards that have, and for schools that have not, adopted staggered election cycles under [clause 4](#).
- (6) Despite subclause (3), a board may not hold an election (or another election) under that subclause in the election year if—
  - (a) the first elections of board members for the board of a school established or integrated after the commencement of this clause are held after 30 April in the year before an election year and before 31 December in the election year; or
  - (b) elections under [section 184](#) are held after 30 April in the year before an election year and before 31 December in the election year.
- (7) Despite [sections 119 to 122](#) and [clauses 1 to 3](#) of Schedule 22, no person may both stand or vote in one of the elections and stand or vote in the other if there are to be held (under subclause (3) or [section 184](#), or in respect of a newly established or integrated school or institution)—
  - (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.

- (8) The first elections for and first meetings of boards of schools and institutions established or integrated after the commencement of this Act must be held on days fixed by the Minister by notice in the Gazette.
- (9) If the Minister approves an alternative constitution for a newly established school under [clause 4](#) of Schedule 22, subclause (8) does not apply and the first elections (if any) for, and the first meeting of, the school's board must be held in accordance with a notice under that clause.
- (10) 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 clause but that had not had a first election or meeting before that commencement) must be held on a day or days specified by the Minister by notice in the Gazette.
- (11) This clause is subject to [clause 4](#) (which provides for the election of some parent representatives at the mid-point of an election cycle under this clause) and to [clause 5](#) (which provides that elections are not to be held when a school is under notice of closure).

#### 4 Staggered elections for parent representatives

- (1) This clause and [clause 6](#) apply to the election of board members who are parent representatives.
- (2) A board may decide, in accordance with this clause, 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) A board that has decided to adopt a staggered election cycle must—
  - (a) hold a mid-term election in the month that is 18 months after the month in which the election in the preceding election year was held; and
  - (b) conduct every mid-term election in accordance with this schedule and any regulations under this Act relating to the election of board members (modified as necessary to give effect to this clause and [clause 6](#)).
- (4) If the board's decision under subclause (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.



- (5) If the board's decision under subclause (2) is made within 18 months after an election in an election year, the board must decide which of its parent representatives is to 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.
- (6) A parent representative who, in accordance with subclause (5), 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.
- (7) 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 [clause 8\(7\)](#).
- (8) For the purposes of subclause (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.

## 8 Term of office

- (1) Except as provided in this clause, elected board members take office 7 days after their election.
- (2) Board members elected for a board replacing a commissioner take office when the commissioner's appointment ends.
- (3) A board member may not be co-opted until the board has a vacancy for a co-opted board member; and a co-opted board member takes office when co-opted.
- (4) A board member appointed when the board has a vacancy for a board member appointed by the body or person concerned takes office on appointment.
- (5) Within 6 months before an appointed board member's term of office expires, the person or body by whom or which the board member was appointed (or the successor to that person or body) may appoint a board member to succeed that board member (or reappoint that board member), but—
  - (a) the newly appointed board member may not take office until the day on which elected board members take office under subclause (1); and
  - (b) if, on that day, the person or body concerned is no longer entitled to appoint a successor to the board member holding office when the newly appointed board member was appointed, the newly appointed board member's appointment is treated as void.

- (6) A board member elected under [clause 3\(2\)](#) goes out of office 7 days after the day on which a further election under [clause 3\(2\)](#) is held at the school or schools concerned.
- (7) All elected board members (other than a board member elected under [clause 3\(2\)](#) holding office at the close of the day before the day on which board members take office under subclause (1) go out of office.
- (8) The appointment or co-optation of a board member may be for a term not exceeding 3 years.
- (9) If the first elections of board members for a board or elections under [section 184](#) are held in an election year before 1 May, no board member goes out of office under subclause (6) or (7) in the election year.
- (10) A board may, when co-opting a board member, specify a term of office for the board member, and if the board does so,—
  - (a) if the term expires before the board member goes out of office under subclause (7), the board member then goes out of office; but
  - (b) otherwise the board member goes out of office under that subclause.
- (11) This clause is subject to [clauses 4](#) and [12](#).

## 9 Certain persons ineligible to be board members

- (1) The following persons may not become an elected, an appointed, or a co-opted board member:
  - (a) a person who is an undischarged bankrupt;
  - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the [Companies Act 1993](#), or the [Financial Markets Conduct Act 2013](#), or the [Takeovers Act 1993](#);
  - (c) a person who is not capable of being a board member under [clause 10\(1\)](#);
  - (d) a person who is subject to a property order under the [Protection of Personal and Property Rights Act 1988](#);
  - (e) a person in respect of whom a personal order has been made under the [Protection of Personal and Property Rights Act 1988](#) that reflects adversely on the person's—
    - (i) competence to manage their own affairs in relation to their property; or
    - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of their personal care and welfare:

- (f) 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;
- (g) a person who is not a New Zealand citizen and—
  - (i) to whom [section 15](#) or [16](#) of the Immigration Act 2009 applies; or
  - (ii) who is 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) who is treated for the purposes of that Act as being unlawfully in New Zealand.
- (2) 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 onto the board.
- (3) A non-permanently appointed member of the board staff may, if otherwise eligible, be elected, appointed, or co-opted onto the board.
- (4) A person who has been appointed returning officer for an election of board members is not eligible to be nominated as a candidate in the election.

## 10 Financial interests that disqualify persons from being board members

- (1) A person is not capable of being a board member 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.
- (2) For the purposes of subclause (1), a board member or a member of a committee of a board is to be treated as being concerned or interested in a contract made by a board with a company if—
  - (a) the board member 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 board member is the managing director or the general manager (by whatever names they are called) of the company.

- (3) For the purposes of this clause, a company is to be treated as controlling 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.
- (4) Despite anything in this clause,—
  - (a) a person is not disqualified under this clause 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) are to be considered.
- (5) In this clause,—
  - 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 of service 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 act to which the head contract relates; and
- (b) includes any subsidiary transaction relating to the contract or subcontract.

## 11 Requirements before appointment

Before a person is elected, co-opted, or appointed as a board member, the person must confirm to the board that the person is, to the best of their knowledge, eligible to be a board member, having regard to the grounds of ineligibility in [clauses 9](#) and [10](#).

## 12 When casual vacancies arise

- (1) A board member's office becomes vacant when an elected, appointed, or co-opted board member—

- (b) resigns by written notice to the board; or
  - (c) is absent from 3 consecutive board meetings without the prior leave of the board; or
  - (d) becomes a person who (in terms of clause 9(1)) may not become an elected, appointed, or co-opted board member.
- (2) If a property order is made in respect of a board member under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
- (a) subclause (1)(d) does not apply to the board member owing only to the making of that order; but
  - (b) while the order remains in force, the board member is to be treated as having been granted leave of absence by the board and is not capable of acting as a board member during that period.
- (3) When a board member elected by the board staff ceases to be a member of the board staff, the board member's office becomes vacant.
- (4) A second board member's office becomes vacant on any day when—
- (a) already 1 co-opted board member is a member of the board staff; and
  - (b) another co-opted board member becomes a member of the board staff.
- (5) When the board of a State integrated school receives a written notice from the school's proprietors dismissing any board member appointed by them, the board member's office becomes vacant.
- (6) When a board member elected by students ceases to be enrolled full-time at the school or special institution, the board member's office becomes vacant.
- (7) An unfilled vacancy is a casual vacancy and is to be treated as having arisen on the day on which the elected board members take office if—
- (a) at any election of board members fewer persons are elected than there are vacancies to be filled; and
  - (b) the board is not then dissolved.
- (3) Where a casual vacancy for an elected board member occurs during any period of 6 months commencing on 1 October in a year before an election year, a board may, not later than 28 days after it occurs, resolve not to fill it, and if it does so, the vacancy may not be filled.
- (4) If a casual vacancy for an elected board member 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, give notice of the vacancy and of its proposal to fill the vacancy to its school community and the wider local community in the manner that best meets the needs of the school community and the wider community.
- (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 subclause (5), a total of at least 10% of the people entitled to vote in an election for board members 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 board member must be held,—
- (a) if the board resolved under subclause (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 subclause (7), on the tenth Friday after receiving the request, or on any earlier date fixed by the board at least 6 weeks before the election date.
- (9) If the board resolved under subclause (4)(b) to fill a casual vacancy by selection and no request has been received under subclause (7) by the last date for lodging a request, 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 board member selected under this clause to fill a casual vacancy of an elected board member as if the person had been elected, and every reference to an elected board member (except in subclause (6)) includes a reference to a board member so selected.

### 13 Filling casual vacancies of elected board members

- (1) A casual vacancy for an elected board member must be filled by the election of a board member, in the same manner as that in which the vacating board member was elected, for the remainder of the vacating board member's term.
- (2) If no nominations are received for the election of a board member by students, or no board member is elected at the election, the vacancy may not be filled until the next election required to be held by clause 3(2) or section 184.

## **Education (Board Elections) Regulations 2000 - extracts**

<b>CONTENTS</b>	<b>PAGE</b>
Interpretation	37
<b>Election timetables</b>	
Schools use either short election timetable or long election timetable	37
<b>Returning officers</b>	
Returning officers	37
<b>Rolls and nominations</b>	
Roll	37
Supplementary roll	37
People not to participate in two elections	37
Call for nominations	38
Acceptance of nomination	38
Statements by nominees	38
Withdrawal of nomination	38
<b>Election</b>	
Election not necessary in certain circumstances	38
Voting papers	38
Validity of voting papers	39
Declaration of result	39
Custody of voting papers	39
<b>Miscellaneous</b>	
Secretary to approve nomination papers and voting papers	39
Scrutineers	39
Maintaining secrecy of election	39
Schedule 1 Short election timetable	40
Schedule 2 Long election timetable	40

### 3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the **Education and Training Act 2020**

**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, unless the context otherwise requires, terms defined in the Act and used, but not defined, in these regulations have the same meaning as in the Act.

#### *Election timetables*

### 4 Schools use either short election timetable or long election timetable

- (1) Every school must use the timetable for board member 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 board member elections set out in [Schedule 2 \(the long election timetable\)](#):
- (a) a distance 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 distance 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 board member election held to elect any of the following:
- (a) a parent representative;
- (b) a staff representative;
- (c) a student representative.
- (2) If a Board fails to appoint a returning officer for an election within the time required under the relevant election timetable, the Secretary must appoint a returning officer for that election.
- (3) If a returning officer becomes unable to carry out the duties of a returning officer, the Board or the Secretary (depending on who appointed the original returning officer) must appoint a replacement returning officer.

- (4) Every returning officer must conduct the election—
- (a) in accordance with these regulations; and
- (b) in accordance with the relevant election timetable; and
- (c) otherwise as he or she thinks fit.

#### *Rolls and nominations*

### 6 Roll

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

### 7 Supplementary roll

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

### 8 People not to participate in two elections

- (1) This regulation applies to a person who is eligible to stand or vote in both an election for a staff representative and an election for a parent representative, but who (by virtue of [clause 3\(7\)](#) of Schedule 23 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 distance schools must call for nominations for the election of a parent representative by—
- (a) issuing a notice to each person named on the roll; and
  - (b) notifying the school community and any other affected parties in the wider local community in a manner that best meets the needs of the school community and the wider local community.
- (2) The returning officer for all schools except distance schools must call for nominations for the election of a staff representative or a student representative—
- (a) by issuing 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 distance school must call for nominations for the election of any board member by issuing 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 board members 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 issued, 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 board members 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 board members 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 issuing 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) an envelope in which the voting papers may be returned.

## 15 Validity of voting papers

- (1) A vote is invalid if—
- (a) the voter votes more than once in the election; or
  - (b) the voter votes for more candidates than there are board members to be elected; or
  - (c) the voting paper does not, in the returning officer's opinion, clearly indicate the candidate or candidates for whom the voter intended to vote; or
  - (d) 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, notifying the school community and any other affected parties in the wider local community in a manner that best meets the needs of the school community and the wider local community;

- and
- (c) in the case of a school that uses the long election timetable, issuing 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 63 days before election day
Close roll	At noon, 56 days before election day
Call for nominations	At least 54 days before election day
Close supplementary roll	At noon, 35 days before election day
Close of nominations	At noon, 33 days before election day
Issue voting papers	After close of nominations and at least 28 days before election day
Close poll	4pm on election day
Accept postal votes	Up to 5 days after 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 83 days before election day
Close roll	At noon, 76 days before election day
Call for nominations	At least 71 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	4pm on election day
Accept postal votes	Up to 5 days after election day
Count votes	On sixth day after election day
Declare results	As soon as result is known



## INDEX TO HANDBOOK

### C

Candidate photographs	17
Candidate statements	7,14,15,16,19,21,39
Candidates withdrawal	21,39
Caregiver – definition of	9,30
Challenge to elections	23,33,39
Commissioner appointed	13,30
Community - notify	12,13,15,23
Cover letter voting – sample	21

### D

Definitions – of parents and caregivers	9,30
District court	23,39

### E

Education (School) Election Regulations	36-40
Education Act 2020	30-35
Election day	19,20,21,28,40
Election timetables	2,6-8,25,38,40
Election – voting election	19,20,21,22
Election – validation and invalidation	33,34
Eligibility – alternative education centre	10
Eligibility – candidate	9,11,17,27,30,33-34,39
Eligibility – contributing schools	10,14
Eligibility – dual	7,8,9,11,15,38
Eligibility – participation in parent election	9,10,14
Eligibility – participation in staff election	11,31
Eligibility – permanent appointment	9,11,17,30
Eligibility – principals as parents	10
Eligibility – satellite classes	10
Eligibility – special school	10
Eligibility – student election	26-28

### F

Fee – returning officer	6
Foreign fee-paying student	10,15
Forms	5,12,13,14,15,16,17,18,21,23,27,28,29,37,40

### I

Integrity of the electoral process	22,28
Invalid votes	20,22,39
Itinerant, resource and similar teachers	11

### L

Legal framework – elections	7
-----------------------------	---

### N

Nominations close	8,10,12-17
Nomination cover letter	12,14,15
Nomination form	12,14,15,26,28,29,39
Nomination forms – faxed, emailed	12,13,28
Nomination forms – preparation of	12,15,26,28
Nominations – calling for	7,14-15,28
Nominations – fewer than required	13,17
Nominations – received	12,13,17
Notices - sample election	14-16,18,21,23,27-28

### P

Parent election notice	14-15
Parents – definition of	9,30
Principals	7,10,30-31

### R

Responsibilities – returning officer	5,7
Results – declaration of	7,13,18,20,23,27-28,39
Returning officer role	5,7
Roll – inspection of	7,8,12,13,15,27,37
Roll – preparation of	7,8-9,10,11,38-39
Roll – supplementary	8,11,31,37

## S

Scrutineers – appointment of	14,22,39
Staff election notice	12,16
Staff election	5-9,11-13,16-18,21,23
Student election – declaration of results	27-28
Student election – integrity of the electoral process	28
Student election – timetable	28
Student election – voting procedure	28
Student election – sample notices	27-28
Student elections – timing of	26-28
Student elections – eligibility	26-27
Student elections – timetable and forms	26-28
Student representative on boards	26-28
Student representative	26-28

## T

Te Reo Māori	12,29,39
Tied votes	22
Timetable – election long	40
Timetable – election short	40

## V

Votes – counting	20,22,28,39-39
Voting closes	14,19,20,21,28
Voting papers – preparation	7,18,19,20,28,29,38-39
Voting process	7,18,19,20,21,28,38-39





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