



Education (School Trustee Elections) Regulations 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 2nd day of October 2000

Present:

The Right Hon Helen Clark presiding in Council

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

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Regulations

1 Title

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

2 Commencement

These regulations come into force on 30 October 2000.

3 Interpretation

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

Election timetables

4 Schools use either short election timetable or long election timetable

- (1) Every school must use the timetable for trustee elections set out in Schedule 1 (the **short election timetable**), unless the school is a school to which subclause (2) applies.
- (2) The following schools must use the timetable for trustee elections set out in Schedule 2 (the **long election timetable**):
- (a) a correspondence school:

- (b) a school whose Board has applied to the Secretary for permission to use the long election timetable and received permission to do so from the Secretary.
- (3) A school (other than a correspondence school) that uses the long election timetable may change to using the short election timetable if, on application, the Secretary gives permission.

Returning officers

5 Returning officers

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

Rolls and nominations

6 Roll

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

7 Supplementary roll

- (1) This regulation applies only to schools that use the short election timetable.

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

8 People not to participate in 2 elections

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

- (5) The returning officer must take reasonable steps, before the close of the staff representative roll, to notify all persons to whom this regulation applies of the effect of this regulation.

9 Call for nominations

- (1) The returning officer for all schools except correspondence schools must call for nominations for the election of a parent representative by—
- (a) posting or personally delivering a notice to each person named on the roll; and
 - (b) publishing a notice in a newspaper circulating in the area of the school.
- (2) The returning officer for all schools except correspondence schools must call for nominations for the election of a staff representative or a student representative—
- (a) by posting or personally delivering a notice to each person named on the roll; or
 - (b) if the returning officer is satisfied that displaying notices will adequately inform electors about the call for nominations, by displaying notices in prominent places around the school.
- (3) The returning officer for a correspondence school must call for nominations for the election of any trustee by posting a notice to each person on the relevant roll.
- (4) Every notice under this regulation must—
- (a) invite nominations for election; and
 - (b) state how many trustees are to be elected, and for what term (if applicable); and
 - (c) give the closing date and time for nominations; and
 - (d) state that the roll is open for inspection, and say where it may be inspected; and
 - (e) give the date of the election, and the time on which the poll closes; and
 - (f) in the case of a notice that is posted or delivered, include a nomination paper; and
 - (g) in the case of a notice that is published or displayed, say where nomination papers may be obtained.

10 Acceptance of nomination

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

11 Statements by nominees

- (1) A nominee may, before the close of nominations, give the returning officer a brief statement, signed by the nominee, about his or her experience, qualifications, abilities, previous involvement with the school, interests, and reasons for standing for election.
- (2) For the purpose of including a copy of any such statement in the voting papers issued to electors, the returning officer may omit or abridge any part of the statement if the returning officer considers, on reasonable grounds, that the part is likely to be defamatory or offensive, or is too long.

12 Withdrawal of nomination

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

*Election***13 Election not necessary in certain circumstances**

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

14 Voting papers

- (1) If an election is to be held, the returning officer must issue voting papers by posting or personally delivering them to every person whose name appears on the roll for the election.
- (2) In the case of an election for a staff or a student representative, if the returning officer is satisfied that electors can collect their own voting papers, the returning officer may, as well as or instead of issuing voting papers in accordance with subclause (1),—
 - (a) display notices in prominent places around the school advising where and when voting papers may be collected; and
 - (b) issue voting papers to any elector who seeks to collect his or her voting papers from the place, and at a time, specified in the notice.
- (3) When voting papers are issued, the following must be included with them:
 - (a) copies of any statements provided by nominees under regulation 11, other than statements by nominees who have withdrawn;
 - (b) the envelope in which the voting papers must be returned.

15 Validity of voting papers

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

16 Declaration of result

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

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

17 Custody of voting papers

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

Miscellaneous

18 Secretary to approve nomination papers and voting papers

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

21 Revocation

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

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Schedule 1 Short election timetable

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

Schedule 2

Long election timetable

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

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

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

The regulations provide for the Secretary to approve, by notice in the *Gazette*, different forms of nomination and voting papers for use by different schools, and in different circumstances. The regulations specifically permit forms of papers that include or are written in te reo Maori or any other language.

**Education (School Trustee Elections)
Regulations 2000**

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These regulations are administered in the Ministry of Education.
