

Version  
as at 9 June 2022



## Education (Board Elections) Regulations 2000 (SR 2000/195)

Education (Board Elections) Regulations 2000: revoked, on 9 June 2022, by regulation 29 of the Education (Board Elections) Regulations 2022 (SL 2022/132).

Regulation name: replaced, on 1 August 2020, by Schedule 1 clause 5(1) of the Education and Training Act 2020 (2020 No 38).

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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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Education.**

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## Regulations

### 1 Title

These regulations are the Education (Board Elections) Regulations 2000.

Regulation 1: replaced, on 1 August 2020, by Schedule 1 clause 5(1) of the Education and Training Act 2020 (2020 No 38).

### 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 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.

Regulation 3(1) **Act**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 3(3): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### 3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 3A: inserted, on 1 September 2020, by regulation 4 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

#### *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 distance school:
  - 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.

Regulation 4(2)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 4(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### *Returning officers*

## **5 Returning officers**

- (1) The Board of every school must appoint a returning officer for each board 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.

Regulation 5(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### *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 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.

Regulation 8(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## **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.

Regulation 9(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 9(1)(a): replaced, on 1 September 2020, by regulation 5(1) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 9(1)(b): replaced, on 1 September 2020, by regulation 5(1) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 9(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 9(2)(a): amended, on 1 September 2020, by regulation 5(2) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 9(3): amended, on 1 September 2020, by regulation 5(3) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 9(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 9(4)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 9(4)(f): amended, on 1 September 2020, by regulation 5(4) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

## **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.

Regulation 13(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 13(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

#### **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.

Regulation 14(1): amended, on 1 September 2020, by regulation 6(1) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 14(3)(b): replaced, on 1 September 2020, by regulation 6(2) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

#### **15 Validity of voting papers**

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.

Regulation 15: replaced, on 1 September 2020, by regulation 7 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

## **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.

Regulation 16(5)(b): amended, on 1 September 2020, by regulation 8(1) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

Regulation 16(5)(c): amended, on 1 September 2020, by regulation 8(2) of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

## **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.

## Schedule 1AA

### Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 1 September 2020, by regulation 9 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

### Part 1

#### Provisions relating to Education (School Trustee Elections) Amendment Regulations 2020

Schedule 1AA Part 1: inserted, on 1 September 2020, by regulation 9 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

#### 1 Interpretation

In clause 2, **amendment regulations** means the Education (School Trustee Elections) Amendment Regulations 2020.

Schedule 1AA clause 1: inserted, on 1 September 2020, by regulation 9 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

#### 2 Application of amendment regulations

- (1) The principal regulations, as in force immediately before the commencement of the amendment regulations, continue to apply in relation to any process required by the principal regulations that was commenced but not completed before the date on which the amendment regulations come into force.
- (2) Schedules 1 and 2, as in force immediately before the commencement of the amendment regulations, continue to apply to elections of student representatives to boards that are commenced after the date on which the amendment regulations come into force and before the close of 31 December 2020.

Schedule 1AA clause 2: inserted, on 1 September 2020, by regulation 9 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

## Schedule 1

### Short election timetable

r 4(1)

Schedule 1: replaced, on 1 September 2020, by regulation 10 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

<b>Process</b>	<b>Date and time frame</b>
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	4 pm 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

r 4(2)

Schedule 2: replaced, on 1 September 2020, by regulation 11 of the Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164).

<b>Process</b>	<b>Date and time frame</b>
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	4 pm 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

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 5 October 2000.

## Notes

### **1** *General*

This is a consolidation of the Education (Board Elections) Regulations 2000 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Education (Board Elections) Regulations 2022 (SL 2022/132): regulation 29

Education and Training Act 2020 (2020 No 38): section 668, Schedule 1 clause 5(1)

Education (School Trustee Elections) Amendment Regulations 2020 (LI 2020/164)