

**Rules for the Conduct of Elections of Members of  
the New Zealand Council for Educational Research 2017**

Under section 33(1) of the New Zealand Council for Educational Research Act 1972, the Council makes these rules prescribing the method of election of members of the New Zealand Council for Educational Research.

Resolved at Wellington on the 24<sup>th</sup> day of February 2017

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Chairperson  
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## **1 Title**

These rules are the Rules for the Conduct of Elections of Members of the New Zealand Council for Educational Research 2017.

## **2 Commencement**

These rules come into force on 2<sup>nd</sup> May 2017.

## **3 Interpretation**

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

**Act** means the New Zealand Council for Educational Research Act 1972

**Council** means the New Zealand Council for Educational Research continued under section 3 of the Act

**election** means an election to determine the elective members to be appointed by the Council

**election day** means the day on which the voting period for an election ends

**elective member** means a member appointed by the Council under section 6(b) of the Act

**electoral college** means the electoral college constituted by the Council in accordance with rule 6

**extraordinary vacancy** means a vacancy described in section 7(1) of the Act

**returning officer** means the returning officer appointed to run an election under rule 5, and includes any person for the time being exercising all or any of the duties and powers of that person with the returning officer's authority

**voting instructions** means—

(a) instructions issued by the returning officer in accordance with rule 19; and

(b) if electronic voting is to be used at an election, includes—

(i) an electronic document or electronic message that is designed to enable an electoral college member to record his or her vote at an election and transmit it electronically for counting; and

(ii) any copy of that document or message (with or without the member's vote recorded); and

(iii) any record of that document or message with that member's vote recorded

**voting method**, in relation to any election, means the method of voting to be used at that election, as determined by the returning officer under rule 11

**voting period**, in relation to an election, means the period during which an electoral college member may cast a vote at that election, as determined by the returning officer under rule 4(2).

(2) Any term that is defined in the Act and used, but not defined in these rules, has the same meaning as in the Act.

### *When elections must be held*

## **4 When elections must be held**

(1) An election must be held in accordance with these rules—

(a) to replace each elective member of the Council whose term of office ends in accordance with section 8 of the Act; and

(b) in the case of an extraordinary vacancy.

- (2) The Council must, for each election, determine—
  - (a) the voting period, including the election day; and
  - (b) the time at which voting closes on election day.
- (3) In determining the election day for an election, the Council must have regard to the desirability of having approximately half of the elective members of the Council subject to an electoral process every 2 years.

#### *Returning officer*

### **5 Council to appoint returning officer**

- (1) The Council must appoint a person to be the returning officer to run each election.
- (2) If the returning officer becomes unable to carry out the duties of the returning officer, the Council must appoint a replacement returning officer.
- (3) The returning officer must conduct each election in accordance with these rules.

#### *Electoral college and electoral roll*

### **6 Members of electoral college**

- (1) The Council must constitute an electoral college and determine the persons who are members of the electoral college.
- (2) In determining the persons who are members of the electoral college, the Council—
  - (a) must ensure that the electoral college—
    - (i) is broadly representative of groups and bodies concerned with the conduct of education or educational research in New Zealand; and
    - (ii) includes distinguished New Zealand educators; and
  - (b) may determine that a member of the electoral college may be a person nominated by a named education group, body, or office holder to be its representative in the electoral college.
- (3) The Council must publish on its website a list of—
  - (a) the persons who the Council has determined will be members of the electoral college; and
  - (b) the education groups, bodies, and office holders entitled to nominate persons to be members of the electoral college.

### **7 New electoral college constituted before elections**

- (1) This rule applies if the Council determines that a named education group, body, or office holder is entitled to nominate 1 or more persons to represent it in the electoral college.
- (2) Subject to rule 8, no later than 90 days before election day for the election, the returning officer must call for nominations from each such education group, body, or office holder.
- (3) If an education group, body, or office holder wishes to nominate a person to be a member of the electoral college for the election, it must do so no later than 56 days before election day for the election.
- (4) An education group, body, or office holder must not nominate a person who is already a member of the electoral college.
- (5) An electoral college constituted for an election remains the electoral college for any by-

election held in accordance with rule 27 that takes place before the following election.

## **8 No new electoral college for by-elections**

If a by-election is required to fill an extraordinary vacancy in accordance with rule 27, the members of the electoral college for that election will be the persons who were members of the electoral college for the most recent election, except that the returning officer may amend the roll to reflect any changes to the electoral roll made in accordance with rule 9.

## **9 Changes to electoral college between elections**

- (1) Subject to subrule (2) and (3)—
  - (a) an education group, body, or office holder who has nominated 1 or more persons to be its representative in the electoral college may, by written notice to the Council, nominate a new person or persons to be its representative or representatives in the electoral college at any time at which the electoral roll is open; and
  - (b) a member of the electoral college nominated to be a representative of an education group, body or office holder may at any time resign from his or her office by written notice to the Council, in which case the education group, body, or office holder may, by written notice to the Council, nominate a new person to be its representative.
- (2) The electoral roll will close at 5:00pm on the 56<sup>th</sup> day before each election day, and will remain closed until the day after the election.
- (3) Subject to subrule (4), the returning officer may not change the electoral roll if the roll is closed.
- (4) If the Council has determined that the holder of a particular office should be a member of the electoral college, and the person holding that office changes,—
  - (a) the returning officer may change the electoral roll to include that person's name and contact details; and
  - (b) if the change occurs during the voting period for an election, the person may vote in the election only if his or her predecessor has not voted in the election.

## **10 Returning officer keeps electoral roll**

- (1) The returning officer must keep an electoral roll that includes the following information about each member of the electoral college:
  - (a) the person's name;
  - (b) the person's contact details;
  - (c) if relevant, that the person is a member because he or she is a former director of the Council;
  - (d) if the person is the holder of an office, the title of the office;
  - (e) if the person has been nominated by an education group, body, or office holder to be its representative, the name of the education group, body, or office holder.
- (2) The inclusion of a person's name in the electoral roll is conclusive evidence that the person is a member of the electoral college.

## *Conduct of election*

### **11 Returning officer determines voting method**

- (1) The returning officer must determine the voting method to be used at each election.
- (2) The returning officer may determine to use any method of voting, or combination of methods of voting, that he or she considers appropriate, including—
  - (a) postal voting; and
  - (b) any form of electronic voting, including internet voting.

### **12 Conduct of elections**

Except as provided in the Act or in these rules, each election may be conducted as the Council sees fit.

## *Notice of elections and call for nominations*

### **13 Notice of election and call for nominations**

- (1) The returning officer must give notice of each election to each member of the electoral college.
- (2) The notice must be given no later than the 56<sup>th</sup> day before the election.
- (3) The notice must include the following information about the election:
  - (a) that an election is to be held;
  - (b) the voting period, including the time and date on which the election will close;
  - (c) the total number of vacancies to be filled at the election;
  - (d) a description of the voting method for the election.
- (4) The notice must include the following information about nominations:
  - (a) that each member of the electoral college may nominate any number of candidates not exceeding the number of vacancies;
  - (b) the time and date of the close of nominations;
  - (c) the form in which nominations must be made;
  - (d) a description of the information that must be provided about each candidate nominated, including a candidate profile statement that complies with any requirements determined by the returning officer and set out in the notice.

## *Nomination of candidates*

### **14 Nomination of candidates**

- (1) Each member of the electoral college may, after having received a notice of election and call for nominations under rule 13, nominate any number of candidates not exceeding the number of vacancies.
- (2) The closing time and date for nominations is 5:00pm on the 28<sup>th</sup> day before election day.
- (3) A member may only nominate a candidate who is eligible to be a member of the Council under section 4 of the Act.
- (4) Each nomination of a candidate must—
  - (a) be in the form specified in the notice given under rule 13; and
  - (b) include the name of the member nominating the candidate; and
  - (c) include the name and contact details of the candidate being nominated; and
  - (d) include any other information about the candidate required by the notice given

- under rule 13, including a candidate profile statement; and
- (e) be assented to by the candidate in writing.
- (5) If the nomination for a candidate does not indicate that the candidate has assented to his or her nomination as required by subrule (4)(d), the candidate may advise the returning officer that he or she assents to his or her nomination at any time before nominations close.
  - (6) The returning officer must determine the validity of every nomination.

### **15 Withdrawal of nomination**

- (1) A person who has been nominated as a candidate may, at any time before election day, withdraw his or her nomination by giving written notice to the returning officer.
- (2) The returning officer must take reasonable steps to ensure that each member of the electoral college is notified of any withdrawal of a candidate that occurs after voting instructions are issued.

### *When elections are required following nominations*

### **16 When elections are not required**

- (1) If the number of candidates nominated is the same as the number of vacancies, the returning officer must declare each candidate nominated duly elected, and an election is not required.
- (2) The returning officer must give notice of the election of the candidates to each member of the electoral college and each candidate as soon as reasonably possible after the candidate is duly elected.

### **17 When elections are required**

If the number of candidates nominated is more than the number of vacancies, an election must be held in accordance with rules 19 to 26.

### **18 If there are extraordinary vacancies after nominations**

- (1) If the number of candidates nominated is less than the number of vacancies—
  - (a) the returning officer must declare each candidate nominated duly elected; and
  - (b) the remaining vacancies are deemed to be extraordinary vacancies for the purposes of section 7 of the Act and these rules.
- (2) If there is 1 or more extraordinary vacancies—
  - (a) the returning officer must request further nominations from members of the electoral college, and give each member a notice that includes the information in rule 13(4); and
  - (b) rule 14 applies, except that the returning officer must determine the closing time and date for nominations.

### *Elections*

### **19 Voting instructions to be issued**

- (1) If an election is to be held, the returning officer must issue voting instructions to each member of the electoral college.
- (2) The voting instructions must set out the following:

- (a) the number of vacancies to be filled at the election:
- (b) the name of each candidate validly nominated in accordance with rule 14 (excluding any candidates that have withdrawn), listed in alphabetical order of the candidates' surname:
- (c) the voting period, including the date and time by which votes must be received by the returning officer:
- (d) a description of the voting method or methods to be used:
- (e) the name of the member to whom the voting instructions are sent:
- (f) if votes must be indicated on a voting paper, the voting paper and whether the member's signature is required to be included on the voting paper:
- (g) that the member must indicate the order of his or her preference for the candidates for whom the member wishes to vote, and how the member must indicate his or her order of preference:
- (h) if a voting paper is issued, what the member should do if he or she spoils the voting paper:
- (j) what the member must do to cast his or her vote:
- (k) any other information about the election that the returning officer considers it is appropriate to provide.

## **20 Replacement of voting instructions**

The returning officer must issue replacement voting instructions to any member of the electoral college who requests, in writing, replacement voting instructions because—

- (a) his or her voting instructions have been lost, destroyed, or defaced; or
- (b) he or she did not receive voting instructions.

### *Determining results of elections*

## **21 When votes are counted**

- (1) The returning officer must ensure that no votes are reviewed or counted on or before the 6<sup>th</sup> day after election day.
- (2) The returning officer must, on the 7<sup>th</sup> day after election day, count all votes that are valid in accordance with rule 22.

## **22 Valid votes**

- (1) A vote is invalid and must not be counted if 1 or more of the following apply:
  - (a) the vote was received—
    - (i) after the close of voting determined by the returning officer in accordance with rule 4; or
    - (ii) if the voting paper was sent by post and bears a postmark that indicates it was posted before or on election day, no later than the close of the 6<sup>th</sup> day after election day:
  - (b) except as provided in rule 23, the returning officer considers that the member has not indicated his or her preference as required by voting instructions issued under rule 19(2)(g):
  - (c) if the signature of the member was required to be included on a voting paper, the signature is not included:
  - (d) the member has voted for a candidate who has withdrawn from the election:

- (e) the member has voted more than once in the election:
  - (f) the returning officer believes, on reasonable grounds, that voting instructions were not issued to the member by the returning officer.
- (2) The returning officer's decision on whether a vote is valid is final.

### **23 Votes treated as valid**

If a voting paper is issued by the returning officer with the voting instructions issued under rule 19, and an electoral college member has not indicated his or her preference as required by rule 19(2)(g), the returning officer must treat the vote or votes (as the case may be) as valid if any of the following applies:

- (a) the member included a tick, cross, or clear mark by only 1 candidate, in which case the vote is deemed to be a first preference vote for the candidate for the purposes of rule 24(a):
- (b) the member included a tick, cross, or clear mark by 2 candidates, in which case each vote is deemed to be a second preference vote for each candidate for the purposes of rule 24(b):
- (c) the member includes a tick, cross, or clear mark by 3 candidates, in which case each vote is deemed to be a third preference vote for each candidate for the purposes of rule 24(c).

### **24 Counting votes**

- (1) The returning officer must count all votes that the returning officer thinks are valid in accordance with the following preferential system:
  - (a) each first preference vote must be given a weighting equal to the total number of vacancies to which the election relates:
  - (b) each second preference vote must be given a weighting equal to the total number of vacancies to which the election relates minus 1:
  - (c) each third preference vote must be given a weighting equal to the total number of vacancies to which the election relates minus 2:
  - (d) each candidate's scores must be combined to produce a total weighted score for the candidate:
  - (e) all candidates must be ranked according to their weighted scores.
- (2) Subject to subrule (3), the candidates who are elected to fill the vacancies to which the election relates are the relevant number of candidates who receive the highest weighted scores.
- (3) If a candidate who is elected to fill a vacancy declines to fill the vacancy, the candidate with the next highest weighted score is elected to fill the vacancy.

### **25 Tied votes**

If there is a tie for a vacancy, the returning officer must determine which candidate is elected by lot, the drawing to take place in the presence of a member of the Council.

### **26 Notice of outcome of elections**

The returning officer must give notice of the outcome of an election to each member of the electoral college and each candidate as soon as reasonably possible after the outcome of the election is determined.

### *Extraordinary vacancies*

#### **27 By-elections in case of extraordinary vacancies**

- (1) This rule applies if the Council is required under section 7(4) of the Act to hold an election because there is an extraordinary vacancy created by the office of an elective member becoming vacant.
- (2) The by-election must be held in accordance with rules 11 to 26, except that—
  - (a) the returning officer must advise each candidate of when the term of office for the extraordinary vacancy will expire; and
  - (b) the returning officer must ensure that the voting instructions issued under rule 19 set out the term of office for the extraordinary vacancy; and
  - (c) if there is a by-election for more than 1 extraordinary vacancy—
    - (i) the candidate with the highest weighted score will fill the vacancy with the longest remaining term; and
    - (ii) the candidate with the next highest weighted score will fill the vacancy, with the next longest remaining term (if any more are available) filled by the candidate with the next highest weighted score until all vacancies are filled.

#### **28 Extraordinary vacancies filled during ordinary elections**

- (1) This rule applies if—
  - (a) an extraordinary vacancy occurs no later than 6 months before the end of the term of any other member of the Council; and
  - (b) the Council resolves under section 7(4) of the Act not to fill the vacancy by a by-election.
- (2) The vacancy must be filled as part of the next election in accordance with rules 11 to 26, except that—
  - (a) the returning officer must advise each candidate that the election is to fill an extraordinary vacancy created by the office of an elective member becoming vacant, as well as for candidates to replace members of the Council whose terms have expired; and
  - (b) the returning officer must ensure that the voting instructions issued under rule 19 state that the election is for a candidate to fill an extraordinary vacancy, as well as for candidates to replace members of the Council whose terms have expired; and
  - (c) the relevant number of candidates who receive the highest weighted scores will fill each vacancy to replace a member of the Council whose term has expired until each such vacancy is filled; and
  - (d) the candidate with the next highest weighted score will fill the extraordinary vacancy.

### *Transitional provisions, savings, and repeals*

#### **29 First election after these rules come into force**

The following rules apply to the first election held after these rules come into force:

- (a) if the election is a by-election, for the purpose of rule 8 the members of the electoral college will be the members of the most recent electoral college constituted under the Rules for the Conduct of Elections of Member of the Council dated 8 April 2010:

- (b) the first election that is not a by-election held after these rules come into force is to fill 2 vacancies.

**30 Revocation of previous rules**

The Rules for the Conduct of Elections of Member of the Council dated 8 April 2010 are revoked.