

Returning officers' guide to governing council elections

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**RETURNING OFFICERS' GUIDE
TO
GOVERNING COUNCIL ELECTIONS**

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GOVERNING COUNCIL ELECTIONS – RETURNING OFFICER’S GUIDE

Conducting elections is a task that falls to the Principal as Returning Officer. The School’s Governing Council constitution at clause 6.2.7 states that *the Principal must be the returning officer for the election, nomination and appointment of councillors*. This guide aims to assist Principals with the conduct of Governing Council elections. The procedures and forms described in this guide are based on the requirements of the school’s constitution and accepted contemporary practice.

But what does it really mean to conduct an election?

Clause 13 of the school’s constitution - Election of Councillors, sets out the requirements for conducting an election and for the nomination and appointment of Councillors.

The Principal is the authorised Returning Officer to conduct council elections and as such is also empowered to make decisions in order to resolve any dispute which may arise in the process of conducting elections, including the conduct of the ballot.

The Returning Officer will provide the school community with appropriate information about the governing council election through the school newsletter, on the school website and encourage as many people as possible to participate in the process.

The Principal as Returning Officer must conduct the election of parent councillors. The determination of whether the election will be undertaken at a general meeting of the school or by postal ballot is made by the Council in consultation with the Principal. The election of parent members at DECS schools is predominately undertaken at the Annual General Meeting of the school.

Please note that a School Council may only conduct its election at a general meeting of the school, the timetable for the election is determined by the Principal in consultation with the School Council. A Preschool Management Committee may only conduct its election at a general meeting of the Preschool. In both cases this is usually undertaken at the Annual General Meeting.

The Council, in consultation with the Principal, will determine the timetable for the election.

The Returning Officer will need to be able to clearly determine the number of vacancies on Council and the category of the vacancy. It is good practice to establish a member register that lists the members’ name, membership type, date of first and last appointment, date term ends. This will allow the Principal to provide a list of members whose term is expiring to the Chair. The Chair should then write a letter of appreciation to each retiring councillor advising

them of the expiry of their term of office and pointing out their eligibility to nominate or seek nomination for a further period of office.

Example Of A Membership Register

Name	Member Type	Date of appointment	Date term ends	Date of first appointment
Joe Blogg	Parent	March 2009	March 2011	March 2007
Ann Jones	Parent	March 2008	March 2010	March 2008
Ian Thom	Parent Casual	Sept 2009	Next election	Sept 2009

If any casual vacancies have been filled during the year those members will need to be advised of their eligibility to nominate for the current election process as casual vacancies are filled only for the intervening period until an election can be held.

The Returning Officer will need to call for nominations by the method generally used – many sites use the school newsletter, however it would also be advisable to have information available on the school website with downloadable nomination forms.

The Returning Officer will also need to be conscious of the requirement to have a parent majority and to ensure that the majority of parents and the majority of councillors are not staff of a Government school or employees of an Administrative unit of the Minister. In order to do this the model nomination form has been amended to allow for the disclosure of employment with a Government school or an Administrative unit of the Minister.

The notice calling for nominations should be clear and set out the number of known vacancies and the term of the vacancies. This will allow the Council to offer 1 year terms in the event that due to resignations and retirements more than half the elected parent members will be up for filling. If this is the case the nomination form can be amended to allow the nominees to elect which term of membership they are seeking or have two nomination forms, one for the standard two year term and one for the one year term. This would call for two ballots.

The call for nominations needs to clearly set out the timeframe for the election and when nominations close. Any nominations received after this date are not valid and therefore can not be accepted. If after the nomination period closes, there are still more vacancies than nominations the Returning Officer can advise those parents who provided a nomination form after the close off that they can attend the general meeting where nominations may be called from the floor to fill the remaining vacancies. Please note that those nominees who nominated prior to the cut off are not required to be present at the vote for the filling of the positions if they are unable to attend.

Who can be nominated?

The election process relates only to the election of parents to the Council. A parent is defined in the school's constitution as:

A parent of a child attending the school or the parent of a child enrolled, but not yet attending at the school

Parent is further defined under the *Education Act 1972* and the school's constitution as:

Parent of a child includes-

- (a) a person who has legal custody or guardianship of the child; and*
- (b) a person standing in loco parentis to the child*

But does not include a parent of the child where another parent or person has legal custody or guardianship of the child to the exclusion of that parent.

A parent can nominate themselves or be nominated by anyone from the school community. See the attached model nomination forms.

Who can vote?

Parents of the school are the only people entitled to vote for elected parent members of Council. Parents are as defined above.

Assessing the nominations

It is the Returning Officer's responsibility to assess all the nominations received to ensure that the candidate meets the requirements and that the form is completed correctly and that the candidate meets the membership requirement. If there is an error or flaw in the nomination the Returning Officer should make contact with the candidate to correct the error/flaw or advise them of their ineligibility and if necessary get them to resubmit the form.

As the Returning Officer assessing these nominations, you need to have in mind the need for a parent majority and that staff of a Government school or employees of an Administrative unit of the Minister are not to be in the majority.

Once the nomination period has closed the Returning Officer should cause notices showing the name of the candidates and nominators to be posted in a prominent position at the school (school notice board).

The Returning Officer should notify voters of any withdrawal of candidates as soon as possible.

It would also be good practice to post a Nomination Receipt Form to nominees and nominators as soon as practicable after the receipt of a validly completed nomination form.

Nomination forms are required to be kept at the school by the Principal for a period of one year from the date of the declaration of the poll and available for inspection by voters at reasonable times.

Conducting an election

If at the time of the ballot there are less nominees than vacancies then all nominations are accepted and declared as elected. The Returning Officer can call for nominations from the floor to fill the remaining vacancies (see clause 13.9 of the school's constitution). If at this stage more parents nominate than there are remaining vacancies then a show of hands will be required to determine which nominees are successful.

If at the time of the ballot there are more nominees than vacancies then this is a contested election and the ballot will need to be conducted. This can be done by a ballot form which lists all nominees and seeks to have parents tick off the candidates that they support.

If ballot forms are needed a secure ballot box will need to be provided by the Returning Officer.

Counting the votes

The voting method used is 'first past the post', this means the person with the most votes is declared as the successful candidate.

The Returning Officer is responsible for ensuring that only eligible parents vote in the election and that any ineligible vote is discounted.

The school's constitution requires scrutineers to be present at the vote counting. Clause 13.7 states that the Principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes, as he or she thinks fit. The Principal, as Returning Officer should appoint a scrutineer for the voting process. A candidate in the election can not be a scrutineer.

Any candidate for the election may nominate a scrutineer to represent the candidate's interests in the conduct of the ballot. Any nominee candidate wishing to appoint a scrutineer must advise the Returning Officer by a set time prior to the ballot process.

A scrutineer may be present at any stage in the ballot, and any scrutineer that interferes with the counting of the votes shall be removed from the process by the Returning Officer.

The role of the Returning Officer in vote counting is to:

- Ensure that the counting and recording of votes is conducted appropriately
- Appoint vote counters to assist with the task of counting and recording the votes for each candidate
- Ensure that the appointed scrutineers are present at the count and view the count
- Make a determination on any possible informal ballot as to whether the ballot should be treated informally or not
- Conduct a drawing of lots where there is a tie between candidates and the number of vacancies can not accommodate the tied candidates

- Formally declare to be elected as parent members of the council the highest ranking candidates up to the number of vacancies (being sure not to exceed the number of vacancies).

Where a secret ballot has been conducted the only persons to be present at the counting of votes are:

- The Returning Officer
- The Principal appointed scrutineers
- The candidate nominated scrutineers
- The vote counting officers

The recording of the votes should be conducted in such a manner as to clearly set out the votes for each candidate in a spreadsheet. The Returning Officer needs to be totally satisfied with the total of votes before declaring the poll. As a matter of good practice any invalid votes should be re-examined to decide whether they are valid or invalid.

The Returning Officer will count the votes and in the case of an equality of votes the Returning Officer shall determine the issue by lot.

The Principal, as Returning Officer, must declare the candidates elected preferably at the Annual General Meeting or by the method usually used to inform the school community, such as the school newsletter and school website.

All successful candidates must complete the Appointment Form and since the commencement of 2009 all new councillors are required to undergo a criminal history screening check. The criminal history screening check is due to the new requirements of the *Children's Protection Act 1993* and is to protect against people adversely influencing the protective climate of an education/care environment through the decisions of council.

The new Governing Council of the school comes into operation at the declaration of the election (see clause 13.8.2 of the school's constitution).

How to determine invalid votes

The method for marking a ballot paper is not prescribed and hence ticks, crosses and numbers are all valid and should be interpreted as voting *for* a particular candidate. Ballot papers should be rejected as invalid if:

- it is not received by the Returning Officer or placed in the ballot box by the allotted time on the day of the closure of the ballot
- it is not properly and clearly marked as advised
- the voter ticks the names of more candidates than he/she is entitled to vote for
- in any other way the paper fails to clearly indicate for whom the vote is intended to be given
- it does not comply with any other stated requirement.

The first meeting of Council

As soon as practicable after the declaration of the results of the election, the Principal must call and preside at the first Council meeting. This is because all executive positions have been declared vacant (these are only held for a year).

At this meeting the Principal will receive nominations from nominating bodies; these are the staff of the school and any affiliated committee of the Council. At this meeting the direct appointment of Community members will also be undertaken.

During the nomination period the Returning Officer may have received some nominations from interested community members. If this was the case the Returning Officer should advise these individuals that the nomination is invalid and explain that nominations were for the parent member election. The Returning Officer should then explain the appointment process to the individual and advise how their interest in become a community member can be communicated to the Council for consideration. The Community Member category was introduced to assist Council to increase their skill base and connection to their local community outside of the school. Examples of community members are:

- Persons from business or industry
- Persons from significant groups within the community, such as diverse cultural and linguistic backgrounds
- Persons with specific skills and expertise or perspectives
- A nominee of the local municipal or district council
- A local House of Assembly member or their nominee

The Principal in consultation with the elected Council members should assess the skill mix required for the council to function effectively and consider what skill gaps can be filled through appointing Community members. The Principal should ascertain the willingness of potential Community members to accept appointment to council.

The Principal is to forward to the Regional Director the names, addresses and contact details of members of the council and advise of office holders (see AIG 5).

What to do with casual vacancies

The Council may in fact not be able to fill all vacancies at the election; these vacant positions become casual vacancies. Also throughout the year current members may resign their positions from Council creating casual vacancies.

Under clause 10.2 of the school's constitution the Council may appoint a person to temporarily fill a casual vacancy in its membership until a councillor can be elected, nominated or appointed in accordance with the school's constitution.

In filling this vacancy the Council is free to choose anyone who fits the membership category that they deem appropriate. However consideration

should be given to unsuccessful candidates if a casual vacancy arises soon after a contested election. The Council should consider offering the casual vacancy to the unsuccessful candidate with the highest votes.

Any parent who fills a vacant position created by a causal vacancy only serves until the next election process. If there are several vacancies for parent members the Council can call for nominations and the Council will then determine who to appoint to fill the casual vacancies until the next election process. In this situation the Principal may be nominated as the officer to receive nominations for filling a casual vacancy. An amended nomination form stipulating it is for a casual vacancy should be used.

Model Notice of Election and Call for Nominations

An election is to be conducted for parent members of the ^{***}(insert school name) School Governing Council Inc.

Nomination forms may be obtained from the school and must be lodged with the Returning Officer (the Principal) by 4.00pm on.....(insert date and year).

The ballot will be conducted at the Annual General Meeting to be held on (insert date and time) *or* will close on 4.00pm on (insert date and year)

Following the closing of nominations a list of the nominations received will be posted at the school. There are currently ^{**}(insert number of vacancies) vacancies for elected parents members of the Council. The term of office is for a two year period.

If the number of nominations is less than the number of vacancies, a notice to that effect and calling for further nominations will be posted in a prominent position at the school.

Any nominee wishing to appoint a scrutineer to be present at the counting of the ballot must advise the returning Officer of their nominated scrutineer by no later than (insert date and time) in writing.

Please note:

Any additional information or questions in relation to this process should be directed to the Principal as Returning Officer to address.

No campaign literature supporting candidates or groups of candidates may be distributed or posted in the school and no school resources whether human or material may be used to support particular candidates or groups of candidates.

Nomination Form Receipt

The nomination form in relation to(insert name of parent nominated) for parent member representative on the ...;(insert Council name) has been received by:

Name of Principal (Returning Officer):.....

Signature:.....

Date nomination form was received:.....

Model nomination and appointment forms

**XX GOVERNING / SCHOOL COUNCIL
NOMINATION FOR ELECTION FORM**

Parent Member Nomination

I.....(full name)

of.....(address)

Nominate

.....(full name)

of.....(Address)

To be elected as a member of XX Governing / School Council.

I.....(full name)

of.....(Address)

accept the nomination and hereby declare that:

- I am the parent of a child attending the school or enrolled, but not yet attending a the school
- I am / am not employed by the Department of Education and Children's Services under the PSM Act or Education Act
- I have not been declared bankrupt and do not receive a benefit of a law for the relief of insolvent debtors
- I have not been convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person

I understand that should I be declared bankrupt, receive a benefit of law for the relief of insolvent debtors or be convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person, I will be required to relinquish my membership of XX Governing / School Council as I will no longer meet the membership requirements.

Signed.....Date.....

**XX GOVERNING / SCHOOL COUNCIL
SELF NOMINATION FOR ELECTION FORM**

Parent Member Nomination

I.....(full name)

of.....(address)

wish to declare my candidacy to be elected as a member of XX Governing / School Council.

I hereby declare that:

- I am the parent of a child attending the school or enrolled, but not yet attending a the school
- I am / am not employed by the Department of Education and Children's Services under the PSM Act or Education Act
- I have not been declared bankrupt and do not receive a benefit of a law for the relief of insolvent debtors
- I have not been convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person

I understand that should I be declared bankrupt, receive a benefit of law for the relief of insolvent debtors or be convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person, I will be required to relinquish my membership of XX Governing / School Council as I will no longer meet the membership requirements.

Signed.....Date.....

**XX GOVERNING / SCHOOL COUNCIL
APPOINTMENT FORM**

Elected Parent Member Appointment

I.....(full name)

of.....(address)

accept appointment as a member of XX Governing / School Council and
and hereby declare that:

- I am the parent of a child attending the school or enrolled, but not yet attending a the school
- I am / am not employed by the Department of Education and Children's Services under the PSM Act or Education Act
- I have not been declared bankrupt and do not receive a benefit of a law for the relief of insolvent debtors
- I have not been convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person

I understand that should I be declared bankrupt, receive a benefit of law for the relief of insolvent debtors or be convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person, I will be required to relinquish my membership of XX Governing / School Council as I will no longer meet the membership requirements.

Signed.....Date.....

**XX GOVERNING / SCHOOL COUNCIL
APPOINTMENT FORM**

Other Member Appointment

I.....(full name)

of.....(address)

accept appointment as a member of XX Governing / School Council and
and hereby declare that:

- I am / am not employed by the Department of Education and Children's Services under the PSM Act or Education Act
- I have not been declared bankrupt and do not receive a benefit of a law for the relief of insolvent debtors
- I have not been convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person

I understand that should I be declared bankrupt, receive a benefit of law for the relief of insolvent debtors or be convicted of any offence of dishonesty, or of a sexual nature involving a minor, or of violence against a person, I will be required to relinquish my membership of XX Governing / School Council as I will no longer meet the membership requirements.

Signed.....Date.....

Model postal ballot form for governing council elections

XX Governing Council Inc.

Postal Ballot Form

Parent Councillor Election to the Governing Council for ...(insert the years, 2010/2011)

There are **XX** (insert the number of vacancies) vacancies for parent councillors on the **XX** School Governing Council for the term of office School Year (insert the years 2010 and 2011)

The following candidates have been nominated for these positions. Attached to this ballot form are candidate profiles/statements for your information about the candidates.

- Select the candidates you wish to elect to the governing council by marking the box next to their name.
- You may select up to **XX** (Insert the total number of vacancies) candidates. Selecting more than **XX** (insert the total number of vacancies) will mean that your vote is informal and will not be counted.

Select six (6) from the following:

- Do not place any other mark on the ballot paper.
- Place the completed ballot paper inside the pre-paid envelope provided and write your name and signature on the back of the envelope in the spaces provided.
- Return the envelope to the Principal (Returning Officer) , **XX** School either by:
 - 1) Post
 - 2) Delivery to the school

Completed ballot forms must be returned to the Principal by (Insert time and date for return of ballot papers).