

Chief Executive
of the Education and Training Board
named in the address.

Circular Letter No. 0031/2014

Arrangements for the Election of Staff Representatives to Education and Training Boards (2014)

Dear Chief Executive,

The purpose of this Circular Letter is to provide an outline of the arrangements provided for in the draft Education and Training Boards Act 2013 (Election of Staff) Regulations 2014 (the Regulations) and to provide clarification in relation to certain issues of general application. The Circular Letter will be made available on the Department's website (www.education.ie).

This document must be read in conjunction with the draft Regulations, which provide detailed information regarding the election process.

1. Election of members of staff to education and training boards

- 1.1 The Education and Training Boards Act 2013 (the Act) provides for the appointment of members to an education and training board (ETB) as a result of election by eligible members of staff of the ETB
- 1.2 An “eligible staff member” is a person who, on the 31st March, 2014, is employed as a member of staff by the ETB and whose remuneration in respect of that employment is paid by the ETB.
- 1.3 For clarification purposes, an eligible staff member applies to:
 - (a) Staff who are on a contract of service on 31st March 2014. Such categories of staff would include permanent, wholetime and pro-rata part time staff.
 - (b) Staff who do not have a contract of service on 31st March 2014, but who gave service on that date and for which service remuneration is payable. Such categories of staff would include hourly paid part-time staff.

2. Returning officer

- 2.1 For the purposes of conducting elections, the Minister will appoint a Returning Officer in each ETB. Returning Officers may appoint one or more persons to act as Deputy Returning Officers and may delegate to any such Deputy any of the functions of the Returning Officer that may be specified in the appointment. The Returning Officer may revoke such an appointment, at any time.
- 2.2 The Returning Officer for purposes of elections of staff in each ETB will be the Chief Executive of that ETB.
- 2.3 The expenses of the Returning Officer will be a matter for the ETB. Such reasonable expenses will be taken into account by the Department for purposes of the ETB's modified scheme.
- 2.4 Subject to the draft Regulations, a Returning Officer is responsible for the conduct of the elections and his or her decisions on all matters arising are final.

3. Electoral process calendar

- 3.1 A calendar of dates for purposes of the conduct of elections is included at Appendix 1 to this Circular Letter.

4. Members elected by ETB Staff

- 4.1 In accordance with Section 30 of the Act, eligible ETB staff members will elect two (2) ETB members, one (1) male and one (1) female from separate panels of male and female candidates.

5. Ineligibility of certain grades of ETB staff for membership of an ETB

- 5.1 In accordance with Section 32 (2) of the Education and Training Boards Act 2013, it is the Minister's intention that, by Ministerial order, the following senior management staff grades in an ETB will be ineligible for membership of an education and training board:

- Chief Executive;
- Education Officer;
- Principal Officer;
- Adult Education Officer;
- Personnel Officer;
- Finance Officer;
- School Principal;
- Training Centre Manager and Assistant Manager;
- Manager of a Centre for Education.

5.2 In addition, by Ministerial order, all other grades of staff, the duties of which are wholly or mainly of an administrative, executive or clerical nature and the maximum remuneration for which exceeds the maximum remuneration for the grade of Clerical Officer, will be ineligible for membership of an education and training board.

6. Electoral rolls

6.1 Provisional electoral constituency rolls comprising of eligible staff member electors, with addresses, shall be prepared for purposes of the staff members elections.

6.2 Each eligible elector should be assigned a unique number when entered on the roll.

6.3 The provisional electoral roll should be made available in ETB schools, centres for education, other education or training facilities and other premises maintained by the education and training board on or before the date specified in Appendix 1.

6.4 In addition, a notice should be displayed in ETB schools, centres for education, other education or training facilities and other premises maintained by the education and training board to the effect that any eligible staff member who wishes to take part in the forthcoming election and whose name is not included on the provisional electoral roll, should apply in writing to the Returning Officer to have his or her name entered on the electoral roll. Amendments to the rolls should be made in the prescribed forms (Schedule 1 of draft Regulations refers) on or before the date specified in Appendix 1.

6.5 Final registers of staff electors should be made available by the Returning Officer on the date specified in Appendix 1.

6.6 An elector may vote only in respect of the candidates nominated in the constituency in which the elector is entered on the electoral roll.

7. Publication of notice of elections and further information to the electorate

7.1 Notice of the elections should be posted in ETB schools, centres for education, other education or training facilities and other premises maintained by the education and training board. This notice should make available to electors details of the electoral process (see Appendix 2 to this Circular Letter).

7.2 In addition to the notice of election, the returning officer should take whatever steps he or she considers necessary to notify eligible staff of the forthcoming elections (draft Regulation 8(2) refers).

8. General provisions regarding agents.

- 8.1 Each nominee for the election may appoint one or more agents and the name of a person so appointed shall be notified to the Returning Officer in writing by the nominee not less than 4 days before the ruling on the validity of nomination papers shall take place (refer to appendix 1.)
- 8.2 An agent whose appointment is notified in writing to a Returning Officer under paragraph 8.1 may be present on behalf of the nominee at the ruling on nominations, the sealing of the ballot box or ballot boxes and the counting of votes for the election.
- 8.3 An agent shall, if so required, produce the written consent of the nominee to his or her appointment as their agent for inspection by the Returning Officer or by any person authorised to act on behalf of a Returning Officer.

9. Nomination of candidates

The following eligibility criteria apply:

- 9.1 A person shall not be nominated as a candidate for election or have his or her nomination withdrawn, without his or her written consent.
- 9.2 Each candidate must be nominated by means of a separate nomination form and declaration of consent (Schedules 2 and 3 of the draft Regulations refer).
- 9.3 Each candidate's nomination paper must be signed by not less than 5 eligible electors, whose names are entered on the electoral roll for the constituency for which the candidate is nominated and who have not signed the nomination paper of another nominee.
- 9.4 Completed nomination papers and declarations of consent must be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between the date of publication of the notice of election and the expiration time for receiving nominations (see Appendix 1).
- 9.5 Candidates may withdraw nominations, in writing, on or before the date specified in Appendix 1.
- 9.6 A nominee shall not be entitled to have his or her name entered on a ballot paper for more than one ETB staff election.
- 9.7 Each completed nomination form for the staff elections should be recorded by date and time and assigned a unique number when submitted. This number will determine the order of receipt of nominations.

10 Ruling on validity of each nomination paper

- 10.1 The Returning Officer will rule on the validity of each nomination paper in the period specified in Appendix 1.
- 10.2 A nominee and the nominee's agent, if any, shall be entitled to be present at the ruling on the validity of nominations and no other person shall be entitled to attend except with the permission of the Returning Officer.
- 10.3 Each nomination paper ruled on as valid shall be endorsed sequentially with a unique number by the returning officer and this number shall determine the order of receipt of valid nominations.
- 10.4 Nominations may be deemed invalid where the Returning Officer determines that the nomination form has not been filled properly in accordance with the rules and procedures.
- 10.5 A nominee may withdraw his or her nomination, by giving to the Returning Officer, on or before the date specified in Appendix 1, a written notice of withdrawal, signed by the nominee.
- 10.6 Final listing of candidates will be made available on the date specified in Appendix 1.
- 10.7 The ruling of the Returning Officer is final in all cases.

11. Publication of nominations

- 11.1 The returning officer shall, as soon as practicable after ruling on the validity of nomination papers, cause a notice to be displayed in respect of each electoral roll, at the place at which the officer has received nominations, stating the name and address of each candidate validly nominated, and the names and addresses of the electors who nominated each candidate for the electoral roll for which the candidate was nominated.
- 11.2 The returning officer may also bring to the attention of electors by any other means that he or she considers appropriate the list of candidates validly nominated for the election.

12. Election of members

- 12.1 Where the number of duly nominated candidates exceeds the number of members to be elected from a panel, a poll shall be taken by the Returning Officer.

13. Date of poll

- 13.1 In the event of a poll, the poll shall be undertaken on the date specified in Appendix 1.

14. Polling stations

- 14.1 Polling stations will be located in ETB schools.
- 14.2 Where a school polling station is not within reasonable distance, a polling station may be located in a centre for education, other education or training facility or other premises maintained by the education and training board as the Returning Officer considers appropriate.

15. Polling information letter

- 15.1 The Returning Officer may, as soon as practicable after the final date for confirmation of nominations, send by post to every elector at his or her address, or to such other address as the Returning Officer considers appropriate, a polling information letter to include details such as the polling date, the elector's polling centre and polling number.
- 15.2. Where polling information letters are issued, the Returning Officer should prepare a statement in respect of each electoral poll showing the total number of polling information letters sent to electors under paragraph 15.1 in respect of each electoral constituency.

16 Ballot papers

- 16.1 The Returning Officer should prepare ballot papers for each panel for which a poll is to be taken setting out the names of the candidates alphabetically in the order of their surnames (Schedule 4 of the draft Regulations refers).

17 The official mark

- 17.1. Every ballot paper shall be marked with an official mark which shall be either embossed or perforated so as to be visible on both sides of the paper.
- 17.2 The Returning Officer shall ensure that the official mark is kept secret prior to the issue of the ballot papers.

18. Ballot box

- 18.1 The Returning Officer shall provide a ballot box or ballot boxes for the reception of the ballot papers returned by the electors.
- 18.2 Electors must produce suitable identification e.g. driving licence.
- 18.3 Every ballot box referred to in paragraph 18.1 shall be sealed by the Returning Officer at the time fixed for the opening of the poll.

18.4 The returning officer shall after 3.30pm on polling day, seal the ballot box or ballot boxes so that no further papers can be inserted and shall make provision for the safe custody of the box or boxes.

19. Time and place for counting of votes

19.1 The counting of votes shall commence on the date specified in Appendix 1.

19.2 Each Returning Officer shall take due precautions for the security of the ballot papers and other documents relating to the polls in any intervening period.

19.3 The Returning Officer shall appoint a place at which the votes will be counted and shall give each candidate notice of the time and place at which he or she will proceed to open the ballot boxes.

19.4 For administrative reasons, the Returning Officer may wish to utilise the Centre used for purposes of the Local Authority election count.

20 Attendance at the opening of the ballot box or ballot boxes and the counting of votes

20.1 At the opening of the ballot box or ballot boxes and the counting of votes, no person other than candidates, the Returning Officer, the Returning Officer's assistants and the candidates' nominated agents may be present, except with the permission of the Returning Officer.

20.2 The Returning Officer shall give those present all such reasonable facilities for observing the proceedings at the opening of the ballot box or ballot boxes and the counting of votes and all information in that respect, consistent with the orderly conduct of the proceedings and the performance of the Returning Officer's duties and functions.

21. Conduct of the counting of votes

21.1 A Returning Officer shall for each poll cause the ballot papers to be scrutinised for the purpose of identifying any papers liable to be determined by the Returning Officer as invalid and shall, in accordance with directions, ascertain and record the number of votes given to each candidate.

21.2 In counting the votes for each poll the Returning Officer shall credit the candidates at the election with votes in accordance with directions.

21.3 Candidates or their agents shall not handle ballot papers during the counting of votes.

21.4 Schedule 5 of the draft Regulations sets out in detail the rules relating to the counting of votes.

22. Return of persons elected

22.1 The Returning Officer shall, as soon as practicable, give to every candidate elected written notice of his or her election and shall furnish the education and training board with a list of the candidates certified by the Returning Officer to have been duly elected for each panel.

23. Panel for the filling of casual vacancies

23.1 The Returning Officer will ensure, where possible, the formation of a panel for the filling of casual vacancies in accordance with draft Regulation 14.

24. Powers of the returning officer

23.1 Any question arising with regard to the eligibility of an elector or candidate, the validity of a nomination or ballot paper, or otherwise in connection with the election, shall be determined by the Returning Officer.

23.2 All voting papers received by the Returning Officer shall be retained by him or her for not less than 12 months after the completion of the election.

25. Circulation

24.1 This Circular Letter should be circulated in the normal way.

26. Queries

25.1 Any queries regarding the implementation of this Circular Letter should be addressed to the undersigned, Martin O'Brien (Tel: 090 6484232, Martin_OBrien@education.gov.ie) or Mike Power (Tel: 090 6484233, Michael_Power@education.gov.ie).

Matthew Ryan
Principal Officer.
April 2014

Appendix 1: Calendar of dates - Election of Staff representatives to ETBs 2014

Nominations

Date	
Saturday 31 st May	Counting of votes (9am-)
Thursday 29 th May	Casting of votes (9am to 3.30 pm)
Wednesday 7 th May afternoon	List of candidates available
Wednesday 7 th May	Candidates may withdraw up to 12 noon
Friday 2 nd May 2pm to 4pm	Ruling on nominations
Thursday 1 st May, 1.00 pm	Last date for receipt of nominations

Register of electors

Date	
Monday 14 th April	Final register of electors available
Friday 11 th April	Amendments to register of electors to be submitted by 12 noon.
Tuesday 8 th April	Draft register of electors available.
Monday 31 st March	Staff employed by ETB on this date entitled to vote in election.

Appendix 2

In addition to the notice of election, the returning officer may take whatever steps he or she considers necessary to make the following information available to electors:

- (a) the eligibility requirements for candidates;
- (b) the electoral constituencies;
- (c) the number of candidates who may be elected to each ETB for each constituency in which a poll is to be taken;
- (d) the place at which nomination papers may be obtained and delivered;
- (e) the period during which the returning officer will attend to receive and rule on the validity of nomination papers,

In the event that the number of candidates is greater than the number of members to be elected to the ETB

- (f) give notice of the taking of the poll, the date thereof, the place and times for the counting of votes and any other particulars that he or she considers appropriate, and
- (g) cause to be published a notice to this effect in schools and centres of education maintained by the education and training board, and any other place that the returning officer considers appropriate, including school and ETB websites.
- (h) any other information which a Returning Officer may deem necessary for the conduct of the election.