MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

Education Report: Enabling Electronic School Board Elections

To:	Hon Chris Hipkins, Minister of Education		
Date:	9 November 2021	Priority:	Medium
Security Level:	In Confidence	METIS No:	1274842
Drafters:	Angus Stallmann Dan Martin	DDI:	9(2)(a)
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Messaging seen by Communications team:	No	Round robin:	No

Purpose of report

This paper updates you on the options analysis for enabling electronic school board elections, and seeks your agreement to circulate the attached draft Cabinet paper and Regulatory Impact Statement for Ministerial consultation.

Summary

1. On 15 October, you agreed to delay the May 2022 triennial elections to allow regulatory changes to enable an electronic option for school board elections next year. The new dates for these elections have now been gazetted as 5 – 23 September 2022.

2. We have completed our initial options analysis and are recommending enabling schools to run parent and staff elections electronically through the use of an accredited provider, and student elections without a provider if certain technical standards are met.

3. The attached draft Cabinet paper sets out our recommended approach to enabling electronic elections. The attached Regulatory Impact Statement has further detail about our analysis. The draft Cabinet paper is due to be considered by Cabinet Business Committee on 29 November.

Recommended Actions

The Ministry of Education recommends that you:

a. **note** that we have identified three options to enable electronic elections:

   i. Option 1: Make minor amendments to the Regulations, removing the references to paper processes that currently restrict schools from running elections electronically;

   ii. Option 2: Make the same amendments as option one while setting out minimum technical and process standards in Regulations to promote safe, secure and accessible elections;

iii. Option 3: Make the same amendments as option two and require electronic election services to be provided by providers accredited by the Ministry in a new accreditation scheme

Noted

b. **agree** to option three for parent and staff representative elections and option two for student representative elections (recommended)

Agree / Disagree

c. **note** that we have attached a draft Cabinet paper and supporting Regulatory Impact Statement seeking policy approvals for changes to the Education (Board Election) Regulations 2000 (the Regulations) to enable electronic school board elections

Noted

d. **agree** to circulate the attached Cabinet paper and Regulatory Impact Statement for Ministerial consultation ahead of lodging for Cabinet Committee

Agree / Disagree

Proactive Release Recommendation

e. **agree** that this Education Report will be proactively released once final Cabinet decisions have been made.

Agree / Disagree

Ben O'Meara
Group Manager
Te Puna Kaupapahere - Policy

09/11/2021

Hon Chris Hipkins
Minister of Education

17 /11/ 2021

Our proposed approach

We considered three options to enable electronic school board elections

1. You agreed to delay the May 2022 triennial elections so we can enable electronic board elections and gazetted the new dates as 5 – 23 September 2022 (METIS: 1272903). The delay to the elections was announced in the School Bulletin on 27 October 2021.

2. We considered three options that each present varying degrees of complexity and risk relating to data security, secrecy and the Ministry's ability to validate and audit the process. These options are:

   a. Option 1: Make minor amendments to the Regulations to remove any specific reference to paper processes to allow schools to run all elections electronically.

   b. Option 2: Make the same amendments as option one but also set out minimum technical and process standards in Regulations to promote safe, secure and accessible elections.

   c. Option 3: Make the same amendments as option two but also require electronic services to be provided by accredited providers. This would require the Ministry to establish an accreditation process.

3. Under all three options, schools will have to ensure paper voting is available for voters who are unable to take part electronically. The Regulations will need to ensure that voters in a school community are not disenfranchised due to a lack of digital access.

We recommend option three for parent and staff representative elections and option two for student representative elections

4. We recommend option three for parent and staff elections because it supports participation while safeguarding elections. Accredited providers of electronic elections will be incentivised to deliver services that are easy and safe for voters and returning officers to use, promoting participation in elections. The accreditation process will ensure that providers meet the Ministry's standards and simplify the decision-making process for schools.

5. We are recommending option two for student elections. This is because student elections operate differently in practice from parent elections and requiring an accredited provider for these elections would be unduly onerous for schools.

6. We are also proposing to make other minor amendments to the Regulations to support the enablement of electronic elections and improve the board election framework more generally.

7. We have undertaken departmental consultation on the attached Cabinet paper. The key feedback we received from Departmental consultation and is reflected in the draft Cabinet paper includes:

   a. The **Ministry for Pacific Peoples** stated that it was important that we clarify whether Samoan and Tongan were examples of Pacific languages that would be available, or if they would be the only Pacific languages available. They will be the only ones available for electronic elections, as they are the only ones available for paper elections currently. Making further languages available is an operational matter and does not need to be addressed through this Regulatory change.

b. The **Child Wellbeing Unit** suggested noting how the work will contribute to the Government's Child Wellbeing priorities, specifically the Child and Youth Wellbeing Strategy outcome - children and young people are involved and empowered. We have made this change to the paper.

c. The **Office for Disability Issues** suggested we clarify in the body of the paper that the accreditation criteria for providers include supporting best practice contemporary accessibility features for online voting services. We have specified in the technical standards for electronic elections that elections should be provided in formats such as Easy Read required by the school board. Specifics of the accreditation criteria are not included in the Cabinet paper.

8. The **Department of Internal Affairs** recommended we note the security concerns regarding electronic voting in national and local elections and follow this with a short explanation of the different risk profile of school board elections. We have not incorporated this change due to its impact on the length of the paper. However, the Regulatory Impact Statement does include consideration of the broader electronic voting environment for elections and what has previously been considered by government.

9. We are awaiting feedback from the Government Communications Security Bureau as we provided the paper to them late for consultation. We will incorporate any feedback they have in the final Cabinet paper after Ministerial consultation. We are also meeting with Ngā Kura ā Iwi o Aotearoa and Te Rūnanga Nui o Ngā Kaupapa Māori o Aotearoa in the next few weeks to discuss their feedback on the proposals. We will incorporate any feedback they have in the final Cabinet paper, subject to the timing of the hui.

10. We have provided you with a copy of the Regulatory Impact Statement which contains further analysis of the options.

Next steps

11. We will provide your office with a final paper ready for you to lodge on 18 November, for consideration at Social Wellbeing Committee on 24 November.

Table 1: Proposed timeline for new triennial election dates and regulatory changes

Milestones	Timeline
Ministerial consultation	Wednesday 10 November – Midday Wednesday 17 November 2021
Final Cabinet paper to Minister's office	COP Wednesday 17 November
Lodging	Thursday 18 November
Social Wellbeing Committee	Monday 24 November 2021
Cabinet	Monday 6 December 2021

9(2)(f)(iv)

9(2)(f)(iv)

Annexes

Annex 1:   (Draft) Cabinet paper

Annex 2:   Regulatory Impact Statement

Regulatory Impact Statement: Enabling electronic school board elections

Coversheet

Purpose of Document	
Decision sought:	*Cabinet's agreement to enabling electronic school board elections in primary and secondary schools*
Advising agencies:	*Ministry of Education*
Proposing Ministers:	*Minister of Education*
Date finalised:	*9 November 2021*

Problem Definition
The Education (Board Elections) Regulations 2000, which govern school board elections, are outdated and not reflective of modern practices. Schools, parents and students hold a reasonable expectation that elections should be able to be performed electronically, but the Regulations currently do not allow this.

Executive Summary
Government intervention is required to update the existing Education (Board Election) Regulations 2000 to allow electronic election processes to take place, where schools opt to use them.

Anecdotally, we understand that some schools are already using electronic processes to support their elections. In some cases, this involves the use of online software to simplify and improve the nominations process, which can be done in line with the existing Regulations. However, in some cases, the entire process is being completed electronically, in breach of the provisions of the Regulations which refer to paper forms and processes.

Schools and parents hold a reasonable expectation that these processes can be done online, as doing so can increase participation by simplifying and removing barriers to engaging with elections, and schools routinely use online systems for other aspects of their administration, communication and governance. Modernising the school board election process will bring elections in line with these other school activities.

The next triennial school board elections must occur in 2022 under the Education and Training Act 2020. In enabling electronic elections before these take place, we are aiming to improve participation in an important democratic process. We are also aiming to do so in a way that is safe, secure, private, and able to be validated and audited by the Ministry. The Minister of Education has delayed the date of the 2022 elections from May to September, to allow time for the new process to be developed and supported by the Ministry and NZ School Trustees Association (NZSTA).

Three options were considered, with each providing for varying degrees of complexity, freedom for schools, and compliance requirements. A true status quo 'do nothing' option was not considered, though option one represents a form of modified status quo by making regulatory changes to enable what is already happening. Briefly, the options considered were: |

Option One – Modified status quo

1.   Under this option changes would be made to the Education (Board Election) Regulations 2000 to allow electronic elections to take place. This would include changing the parts of the legislation that, for example, refer to 'voting papers' to a more neutral language that is inclusive of electronic election processes. This option provides the greatest choice of all options considered, as it does not stipulate any technical standards relating to data security. Schools could use any electronic system that complies with the process requirements of the updated Regulations. This is a low complexity / high risk option.

Option Two – Minimum technical standards

2.   Under this option, changes would be to the Education (Board Election) Regulations 2000 to allow electronic elections to take place by setting minimum technical standards that establish process requirements that lead to a more secure electronic elections process. This option provides greater reassurance around the safety and security of an electronic election than option one and is considered to be medium complexity / medium risk.

Option Three - Accreditation process

3.   This option builds on option two and includes establishment of an accreditation system to independently assess private providers' software and data-security policies against the regulatory technical standards. Schools that want to enable electronic elections can then choose from a list of approved providers. Due to the level of complexity needed to develop an accreditation scheme, this option is summarised as high complexity / low risk.

All options will allow electronic, paper and mixed-model election processes to take place. This is to ensure that parents and students without digital access can still take part in the election.

Following detailed options analysis, option three was determined to be the best option on the following grounds: ease and feasibility of implementation by the Ministry and schools; data safety and security; secrecy of ballot and validation; accessibility for all groups; and the extent to which the regulatory system ensures a choice between equally valid paper and electronic processes. A full options analysis is provided in section 2 of this document.

Electronic elections do not increase costs for schools and can be delivered within the existing allocated budget for school board elections. The establishment of an accreditation scheme, and specifically independent assessments of providers will require additional funding but these costs will be met from within Ministry of Education baselines.

Officials have engaged with a number of stakeholders as part of this analysis, including two private providers of electronic school elections software, the Department of Internal Affairs (DIA), and the New Zealand School Trustees Association (NZSTA), who are responsible for supporting schools to deliver elections. NZSTA have been consulted at several points through the policy development process, including determining options, setting assessment criteria and options analysis.

A public consultation on school board elections was also performed in April 2020, for 8 weeks, which received 111 submissions that specifically addressed electronic school board elections. Broadly, submitters were supportive of the enablement of electronic

school board elections. We intend to release an exposure draft of the Regulation changes, which will be consulted on for six weeks, in early 2022.

To better support electronic school board elections and modernise the Regulations, we will also be making four further changes to the Regulations to improve the process, which were raised as part of the consultation. These are:

1. Allow the counting of votes in an electronic election to occur without scrutineers, as the counting system will be performed electronically and cannot be observed;
2. Remove the long election timetable as an option for board elections, since the long timetable is rarely used and consultation supported this;
3. Amend the short election timetable to give returning officers more time to prepare for voting;
4. Introducing a shorter timetable for student representative elections and staff by-elections.

Limitations and Constraints on Analysis

The only significant limitation on our analysis has been the pace at which the work has been done in order to be implemented before the next triennial elections in 2022. This has meant that the option of creating bespoke software centrally, for all schools to use, has not been considered.

Responsible Manager

Ben O'Meara

Group Manager

Te Puna Kaupapahere

Ministry of Education

Quality Assurance (completed by QA panel)

Reviewing Agency:	Ministry of Education
Panel Assessment & Comment:	The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement "Enabling electronic school board elections" produced by the Ministry of Education and dated 9 November 2021. The panel considers that it meets the Quality Assurance criteria. The RIS provides a clear and convincing case for proposed amendments to the Education (Board Elections) Regulations 2000 to allow for school board elections to be undertaken electronically. The proposed changes reflect feedback from stakeholders received during recent consultation and the proposed option strikes a balance between security and data safety, feasibility and compliance. While the changes will allow for elections to be conducted electronically, existing paper-based mechanisms will remain available.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. We know that some schools are already using electronic processes for elections. It is likely that some of these schools are using software to conduct elections that is not adequately data-secure and may lead to difficulties where the Ministry undergoes an audit or validation process. Due to the general expectation of parents that electronic or online approaches form a part of day- to-day life, it is unlikely that a parent will make a formal complaint to the Ministry that the process is not being run as a paper process, in line with the current Regulations.

2. According to data gathered by NZSTA, across all schools in New Zealand, turnout in school board elections varies greatly, with turn out below 10 percent in some cases. An effective electronic system offers an opportunity to simplify, and thereby potentially increase, engagement with an election, as parents would not have to go to the school or find a post-box to mail their letter (in the event of postal voting).

3. It is likely that more and more schools will switch to electronic processes in order to remove barriers to participation, present the school as a modern and IT-literate place of learning and to simplify the process for returning officers.

4. Parent and staff school board elections take place once every three years, in all primary and secondary schools (approximately 2,400 schools), with a mid-term election halfway through this period. Student body representative elections take place in secondary schools, (approximately 350 schools), once per year. Under current monitoring arrangements, the Ministry of Education only inspects school election processes in the event of a complaint in order to validate the process or require the school to run the process again in the event of an irregularity. School elections are not monitored routinely.

What is the policy problem or opportunity?

5. Modernising school board elections provides an opportunity to improve the elections process across all schools, including;

    a. Meeting the expectations of teachers, students and parents that technological solutions are a viable and convenient option for running school board elections;

    b. Increasing the rates of participation in school board elections by removing practical barriers to voting, such as needing to physically attend a school or to submit postal votes;

    c. Raising accessibility standards across all schools, to better meet the needs of the disabled community and those who speak other languages.

6. Where schools currently use online electronic voting systems there is a risk that they will perform wholly electronic elections without an accompanying paper process, which risks disenfranchising all parents and/or students at a school who do not have digital access.

7. We spoke to officials in the Department of Internal Affairs about their previous work on enabling electronic local government elections. DIA decided not to progress with a pilot scheme as the risks of a breach or external tampering were more significant and it would have been too costly to ensure adequate data security protections were reliably provided.

8. As school board elections involve fewer voters, and successful appointees have less significant powers than candidates appointed in local government elections, there is an opportunity to enable electronic elections in schools in a way that ensures a level of data security commensurate with the lower risk profile.

What objectives are sought in relation to the policy problem?

9. The following objectives are sought;

    a. To modernise school board election processes; specifically enabling electronic elections as a first priority in order to improve participation

    b. Enable elections to better meet the needs of school communities, such as parents and students with disabilities, or those who wish to vote in a different language

    c. Ensure that elections are appropriately safe and secure, and in line with relevant data protection legislation

    d. Ensure that elections are secret, but are verifiable and auditable by the Ministry.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

10. The following assessment criteria will be used to determine which option best meets the objectives:

Feasibility of implementation

11. Within the specified timeframes, can the Ministry implement the regulatory changes and support electronic elections to occur; can schools implement electronic elections; and does it fit within existing funding?

Data safety and security

12. This criterion relates to the technical specifications that should be established to ensure that school board elections are safe – data is backed-up, stored safely, and secure – the information can't be hacked or accidentally shared. This also tests the extent to which an option meets privacy requirements, including the principals in the Privacy Act 2020.

Secrecy, validation and audit

13. Elections must remain secret, and schools/providers will still be required to maintain secrecy. However, the Ministry must be able to validate elections, which would include being sure that votes are legitimate.

Accessibility

14.   The Regulations enable electronic elections that are accessible to all, including the disabled community and speakers of languages other than English, especially te reo Māori.

Increase to participation

15.   This criterion relates to the likelihood of voter participation increasing, when compared with wholly paper-based processes.

What options are being considered?

Option One – Modified status quo

16.   Under this option, changes would be made to the Education (Board Election) Regulations 2000 to allow electronic elections to take place. This would include changing the parts of the Regulations that, for example, refer to 'voting papers' to a more neutral language that is inclusive of electronic election processes. This option provides the greatest choice of all options considered, as it does not stipulate any technical standards relating to data security. Schools could use any electronic system that could be used in a way that complies with the process requirements of the updated Regulation. This is a low complexity / high risk option.

Option Two – Minimum technical standards

17.   Under this option, the Ministry would make changes to the Education (Board Election) Regulations 2000 to allow electronic elections to take place. However, the Regulations would also be strengthened with minimum technical standards that establish process requirements that support a more secure electronic elections process. This option provides greater reassurance around the safety and security of an electronic election than option one and is considered to be medium complexity / medium risk.

Option Three - Accreditation process

18.   This option builds on option two and establishes an accreditation system to independently assess private providers' software and data-security policies against the regulatory technical standards. Schools that want to enable electronic elections can then choose from a list of approved providers. Due to the level of complexity needed to develop an accreditation scheme, this option is summarised as high complexity / low risk.

How do the options compare to the status quo/counterfactual?

Assessment scoring: all options were assessed against specific criteria and given a score between 0 and 3, where:

0 = Does not meet the criteria at all

1 = Meets the criteria to a limited extent

2 = Achieves the criteria

3 = Exceeds the criteria

	Option One – Modified Status Quo	Option Two – Minimum technical standards	Option 3 – Accreditation scheme
Feasibility of implementation	Relatively simple and achievable for Government to make minor changes to the Regulations. Schools would have full freedom to choose the process that works for them. 2.5	More complex for Ministry to agree and set correct minimum technical standards but simple changes when the standards are agreed. Schools would have to understand and apply the minimum technical standards to a provider without any support from the Ministry. 1.25	Most complex option for the Ministry, especially agreeing detailed assessment criteria. Schools would be able to choose from a list of pre-approved providers, reducing the time and effort required to perform an electronic election. 1.5
Data security and safety	No regulated standard of safety and security. Would rely on a reasonableness determination that would be added to the regulations, which would be difficult to enforce/ensure that schools meet. Although schools may hold safe electronic elections, this option presents the greatest risk of a data breach and poor data security practices. 0.5	Minimum technical standards should increase the likelihood that elections will be safe and secure. However, there is no mechanism to give the Ministry confidence that these standards will be met by schools and providers. 1	Requiring providers to meet the technical standards and performing an assessment of their capabilities ahead of time gives the greatest degree of confidence possible that the elections can run safely and securely. 3
Secrecy, validation and audit	Although schools may hold elections that are secret and auditable, there is a substantial risk that the secrecy of elections would not be maintained owing to freedom of choice and a lack of specific standards. The Ministry would	Minimum technical standards should ensure that elections are secret and auditable. However, there is nothing to give the Ministry confidence that these standards will be met/followed. If they haven't been, the Minister's	An accreditation scheme would increase confidence that secrecy and auditability requirements are met. Private companies will need to allow the independent assessor to examine their systems/practices, which they may not be willing to do. Auditability will require co-

	have no way of ensuring that elections processes are auditable. If an election cannot be audited, they will be declared invalid on this basis. It would be difficult and time consuming for the Ministry to investigate a range of different processes. **0.5**	delegate can invalidate the election if they think that the irregularity could have materially affected the election outcome. **1**	operation from providers; if no co-operation forthcoming, elections will have to be invalidated. **2.5**
Accessibility	No guarantee that schools will make elections accessible, schools would likely struggle with translations, may not use disability-friendly processes. May be slightly improved by guidance and support from NZSTA. **0.5**	The requirements we set could help ensure that elections are accessible to disabled groups as well as speakers of languages other than English. This could be grounds for invalidation if requirements are not met. **1.5**	Providers could be made to meet accessibility standards in order to be accredited, which should provide strong reassurance this is being done. It may not be possible to require providers to provide services in all requested languages, owing to the time, availability and cost restraints of translation services. **2.5**
Increase to participation	Schools could choose to use simple, easy to use software/online portals. Schools could allow very simplified processes, such as an email vote. Some parents may not use the online service due to the risk to their personal data (security breach or lack of privacy). **2.5**	Schools would have to satisfy themselves that the technical standards are met, which may lead to choosing paper processes instead. Technical standards would impose some degree of admin for the voter (for example, setting up a password for their log-in) which may lead to some voters not voting **1.5**	While the administration requirements on voters would be greater than option one, professional private providers would likely consider the user experience in their software design to increase usability and ease of access. This will minimise barriers to participation, and lead to higher participation than if it is difficult to participate. **2**
Overall assessment	**6.5**	**6.25**	**11.5**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

19. Following analysis, option three (accreditation scheme) is the preferred option for enabling electronic school board elections. This will include:

    a. Establishing minimum technical standards to ensure parent, staff and student electronic elections are performed safely and securely, secretly, and in a manner that is auditable and can be validated by the Ministry;

    b. Providing for the Ministry of Education to establish a two-stage accreditation scheme against these standards, along with specific assessment criteria providers must meet in order to allow schools to use these services;

    c. Requiring that schools use accredited providers for electronic election services if they choose to hold parent and staff elections electronically;

    d. Allowing student board elections to take place electronically without the use of an accredited provider, in recognition of the existing, different practice between staff and parent, and student, board elections.

20. If a school holds an election electronically, they will still be required to provide paper alternatives for voters who cannot participate electronically. It is essential that voters' democratic rights are maintained regardless of their digital connectedness.

21. The current Regulations specify a range of standards that must be met for paper-based elections. Similar minimum technical standards will be established in the Regulations specific to electronic elections. The minimum technical standards would require:

    a. The vote counting must be accurate, and a scrutineer must be able to complete a manual count if required;

    b. The Ministry of Education must be able to assess the validity of the election as set out in section 170 of the Education and Training Act 2020 (the Act);

    c. The secrecy of the election must be maintained, meaning each voter must not be identifiable from their vote;

    d. The identity of each voter must be verified before a vote is cast, to ensure all eligible voters cannot vote more than once and to ensure each vote is linked to an individual who is eligible to vote;

    e. All electronic information and processes related to the election must be provided in the languages in which the Secretary issues voting forms, and in accessible formats[1];

    f. All private information obtained and/or used for the purposes of the election must be adequately protected in accordance with the Privacy Act 2020;

    g. Information in electronic form must be held by secure and reliable means, in accordance with the Privacy Act 2020, that maintains the integrity of the information and prevents non-authorised access or release of that information;

    h. After an election, the voting data and copy of the roll must be transferred to the District Court, who will take custody of the data and destroy it after six months, in line with the current Regulations.

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[1] Currently, Te Reo Māori, English, Simplified Chinese, Tongan, and Samoan. Accessible formats include Easy Read.

Staff and parent elections

22. For parent and staff elections, the preferred option is to establish an accreditation scheme to approve providers of electronic elections.

23. Online elections must be enabled in a way that is as safe and secure as possible, without placing an undue burden on schools to assess potential providers, which is why we recommend the establishment of a centralised accreditation scheme to provide this reassurance.

24. However, there are practical matters to consider which also factor into the successful implementation of the assessment process. There is a risk that setting too high a standard for electronic providers will lead to there being no providers who are accredited to deliver electronic elections. It is important that the approach balances the risks to security, the risks to the secrecy of the election, and the risk of electronic elections not being enabled at all, in a practical sense, due to a lack of accredited providers. Given the above factors and the New Zealand context, we have proposed establishing a two-phase accreditation scheme.

25. The accreditation process will have two steps. The first step will be a self-declaration by providers, who will provide evidence of their ability to meet the minimum technical standards outlined above. The Ministry will assess the evidence submitted by the provider and will be able to accredit the provider based on the self-declaration.

26. Existing providers will be accreditable on the basis of:

    a. A declaration that they meet the established standards;

    b. Evidence of a proven record of previous and safely run elections of equivalent scale and risk;

    c. Evidence of the protective technology the software/provider uses; for example, the type and location of the datacentre being used to store election data;

    d. Evidence of the data security practices and policies used by the provider; for example, evidence of the frequency of their back-up schedule, and their approach to password-protection;

    e. Evidence of audits and/or certifications already performed by or granted to the provider's software or company; for example, independent certification against International Organization of Standardisation (ISO) standards.

27. The second step would only be necessary if the Ministry is not confident it can accredit the applicant based on the self-declaration. If this step is required, the provider would have to undergo an independent assessment of its ability to meet the accreditation criteria.

28. The Ministry will make the accreditation criteria public by placing it online so that it is transparent about providers are expected to meet. Based on this independent assessment, the Ministry would decide whether to accredit the provider.

29. If a potential provider is not accredited, they can appeal to the Secretary for Education for a review, who may confirm the decision or choose to grant an accreditation. The Secretary will also have the power to revoke an accreditation in the event of a significant breach by an accredited provider.

30. Similarly, the Secretary will be empowered to revoke a provider's accreditation if there is a breach of one or more of the standards, and the Secretary considers that the breach is significant, and it warrants the revocation of the accreditation granted by the Ministry.

31. There is a risk that no providers would be accredited under this scheme because they are unable to meet the assessment criteria. However, we will begin working with potential providers and other key stakeholders this year on expectations for the criteria, ahead of finalisation next year. This will help to ensure that electronic elections can go ahead in 2022 by ensuring that the criteria are reasonable, and that providers have time to make necessary adjustments to their processes.

32. There is also a risk that private providers will become accredited, but then fail to meet the standards in practice. In recognition of this, we intend to grant the Secretary of Education the power to revoke accreditations where providers have breached the Regulations and have not submitted a plan to demonstrate how the breach will be remedied for future elections.

33. This represents a proportionate and reasonable compromise between verifiable data security for schools and the market's realistic ability to provide services to schools wishing to conduct an electronic election.

Student elections

34. For student elections, we are proposing a different approach that meets the minimum technical standards but does not require an accredited provider approved by the Ministry.

35. Schools will be able to come up with their own approaches to electronic student elections so long as these approaches meet the minimum technical standards specified in the Regulations, such as maintaining the secrecy of the election. Schools will be able to use an external electronic provider if they so choose.

36. The reason for this differentiation is because student elections operate differently in practice from parent elections and requiring an accredited provider is likely to be unduly onerous for schools. For example, student elections are held annually in around 350 schools and usually during school time, where students are asked to fill out their votes in class. This method is easy and convenient for returning officers and students, compared to parent elections which take place in 2,400 schools and are run through the postal system on a less frequent basis.

37. Student, staff and parent elections are equally important as one another. The difference in practice does not reflect the relative importance of either election, rather it reflects the realities of interactions between students and staff, parents, and schools.

38. Staff election practices are similar to student elections practices. However, because staff elections occur on the same three-year cycle as parent elections, it is appropriate for staff elections to require electronic services provided by accredited providers.

What are the marginal costs and benefits of the option?

Costs

39.   There is a cost to the Ministry in implementing the preferred option, - specifically the cost of an independent assessment of a provider under step two of the accreditation scheme. The cost estimate for an independent assessment is 9(2)(j) per assessment, which is based on similar assessments commissioned by the Ministry for 9(2)(j) . This cost can be met from within Ministry baselines and will only be required if providers cannot meet step one of the accreditation process.

40.   9(2)(j) These costs will also be met from within Ministry baselines.

41.   Electronic elections will not increase costs for schools. Schools are currently funded to hold their board elections by the Ministry. This funding is a base amount plus a per-student amount. In our discussions with two existing providers, they indicated that it is possible to run an election within this existing funding.

Benefits

42.   Enabling electronic school board elections with an accompanying accreditation scheme will bring a number of benefits to schools and voters. This option will;

   a.   Modernise the school board elections processes, bringing them in line with the expectations of staff, students and parents;

   b.   Set minimum standards of data security, accessibility, and privacy, while also providing the greatest reassurance that these standards are being met through the accreditation process;

   c.   Mean that the burden of determining if a private provider of electronic elections meets appropriate standards of privacy, safety and data security is not placed on individual school boards;

   d.   Increase the convenience of, and therefore potentially increase participation in, voting in school board elections, through the removal of practical barriers to submitting a vote.

Section 3: Delivering an option

How will the new arrangements be implemented?

43. The below table shows the high-level implementation plan for enabling electronic school board elections

Date	Changes to the Regulations	Establishment of an accreditation scheme	NZSTA support to schools
November 2021	• Work on policy approvals for enabling electronic elections	• Talk with potential providers and develop draft assessment criteria	• Current returning officer (RO) handbook published online, which highlights the paper process and new range of dates.
December 2021			
January 2022	• Consultation on exposure draft regulations	• Seek feedback on draft assessment criteria	
February 2022			• Communications with school boards about election preparations and key milestones for elections
March 2022			• Update guidance and training for boards and returning officers to support any schools that choose to hold elections electronically
April 2022			
May 2022	• Regulations gazetted	• Confirm and publish list of accredited providers in time for schools to choose a provider if they want to hold an electronic election	• Updated RO handbook, training and guidance published once regulations gazetted
June 2022	• Changes come into force		
July 2022			• Election period
August 2022			
September 2022			
October 2022			• Support for new board members (for up to six months after the election)
November 2022			
December 2022			

How will the new arrangements be monitored, evaluated, and reviewed?

44. Enabling electronic school board elections will be monitored under the same system that has been in place for paper-based elections for many years; i.e., through a combination of NZSTA monitoring of participation rates and the Ministry auditing individual elections where a complaint is received, to validate or invalidate the election.

45. We intend to evaluate the next triennial elections in late 2022, which would involve examining schools that had chosen to run an election electronically. While the precise criteria for evaluation have yet to be decided, it is likely that the following factors will be examined:

    a. The number of schools who opted to use an electronic election process;

    b. Any impact on participation rates, either positively or negatively, compared with previous years;

    c. The extent to which the standards in regulation were abided by;

    d. Whether any elections were invalidated, and if so, if the invalidation was a direct result of the election being run electronically;

    e. The experience of returning officers, in relation to the altered timeframes and the electronic process more generally.

46. The prevailing wisdom around what constitutes sufficient/strong data security standards changes frequently, as do the methods most commonly employed by those wishing to disrupt, steal or otherwise negatively impact electronic processes. In recognition of this, and the triennial cycle of school board elections, we intend to review and reconsider the assessment criteria for electronic election providers before each election.

47. In future elections, private providers, as part of their accreditation process, will be able to reference previous, successfully run electronic elections as evidence for their re-accreditation. Where the technological landscape has changed such that more stringent data security requirements are necessary, they will have to prove that they can meet the new standards.