



## BYLAW B2707 TRUSTEE ELECTIONS

A bylaw to provide for the determination of various procedures for the conduct of general school elections and other trustee elections.

### PREAMBLE

Under the School Act, the Board of Education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections.

In School District No. 27 (Cariboo-Chilcotin), under Section 37 of the School Act, trustee elections in the following trustee electoral areas are the responsibility of the following authorities:

<b>TRUSTEE ELECTORAL AREA (TEA)</b>	<b>GENERAL TEA DESCRIPTION (REFER TO TRUSTEE ELECTORAL AREA ORDER FOR SPECIFICS)</b>	<b>NO. OF TRUSTEES</b>	<b>AUTHORITY</b>
TEA One	Cariboo Regional District Area H and parts of G & L	One (1)	Board of Education
TEA Two	Most of Cariboo Regional District Area G, part of L surrounding Green Lake, and Thompson Nicola Regional District Area E to 70 Mile, conforming with the southern boundaries of SD27	One (1)	Board of Education
TEA Three	District of 100 Mile House	One (1)	District of 100 Mile House
TEA Four	Cariboo Regional District Area F	One (1)	Board of Education
TEA Five	Cariboo Regional District Area E and part of D that lies within the boundaries of SD27	One (1)	Board of Education
TEA Six	City of Williams Lake	One (1)	Council of the City of Williams Lake
TEA Seven	Cariboo Regional District Areas J & part of K that lies within the boundaries of SD27	One (1)	Board of Education

Trustee elections that are the responsibility of the Board may be conducted by the Board directly or by a local government under an agreement with the Board made pursuant to section 38(4) of the School Act.

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The Board of Education, in an open meeting of the board, enacts the following:

## **1. Definitions**

The terms used shall have the meanings assigned by the *School Act*, the *Local Government Act*, and the *Local Elections Campaign Financing Act* except as the context indicates otherwise.

- 1.1. “Board” or “School Board” means the Board of Education of School District No. 27 (Cariboo-Chilcotin).
- 1.2. “By-Election” means a trustee election to fill a vacancy on the school board in any of the circumstances in section 36 of the *School Act*.
- 1.3. “Election” means a trustee election.
- 1.4. “General Voting Day” means the date on which general voting for a trustee election is to take place, whether part of the general school elections or a by-election.
- 1.5. “Minister” means the Minister of Education.

## **2. Application**

This bylaw applies to both general school elections and by-elections and to those trustee elections carried out by other authorities, except as otherwise indicated.

## **3. Order of Names on the Ballot**

The order of names of candidates on the ballot will be arranged alphabetically.

## **4. Resolution of Tie Votes after Judicial Recount**

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with the *Local Government Act*.

## **5. Number of Nominators Required**

For certainty, the minimum number of qualified nominators for a trustee candidate is two.

## **6. Website Access to Candidate Nomination Documents and Campaign Financing Disclosure Statements**

- 6.1. The Board authorizes public access, during the regular office hours at the Board’s office, to nomination documents of trustee candidates by internet or other electronic means until 30 days after declaration of the election results.

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**6.2.** The Board will make available to the public for inspection during the regular office hours of the Board's head office, the trustee candidates' campaign financing disclosure statements and supplementary reports until 5 years after general voting day either by providing:

**6.2.1.** Access by internet, or

**6.2.2.** A copy of that information for inspection.

**6.3.** The Board will, on request, provide a copy or other record of trustee candidates' campaign financing disclosure statements and supplementary reports for as long as they are required to be available to the public under section 6.2 for a fee of \$0.05 per printed side of a page.

**6.4.** All persons or organizations requesting information under section 6, will be advised not to use personal information included in the copy or other record except for a purpose permitted under the Local Elections Campaign Financing Act. A signed statement to this effect may be required.

## **7. Application of Local Government Bylaws**

**7.1.** In Trustee Electoral Area 3 the election bylaws of the District of 100 Mile House apply to trustee elections conducted by the District of 100 Mile House, except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.

**7.2.** In Trustee Electoral Area 6 the election bylaws of the Council of the City of Williams Lake apply to trustee elections conducted by the Council of the City of Williams Lake, except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.

## **8. Required Advance Voting Opportunities**

The following additional provisions apply to those trustee elections that the school board conducts on its own behalf except where the Board has adopted a local government bylaw to apply to the trustee election.

**8.1.** Unless the Board is exempted from the requirement by Order of the Minister of Education, an advance voting opportunity will be held on the 10th day before general voting day.

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**8.2.** Unless the Board is exempted from the requirement for a second advance voting opportunity by Order of the Minister of Education, or unless s. 8.3 applies, a second advance voting opportunity will be held on:

**8.2.1.** in Trustee Electoral Area 3, a municipal TEA, the date specified in the bylaws of the District of 100 Mile House

**8.2.2.** in Trustee Electoral Area 6, if the Council of the City of Williams Lake conducts all or a part of the trustee election, the date specified in the bylaws of the Council of the City of Williams Lake as they may be amended from time to time.

**8.3.** In Trustee Electoral Areas one (1), two (2), four (4), five (5), and seven (7), where the populations of the trustee electoral area is 5,000 or less, the required advance voting opportunity will be held on the tenth day before general voting day and no other advance voting opportunity will be held, except any that are established by the chief election officer.

#### **8.4. Additional Advance Voting Opportunities**

The Chief Election Officer is authorized to establish additional advance voting opportunities for each election and to designate the voting places, establish the date and the voting hours of these voting opportunities.

#### **8.5. Additional General Voting Opportunities**

The chief election officer is authorized to establish additional general voting opportunities for general voting day for each election and to designate the voting places and voting hours, within the limits set out in the Local Government Act, for such voting opportunities.

#### **8.6. Special Voting Opportunities**

In Trustee Electoral Area 6, if the Council of the City of Williams Lake conducts all or a part of the trustee election, in order to give electors who may otherwise be unable to vote an opportunity to do so, special voting opportunities will be those locations, dates and times as specified in the bylaws of the Council of the City of Williams Lake as they may be amended from time to time.

### **9. Mail Ballot Voting**

**9.1.** Subject to the Local Government Act, voting and registration may be done by mail for:

**9.1.1.** persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;

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**9.1.2.** persons who expect to be absent from the trustee electoral area on general voting day and at the times of all advance voting opportunities; or

**9.1.3.** persons who reside in a specified area of the jurisdiction for which the election is being held that is more than 75 kilometres from the closest voting place at which they are entitled to vote.

## **9.2. Application Procedure**

**9.2.1.** A person wishing to vote by mail ballot shall apply by giving their name and address to the chief election officer or to the person designated by the chief election officer for such purposes, during the period commencing 7 days before the first day of advance voting and ending at 4:00 pm on the Thursday two days before general voting day.

**9.2.2.** Upon receipt of a request for a mail ballot, the chief election officer or designate shall, between the first day of advanced voting and 4:00 p.m. on the Thursday two days before general voting day:

- a) make available to the applicant, a mail ballot package as specified in section 110(7) of the Local Government Act, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in section 9.1 of this bylaw, and that they must attest to such fact; and
- b) immediately record and, upon request, make available for inspection:
  - i. the name and address of the elector to whom the mail ballot package was issued; and
  - ii. the number of the voting division in which the person is registered as an elector, or “new elector”, if that person is not on the register of electors.

## **9.3. Voting Procedures**

**9.3.1.** To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.

**9.3.2.** After marking the ballot, the elector shall:

- a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;

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- b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
  - c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;
  - d) mail, or have delivered, the outer envelope and its contents to the chief election officer at the address specified so that it is received no later than the close of voting on general voting day.

#### **9.4. Ballot Acceptance or Rejection**

**9.4.1.** Until 4:00 pm. on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the chief election officer or designate shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:

- a) the identity and entitlement to vote of the elector whose ballot is enclosed;
- b) the completeness of the certification; and
- c) the fulfilment of the requirements of section 70 of the Local Government Act in the case of a person who is registering as a new elector;

the chief election officer or designate shall mark the certification envelope as “accepted”, and shall retain in his custody all such certification envelopes in order to deal with any challenges made in accordance with section 9.5 of this bylaw.

**9.4.2.** The unopened certification envelopes shall remain in the custody of the chief election officer or designate until 4:00 p.m. on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.

**9.4.3.** At 4:00 p.m. on the Thursday two days before general voting day, the chief election officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such

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secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.

**9.4.4.** Where an outer envelope and its contents are received by the chief election officer or designate between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of section 9.4.1 of this bylaw with regard to ballot acceptance shall apply and the chief election officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.

**9.4.5.** As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the chief election officer or designate, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes shall be opened and the ballots contained therein counted in accordance with the provisions of the Local Government Act.

**9.4.6.** Where:

- a) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose ballot is enclosed; or
- b) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with section 70 of the Local Government Act; or
- c) the outer envelope is received by the chief election officer or designate after the close of voting on general voting day,

The certification envelope shall remain unopened and the chief election officer shall mark such envelope as “rejected”, and shall note the reasons therefor, and the ballot contained therein shall not be counted in the election.

## **9.5. Challenge of Elector**

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**9.5.1.** A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in section 126 of the Local Government Act, until 4:00 pm on the Thursday two days before general voting day.

**9.5.2.** The provisions of sections 126(2) to (5) inclusive of the Local Government Act shall apply where a challenge of an elector using a mail ballot has been made.

### **9.6. Elector’s Name Already Used**

**9.6.1.** Where, upon receiving a request for a mail ballot, the chief election officer determines that another person has voted or has already been issued a mail ballot in the elector’s name, the provisions of section 127 of the Local Government Act shall apply, so far as applicable.

### **9.7. Replacement of Spoiled Ballot**

**9.7.1.** Where an elector unintentionally spoils a mail ballot before returning it to the chief election officer, the elector may request a replacement ballot by advising the chief election officer or designate of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer or designate.

**9.7.2.** The chief election officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with section 9.2.2 of this bylaw.

## **10. Title**

This Bylaw may be cited as “School District No. 27 (Cariboo-Chilcotin) Trustee Election Bylaw No. B2707”.

## **11. Repeal**

School District No. 27 (Cariboo-Chilcotin) Trustee Elections Bylaw No. B2702, dated May 2014, is hereby repealed.

Read a first time this 22 May 2018.  
Read a second time this 22 May 2018.  
Read a third time and adopted this 26 June 2018.

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Tanya Guenther  
Chair

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Kevin Futcher  
Secretary Treasurer