



SECTION 5000: GOVERNANCE

POLICY 5065: TRUSTEE ELECTIONS BYLAW

- *Date Adopted: June 13, 2012*
 - *Revised: April 6, 2022 (Housekeeping Revisions)*
-

POLICY STATEMENT

Trustee Elections Bylaw provides for the determination of various procedures for the conduct of general school elections and other trustee elections.

RATIONALE

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.

LEGISLATION/REGULATIONS

- School Act Section 30(4), Section 37
- Trustee Electoral Area Order M304/96, amended July 21, 2011

POLICY

In Coast Mountains School District 82, under Section 37 of the *School Act*, trustee elections in the following trustee electoral areas are the responsibility of the following authorities:

Coast Mountains Board of Education School District 82 Trustee Electoral Area Order M304/96, amended July 21, 2011.

Trustee Electoral Area (TEA):	No. of Trustees	Authority
Trustee Electoral Area 1 (Kitimat)	Two	Board of Education
Trustee Electoral Area 2 (Terrace)	Two	Board of Education
Trustee Electoral Area 3 (Thornhill)	One	Board of Education
Trustee Electoral Area 4 (Stewart/Meziadin)	One	Board of Education
Trustee Electoral Area 5 (Hazelton)	One	Board of Education



REGULATIONS

The Board wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

The Board of Education, in an open meeting of the Board, enacts as follows:

1. Definitions

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

“By-election” means a trustee election to fill a vacancy on the board of education.

“Election” means a trustee election.

“Board” or “School Board” means the Board of Education of Coast Mountains School District 82.

“Chief Election Officer” means the person appointed by the Board of Education for each general election or by-election.

2. Application

This bylaw applies to both general elections and by-elections, except as otherwise indicated.

3. Order of Names on the Ballot

The order of names of candidates on the ballot will be alphabetical by surname.

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 lot in accordance with Section 151 of the *Local Government Act*.

5. Number of Nominators Required

The minimum number of qualified nominators for a trustee candidate is two for all trustee electoral areas in Coast Mountains School District 82.



REGULATIONS *(continued)*

6. Nomination Deposits

No nomination deposit is required for trustee candidates.

7. Elections conducted by the Board of Education

The following provisions apply to those trustee elections which the Board of Education conducts on its own behalf.

7.1 Voter Lists

Pursuant to Section 69 of the *Local Government Act*, in the case of a trustee by-election that is not held in conjunction with other local government elections, the Board authorizes limiting registration of electors to registration at the time of voting. This registration is effective only for the election for which the voting is being conducted at that time.

7.2 Mandatory Advance Voting Opportunities

Unless exempted by the Minister of Education, the mandatory advance voting opportunities are established as follows:

- a. On the tenth day before general voting day; and
- b. On the third day before general voting day, except for Trustee Electoral Area 4.

For Trustee Electoral Area 4, no second advance voting opportunity to be held except any that are established under Section 7.3.

7.3 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 for these voting opportunities.

7.4 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 Section 106(2) of the *Local Government Act*, for such voting opportunities.



REGULATIONS *(continued)*

7.5 Special Voting Opportunities

- a) In order to give electors who may otherwise be unable to vote an opportunity to do so, special voting opportunities are established for each election for patients of Mills Memorial Hospital, Winch Memorial Hospital and Kitimat General Hospital.
- b) The Chief Election Officer is authorized to establish the location, date and voting hours within the limits set out in the *Local Government Act*, for each special voting opportunity.
- c) The Chief Election Officer is authorized to limit the number of candidate representatives who may be present at the special voting opportunity.

7.6 Mail Ballot Voting Opportunities

- a) The Chief Election Officer, pursuant to section 110 of the *Local Government Act*, is authorized to establish procedures and time limits in relation to voting by mail ballot.
- b) The following procedures for voting and registration must apply:
 - i. Sufficient record will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of Section 126 of the *Local Government Act*;
 - ii. A person exercising the right to vote by mail under the provisions of Section 110 may be challenged in accordance with, and on the grounds specified, in Section 126 of the *Local Government Act*, until 4:30 p.m. two days before general voting day.
- c) As provided in the *Local Government Act*, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day in order to be counted for an election.



REGULATIONS *(continued)*

8. Public Access to Election Documents

The Board authorizes posting of nomination documents of trustee candidates on the website of Coast Mountains School District 82 for public access until 30 days after declaration of the election results at www.cmsd.bc.ca.

9. Title

This bylaw may be cited as the Coast Mountains Board of Education of School District 82 Trustee Elections Bylaw.