

## 209 – Trustee Election By-Law No. 2

### Purpose

The Board of Education of School District No. 68 (Nanaimo-Ladysmith) (“the Board”) wishes to establish procedures for the conduct of trustee elections. Accordingly, in an open meeting the Board enacts this Trustee Elections By-law No. 2.

### 1. Scope of Bylaw

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

### 2. Number of Trustees and Electoral Areas

- a. There shall be nine (9) trustees.
- b. In School District No. 68 (Nanaimo-Ladysmith) trustees are elected at large. The School District comprises one (1) electoral area.

### 3. Definitions

The terms used in this bylaw shall have the meanings assigned by the *School Act*, the *Local Government Act*, and the *Local Elections Campaign Financing Act*, except if the context requires otherwise.

“Board” means the Board of Education of School District No. 68 (Nanaimo-Ladysmith)

“By-election” means a trustee election other than one conducted as part of a general school election, to fill a vacancy on the Board in any of the circumstances described in section 36 of the *School Act*.

“Chief Election Officer” means the person appointed to perform the duties of chief election officer as set out in the *School Act*, *Local Government Act* and *Local Elections Campaign Financing Act*.

“Local government” means, as applicable, City of Nanaimo, Town of Ladysmith, Town of Lantzville, the Regional District of Nanaimo and the Cowichan Valley Regional District.

“Minister” means the Minister of Education and Child Care.

“Regional District” means the Regional District of

“School District” means the School District No. 68 (Nanaimo-Ladysmith)

### 4. Voters List

Voting in a trustee election shall be limited to only those electors registering to vote at the time of voting except as required by local government by-laws as stated in section 5.a

### 5. Application of Local Government By-Laws

In the City of Nanaimo, Town of Lantzville, Town of Ladysmith, the Regional District of Nanaimo and the Cowichan Valley Regional District for a trustee election held at the same time as the general local elections, the elections bylaws of the respective jurisdiction, as they may be amended from time to time, apply to that trustee election, except for any 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.

### 6. Required Advance Voting Opportunities

- a. Unless the Board is exempted from the requirement by Order of the Minister, an advance voting opportunity will be held on the tenth day before general voting day.
- b. Unless the Board is exempted from the requirement for an additional advance voting opportunity by Order of the Minister an additional advance voting opportunity will be held on the date as stated in the By-Laws of the respective local government; or
- c. If the Board has not contracted with a local government to carry out the trustee election in conjunction with the local government election, and unless the Board is exempted from the requirement for an additional advance voting opportunity by Order of the Minister an additional advance voting opportunity will be held 3 days prior to general voting day.

### 7. Additional Advance Voting Opportunities

- a. Where the local government carries out the election in conjunction with the local government election, the by-laws of the respective local governments shall apply for the purpose of additional advance voting opportunities.
- b. Where the Board carries out the election, the Chief Election Officer may establish dates for additional advance voting opportunities for a trustee election and may designate the voting places and the voting hours for these voting opportunities.

### 8. Special voting opportunities

- a. Where the local government carries out the election in conjunction with the local government election, the by-laws of the respective local governments shall apply for the purpose of special voting opportunities.
- b. Where the Board carries out the election, there shall not be special voting opportunities made available.

### 9. Mail Ballot Voting

- a. Where the local government carries out the election in conjunction with the local government election, the by-laws of the respective local governments shall apply for the purpose of mail ballot voting
- b. Where the Board carries out the election, mail voting will not be made available.

### 10. Order of Names on the Ballot

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

### 11. Resolution of Tie Vote 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 the Local Government Act.

### 12. Nomination Deposit

No nomination deposit is required for nomination for the office of school trustee

### 13. Number of Nominators

The minimum numbers of qualified nominators for a trustee candidate is two.

### 14. Candidate Nomination Documents and Campaign Financing Disclosure Statements Notice

- a. The Board authorizes public access to nomination documents of the trustee candidates:

- i. during the regular office hours at the Board's office from the time the nomination documents are delivered until 30 days after declaration of the election results except that public access may not include the residential address of the person nominated, other than the municipality, electoral area or treaty lands in which the person is resident.

- b. The Board will make available to the public, without charge, during the regular office hours of the Board's head office, the disclosure statements or supplementary reports required to be made available by the BC chief electoral officer on an Elections BC authorized website, other than:

- i. a mailing address or residential address of a significant contributor, or
  - ii. a telephone number, mailing address, or residential address of a candidate,

until 5 years after general voting day for the election to which the trustee's disclosure statements and supplementary reports relate by providing a copy of that information for inspection.

- c. The Board will, on request, provide a copy or other record of trustee candidates' disclosure statements and supplementary reports for as long as they are required to be available to the public under section 14.b for a fee of \$1 per page.

- d. Before providing the services under section 14.c other than to a Board officer or employee acting in the course of their duties, the Board may require the person requesting the service to
  - i. satisfy to a Board official that any purpose for which personal information is to be used is permitted by the *Local Government Act* and section 63 of the *Local Elections Campaign Financing Act*, and
  - ii. provide a signed statement that
    - 1. the individual, and
    - 2. if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use the information included in the copy or other record except for a purpose permitted under the *Local Government Act* or the *Local Elections Campaign Financing Act*.

### 15. Public Posting Places

the following are designated as public notice posting places for the purposes of section 50 of the Local Government Act:

- i. the main door of the Board room located at 395 Wakesiah Ave; and
- ii. the entrance to the District Administrative Centre Building at 395 Wakesiah Ave

### 16. Publication by means other than newspaper

The Board designates the following means of publication of notices required to be published pursuant to section 94.2 of the Community Charter:

- i. the Board's Website; and
- ii. the website of each school within the District.

Date of first reading: \_\_\_\_\_

Date of second reading: \_\_\_\_\_

Date of third reading and adoption: \_\_\_\_\_

Chairperson of the Board

(Corporate seal)

Administrative Procedures related to this Policy may include: *Insert links to any related procedures.*

**Legal References:**

**Monitoring Method:**

**Monitoring Frequency:**

**Previous Policy Number:** 215, 4.4

**Adopted:** 202X.xx.xx