

**Board of Education of
School District No. 71 (Comox Valley)
Trustee Elections Bylaw No. 1C**

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

In School District No. 71 (Comox Valley), under section 37 of the *School Act*, trustee elections in the following trustee electoral areas are the responsibility of the following authorities:

Trustee Electoral Areas	No. of Trustees	Authority
<i>Area 1 – Corporation of the City of Courtenay</i>	Two	Corporation of the City of Courtenay
<i>Area 2 – Town of Comox</i>	One	Town of Comox
<i>Area 3 – Corporation of the Village of Cumberland</i>	One	Corporation of the Village of Cumberland
<i>Area 4 – Electoral Area A, Comox Valley Regional District</i>	One	Comox Valley Regional District
<i>Area 5 – Electoral Area B, Comox Valley Regional District</i>	One	Comox Valley Regional District
<i>Area 6 – Electoral Area C, Comox Valley Regional District</i>	One	Comox Valley Regional District

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

The Board of Education 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.

- “Election” means a trustee election including general school elections and by-elections.
- “Board” or “School Board” means the Board of Education of School District No. 71 (Comox Valley).

2. Application

This bylaw applies to elections carried out by the school board and by other authorities, except as otherwise indicated.

3. 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 sections 45(1) and 46(4) of the *School Act* and section 151, of the *Local Government Act*.

4. Application of Local Government Bylaws

- a. In Trustee Electoral Area 1, the election bylaws of the Corporation of the City of Courtenay, as they may be amended from time to time, apply to the trustee elections conducted by the Corporation of the City of Courtenay 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.
- b. In Trustee Electoral Area 2, the election bylaws of the Town of Comox, as they may be amended from time to time, apply to trustee elections conducted by the Town of Comox 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.

- c. In Trustee Electoral Area 3, the election bylaws of the Corporation of the Village of Cumberland, as they may be amended from time to time, apply to trustee elections conducted by the Corporation of the Village of Cumberland 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.
- d. In Trustee Electoral Area 4, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the 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.
- e. In Trustee Electoral Area 5, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the 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.
- f. In Trustee Electoral Area 6, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the 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.

5. **Public Access to Election Documents**

The Board authorizes public access to the nomination documents of trustee candidates during regular office hours at the Board's office and by posting of nomination documents of trustee candidates on the website of the Board of Education, School District No. 71 (Comox Valley) until 30-days after declaration of the election results.

The Board authorizes, but does not require, chief election officers to post nomination documents of trustee candidates for public access on any or all of the websites: Corporation of the City of Courtenay, Town of Comox, Corporation of the Village of Cumberland and Comox Valley Regional District, until such time as established by the bylaws of the relevant local government up to a maximum of 30-days after declaration of election results.

6. Minimum Number of Nominators

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

7. Voter Registration

Pursuant to *Local Government Act* section 69, a local government may, by bylaw, opt to use Voting Day Registration Only rather than the Provincial Voters List or a similar List of Electors compiled by the local government. The Board authorizes using the Voting Day Registration Only method for trustee elections.

8. Voting Places

Pursuant to *Local Government Act* section 111, so far as reasonably possible, voting places must be easily accessible to persons who have a physical disability or mobility impairment. A voting place for a required general voting opportunity must not be outside the boundaries of the municipality or electoral area for which the election is being held except in extenuating circumstances. A voting place for an added general voting opportunity or for an advance voting opportunity may be outside the boundaries of the municipality or electoral area for which the election is being held.

9. Required Advance Voting Opportunities

(a) Unless the Board is exempted from the requirement by Order of the Minister of Education, 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 of Education an additional advance voting opportunity will be held:

(i) in Trustee Electoral Area 1, on the date specified in the bylaws of the Corporation of the City of Courtenay;

(ii) in Trustee Electoral Area 2, on the date specified in the bylaws of the Town of Comox; and

(iii) in Trustee Electoral Area 3, on the date specified in the bylaws of the Corporation of the Village of Cumberland.

(iv) In Trustee Electoral Areas 4, 5 and 6, for the general school elections, on the date specified in the bylaws of the Comox Valley Regional District as they may be amended from time to time; and for by-elections, 2 days before general voting day.

10. 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.

11. Order of Names of the Ballot

The order of the names of candidates on the ballot will be as follows:

- (i) For Trustee Electoral Area 1, the order of names on the ballot will be determined by lot.
- (ii) For Trustee Electoral Area 2, the order of names on the ballot will be determined by lot.
- (iii) For Trustee Electoral Area 3, the order of names on the ballot will be alphabetical.
- (iv) For Trustee Electoral Areas 4, 5 and 6, the order of names on the ballot will be alphabetical.

12. Elected Trustees

An elected Trustee, whether by voting or acclamation, must undergo a BC Criminal Record Check by the Criminal Records Review Program (CRRP) prior to employment with the school district.

13. This Bylaw may be cited for all purposes as "Board of Education of School District No. 71 (Comox Valley) Trustee Elections Bylaw No. 1C.

14. Repeal

School District No. 71 Trustee Elections Bylaw No. 1B is hereby repealed.

Read a first time this 26th day of April, 2022.

Read a second time this 26th day of April, 2022.

Read a third time finally passed and adopted 26th day of April, 2022.


Secretary-Treasurer


Board Chair