

Bylaw No. 1D

Trustee Elections

The Board of Education of School District No. 71 (Comox Valley)

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* (British Columbia), a board of education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections. This bylaw applies to both general elections and by-elections, except as otherwise indicated.

In School District No. 71 (Comox Valley), trustee elections are held in the following trustee electoral areas:

Trustee Electoral Area	No. of Trustees	Trustee Electoral Area Description
Trustee Electoral Area 1	Two	The Corporation of the City of Courtenay as defined in <i>The British Columbia Gazette</i> dated January 18, 1996
Trustee Electoral Area 2	One	The Town of Comox as defined in <i>The British Columbia Gazette</i> dated September 26, 1991
Trustee Electoral Area 3	One	The Corporation of the Village of Cumberland as defined in <i>The British Columbia Gazette</i> dated December 15, 1983
Trustee Electoral Area 4	One	Electoral Area A of the Regional District of Comox-Strathcona as defined in <i>The British Columbia Gazette</i> dated June 12, 1969
Trustee Electoral Area 5	One	Electoral Area B of the Regional District of Comox-Strathcona as defined in <i>The British Columbia Gazette</i> dated September 9, 1965 and June 12, 1969
Trustee Electoral Area 6	One	Electoral Area C of the Regional District of Comox-Strathcona as defined in <i>The British Columbia Gazette</i> dated June 12, 1969

The Board of Education of School District No. 71 (Comox Valley) seeks to establish various procedures and requirements under the authority of the *School Act* (British Columbia) for Trustee Elections. This bylaw also establishes the public notice posting places and publication methods required for trustee election notices.

BE IT RESOLVED as a Bylaw of The Board of Education of School District No. 71 (Comox Valley) that:

1. Definitions

The following terms have the meanings ascribed to such terms below:

“Board” means The Board of Education of School District No. 71 (Comox Valley).

“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 election official appointed by the Board pursuant to the *School Act*.

“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.

“General School Election” means a trustee election including general school elections and by-elections.

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

“Local Government Act” means Local Government Act, R.S.B.C. 2015, c.1, as amended from time to time.

“School Act” means School Act, R.S.B.C. 1996, c. 412, as amended from time to time.

“Trustee Electoral Area 1” means the trustee electoral area described as the Corporation of the City of Courtenay as defined in The British Columbia Gazette dated January 18, 1996.

“Trustee Electoral Area 2” means the trustee electoral area described as the Town of Comox as defined in The British Columbia Gazette dated September 26, 1991.

“Trustee Electoral Area 3” means the trustee electoral area described as the Corporation of the Village of Cumberland as defined in The British Columbia Gazette dated December 15, 1983.

“Trustee Electoral Area 4” means the trustee electoral area described as Electoral Area A of the Regional District of Comox-Strathcona as defined in The British Columbia Gazette dated June 12, 1969.

“Trustee Electoral Area 5” means the trustee electoral area described as Electoral Area B of the Regional District of Comox-Strathcona as defined in The British Columbia Gazette dated September 9, 1965 and June 12, 1969.

“Trustee Electoral Area 6” means the trustee electoral area described as Electoral Area C of the Regional District of Comox-Strathcona as defined in The British Columbia Gazette dated June 12, 1969.

“Trustee Electoral Areas” means, collectively, Trustee Electoral Area 1, Trustee Electoral Area 2, Trustee Electoral Area 3, Trustee Electoral Area 4, Trustee Electoral Area 5 and Trustee Electoral Area 6.

Except as otherwise set out above, any undefined terms in this bylaw shall have the meanings assigned to such terms by the School Act and the Local Government Act, as applicable.

2. Application

This bylaw applies to Elections carried out by the Board and by any other authorities permitted under the *School Act* or the *Local Government Act*, as applicable, except as otherwise indicated.

3. 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 (10th) day before General Voting day.
- (b) Unless the Board is exempt from the requirement for a second advance voting opportunity by Order of the Minister, a second advance voting opportunity will be held:
 - i. if a municipality or local government is responsible for conducting the Election in an applicable Trustee Electoral Area, the date specified for the second required advance voting opportunity in the applicable municipal bylaw or local government bylaw that is adopted by the Board in this bylaw or any other bylaw of the Board to apply to the Election in the applicable Trustee Electoral Area or, if different, as specified in the applicable municipal bylaw or local government bylaw of the applicable municipality or local government responsible for conducting the Election in the applicable Trustee Electoral Area; or
 - ii. if the Board is responsible for conducting the Election in an applicable Trustee Electoral Area, then on the third (3rd) day before the General Voting Date.

References: Local Government Act s. 107(1) and s. 108; School Act s. 45(1), 45(5)

4. Order of Names of the Ballot

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

- i. if a municipality or local government is responsible for conducting the Election in an applicable Trustee Electoral Area, then the order of names on the ballot will be determined by such municipality or local government; or

- ii. if the Board is responsible for conducting the Election in an applicable Trustee Electoral Area, then
 - a. For Trustee Electoral Area 1, the order of names on the ballot will be determined by lot.
 - b. For Trustee Electoral Area 2, the order of names on the ballot will be determined by lot.
 - c. For Trustee Electoral Area 3, the order of names on the ballot will be alphabetical.
 - d. For Trustee Electoral Areas 4, 5 and 6, the order of names on the ballot will be alphabetical.

References: *School Act* s. 46(4), *Local Government Act* ss. 116, 117

5. 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*.

References: *School Act* s. 46(4), *Local Government Act* ss. 151, 152

6. Nomination Deposit

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

References: *School Act* ss. 45(9), 46(4); *Local Government Act* ss. 86(1), 86(2)

7. Minimum Number of Nominators

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

References: *School Act* ss. 45(9), 46(4); *Local Government Act* ss. 86(1), 86(2)

8. Application of Local Government Bylaws for Elections Conducted by the Municipalities/Regional District

This Section 8 shall only apply if, and only if, a local government is conducting an Election on behalf of the Board that is held at the same time as a general local election conducted by the applicable local government. For greater certainty, this Section 8 shall not apply to any Election conducted by the Board.

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

- a. 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 an 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 an 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 an 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 an 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 an 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 an Election.

References: School Act s. 37(1) s. 38(4)-(5) s. 38(4)-(10), s. 45(8)-(9), and s. 46(4); Local Government Act ss. 86(1), 86(2), s. 88, ss. 151, 152

9. Elections Conducted by Board

This Section 9 shall only apply if, and only if, the Board conducts an Election on its own behalf that are not held in conjunction with other local government elections. For greater certainty, this Section 8 shall not apply to any Election conducted by a local government on behalf of the Board.

a. 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 and voting hours, within the limits set out in the Local Government Act, for such voting opportunities.

References: School Act s.45 (1), Local Government Act s. 106 and s. 109

b. Additional General Voting Opportunities

The Chief Election Officer is authorized to establish additional general voting opportunities for general voting day 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.

References: Local Government Act s. 106

c. Voters' List

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 voting is being conducted at that time.

References: Local Government Act s. 69

10. Chief Election Officer

Where an Election is conducted by a local government on behalf of the Board in one or more Trustee Electoral Areas pursuant to section 38 of the *School Act*, the Chief Election Officer appointed by the applicable local government has authority to administer the Election in the applicable Trustee Electoral Areas in accordance with the applicable municipal or regional district election bylaws.

Where any aspect of an Election is administered directly by or on behalf of the Board, the Chief Election Officer is authorized to:

- establish additional advance voting opportunities, where permitted by law;
- establish special voting opportunities to accommodate electors who may otherwise be unable to vote; and
- determine the dates, locations, and voting hours for such opportunities, in accordance with the *School Act* and the *Local Government Act*.

Nothing in this section is intended to override or conflict with the election bylaws of a municipality or regional district conducting a trustee election on behalf of the Board.

References: School Act s. 45(1), Local Government Act s. 109

11. Public Access to Election Documents

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

Public access to nomination documents must not include the residential address of a trustee candidate, other than the name of the municipality, electoral area, or treaty lands in which the candidate is a resident.

The Board authorizes, but does not require, the Chief Election Officer or a local government conducting Election on behalf of the Board to provide nomination documents on their websites, subject to the same privacy limitations.

Before providing access to nomination documents or campaign financing disclosure information, the Board may require a person, other than a Board officer or employee acting in the course of their duties, to:

- satisfy a Board official that any purpose for which personal information is to be used is permitted under the Local Government Act and the Local Elections Campaign Financing Act; and
- provide a signed statement confirming the information will not be used except as permitted by legislation.

Campaign financing disclosure statements and supplementary reports required to be made available by the Chief Electoral Officer of British Columbia will be made available to the public in accordance with the Local Elections Campaign Financing Act and Elections BC requirements, excluding:

- telephone numbers,
- mailing addresses, and
- residential addresses of candidates or contributors.

References: School Act s. 45(1), Local Government Act ss. 89(7), (8), (8.1), (9) and (10), Local Elections Campaign Financing Act, ss. 58 and 59

12. Public Notice Posting Places

For the purposes of ensuring compliance with the public notice requirements, the Board establishes the following provisions:

- a. For all public notices required in relation to Elections conducted by the Board, the following are designated as public notice posting places in accordance with section 50 of the *Local Government Act*:
 - i. the notice board at the main entrance of the Board’s Office located at 2488 Idiens Way, Courtenay, British Columbia, V9N 9B5; and
 - ii. in addition to the foregoing, at least two (2) of the following alternative methods:
 - i. the official website of the Board (www.comoxvalleyschools.ca);
 - ii. publication in a local newspaper circulating within School District No. 71 (Comox Valley); or
 - iii. electronic notice by email distribution or social media.
- b. For all public notices required in relation to Elections conducted by a municipality or regional district on behalf of the Board, public notice posting places designated by the applicable municipality or local government, as the case may be apply and, in addition to the foregoing, Section 12(a)ii will apply.

Reference: School Act s. 45 (2.1)

13. Title

This Bylaw may be cited as “School District No. 71(Comox Valley) Trustee Elections Bylaw No. 1D”.

14. Repeal

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

Read a first time this 23 day of June, 2026.

Read a second time this 23 day of June, 2026.

Read a third time finally passed and adopted 23 day of June, 2026.



 Board Chair



 Secretary-Treasurer