

TRUSTEE ELECTION BYLAW - 2022

**BOARD OF EDUCATION
Of
SCHOOL DISTRICT NO. 5 (SOUTHEAST KOOTENAY)**

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. 5 (Southeast Kootenay) trustee elections are held in the in the following trustee electoral areas:

<u>Trustee Electoral Area</u>	<u># of Trustees</u>	<u>Trustee Electoral Area Description</u>
Trustee Electoral Area 1	1	The Corporation of the City of Fernie
Trustee Electoral Area 2	1	District of Sparwood
Trustee Electoral Area 3	1	District of Elkford
Trustee Electoral Area 4 (Electoral Area B of the RDEK)	1	Regional District of East Kootenay
Trustee Electoral Area 5 Corporation of the City of Cranbrook and Electoral Area C of the RDEK)	5	The Corporation of the City of Cranbrook and the Regional District of East Kootenay

The Board of Education of School District No. 5 (Southeast Kootenay) wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

[References: School Act, s.37, s.38(4)]

The Board of Education of School District No. 5 (Southeast Kootenay), in an open meeting of the Board, enacts as follows:

1. Definitions

The term 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.

‘Board of Education’ or “Board” means the Board of Education of School District No. 5 (Southeast Kootenay).

‘by-election’ means a trustee election to fill a vacancy on the Board in any of the circumstances described in section 36 of the *School Act*.

‘election’ means a trustee election.

‘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.

‘Minister’ means the Minister of Education.

‘Regional District’ means the Regional District of East Kootenay.

2. Application

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

3. Order of Names on Ballot

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

[References: School Act s.46 (4), Local Government Act s. 116]

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 the *Local Government Act*.

5. Number of Nominators Required

As per section 86(1)(a) of the *Local Government Act*, the minimum number of qualified nominators for a trustee candidate in School District No. 5 (Southeast Kootenay) is two.

6. Trustee Elections Conducted by Local Governments

- 6.1. In Trustee Electoral Area 1, if the City of Fernie conducts all or a part of the trustee election, the elections bylaws of the City of Fernie, as they may be amended from time to time (including bylaws that address the use of voting machines), 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.
- 6.2. In Trustee Electoral Area 2, if the District of Sparwood conducts all or a part of the trustee election, the elections bylaws of the District of Sparwood, as they may be amended from time to time (including bylaws that address the use of voting machines), 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.
- 6.3. In Trustee Electoral Area 3, if the District of Elkford conducts all or a part of the trustee election, the elections bylaws of the District of Elkford, as they may be amended from time to time (including bylaws that address the use of voting machines), 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.

- 6.4. In Trustee Electoral Area 4, if the Regional District of East Kootenay conducts all or a part of the trustee election, the elections bylaws of the Regional District of East Kootenay, as they may be amended from time to time (including bylaws that address the use of voting machines), 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.
- 6.5. In Trustee Electoral Area 5, if the City of Cranbrook conducts all or a part of the trustee election, the elections bylaws of the City of Cranbrook, as they may be amended from time to time (including bylaws that address the use of voting machines), 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.

7. Website Access to Candidate Nomination Documents and Campaign Financing Disclosure Statements

- 7.1. 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.
- 7.2. In accordance with the *Local Elections Campaign Financing Act*, 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 for the election to which the trustee's campaign financial disclosure statements and supplementary report relate either by providing
 - (a) access by internet, or
 - (b) a copy of that information for inspection
- 7.3. Before providing the services under section 7, the Board, requires the person requesting the service to:
 - (a) satisfy the Board that any purpose for which personal information is to be used is permitted by section 63 of the *Local Elections Campaign Financing Act* [restrictions on use of personal information], and
 - (b) provide a signed statement that
 - (i) the individual, and

- (ii) 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 personal information included in the copy or other record except for a purpose permitted under the *Local Elections Campaign Financing Act*.

Title

This bylaw may be cited as 'School District No. 5 (Southeast Kootenay) Trustee Election Bylaw-2022'.

School District No. 5 (Southeast Kootenay) Trustee Election Bylaw No 2018 is hereby repealed.

Read a first time the 10th day of May, 2022


Read a second time the 10th day of May, 2022

Read a third time, passed and adopted the 10th day of May, 2022




Chairperson of the Board

Corporate Seal



Secretary Treasurer

I hereby certify this to be a true and original copy of School District No. 5 (Southeast Kootenay) Trustee Elections Bylaw adopted by the Board on the 10th day of May, 2022.



Secretary Treasurer