



## ***Trustee Elections Bulletin 1/2011***

August 24, 2011

To: Election Officers and other school district election contacts, Secretary Treasurers,  
Executive Assistants

From: Judith Clark, BCSTA General Counsel

**Re: Trustee Elections Bulletin 1/2011: Election resources, CivicInfo BC**

I will be sending out elections bulletins from time to time, reflecting questions I receive from school district offices and election officials.

### ***What's New for 2011?***

BCSTA will be working with CivicInfo BC to improve access to information about trustee candidates and elections, and to raise the public profile of these elections. See below.

Otherwise, there are few changes. Trustees will be elected for a shorter term if the government enacts the announced changes to the *Local Government Act*. These include the change of the election date in 2014 and in following years to the third Saturday in October.

A new regulation is anticipated under the *Local Government Act* dealing with eligibility of volunteers, but it will not have direct application to the *School Act*. A person is not ineligible from being nominated or serving as a trustee by being an unpaid volunteer.

### ***BCSTA Election Resources***

When BCSTA transitions to its new website (expected in September), there will be an easy-to-find home for election-related resources. In the meantime we will let you know about new materials as they are posted to be sure that you don't miss anything.

We will not be mailing out printed materials for potential candidates as we once did; booklets will be available online and you can print however many you need for your nomination and candidate information packages and for other distribution to the public.

There will also be a publication to advise boards and board offices about raising the profile of trusteeship and increasing voter turnout at election time.

Both of these documents will be ready by the beginning of September.

### ***CivicInfo Info***

BCSTA will be working with [CivicInfo BC](#) so that the [same information that is available through their website about local government candidates](#) will be available about school trustee candidates and trustee election results. This information will be on both BCSTA and CivicInfo sites. You will shortly be receiving a **survey** from CivicInfo BC asking you for contact information for your chief election officers. This is so that they can provide access to allow data entry of candidate information and election results.

There will also be a consent form for candidates to sign allowing disclosure to CivicInfo and BCSTA. **Please ensure this form is included in your candidate information packages.** This form will come to you from either CivicInfo or BCSTA.

### ***Election Bylaws***

BCSTA's [sample election bylaw](#) was revised for 2011 and announced through BCSTA's [June 9, 2011 e-Digest](#). As a result of questions and feedback, I have made a few additional changes to the sections on advance voting opportunities and public access to election documents. There have been no substantive legal changes, only stylistic ones intended to make the document easier to understand.

The last date to amend election bylaws to be effective for the November 2011 elections is September 6, 2011.

**Question:** At the beginning of our district's election bylaw, there is a description of the trustee electoral areas that sets out how many trustees are elected from each. There have been changes since 2008; do we have to hold a special meeting this summer to amend this part of the bylaw?

**Answer:** No, an amendment before September 6 is not needed if there has been a change that only affects the Preamble to the bylaw, such as a change in the trustee electoral areas or how they are described (e.g., regional district areas have been consolidated or renamed.). The changes can be done as a housekeeping matter at a convenient time. The Preamble is not "effective"; it is just context. Any change in the trustee electoral areas or their description has been made elsewhere (e.g., by Order in Council) and the bylaw can't change that.

### ***Trustee Elections Manual***

The 2011 edition of the BC Ministry of Education manual [School Trustee Election Procedures in British Columbia](#), including the [Calendar of Significant Dates](#), is now available online.

## **Other Election Resources**

The [Local Government Management Association of BC Elections Manual](#), updated for 2011, is available for purchase.

The Ministry of Community, Sport and Cultural Development (MCSCD) has updated its [Local Government Election FAQs](#). The [website](#) indicates that 2011 editions of the following publications will be available by the end of August:

- [Candidates Guide to Local Elections in BC](#) (2008)
- [Campaign Organizer and Elector Organization Guide to Local Elections in BC](#) (2008)
- [Voters Guide to Local Elections in BC](#) (available in [English](#), [French](#), [Chinese](#), [Punjabi](#)) (2008)

## **Disqualified Candidates List**

Chief election officers are required to reject nominations from any candidates on the [Inspector's List of Disqualified Candidates](#), that is, the Inspector of Municipalities' list of candidates for civic and school district office who failed to file their campaign financing forms in the last general election or an intervening byelection. By checking the list now, you may be able to forestall an unpleasant scene if such a candidate shows interest in seeking a school trustee nomination, possibly believing that the disqualification only applied to the office they ran for last time.

## **Residency Requirement for Trustee Candidates: Notice of Nomination**

**Question:** Do trustee candidates have to be resident in BC for six months before election day or six months before the nomination is filed?

**Answer:** Candidates must have been resident in BC for at least six months before the date of nomination, and must then continue to be resident to be elected and hold office. (*School Act* s. 32(c).)

## **Scheduling of Inaugural Meeting**

**Question:** Can the inaugural meeting be held before December 5?

**Answer:** Sort of. The earliest date that the new trustees can take office is Monday, December 5 (*School Act* s. 49) so traditionally the inaugural meeting, including a swearing-in ceremony and election of chair and vice-chair, takes place in that week. But sometimes that does not work.

Trustees can be sworn in earlier, either as a group or individually (*School Act* s.59). Therefore, if the swearing-in ceremony must take place before December 5 (the first Monday after December 1), it can take place as an event that is not a meeting, or it can take place at a meeting of the

former board, which would still be in office until the end of December 4. However, the elections for the chair and vice-chair would not take place until the first meeting of the new board (*School Act s. 67*).

I hope this information is helpful.