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## BYLAW 9005

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### TRUSTEE ELECTIONS

A bylaw to establish procedures for the conduct of trustee elections.

The Board of Education of School District No. 61 (Greater Victoria) wishes to establish procedures for the conduct of trustee elections.

Accordingly, the Board of Education of School District No. 61 (Greater Victoria), in an open meeting, enacts this Trustee Elections Bylaw No. 9005.

#### 1. Scope of Bylaw

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

#### 2. Trustee Electoral Areas

- 2.1 In an election of school trustees for the Board of Education of School District No. 61 (Greater Victoria), trustees shall be elected by Trustee Electoral Area (TEA) as follows:

| Trustee Electoral Area | Area Name              | Number of Trustees |
|------------------------|------------------------|--------------------|
| TEA 1                  | Esquimalt Nation       | 1                  |
| TEA 2                  | Songhees Nation        | 1                  |
| TEA 3                  | Highlands / View Royal | 1                  |
| TEA 4                  | Esquimalt              | 1                  |
| TEA 5                  | Victoria               | 2                  |
| TEA 6                  | Saanich                | 2                  |

| Trustee Electoral Area | Area Name | Number of Trustees |
|------------------------|-----------|--------------------|
| TEA 7                  | Oak Bay   | 1                  |

- 2.2 The Trustee Electoral Areas referred to in this bylaw are established and described in Ministerial Order No. M18-2026, made by the Minister of Education and Child Care under Section 30 of the *School Act*, which rescinds Ministerial Order 274/96 and replaces it with the Trustee Electoral Areas set out in its Schedule.
- 2.3 The descriptions of Trustee Electoral Area boundaries contained in Ministerial Order No. M18-2026 govern and prevail for all purposes in the conduct of trustee elections.

### 3. Definitions

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

- 3.2 In this bylaw:

“Board” means the Board of Education of School District No. 61 (Greater Victoria).

"by-election" means a trustee election other than the 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, the Capital Regional District, the District of Highlands, or the Town of View Royal.

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

“Municipality” means, as applicable, the Township of Esquimalt, the City of Victoria, the District of Saanich, and the District of Oak Bay.

“School District” means the School District No. 61 (Greater Victoria).

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Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

#### **4. Voters List**

- 4.1 The most current available provincial list of voters prepared under the *Election Act* is the register of resident voters. The provincial list of voters will be adopted as the register of resident electors no later than 52 days before general voting day for any election to which this bylaw applies.

#### **5. Application of Municipality and Local Government Bylaws**

- 5.1 In Trustee Electoral Area No. 1 (Esquimalt Nation), if the Capital Regional District conducts all or part of the trustee election, the election bylaws of the Capital 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 apply to a trustee election.
- 5.2 In Trustee Electoral Area No. 2 (Songhees Nation), if the Capital Regional District conducts all or part of the trustee election, the election bylaws of the Capital 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 apply to a trustee election.
- 5.3 In Trustee Electoral Area No. 3 (Highlands/View Royal), if the District of Highlands and/or Town of View Royal conducts all or part of the trustee election, the election bylaws of the District of Highlands and/or Town of View Royal, 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 apply to a trustee election.

- 5.4 In Trustee Electoral Areas No. 4 (Esquimalt), No. 5 (Victoria), No. 6 (Saanich) and No. 7 (Oak Bay), the election bylaws of the Municipality, as they may be amended from time to time, apply to trustee elections conducted by the Municipality, 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 apply to a trustee election.

## **6. Required Advanced Voting Opportunities**

- 6.1 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.
- 6.2 Where all or part of a trustee election is conducted on behalf of the Board by a Municipality or Local Government, unless the Municipality or Local Government 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 specified in the applicable Municipality or Local Government election bylaws, as amended from time to time.
- 6.3 Where the Board conducts all or part of a trustee election, 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 third day before general voting day.

## **7. Order of Names on the Ballot**

- 7.1 The order of names of candidates on the ballot will be alphabetical by surname.

## **8. Resolution of Tie Votes after Judicial Recount**

- 8.1 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*.

## **9. Nomination Deposit**

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

## **10. Number of Nominators**

- 10.1 The minimum numbers of qualified nominators for a trustee candidate is two (2).

## **11. Website Access to Candidate Nomination Documents and Campaign Financing Disclosure Statements**

- 11.1 The Board authorizes public access to nomination documents of the trustee candidates, during the regular office hours at the Board's head office, from the time the nomination documents are delivered until 30 days after the declaration of the election results.

- 11.2 The Board will make available to the public by internet access, without charge, during the regular office hours of the Board's head office, access to 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:

- 11.2.1 a mailing address or residential address of a significant contributor, or

- 11.2.2 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.

- 11.3 Before providing the services under Section 11, 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

- 11.3.1 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

- 11.3.2 provide a signed statement that the individual, and 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.*

## **12. Public Notice Posting Place**

12.1 For the purposes of trustee elections conducted by the Board, the following are designated as public notice posting places for the purposes of section 50 of the *Local Government Act*:

12.1.1 the public notice board at the main entrance of the Board's head office; and

12.1.2 the public notice board at the District of Saanich Municipal Hall located at 770 Vernon Ave.

## **13. Publication by Means Other Than Newspaper**

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

13.1.1 on the Board's website at [www.sd61.bc.ca](http://www.sd61.bc.ca); and

13.1.2 on the Board's Official Facebook account.

This bylaw may be cited as Bylaw No. 9005 *Trustee Elections*.

### *Greater Victoria School District*

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