

**THE BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 68 (NANAIMO-LADYSMITH)**

TRUSTEE ELECTIONS BYLAW NO. 2

TRUSTEE ELECTIONS AND BY-ELECTIONS

A bylaw to provide for the determination of various procedures for the conduct of general school elections and other trustee elections.

Preamble:

Whereas the trustee electoral area of School District No. 68 (Nanaimo-Ladysmith) is a non-municipal trustee electoral area and under section 37(3) of the School Act, the Board of Education must conduct the trustee election for the school district; and

Whereas under section 38(4) of the School Act, the Board of Education may enter into agreement with a local government to conduct the election; and

Whereas it has been possible for the Board to enter into agreements with the local governments within the trustee electoral area; and,

The Board of Education in an open meeting of the Board, enacts as follows:

1. Definitions

The terms in this bylaw shall have the meanings assigned by the School Act and the Local Government Act, except as the context indicates otherwise.

“**Board**” means the Board of Education of School District No. 68 (Nanaimo-Ladysmith).

“**Chief Electoral Officer**” means the official appointed by the Board pursuant to the *School Act*.

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

“**Local Government Act**” or “**LGA**” – means the legislative instrument that governs aspects of the election process that are not addressed by the *School Act*.

“**Non-municipal electoral area**” means the trustee electoral area encompasses more than one municipality and includes part of a regional district.

“**School Act**” – means the legislative instrument that governs the election process.

“**Trustee electoral area**” means the entire geographical area of School District No. 68 (Nanaimo-Ladysmith).

2. Repeal of Previous Bylaw

School District No. 68 (Nanaimo-Ladysmith) Trustee Elections Bylaw No. 1 is hereby repealed.

3. Application

This bylaw applies to general elections and by-elections carried out by the Board under Part 4 of the School Act.

4. Order of Names on the Ballot

The order of names of candidates on the ballot will be alphabetical in accordance with Section 116 of the *LGA*.

5. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial count, the tie vote will be resolved by conducting a lot in accordance with Section 151 of the *LGA*.

6. Number of Nominators

The minimum number of qualified nominators for a trustee candidate in a general school election or other trustee election in the trustee electoral area is two.

7. Nomination Deposits

No nomination deposit is required for trustee candidates.

8. Public Access to Election Documents

8.1 The Board authorizes posting of nomination documents of trustee candidates on the website of School District No. 68 (Nanaimo-Ladysmith) until 30 days after declaration of the election results.

8.2 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 website of the City of Nanaimo, Town of Ladysmith, Regional District of Nanaimo, District of Lantzville, and Cowichan Valley Regional District until such time as established by the bylaws of the relevant local government.

8.3 The Board authorizes posting of trustee candidates' campaign financing disclosure statements and declarations and supplementary statements and declarations on the website of School District No. 68 (Nanaimo-Ladysmith) until one year from general voting day.

- 8.4 The Board authorizes but does not require chief elections officers to post campaign financing disclosure statements for public access on any or all of the websites of the City of Nanaimo, Town of Ladysmith, Regional District of Nanaimo, District of Lantzville, and Cowichan Valley Regional District until such time as established by the bylaws of the relevant local government.

9. Application of Local Government Bylaws

As authorized by section 38(5) of the *School Act*, the Board hereby adopts the election bylaws (including any bylaw providing for mail balloting) of any or all of the following local governments that agree with the board to conduct part of the trustee election for the board or to conduct the trustee election in conjunction with a local government election. The adopted election bylaw applies to any trustee election proceedings carried out by the respective local government under the agreement with the Board, subject to the other provisions of this bylaw. The local governments are:

- City of Nanaimo
- Town of Ladysmith
- Regional District of Nanaimo
- District of Lantzville
- Cowichan Valley Regional District

10. Advance Voting Opportunities

The dates of advance voting opportunities are established as follows:

- 10.1 on the tenth day before general voting day;
- 10.2 on the date or dates established or authorized under one or more local government bylaws adopted under paragraph 9;
- 10.3 if no date under (ii) is applicable, the Board authorizes the Chief Electoral Officer to establish the date of the additional voting opportunity; and
- 10.4 the dates of any additional advance voting opportunities as established at the discretion of the chief election officer appointed by the Board, and the Chief Election Officer is hereby authorized to establish such additional advance voting opportunities for each election and to designate the voting places, establish the date and the voting hours for these voting opportunities.
- 10.5 pursuant to section 109 of the *LGA* the Chief Electoral Officer may establish a special voting opportunity for each election or other voting and authorizes the Chief Electoral Officer to designate the location, the date and voting hours for the special voting opportunity.

11. Voter Registration and Lists

In the event that an election or by-election is conducted directly by the Board:



- 11.1 pursuant to section 76 of the *LGA*, the Board empowers the Chief Electoral Officer to determine whether the register of resident electors shall be the Provincial list of voters or subject to 11.2 a register of electors for the electoral area shall be maintained.
- 11.2 pursuant to section 69 of the *LGA*, and despite 11.1, 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 for the election for the which the voting is being conducted at that time.

12. Title

This bylaw may be cited as “School District No. 68 (Nanaimo-Ladysmith) Trustee Elections Bylaw No. 2”.

READ A FIRST TIME THE 27th day of August 2008.

READ A SECOND TIME THE 27th day of August 2008.

READ A THIRD TIME, PASSED AND ADOPTED THE 27th day of August 2008.

J. Brennan

Chairperson of the Board

Corporate Seal

J. David Green

Secretary-Treasurer

Bylaw No. 2 - Amended on the 18th day of November, 2021

Legal References:

Monitoring Method:

Monitoring Frequency:

Adopted:

Adopted 2008.08.27 Amended 2012.12.10