

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

PROCEDURAL BY-LAW

PROCEDURAL BY-LAW #2 TRUSTEE ELECTIONS

RATIONALE

The Board of Education accepts that certain procedures are necessary to provide for the conduct of local school trustee elections.

PROCEDURAL BY-LAW

A by-law to provide for the determination of various procedures for the conduct of local school trustee elections.

UNDER the *School Act*, the Board of Education, School District No. 67 (Okanagan Skaha), may establish by by-law, various procedures and requirements to be applied in the conduct of local government elections and other voting.

The Board of Education for the school district is comprised of a total of seven (7) trustees from the described trustee electoral areas:

- (a) four (4) trustees from Trustee Electoral Area 1, being the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992;
- (b) two (2) trustees from Trustee Electoral Area 2, being the former School District No. 77 (Summerland) as defined in the British Columbia Gazette dated April 8, 1948; and
- (c) one (1) trustee from Trustee Electoral Area 3, being the former School District No. 15 (Penticton) as defined in the British Columbia Gazette dated April 8, 1948, except that part comprising the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992.

Trustee elections are the responsibility of the City of Penticton for Trustee Electoral Area 1, the District of Summerland in Trustee Electoral Area 2 and the responsibility of the school district in Trustee Electoral Area 3. In Trustee Electoral Area 3, the election may be conducted by the board directly or by or in conjunction with a local government under an agreement with the board made pursuant to Section 38 of the *School Act*.

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

1. Definitions

The terms 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.

"Election" means a general trustee election.

"By-election" means a trustee election to fill a vacancy on the school board in any of the circumstances described in section 36 of the *School Act*.

“General Voting Day” means the date on which general voting for a trustee election is to take place, whether part of a general school election or a by-election.

2. Application

This by-law applies to both general school trustee elections and by-elections carried out by the board and by other authorities, except as otherwise indicated.

3. Minimum Number of Nominators

The minimum number of nominators required shall be two (2), there will be no nomination deposit required.

3. Order of Names on the Ballot

The order of names of candidates on the ballot will be determined by lot in accordance with Section 107 of the *Local Government Act* for Trustee Electoral Area 2.

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 conducting a lot in accordance with Section 141 of the *Local Government Act*.

5. Elections Conducted by Other Authorities

The school district may enter into an agreement with a local government under Section 38(4) of the *School Act*, under which the local government conducts a trustee election for the board, or conducts a trustee election in conjunction with a local government election.

6. Application of Local Government Bylaws

(a) In Trustee Electoral Area #1, the election bylaws of the City of Penticton (including bylaws that address voting machines) apply to trustee elections conducted by the City of Penticton, 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..

(b) In Trustee Electoral Area #2, the elections bylaws of District of Summerland (including bylaws that address 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.

(c) In Trustee Electoral Area #3, if the Regional District of the Okanagan-Similkameen conducts all or a part of the trustee election, the elections bylaws of Regional District of the Okanagan-Similkameen (including bylaws that address voting machines), 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 a trustee election.

7. Elections Conducted by Board of Education

The following additional provisions apply to those trustee elections which the board conducts on its own behalf and does not enter into an agreement as in 5 above.

- (a) Unless the Board is exempted from the requirement by Order of the Minister of Education, an advance voting opportunity will be held on the tenth day before general voting day.
- (b) In jurisdictions where the population is 5,000 or less, pursuant to Section 97(3) of the *Local Government Act*, a second advance voting opportunity is not to be held.
- (c) Unless the Board is exempted from the requirement for a second advance voting opportunity by Order of the Minister of Education, a second advance voting day will be held on:
 - (i) In Trustee Electoral Area #1, the date specified in the bylaws of the City of Penticton.
 - (ii) In Trustee Electoral Area #2, the date specified in the bylaws of the District of Summerland
 - (iii) In Trustee electoral Area #3, the date specified in the bylaws of the Regional District of the Okanagan-Similkameen
- (d) Notwithstanding 6(b) of this by-law, the Chief Election Officer (CEO) is authorized pursuant to Section 98(1) of the *Local Government Act* to establish dates for additional advance voting opportunities for each election and to designate the voting places, and the voting hours for these voting opportunities.
- (e) and pursuant to Section 99(1) is authorized to establish one or more special voting opportunities.

8. Voting Procedures

- (a) The use of automated voting machines, voting recorders, or other devices for voting in an election is authorized in accordance with Section 102(1) of the *Local Government Act*.

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This By-Law may be cited for all purposes as "School District No. 67 Procedural By-Law No. 2" and is in all respects in accordance with the provisions of the *School Act*.

READ a first time this 28th day of May, 2018.

READ a second time this 28th day of May, 2018.

READ a third time and ADOPTED this 25th day of June, 2018



Chairperson of the Board



Secretary-Treasurer

ADOPTED:	August 20, 2002	Reviewed/Revised:	October 1, 2007 August 27, 2014 June 25, 2018
		Statutory Reference:	<i>School Act</i> <i>Local Government Act</i>