
BY-LAW 3 - TRUSTEE ELECTIONS
**BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 73 (KAMLOOPS-THOMPSON)**

This bylaw is 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 may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections.

In School District No. 73 (Kamloops-Thompson), trustee elections are held in the following trustee electoral areas (TEAs):

TEA Number	Trustee Electoral Area Description	Number of Trustees
Area 1	<i>Kamloops, being the City of Kamloops as defined in the British Columbia Gazette dated April 22, 1976</i>	<i>Five (5)</i>
Area 2	<i>North Thompson, being Electoral areas A and B of Thompson-Nicola Regional District (TNRD) as defined in the British Columbia Gazette dated December 6, 1984, and including therein all lands, foreshore or land covered by water lying within the corporate limits of any city, district, town or village municipality</i>	<i>One (1)</i>
Area 3	<i>Barriere-Little Fort, being Electoral Area O of Thompson-Nicola Regional District (TNRD) as defined in the British Columbia Gazette dated December 6, 1984, and including therein all lands, foreshore or land covered by water lying within the corporate limits of any city, district, town or village municipality</i>	<i>One (1)</i>
Area 4	<i>Chase, being Electoral areas L and P of Thompson-Nicola Regional District as defined in the British Columbia Gazette dated December 6, 1984, and including therein all lands, foreshore or land covered by water lying within the corporate limits of any city, district, town or village municipality</i>	<i>One (1)</i>
Area 5	<i>Logan Lake, being Electoral Area J of Thompson-Nicola Regional District as defined in the British Columbia Gazette dated February 7, 1991, and including therein all lands, foreshore or land covered by water lying within the corporate limits of any city, district, town or village municipality</i>	<i>One (1)</i>

The District wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

Legal Reference: *School Act*, RSBC 1996, ss 37, 38(4)

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

1. Definitions

The terms used in this bylaw 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” or “SCHOOL BOARD” means the Board of Education of School District No. 73 (Kamloops-Thompson).

“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 as part of the general school elections or through a by-election.

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

“REGIONAL DISTRICT” means the Thompson-Nicola Regional District (TNRD).

Pursuant to section 37 of the *School Act* c 412, as amended from time to time, trustee elections in the following trustee election areas are the responsibility of the following authorities:

The Board of Education School District No. 73 (Kamloops-Thompson)

2. Application

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

3. Required Advance Voting Opportunities

3.1 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;

3.2 Where the population in a trustee Electoral area is 5,000 or less, no other advanced voting opportunity will be held.

Legal References: *School Act*, RSBC 1996, ss 45(1), 45(5)
Local Government Act, RSBC 2015, s107(1), (2)

4. Order of Names on the Ballot

4.1 The order of names of candidates on the ballot will be alphabetical by last name.

Legal References: *School Act*, RSBC 1996, s 46(4)
Local Government Act, RSBC 2015, ss 116, 117

5. Resolution of Tie Vote 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*.

Legal References: *School Act*, RSBC 1996, s 46(4)
Local Government Act, RSBC 2015, ss 151, 152

6. Nomination Deposit

No nomination deposit is required for nomination for the office of trustee.

Legal References: *School Act*, RSBC 1996, ss 45(9), 46(4)
Local Government Act, RSBC 2015, ss 88

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7. Number of Nominators

For certainty, the minimum numbers of qualified nominators for a trustee candidate in the Board of Education School District No. 73 (Kamloops-Thompson) is two (2).

Legal References: School Act, RSBC 1996, ss 45(9), 46(4)
Local Government Act, RSBC 2015, s 86(1), 86(2)

8. Website Access to Candidate Nomination Documents and Campaign

Financing Disclosure Statements

8.1 The Board authorizes posting of nomination documents of trustee candidates on the website of School District No. 73 (Kamloops-Thompson) and on the websites of the District of Barriere, Village of Chase, District of Clearwater, District of Logan Lake and Thompson-Nicola Regional District until thirty (30) days after declaration of the election results.

8.2 The Board authorizes, but does not require, the Chief Election Officer to post nomination documents of trustee candidates for public access on any or all of the websites of the City of Kamloops, District of Barriere, Villages of Chase, District of Clearwater, District of Logan Lake, and the Thompson/Nicola Regional District until such time as established by the bylaws of the relevant local government.

8.3 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 five (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:

8.3.1 access by internet; or,

8.3.2 a copy of that information for inspection.

8.4 Before providing the services under section 8, the Board requires the person requesting the service to:

8.4.1 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;

8.4.2 provide a signed statement that:

8.4.2.1 the individual; and,

8.4.2.2 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*.

Legal References: School Act, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, ss 89(7), (8)
Local Elections Campaign Financing Act, SBC 2014, ss 58, 59

9. Application of Local Government Bylaws

In trustee Electoral Area No. 1, for a trustee election held at the same time as the general local elections, the elections bylaws of City of Kamloops, as they may be amended from time to time, apply to that 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.

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Legal Reference: School Act, RSBC 1996, ss 37(1), 38(4)(5), 45(8)(9)(10), 46(4)

10. Elections Conducted by School Board

The following additional provisions apply to those trustee elections that the School Board conducts on its own behalf except where the Board has adopted a local government bylaw to apply to the trustee election:

10.1 Additional Advance Voting Opportunities

The Chief Election Officer is authorized to establish additional advance voting opportunities for each election and to designate the voting places and establish the date and the voting hours for advance voting.

Legal References: *School Act*, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, s 108

10.2 Additional General Voting Opportunities

The Chief Election Officer is authorized to establish additional general voting opportunities for general voting day for each election and to designate the voting places and voting hours, within the limits set out in the *Local Government Act*, for such opportunities.

Legal References: *School Act*, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, s 106

10.3 Special Voting Opportunities

The Chief Election Officer is authorized to establish the location, date and voting hours, within the limits set out in the *Local Government Act*, for each special voting opportunity.

Legal References: *School Act*, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, s 109

10.4 Mail Ballot Voting

The Chief Election Officer, pursuant to section 110 of the *Local Government Act*, is authorized to establish procedures and time limits in relation to voting by mail ballot.

Legal References: *School Act*, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, s 110

10.5 Voting Divisions

Trustees representing the City of Kamloops shall be elected at large without regard to division boundaries as they may occur from time to time.

Legal References: *School Act*, RSBC 1996, s 45(7)
Local Government Act, RSBC 2015, s 113

10.6 Number of Scrutineers at Voting Places

The number of scrutineers for each candidate that may attend at an election is a maximum of one (1) scrutineer for each ballot box in use.

Legal References: *School Act*, RSBC 1996, s 45(1)
Local Government Act, RSBC 2015, s120

11. Title

This bylaw may be cited as School District No. 73 By-Law 3 Trustee Elections.

Date of first reading: June 27, 2022

Date of second reading: June 27, 2022

Date of third reading and adoption: June 27, 2022

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(Corporate seal)

Chair

Secretary-Treasurer

Legal References: *School Act*, RSBC 1996, ss 36, 37(1), 38(4)-(5), 45(1)(5)(7)(8)-(10), 46(1)(4), 71(2), 72.1, 73(6) (7), 96, 97(2), 97(3), 99, 100, 103, 107, 110, 141
Local Government Act, RSBC 2015, ss 58, 59, 86(1)-(2), 89(7)-89(8), 88, 106, 107(1)-(2), 108, 109, 110, 113, 116, 120,151,152,
Local Elections Campaign Financing Act, SBC 2015, ss 58, 59