

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)
Trustee Elections Bylaw 28

Adopted: April 27, 2022

A bylaw to provide for the determination of various procedures required for the conduct of general school elections and by-elections.

PREAMBLE:

Under the *School Act*, the Board of Education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections. In School District No. 53 (Okanagan Similkameen), trustee elections in the following trustee electoral areas are the responsibility of the Board of Education:

Name and Composition of Trustee Electoral Area		Number of Trustees
Trustee Electoral Area No. 1	Portion of Area D and Area I of Regional District of Okanagan-Similkameen lying within School District No. 53 (Okanagan Similkameen)	One
Trustee Electoral Area No. 2	Town of Oliver and Area C of Regional District of Okanagan-Similkameen	Two
Trustee Electoral Area No. 3	Town of Osoyoos and Area A of Regional District of Okanagan-Similkameen	Two
Trustee Electoral Area No. 4	Village of Keremeos and Areas B and G of Regional District of Okanagan-Similkameen	Two

Trustee elections which are the responsibility of the Board of Education 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 Sections 37 and 38 of the *School Act*.

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

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

1. Definitions

The terms 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. 53 (Okanagan Similkameen);

"Elector" means a resident elector or property elector of the trustee electoral area as defined under 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 part of the general school elections or a by-election; "

"RDOS" means the Regional District of Okanagan Similkameen.

2. Resolution of Tie Votes After Judicial Recount

In the event of a tie vote after a judicial recount which prevents the results of the election from being declared, resolution will be by lot in accordance with Section 151 of the *Local Government Act*.

3. Advance Voting Opportunities

- 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) Unless the Board is exempted from the requirement for a second advance voting opportunity by Order of the Minister of Education, or unless s. 3.c) applies, a second advance voting opportunity will be held as follows:
 - i) for the general school elections where the Board is conducting the election, three days before General Voting Day; or
 - ii) where a local government is conducting the election in accordance with s.5, the date specified in the bylaws of the local government conducting the election as they may be amended from time to time;
 - iii) for by-elections, three days before General Voting Day.
- c) Pursuant to section 107(2) of the *Local Government Act*, in trustee electoral areas where the population is 5,000 or less, the required advance voting opportunity will be held on the tenth day before General Voting Day and no other advance voting opportunity will be held,
- d) In accordance with section 108(1) of the *Local Government Act*, the Board hereby authorizes the chief election officer to:
 - i) establish dates for additional voting opportunities in advance of General Voting Day and
 - ii) to designate the voting places and set the voting hours for these voting opportunities.

4. Inasmuch as the trustee electoral areas of School District No. 53 (Okanagan Similkameen) include both all or part of a municipality and all or part of a rural area, and therefore no single register of electors or voters' list is available, registration is hereby limited to registration at the time of voting, pursuant to Section 69 of the *Local Government Act*.

5. Application of Local Government Bylaws

Where the Board enters into an agreement with a local government under Section 38(4) of the *School Act*, under which all or part of a school trustee election is conducted by the local government in conjunction with a local government election, the elections bylaws of the local government, as they may be amended from time to time, 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, apply to any trustee election carried out under that agreement, to the extent authorized by Section 38(5) of the *School Act*, in accordance with the following:

- a) Trustee Electoral Area No. 1 (Okanagan Falls and Apex Mountain Resort): The elections bylaws of the RDOS apply for the purposes of school trustee elections and electors of Area D of RDOS,
 - b) Trustee Electoral Area No. 2 (Oliver): The elections bylaws of the Town of Oliver apply for the purposes of school trustee elections and electors of the Town of Oliver, and the elections bylaws of the RDOS apply for the purposes of school trustee elections and electors of Area C of RDOS,
 - c) Trustee Electoral Area No. 3 (Osoyoos): The elections bylaws of the Town of Osoyoos apply for the purposes of school trustee elections and electors of the Town of Osoyoos, and the elections bylaws of the RDOS apply for the purposes of school trustee elections and electors of Area A of RDOS, and
 - d) Trustee Electoral Area No. 4 (Keremeos): The elections bylaws of the Village of Keremeos apply for the purposes of school trustee electors of the Village of Keremeos, and the elections bylaws of the RDOS apply for the purposes of school trustee elections and electors of Areas B and G of RDOS.
6. The use of automated voting machines, voting recorders, or other devices for voting in a school trustee election conducted in conjunction with a local government election is authorized in accordance with the procedures for voting, the form of ballot, and the procedures, rules, and requirements for counting of votes which are established by the bylaw adopted by that local government pursuant to Section 112 of the *Local Government Act*.
 7. This bylaw may be cited as 'School District 53 Trustee Elections Bylaw No. 28.'
 8. School District No. 53 Trustee Elections Bylaw No. 27 is hereby repealed.

Read a first time the 27th day of April 2022

Read a second time the 27th day of April 2022

Read a third time, passed and adopted this 27th day of April 2022

For

Chairperson of the Board

Secretary-Treasurer