

REQUEST TO AMEND THE SCHOOL ACT AND BC REG. 212-99

Introduction

The purpose of this document is to respectfully seek an amendment to the School Act and BC Reg. 212-99 regarding election procedures for electing a Board of Regional Trustees for the Conseil scolaire francophone de la Colombie-Britannique.

Like any Board of Education in British Columbia, the Conseil scolaire francophone de la Colombie-Britannique is governed by a Board of Trustees. The Board is comprised of seven (7) Regional Trustees, since the CSF is a provincial board of education.

The CSF trustee elections take place at the same time as municipal and other board of education elections. However, because trustees are elected from across the province and not just within a municipality, the CSF faces certain challenges, which the School Act anticipated and responded to by providing the CSF with a legal framework: a membership-based electorate with a longer period during which members may cast their votes and the possibility of online voting.

The purpose of the proposed amendments is twofold:

1. to streamline the election process for the Francophone Education Authority to keep up with developments in technology and communications since de mid-1990s when that part of the School Act and BC Regs were created;
2. to clarify the status of a candidate's residence at the time of candidacy.

PROPOSED AMENDMENTS

School Act

Period of time for which a person must have been a member

Section 166.14 (2) (c)

Members' right to vote

166.14 (1) Subject to subsections (2) to (6), the members of a francophone education authority are entitled to vote in an election of regional trustees of the authority, other than the first regional trustees appointed under section 166.17 (1).

(2) In order to vote in an election referred to in subsection (1), a person must meet all of the following requirements at the time of voting:

- (a) the person must be age 18 or older;
- (b) the person must be a Canadian citizen;
- (c) the person must have been a member of the francophone education authority for which the election is held for at least **120 days**;
- (d) the person must not be disqualified by this Act or another enactment from voting in the election or be otherwise disqualified by law.

Proposed amendment

166.14 (2) (c) the person must have been a member of the francophone education authority for which the election is held for at least **60 days**;

Proposed amendment to add a sentence

Section 166.18

General election of regional trustees

166.18

166.18 (8) A candidate for election must be a permanent resident of the ward in which that candidate seeks to serve as trustee.

PROPOSED AMENDMENTS

BC Reg 212-99

PART 1 - QUALIFICATIONS FOR HOLDING OFFICE

Who may hold office as regional trustee

Paragraph 2. (1) (c)

2. (1) (c) the person must have been a member of the francophone education authority for at least 120 days preceding the relevant time;

Proposed amendment

2. (1) (c) the person must have been a member of the francophone education authority for at least 60 days preceding the relevant time;

PART 2 – ELECTIONS

Division 1 - Call for Candidates

Request for candidates

Paragraph 6. (1)

6. (1) In every year in which regional trustees of a francophone education authority are to be elected, the secrétaire trésorier of the authority must, at least 115 days before election day, provide notice to the members requesting that members who are prepared to stand for election as regional trustees declare their intention to do so.

Proposed amendment

6. (1) In every year in which regional trustees of a francophone education authority are to be elected, the secrétaire trésorier of the authority must, at least 90 days before election day, provide notice to the members requesting that members who are prepared to stand for election as regional trustees declare their intention to do so.

Intention to run for office

Paragraph 7. (1)

7. (1) At least 90 days before election day, a member of a francophone education authority who is prepared to stand for election as a regional trustee for a ward must provide to the secrétaire trésorier, in

writing, the following:

Proposed amendment

7. (1) At least **75 days** before election day, a member of a francophone education authority who is prepared to stand for election as a regional trustee for a ward must provide to the secrétaire trésorier, in writing, the following:

Paragraph 7. (6)

7. (6) At least **85 days** before election day, the secrétaire trésorier must provide to each member of the francophone education authority, by electronic means or by mail, a list of all members planning to stand for election as regional trustee.

Proposed amendment

7. (6) At least **70 days** before election day, the secrétaire trésorier must provide to each member of the francophone education authority, by electronic means or by mail, a list of all members planning to stand for election as regional trustee. After 70 days before election day, if there is no candidate in a given ward, additional nominations may be received by the secrétaire trésorier from the time the list of all members to stand for election as regional trustee is provided until 4 pm 5 days after the end of the nomination period.

Challenge of member declaration to stand for election as regional trustee

Paragraph 8. (2)

8. (2) The time period during which a challenge may be made is between the time the member provides the secrétaire trésorier with a written statement under section 7 (1) and 4 p.m. on the **75th day** before election day.

Proposed amendment

8. (2) The time period during which a challenge may be made is between the time the member provides the secrétaire trésorier with a written statement under section 7 (1) and 4 p.m. on the **60th day** before election day.

PART 2 – ELECTIONS

Division 2 - Election of Regional Trustees

Voting material

Paragraph 10. (1)

10. (1) If the number of candidates for regional trustees exceeds the number of regional trustees to be elected in that ward, the secrétaire trésorier, at least **40 days** before election day, must provide to each member who is entitled to vote in that ward the following in electronic or other form:

Proposed amendment

10. (1) If the number of candidates for regional trustees exceeds the number of regional trustees to be elected in that ward, the secrétaire trésorier, at least **30 days** before election day, must provide to each member who is entitled to vote in that ward the following in electronic or other form:

Exemple – Comparaison d'échéancier entre les élections 2014 et 2018

| | Élection 2014 schedule followed | Élection 2018 – proposed changes Election date : October 20, 2018 |
|----|---|---|
| 1. | Date limite de résidence en Colombie-Britannique : 6 mois avant les élections • Date limite : 15 mai 2014 | Date limite de résidence en Colombie-Britannique : 6 mois avant les élections Date limite : 20 avril 2018 |
| 2. | Devenir membre du CSF : 120 jours avant la date des élections • Date limite : 16 juillet 2014 | Devenir membre du CSF : 45 jours avant la date des élections • Date limite : 5 septembre 2018 |
| 3. | Appel aux candidatures : au moins 115 jours avant la date des élections • Date limite : 21 juillet 2014 | Appel aux candidatures : au moins 90 jours avant la date des élections • Date limite : 23 juillet 2018 |
| 4. | Présentation de la candidature des membres intéressés au secrétaire trésorier : au moins 90 jours avant la date des élections • Date limite : 15 août 2014 | Présentation de la candidature des membres intéressés au secrétaire trésorier : au moins 75 jours avant la date des élections • Date limite : 7 août 2018 |
| 5. | Envoi de la liste des candidatures aux membres : au moins 85 jours avant la date des élections • Date limite : 20 août 2014 | Envoi de la liste des candidatures aux membres : au moins 70 jours avant la date des élections • Date limite : 12 août 2018 |
| 6. | Contestation de la déclaration d'un membre se présentant aux élections en tant qu'élu(e) régional : au moins 75 jours avant la date des élections • Date limite : 16 h 00 le 31 août 2014 | Contestation de la déclaration d'un membre se présentant aux élections en tant qu'élu(e) régional : au moins 60 jours avant la date des élections • Date limite : 16 h 00 le 22 août 2018 |
| 7. | Annonce par le secrétaire trésorier des élues et/ou élus par acclamation : au moins 40 jours avant la date des élections • Date limite : 5 octobre 2014 | Annonce par le secrétaire trésorier des élues et/ou élus par acclamation : au moins 30 jours avant la date des élections • Date limite : 21 septembre 2018 |
| 8. | Envoi, par le CSF, des bulletins de vote aux membres : au moins 40 jours avant la date des élections • Date limite : 5 octobre 2014 | Envoi, par le CSF, des bulletins de vote aux membres : au moins 30 jours avant la date des élections • Date limite : 21 septembre 2018 |
| 9. | Assermentation des membres élus : au moins 45 jours après la déclaration du résultat des élections • Date limite : 30 décembre 2014 | Assermentation des membres élus : au moins 45 jours après la déclaration du résultat des élections Date limite : 4 décembre 2018 |