

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

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

The purpose of the proposed amendments is twofold:

1. to streamline the electoral process for the Francophone Education Authority;
2. to specify the status of a candidate's residence at the time of candidacy.

1. To streamline the electoral process for the Francophone Education Authority

Like any Board of Education in British Columbia, the Conseil scolaire francophone de la Colombie-Britannique is governed by a Board of Trustees. Since the CSF is a provincial board of education, its Board is comprised of seven (7) Regional Trustees. The CSF has more than 5,700 students attending 37 schools spread throughout the province. Since it was established, the CSF has grown by 25%. It has more than 10,000 members.

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 solely 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.

When it was established in the 1990s, the CSF's electoral process was laborious and required a lengthy timeline to allow each stage in the process to be completed. It had to communicate with each of its members by mail. Each stage required a mail-out, and for the election itself, the standard was for ballots to be mailed out and mailed back in.

Since the development of electronic tools, the CSF's electoral process has evolved considerably. The database is not only a repository of information, but also the primary tool for communicating with CSF members. Using this database, the CSF communicates with its members electronically, both to share important news and to conduct the electoral process. The database allows for a very efficient election by email. The last page of the present document highlights the aspect of the timeline the CSF must follow during its school election periods, and the advantages of the electronic process the CSF would like to adopt.



In order to ensure the transparency of the process, the CSF contracts out an election firm, which is responsible for sending out and receiving the ballots. Its first electronic elections took place in 2005.

2. To clarify the status of a candidate's residence at the time of candidacy.

The CSF is a provincial school board. Seven trustees represent seven wards of the province. The North BC and South-East BC Wards, for example, are so large that a school trustee has to travel for several days to visit some of the schools under his/her jurisdiction. It would be difficult for someone from Vancouver, for instance, to represent the parents in the Terrace area. The CSF therefore believes that a person who lives in the ward they represent will have a better understanding of the needs of that region and will better represent the parents and students living there.

PROPOSED AMENDMENTS

The School Act

Members' right to vote

Members' right to vote

Proposed amendment:

to change section 166.14 (2) (c) of the School Act to 45 days instead of 120 days

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.

Reasoning:

The purpose of the proposed change is to give all CSF members the right to vote under BC Reg. 212.99. Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has not been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly, allowing it to keep its member database up to date with increasing efficiency. This same database is used by the CSF to send out the ballots according to the timelines set out in BC Reg. 212-99. The addition of 75 days to the pre-election period for becoming a member could advantage new CSF members.

General election of regional trustees

General election of regional trustees

Proposed amendment:

to add proposed language to section 166.18 of the School Act stating that a person who wishes to present his or her candidacy in a ward must reside in that same ward

Section 166.18

General election of regional trustees

166.18

Reasoning:

As indicated in the introduction to the present document, the CSF is a provincial school board. Seven trustees represent seven distinct regions of the province. The North BC and South-East BC Wards, for example, are so large that a school trustee has to travel for several days to visit some of the schools under his/her jurisdiction. It would be difficult for someone from Vancouver, for instance, to represent the parents in the Terrace area. The CSF therefore believes that a person who lives in the ward they represent will have a better understanding of the needs of that region and will better represent the parents and students living there.

PROPOSED AMENDMENTS

BC Reg 212-99

PART 1 - QUALIFICATIONS FOR HOLDING OFFICE

Who may hold office as regional trustee

Who may hold office as regional trustee

Proposed amendment:

To change section 2. (1) (c) of BC Reg 212-99 from 120 days to 45 days

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;

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten the membership period from 120 days to 45 days in order to stand in an election.

PART 2 – ELECTIONS

Division 1 - Call for Candidates

Request for candidates

Proposed amendment:

To change section 6. (1) of BC Reg 212-99 to change from 115 days to 90 days

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.

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten the membership period from 115 days to 90 days in order to stand for election.

PART 2 – ELECTIONS

Division 1 - Call for Candidates

Intention to run for office

Proposed amendment:

To change section 7. (1) of BC Reg 212-99 to change from 90 days to 75days

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:

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten the time required for a candidate to declare his/her intention to run for election from 90 days to 75 days.

PART 2 – ELECTIONS

Division 1 - Call for Candidates

List of all members planning to stand for election as regional trustee

Proposed amendment:

To change section 7. (6) of BC Reg 212-99 to change from 85 days to 70 days

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.

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten the period during which members must receive the list of candidates from 85 days to 70 days.

PART 2 – ELECTIONS

Division 1 - Call for Candidates

Challenge of member declaration to stand for election as regional trustee

Proposed amendment:

To change section 8. (6) of BC Reg 212-99 to change from 75 days to 60 days

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.

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten this period from 75 days to 60 days.

PART 2 – ELECTIONS

Division 2 - Election of Regional Trustees

Voting material

Proposed amendment:

To change section 10. (1) of BC Reg 212-99 to change from 40 days to 30 days

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:

Reasoning:

Since the introduction of section 116.14 (2) (c) of the School Act, the Conseil scolaire francophone has no longer been required to communicate with its members through the mail by paper. The development of technological tools now allows it to communicate with its members and school staff much more quickly. It believes it is reasonable to shorten the period for sending out ballots from 40 days to 30 days to allow members to vote.

Example

Comparison of timelines for the 2014 and 2018 elections

	Election 2014 schedule followed Election date: November 15	2018 election – proposed changes Election date: October 20
1.	Deadline for residence in British Columbia: 6 months prior to elections • Deadline: May 15, 2014	Deadline for residence in British Columbia: 6 months prior to elections Deadline: April 20, 2018
2.	Becoming a member of the CSF: 120 days before election day • Deadline: July 16, 2014	Becoming a member of the CSF: 45 days before election day • Deadline: September 5, 2018
3.	Call for candidates: at least 115 days before election day • Deadline: July 21, 2014	Call for candidates: at least 90 days before election day • Deadline: July 23, 2018
4.	Nomination of members wishing to stand for the position of Secretary-Treasurer: at least 90 days before election day • Deadline: August 15, 2014	Nomination of members wishing to stand for the position of Secretary-Treasurer: at least 75 days before election day • Deadline: August 7, 2018
5.	List of candidates sent to members: at least 85 days before election day • Deadline: August 20, 2014	List of candidates sent to members: at least 70 days before election day • Deadline: August 12, 2018
6.	Challenges to the declaration of a member standing for election as a regional trustee: at least 75 days before election day • Deadline: 4:00 p.m., August 31, 2014	Challenges to the declaration of a member standing for election as a regional trustee: at least 60 days before election day • Deadline: 4:00 p.m., August 22, 2018
7.	Announcement by the Secretary-Treasurer of candidates elected by acclamation: at least 40 days before election day • Deadline: October 5, 2014	Announcement by the Secretary-Treasurer of candidates elected by acclamation: at least 30 days before election day • Deadline: September 21, 2018
8.	CSF to send ballots out to members: at least 40 days before election day • Deadline: October 5, 2014	CSF to send ballots out to members: at least 30 days before election day • Deadline: September 21, 2018
9.	Elected members sworn in: at least 45 days after the declaration of the election results • Deadline: December 30, 2014	Elected members sworn in: at least 45 days after the declaration of the election results Deadline: December 4, 2018