

DATE: June 9, 2015

TO: The Board of Trustees

FROM: Darrel Robertson, Superintendent of Schools

SUBJECT: Edmonton School District No. 7 By-election Bylaw

ORIGINATOR: Dr. Sandra Stoddard, Executive Director Governance and Strategic Support Services

REFERENCE: [Local Authorities Election Act School Act](#) Section 69
[June 26, 2015 Board Report – Edmonton Public School Board Trustee By-election – Ward G](#)

ISSUE

The City of Edmonton informed the District that the *Local Authorities Election Act* provides for Edmonton Public Schools District No. 7 to conduct a joint election with the City; however, a bylaw dealing with Board by-elections, which are not conducted jointly with the City, needs to be passed.

RECOMMENDATION

- 1. That the Edmonton School District No. 7 By-election Bylaw (the “Bylaw”) be introduced.**
- 2. That the Bylaw be read for the first time.**
- 3. That the Bylaw be read for the second time.**
- 4. That in accordance with the authority of Section 69 of the *School Act*, Trustees unanimously agree to give the Bylaw a third reading at this meeting.**
- 5. That the Bylaw be read for the third time.**
- 6. That the Bylaw having been given three readings at this meeting, be passed.**

BACKGROUND

On May 26, 2015, the Board approved the appointment of the City of Edmonton’s returning officer as the Board’s returning officer for the purposes of conducting a by-election to fill a Trustee vacancy in Ward G. Subsequently, the City of Edmonton informed the District that a bylaw, dealing with Board by-elections, which are not conducted jointly with the City, needs to be passed.

Legal Counsel from the City of Edmonton developed the proposed bylaw (Attachment I) which has been reviewed and approved by Legal Counsel from Edmonton Public Schools. Passing of this bylaw will allow the Board to conduct a by-election to fill a Trustee vacancy in Ward G on Monday, September 28, 2015 and supports conducting additional by-elections to fill future vacancies, if required.

RELATED FACTS

- Section 69 (1) of the *School Act*, authorizes every bylaw of a board shall have 3 distinct separate readings before the bylaw is finally passed.
- Section 69 (2) of the *School Act*, authorizes not more than 2 readings of a bylaw shall be given at any one meeting unless the trustees present at the meeting unanimously agree to give the bylaw a third reading.
- Section 69 (3) of the *School Act*, authorizes the first reading of a bylaw shall be in full and, if each board member has in the member's possession a written or printed copy of the bylaw, the second and third readings may be by title and description only.

NEXT STEPS

Pending approval of the recommendation, the Board will sign the *2015 School Board By-Election Agreement* with the City of Edmonton.

ATTACHMENTS & APPENDICES

ATTACHMENT I Edmonton School District No. 7 By-election Bylaw

SS:mmf

EDMONTON SCHOOL DISTRICT NO. 7 BY-ELECTION BYLAW**WHEREAS**

- A. The Edmonton School District No. 7 (the “District”) is a local jurisdiction for the purposes of the *Local Authorities Election Act*, RSA 2000, c. L-21 (“Local Authorities Election Act”) established under the *School Act*, RSA 2000, c. E-0.3 (“School Act”);
- B. The Minister of Education divided the District into wards pursuant to Ministerial Order 007/2010;
- C. The District is governed by its board of trustees (“Board”) which is a corporate body established under the School Act;
- D. The Board passed bylaws prescribing the number of electors required for nomination in the Board’s *Number of Nominators for Trustee Candidate By-Law* (“Nomination Bylaw”) and requiring a deposit to accompany nominations in *A Bylaw Relating to the Requirement for Nomination Deposits for Election to the Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta* (“Election Deposit Bylaw”), respectively;
- E. General elections for the Board are conducted jointly with the City of Edmonton (“City”), and conducted in accordance with the provisions of the City’s Election Bylaw, Bylaw 16311, (“Election Bylaw”) in the manner permitted by the joint election provisions of the Local Authorities Election Act, with the City’s Returning Officer is appointed the Returning Officer for both the Board and the City;
- F. The Board has not previously passed a bylaw dealing with Board by-elections, which are not conducted jointly with the City;
- G. The Board wishes to conduct a by-election to fill a trustee vacancy in Ward G on Monday, September 28, 2015 (the “By-election”) and may be required to conduct additional by-elections to fill future vacancies;
- H. The Board has by resolution dated May 26, 2015, approved the appointment of the City of Edmonton’s returning officer as the Board’s returning officer for the purposes of the By-election (the “Returning Officer”);
- I. The Board wishes to delegate authorities to the Returning Officer as permitted and prescribed by the Local Authorities Election Act for the purpose of managing all aspects of Board by-election;

DEFINITIONS

1. Words in this bylaw are defined in the same manner as they are defined in the Local Authorities Election Act, the School Act, and the Election Bylaw, as applicable.

SCOPE

2. Nothing in this bylaw alters the conduct of Board general elections conducted jointly with the City.

RETURNING OFFICER

3. The City of Edmonton's Returning Officer is appointed the Board's Returning Officer for all by-elections, and will conduct the By-election to fill a vacancy in Ward G, on Monday, September 28, 2015, and such by-elections as are required thereafter, as directed by Board resolution.
4. The Returning Officer has the discretion to exercise all powers, duties and functions prescribed for Returning Officers in the Local Authorities Election Act, the School Act, and any other applicable legislation, for the Board for the purposes of Board by-elections.

NOMINATIONS

5. Nominations for Board by-elections will be taken by the Returning Officer at the City's Elections and Census Office located at 16304 – 114 Avenue, Edmonton Alberta, which is declared to be the Board's local jurisdiction office for all Board by-elections.
6. Nominations for by-elections will be in the form prescribed by the Board's Nomination Bylaw, and deposits paid in accordance with the Board's Election Deposit Bylaw.

VOTING PROCEDURES

7. The votes of Board electors for by-elections will be taken following the same procedures as provided for in the Parts IV, VI, and VII of the Election Bylaw, and as permitted by the Minister, including, but not limited to:
 - a. Taking of votes by means of voting machines, vote recorders or automated voting systems, including the use of tabulators and express or electronic ballot marking options;
 - b. Use of a machine readable ballots which lists the names of candidates in alphabetical order, marked with an X for the preferred candidate;

- c. Procedures for processing spoiled ballots, tabulator errors, ballot counting and recounts.
8. Ballots will be in the same form as prescribed by the Election Bylaw, modified as required for Board by-elections.

SPECIAL VOTES

9. For Board by-elections, the Returning Officer:
- a. is authorized to conduct: an advance vote, institutional vote, and an incapacitated voter at home vote, and establish the dates, locations and times for each vote; and
 - b. will provide an express or electronic ballot marking device for blind and visually impaired electors or others requesting the use of these devices during the advance vote, but if an advance vote is not conducted, the Returning Officer will make an express or electronic ballot marking device available at one or more voting stations.

VOTING STATIONS

10. The Returning Officer may designate one or more voting stations per ward for Board by-elections.

GENERAL

11. If any matter not expressly provided for in this bylaw, the provisions of the Election Bylaw will be applicable, modified as required and in accordance with applicable legislation for Board by-elections.

12. This Bylaw comes into force upon receiving third reading.

READ A FIRST TIME THIS _____ DAY OF _____, 2015
 READ A SECOND TIME THIS _____ DAY OF _____, 2015
 READ A THIRD TIME THIS _____ DAY OF _____, 2015

 Chair, Board of Trustees
 Michael Janz

 Corporate Secretary
 Dr. Sandra Stoddard