

BRITISH COLUMBIA TEACHERS' COUNCIL REGULATION

Authority: *Teachers Act*, S.B.C. 2011, c. 19, sections 9, 19, 20, 22 and 81

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B.C. Reg. 249/2013	Deposited December 10, 2013
B.C. Reg. 236/2014	Deposited December 10, 2014
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B.C. Reg. 188/2017	Deposited October 19, 2017
B.C. Reg. 3/2021	Deposited January 14, 2021
B.C. Reg. 58/2021	Deposited March 4, 2021
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Part 1 - Definitions

Definitions

1 In this regulation:

"**Act**" means the *Teachers Act*;

"**election**" means an election for council members under the Act;

"**election officer**" means the election officer designated by the minister under section 7 of this regulation;

REPEALED by M422/14

"**prescribed organization**" means a prescribed organization listed in section 4 of this regulation;

"**Regional Health Boards Regulation**" means the Regional Health Boards Regulation, B.C. Reg. 293/2001.

[am. BC Reg. 236/14]

Part 2 — Appointments to the British Columbia Teachers' Council

Nominations by British Columbia Teachers' Federation

2 (1) For the purposes of section 9 (1) (a) [*British Columbia Teachers' Council*] of the Act, the British Columbia Teachers' Federation must nominate at least 3 certificate holders for each vacancy.

[am BC Reg. 249/13]

(2) A certificate holder nominated under subsection (1) must meet all of the following eligibility requirements:

- (a) the certificate holder's principal residence must be in British Columbia;
- (b) the certificate holder must possess knowledge, skills and expertise that will advance the objects of the British Columbia Teachers' Council;
- (c) the certificate holder must provide the certificate holder's written consent to be nominated.

[am BC Reg. 58/21]

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Appointments to British Columbia Teachers' Council

3 (1) For the purposes of section 9 (1) (a.1) of the Act, a person must meet both of the following eligibility requirements to be appointed:

- (a) the person must possess substantial knowledge of and experience in the First Nations education system in British Columbia;
- (b) the person must provide to the First Nations Education Authority the person's written consent to be appointed.

(2) For the purposes of section 9 (1) (c) of the Act, a person must meet all of the following eligibility requirements to be appointed:

- (a) the person's principal residence must be in British Columbia;
- (b) the person must possess knowledge, skills and expertise that will advance the objects of the British Columbia Teachers' Council;
- (c) the person must provide the person's written consent to a prescribed organization before the prescribed organization may propose the person under section 5 of this regulation for consideration by the minister for appointment.

[am BC Reg. 58/21; am BC Reg. 104/23]

Prescribed organizations

4 The prescribed organizations for the purposes of section 9 (6) of the Act are the following:

- (a) the Association of British Columbia Deans of Education;
- (b) the British Columbia Confederation of Parent Advisory Councils;
- (c) the British Columbia Principals' and Vice Principals' Association;
- (d) the British Columbia School Superintendents Association;
- (e) the British Columbia School Trustees Association;
- (f) the Federation of Independent School Associations;
- (g) the First Nations Education Steering Committee.

Consultation

5 (1) For the purposes of section 9 (6) of the Act, the minister's consultation with the prescribed organizations must include the following:

- (a) a request by the minister to each prescribed organization to provide the following information, in the form required by the minister, about at least 3 persons the prescribed organization wishes the minister to consider for appointment under section 9 (1) (c) of the Act:
 - (i) the name of the person;
 - (ii) relevant background information about the person, including how the person meets the eligibility requirements set out in section 3 of this regulation;

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- (b) provision by the minister of a reasonable time period to provide the information set out in paragraph (a) of this section;
 - (c) an opportunity for a prescribed organization to put forward a proposal for another person if the minister decides not to appoint one of the 3 persons initially proposed under paragraph (a) of this section and to provide the information set out in paragraph (a) (i) and (ii) of this section about the newly proposed person;
 - (d) consideration by the minister of the prescribed organization's proposals.
- (2) The minister's consultation with a prescribed organization may be in writing or in person.
- (3) *REPEALED by BC Reg. 48/2016, effective March 1, 2016*

[am. BC Reg. 48/16]

Part 3 — Elections

Electoral zones

6 The following zones are established for elections:

- (a) Zone 1, consisting of the areas of the Fraser Health Authority set out in Schedule B of the Regional Health Boards Regulation as it reads on the day this section comes into force;
- (b) Zone 2, consisting of the areas of the Interior Health Authority set out in Schedule B of the Regional Health Boards Regulation as it reads on the day this section comes into force;
- (c) Zone 3, consisting of the areas of the Northern Health Authority set out in Schedule B of the Regional Health Boards Regulation as it reads on the day this section comes into force;
- (d) Zone 4, consisting of the areas of the Vancouver Coastal Health Authority set out in Schedule B of the Regional Health Boards Regulation as it reads on the day this section comes into force;
- (e) Zone 5, consisting of the areas of the Vancouver Island Health Authority set out in Schedule B of the Regional Health Boards Regulation as it reads on the day this section comes into force.

Election officer

7 (1) For the purposes of administering an election, the minister may designate an election officer to arrange for an election to be conducted.

(1.1) If the election officer designated under subsection (1) is temporarily absent because of illness or another reason, the minister may designate an acting election officer to exercise the

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powers and perform the duties of the election officer until the election officer returns to office after the temporary absence.

(2) The election officer has the following powers and duties, in addition to all other powers and duties given in this regulation:

- (a) giving notice of nominations;
- (b) ensuring that a sufficient number of ballots are prepared for an election;
- (c) distributing ballot packages in accordance with section 9;
- (d) taking all reasonable precautions that a person does not vote more than once in an election;
- (e) counting the ballots cast;
- (f) recounting ballots in accordance with section 14 of this regulation;
- (g) declaring elected the candidate who received the most votes;
- (h) making public the results of an election;
- (i) doing all things necessary for the effective, efficient and fair conduct of an election.

[am BC Reg. 3/21]

Conduct of election by electronic means or by mail

7.1 (1) The election officer must, on or before November 10, 2023, decide whether the 2024 election is to be conducted

- (a) by electronic means with voting by electronic ballots, or
- (b) by mail with voting by paper ballots.

(2) The 2024 election is to be conducted by electronic means or by mail in accordance with the decision of the election officer.

(3) For certainty, sections 6, 7, 13 and 14 apply to the conduct of the 2024 election regardless of whether the election is conducted by electronic means or by mail.

[am BC Reg. 3/21; am BC Reg 220/23]

Nominations for 2024 election

8 (1) In order to make a nomination for the 2024 election,

- (a) the nomination information required by the election officer, and
- (b) the written consent under section 20 (e) [*candidates*] of the Act

must be received by the election officer in the form and manner required by the election officer on or before February 2, 2024.

[am BC Reg. 236/14; am BC Reg. 188/17; am BC Reg. 3/21, am BC Reg. 220/23]

(2) The obligation to ensure that the nomination is received in accordance with this section rests with the person being nominated.

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Ballot packages for 2024 election

9 (1) The election officer must distribute, by electronic means or by mail, as applicable, ballot packages in each zone within 45 days after February 2, 2024 to the certificate holders who have their principal residence in the zone.

(1.1) If the election is conducted by electronic means, the ballot package must include all of the following:

- (a) a ballot containing the names of all candidates in the zone;
- (b) instructions for completing and submitting the ballot;
- (c) a statement from a candidate in the zone on a form approved by the election officer if the statement was provided to the election officer by the candidate on or before February 2, 2024;
- (d) a photograph of a candidate in the zone if the photograph was provided to the election officer by the candidate on or before February 2, 2024.

(2) If the election is conducted by mail, the ballot package must include all of the following:

- (a) a voter identification card;
- (b) a ballot containing the names of all candidates in the zone;
- (c) a secrecy envelope that has no identifying marks, in which the ballot is to be returned;
- (d) a return envelope;
- (e) a statement from a candidate in the zone on a form approved by the election officer if the statement was provided to the election officer by the candidate on or before February 2, 2024;
- (f) a photograph of a candidate in the zone if the photograph was provided to the election officer by the candidate on or before February 2, 2024.

[am BC Reg. 236/14; am BC Reg. 188/17; am BC Reg. 3/21; am BC Reg. 220/23]

2024 election date

10 (1) For the purposes of section 22 (2) [*elections*] of the Act, the date of the 2024 election is March 20, 2024.

(2) Voting closes at 4:30 p.m. local time on that day.

[am BC Reg. 236/14; am BC Reg. 188/17; am BC Reg. 3/21; am BC Reg. 220/23]

Withdrawal by person nominated

11 A person who has been nominated may withdraw from being a candidate in an election by delivering a signed withdrawal to the election officer, which must be accepted by the election officer

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- (a) if the election officer is satisfied as to its authenticity,
- (a.1) in the case of an election conducted by electronic means, if the ballot packages have not yet been distributed to certificate holders under section 9(1), and
- (b) in the case of an election conducted by mail, if the ballots for the election have not yet been printed.

[am BC Reg. 3/21]

Ballots

12 A ballot, including a ballot in an election conducted by electronic means, will not be considered by the election officer if any of the following applies:

- (a) the person voting is identified on the ballot;
- (b) the ballot contains comments;
- (c) the ballot includes votes for more than one candidate;
- (d) the ballot is spoiled in any other manner;
- (e) the election officer is of the opinion that there is a valid reason not to consider the ballot.

[am BC Reg. 3/21]

Who may be present at ballot count

13 The following persons may be present when the election officer counts the ballots cast in an election:

- (a) a candidate;
- (b) a candidate representative.

Recount by election officer

14 (1) The election officer may recount some or all of the ballots considered in a zone in an election if

- (a) the election officer receives a written request for a recount, within 7 business days of the declaration of a candidate elected, from a candidate in the zone, and
- (b) the basis of the request is that the difference between the votes received by the candidate declared elected and the candidate with the next highest number of votes is less than 5% of the ballots considered.

(2) After a recount the election officer must do one of the following:

- (a) confirm the election of the candidate previously declared elected if that candidate received the most votes on the recount;
- (b) declare another candidate elected if that candidate received the most votes on the recount.