

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Authority: *School Act, s. 175*

B.C. Reg. 212/99	Effective July 9, 1999
Editorial Edits by Registrar of Regulations	Effective December 22, 1999
Amended by B.C. Reg. 277/02	Effective October 11, 2002
Amended by B.C. Reg. 468/04	Effective October 21, 2004
Amended by B.C. Reg. 262/05	Effective July 28, 2005
Amended by B.C. Reg. 254/06	Effective September 7, 2006
Amended by B.C. Reg. 388/07	Effective November 23, 2007
Amended by B.C. Reg. 147/08	Effective June 6, 2008
Amended by B.C. Reg. 164/10	Effective July 1, 2010
Amended by B.C. Reg. 145/14	Effective July 14, 2014
Amended by B.C. Reg. 310/16	Effective December 8, 2016
Lieutenant Governor in Council Regulation	

NOTICE: The following regulation is not the official version. To obtain an official version of this regulation please contact Crown Publications, Queens Printer, Telephone (250) 387-6409, Fax (250) 387-1120 or Internet www.crownpub.bc.ca

Section

1 Definition

PART 1 - QUALIFICATIONS FOR HOLDING OFFICE

- 2 Who may hold office as regional trustee
- 3 Disqualifications from regional trusteeship
- 4 Disqualification of employees from regional trusteeship
- 5 *REPEALED by BC Reg. 212/99 effective Nov. 19, 1999*

PART 2 - ELECTIONS

Division 1 - Call for Candidates

- 6 Request for candidates
- 7 Intention to run for office
- 8 Challenge of member declaration to stand for election as regional trustee

Division 2 - Election of Regional Trustees

- 9 Acclaimed candidates
- 10 Mailing of voting material
- 11 Voting procedure
- 11.1 Time for voting extended
- 12 Supervising the counting of votes
- 13 *REPEALED BC Reg. 262/05*
- 14 Declaring election of candidates
- 15 Notice of election

Division 3 - Miscellaneous

- 16 By-elections for regional trustees
- 17 *REPEALED BC Reg. 145/14*
- 18 Declaration of invalid election
- 19 Retention of election documents

Division 4 – Campaign Financing

- 19.1 *Local Elections Campaign Financing Act* applies
- 19.2 Adapting provisions of *Local Elections Campaign Financing Act*
- 19.3 Declared as candidate

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

- 19.4 Candidate financial agent appointment
- 19.5 Initial provision of Information between Elections BC and secrétaire trésorier
- 19.6 Disclosure requirements

Division 5 – Election Offences

- 19.7 *Local Government Act* offences
- 19.8 *Local Elections Campaign Financing Act* offences

PART 3 - GENERAL

- 20 Form of affirmation
- 21 Voting declaration
- 22 Oath of office
- 23 Application of regulations and orders

SCHEDULE A

SCHEDULE B

SCHEDULE C

SCHEDULE D

Definition

- 1** In this regulation "Act" means the *School Act*.

PART 1 - QUALIFICATIONS FOR HOLDING OFFICE

Who may hold office as regional trustee

2 (1) Except as provided in this Part, a person is qualified to be elected or appointed to and hold office as a regional trustee of a francophone education authority if, at the relevant time, the person meets all of the following requirements:

- (a) the person must be an individual who is, or who will be at the time of voting or on the effective date of the appointment, as applicable, 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 at least 120 days preceding the relevant time;
- (d) the person must not be disqualified by the Act or any other enactment from being elected or appointed to or holding office as a regional trustee of a francophone education authority, or be otherwise disqualified by law.

(2) At any one time, a person is not eligible to be elected as a regional trustee for more than one ward established under section 166.14 (8) of the Act.

[am BC Reg. 388/07; am BC Reg. 145/14]

Disqualifications from regional trusteeship

3 Without limiting section 2 (1)(d), the following persons are disqualified from being elected to or holding office as a regional trustee of a francophone education authority:

- (a) a person who is disqualified under section 4 as an employee of a francophone education authority, except as authorized under that section;

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

- (b) a person who is disqualified under section 166.18 (6) [*unexcused absence from board meetings*] or 166.19 (3) [*failure to make oath or affirmation of office*] of the Act;
- (c) a person who is disqualified under the *Local Elections Campaign Financing Act*
 - (i) from holding office on a local authority, or
 - (ii) as that Act applies under Division 4 [*Campaign Financing*] of Part 2 of this regulation;
- (d) a person who is disqualified from holding office under Division 18 [*Election Offences*] of Part 3 [*Electors and Elections*] of the *Local Government Act* as it applies under that Act, the Act or any other Act.

[am BC Reg. 388/07; am BC Reg. 147/2008; am BC Reg. 145/14; am BC Reg. 310/16, effective Dec 8/16]

Disqualification of employees from regional trusteeship

4 (1) In this section, "**employee**" means an employee or salaried officer of a francophone education authority.

(2) Unless the requirements of this section are met, an employee of a francophone education authority is disqualified from being elected to or holding office as a regional trustee of the same francophone education authority.

(3) Before declaring an intention to stand for election as a regional trustee of a francophone education authority under section 7 (1)(a), the employee must give notice in writing to his or her employer of that intention.

(4) Once a notice is given under subsection (3), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,

- (a) begins on the date on which the notice is given, and
- (b) ends, as applicable,
 - (i) if the person withdraws as a candidate in the election, on the day after the withdrawal,
 - (ii) if the person is declared elected, on the day the person resigns in accordance with subsection (7) or on the last day for taking office before the person is disqualified under the provisions referred to in section 3 (b),
 - (iii) if the person is not declared elected and no application for judicial recount is made, on the last day on which an application for judicial recount may be made, or
 - (iii) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

(5) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (4).

(6) Sections 54 and 56 of the *Employment Standards Act* apply to a leave of absence under this section.

(7) Before making the oath of office under section 166.19 of the Act, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.

(8) At the option of the employee, a resignation under subsection (7) may be conditional on the person's election not being declared invalid on an application under section 18 of this regulation or section 166.18 (4) of the Act.

[am BC Reg. 145/14]

5 *REPEALED by BC Reg. 212/99 effective Nov. 19, 1999*

[am BC Reg. 388/07]

PART 2 – ELECTIONS

Division 1 - Call for Candidates

Request for candidates

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.

(2) The notice referred to in subsection (1) must be provided by publication in a newspaper.

[am BC Reg. 262/05; am BC Reg. 388/07]

Intention to run for office

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:

- (a) a statement, signed by the member, in which the member declares an intention to stand for election as a regional trustee;
- (b) as applicable, a statement
 - (i) that the member is acting as his or her own financial agent within the meaning of the *Local Elections Campaign Financing Act*, or
 - (ii) identifying the person who is appointed under the *Local Elections Campaign Financing Act* to act as financial agent for the member;
- (c) the written disclosure required by section 2 (1) [*requirement to make written disclosure*] of the *Financial Disclosure Act*;

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

- (d) the information required under subsection (2);
- (e) a solemn declaration of the member in accordance with subsection (3).

(2) For the purposes of subsection (1) (d), the following information must be provided:

- (a) the full name of the member;
- (b) the usual name of the member, if the full name of the member is different from the name the member usually uses and the member wishes to have his or her usual name on the ballot instead;
- (c) the francophone education authority in relation to which, and the ward in which, the member is prepared to stand for election as a regional trustee;
- (d) the residential address of the member, and the mailing address if this is different;
- (e) a telephone number at which the member may be contacted;
- (f) an email address at which the member may be contacted, unless the member does not have such an address;
- (g) an address for service within the meaning of the *Local Elections Campaign Financing Act*;
- (h) any other information or material required by regulation
 - (i) under section 168 [*election regulations*] of the *Local Government Act*, or
 - (ii) under section 92 (1) (g) [*provision of information between Elections BC and local authorities*] of the *Local Elections Campaign Financing Act*.

(3) For the purposes of subsection (1) (e), the member who intends to stand for election must make a solemn declaration

- (a) that he or she is qualified under the Act to hold the office,
- (b) that, to the best of the member's knowledge and belief, the information provided under this section is true,
- (c) that the member fully intends to accept the office if elected, and
- (d) that the member
 - (i) is aware of the *Local Elections Campaign Financing Act*,
 - (ii) understands the requirements and restrictions that apply to the member under that Act, and
 - (iv) intends to fully comply with those requirements and restrictions.

(4) A solemn declaration under subsection (1) (e) must be

- (a) made on oath or by solemn affirmation,
- (b) made before a commissioner for taking affidavits for British Columbia, and
- (c) signed by the member making the oath or solemn affirmation and by the person before whom it is made.

(5) Members who are already serving as regional trustees may declare an intention to stand for election under subsection (1) (a).

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

(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.

(7) If there is any change in the information or material required to be provided under subsection (1) (b) or (2) (e), (f), (g) or (h) (i), the member must, as soon as practicable, provide updated information and material

- (a) to the secrétaire trésorier, if the change occurs before the declaration of the results of the election, or
- (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.

(8) The obligation under subsection (7) (b) to provide updated information and material to the BC chief electoral officer ends when all disclosure and record retention obligations under the *Local Elections Campaign Financing Act* in relation to the member have been fulfilled.

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg. 145/14; am BC Reg. 310/16, effective Dec 8/16]

Challenge of member declaration to stand for election as regional trustee

8 (1) A declaration of a member to stand for election as a regional trustee may only be challenged by an application to the Provincial Court in accordance with this section.

(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.

(3) A challenge may be made only by a member who is resident in that ward and is entitled to vote in that ward, and may only be made on one or more of the following bases:

- (a) that the member is not qualified to stand for election as regional trustee;
- (b) that the declaration was not made in accordance with section 7;
- (c) that the usual name given under section 7 (2) (b) is not in fact the usual name of the person.

(4) The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.

(5) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (7).

- (6) The person making a challenge must notify affected persons by
 - (a) immediately notifying the secrétaire trésorier and the person whose declaration is challenged that a challenge will be heard by the court at the time set under subsection (5), and

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

(b) within 24 hours of filing the document commencing the application, serving on these persons that document, the accompanying affidavit and a notice of the time for the hearing.

(7) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,

(a) confirming the person as eligible to stand for election as a regional trustee or declaring that the person is no longer standing for election as a regional trustee, and

(b) declaring that the person is or is not entitled to have the usual name referred to in section 7 (2) (b) used on the ballot.

(8) The court may order that the costs of a challenge, within the meaning of the Supreme Court Civil Rules, be paid in accordance with the order of the court.

(9) The decision of a court on a challenge under this section is final and may not be appealed.

(10) The person making a challenge must notify the secrétaire trésorier within 72 hours of the decision of the court.

(11) The secrétaire trésorier, on receiving notice under subsection (10), must reflect the court's decision in the voting materials provided under section 10 of this regulation.

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg. 164/10; am BC Reg. 145/14]

Division 2 - Election of Regional Trustees

Acclaimed candidates

9 If the number of candidates who have declared themselves willing to stand for election as regional trustees in a ward does not exceed the number of regional trustees to be elected in that ward, the secrétaire trésorier must, at least 40 days before election day,

(a) declare those candidates elected as regional trustees in that ward, and

(b) provide to each member who is entitled to vote in that ward, by electronic means or by mail, a copy of the declaration.

[am BC Reg. 262/05; am BC Reg. 388/07]

Voting material

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:

(a) a ballot paper containing the names of all candidates for regional trustees in that ward and stating the number of regional trustees to be elected in that ward;

(b) a voting declaration prescribed under section 21;

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

(c) instructions for completing and submitting a ballot and a voting declaration.

(2) The names of the candidates on the ballot referred to in subsection (1) (a) are to be set out in alphabetical order or, at the discretion of the board of regional trustees of the authority, the order of the names is to be determined by lot drawn by the secrétaire trésorier.

(3) The accidental omission to provide the material referred to in subsection (1) to a member or the non-receipt of the material does not invalidate an election.

[am BC Reg. 262/05; am BC Reg. 388/07]

Voting procedure

11 (1) A member who is resident in a ward and is entitled to vote in an election for that ward may vote for any number of candidates up to the number of candidates to be elected in that ward.

(1.1) Subject to section 12(2), voting in an election may be by paper or electronic ballot.

(2) A member must vote in accordance with the instructions referred to in section 10 (1) (c).

(3) A member who has voted must, in accordance with the instructions, submit the ballot referred to section 10(1)(a) and complete, sign and submit the declaration referred to in section 10 (1) (b)

(a) if the member votes by paper ballot, at least 15 days before election day, or

(b) if the member votes by electronic ballot, no later than 8 p.m. on election day.

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg 147/2008]

Time for voting extended

11.1 If voting is delayed and the secrétaire trésorier considers that a significant number of members would not be able to vote without an extension under this section, the secrétaire trésorier may extend the time for the close of voting but the extension must not permit voting for a longer period of time than would have been permitted had voting not been delayed.

[am BC Reg 147/2008]

Counting of votes

12 (1) Subject to subsection (2), the secrétaire trésorier or a person appointed by the secrétaire trésorier must supervise the collecting and counting of votes according to a procedure that

(a) rejects all but one of the ballots of a voter who submits more than one ballot,

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

- (b) rejects a ballot that is not submitted with a completed and signed declaration, and
 - (c) prevents the identification of voters.
- (2) The secrétaire trésorier may direct that electronic equipment be used for collecting and counting votes if the equipment
- (a) can do so according to a procedure that does the things set out in subsection (1) (a) to (c), and
 - (b) maintains a back-up copy of all ballots and declarations submitted.
- (3) If the secrétaire trésorier directs the use of electronic equipment under subsection (2), he or she must certify the final vote count generated by the equipment if he or she is satisfied that the equipment accurately counted the votes submitted in accordance with the instructions.
- (4) A candidate for office or a representative of that candidate is entitled to be present when the votes are counted under this section.

[am BC Reg. 262/05; am BC Reg. 388/07]

Rejection of ballot paper

13 *REPEALED by BC Reg. 537/05 effective July 27, 2005*

Declaring election of candidates

14 (1) On election day, the secrétaire trésorier must declare elected the candidate or candidates who receive the greatest number of votes, up to the number of regional trustees to be elected in each ward.

(2) If not all candidates who are to be elected in a ward can be determined because of an equality of votes, the secrétaire trésorier must

- (a) write on identical cards the name of each candidate whose election can not be determined because of an equality of votes,
- (b) place all the cards into a ballot box,
- (c) draw from the ballot box by chance the number of cards necessary to make up the required number of regional trustees from that ward, and
- (d) declare elected the candidate or candidates named on the card or cards drawn.

[am BC Reg. 262/05; am BC Reg. 388/07]

Notice of election

15 Promptly after determining which of the candidates have been elected as regional trustees for a ward, the secrétaire trésorier must

- (a) notify the minister, the president and each candidate of the outcome of the election, and
- (b) provide to the newly elected regional trustees notice in writing of their election.

[am BC Reg. 262/05; am BC Reg. 388/07]

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Division 3 – Miscellaneous

By-elections for regional trustees

16 (1) Within 10 days after a vacancy occurs for which a by-election is to be held under section 166.2 of the Act, the secrétaire trésorier of the francophone education authority must provide notice of a by-election to the members of the authority resident in the ward in which the vacancy has occurred.

(1.1) The notice referred to in subsection (1) must be provided by publication in a newspaper.

(2) In the notice provided under subsection (1), the secrétaire trésorier of the authority must request members who are prepared to stand for election as regional trustee for the ward to declare their intention to do so.

(3) A member who is prepared to stand for election as regional trustee for the ward must, no later than 30 days after notice was sent under subsection (1), provide to the secrétaire trésorier the information or material required under section 7 (1).

(4) The secrétaire trésorier of the authority, no later than 60 days after providing notice of the by-election under subsection (1), must provide to each member who is entitled to vote in the ward for which the election is to be held the voting material referred to in section 10 (1) in electronic or other form.

(5) The voting procedures set out in Division 2 apply to a by-election conducted under this section except to the extent that those procedures have been modified under subsections (1) to (4).

(6) As soon as practicable after a vacancy occurs for which a by-election is to be held under section 166.2 of the Act, the secrétaire trésorier of the francophone education authority must provide notification of the by-election to the following:

- (a) the minister;
- (b) the BC chief electoral officer.

(7) Subsection (6) does not apply to a by-election for a regional trustee of a francophone education authority held before the 2018 general local election.

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg. 145/14; am BC Reg. 310/16, effective Dec 8/16]

Campaign financing and election offences

17 *REPEALED by BC Reg. 145/14 effective July 14, 2014*

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg. 145/14]

Declaration of invalid election

18 (1) An application to challenge the right of an elected regional trustee to take office or the validity of a regional trustee election may be made to the Supreme Court by

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

at least 4 members of a francophone education authority who were eligible to vote in the ward for which the election was held.

(2) The time limit for making an application under subsection (1) is 30 days after the declaration of official results under section 14.

(3) Division 16 [*Declaration of Invalid Election*] of Part 3 [*Electors and Elections*] of the *Local Government Act*, other than section 153 (2) to (4), applies to an application under subsection (1).

(4) For the purposes of subsection (3), a reference to a municipality or regional district in Division 16 of Part 3 of the *Local Government Act* is to be read as a reference to a francophone education authority.

[am BC Reg. 262/05; am BC Reg. 388/07; am BC Reg. 145/14; am BC Reg. 310/16, effective Dec 8/16]

Retention of election documents

19 (1) The secrétaire trésorier must retain voting records and other documents of an election for regional trustees until 5 years after the date of the election to which the documents relate.

(2) Subsection (1) applies to voting records and other documents retained in respect of the 2014 general local election and all subsequent elections.

(3) If an application is made under section 18 of this regulation or section 166.18 (4) [*general election of regional trustees*] of the Act, the secrétaire trésorier must retain the documents referred to in subsection (1) until that application, including all appeals from it, is concluded.

(4) The secrétaire trésorier is not in contravention of subsection (1) if, under section 76 [*additional specific powers to require information*] of the *Local Elections Campaign Financing Act*, the francophone education authority is required to provide the documents to the BC chief electoral officer.

[am BC Reg. 262/05; am BC Reg. 388/07; en BC Reg. 310/16, effective Dec 8/16]

Division 4 – Campaign Financing

Local Elections Campaign Financing Act applies

19.1 Subject to this Division, the *Local Elections Campaign Financing Act* applies in relation to the election of an individual to the office of regional trustee of a francophone education authority.

[am BC Reg. 310/16, effective Dec 8/16]

Adapting provisions of *Local Elections Campaign Financing Act*

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

19.2 (1) For the purposes of section 19.1, references in the *Local Elections Campaign Finance Act* are to be read in accordance with the following:

- (a) a reference to a designated local authority officer is to be read as a reference to the secrétaire trésorier of the applicable francophone education authority;
- (b) a reference to a jurisdiction is to be read as a reference to a francophone education authority;
- (c) a reference to a jurisdiction area is to be read as a reference to a francophone school district;
- (c.1) a reference to an election area is to be read as a reference to a ward;
- (d) a reference to a local authority is to be read as a reference to a board of regional trustees;
- (e) a reference to a local election officer is to be read as a reference to the secrétaire trésorier of the applicable francophone education authority.
- (f) a reference to general voting day is to be read as a reference to election day.

(2) Subsection (1) (c) applies in relation to an election for regional trustee for a francophone education authority held before the 2018 general local election.

(3) Subsection (1) (c.1) applies in relation to an election for regional trustee for a francophone education authority that is part of the 2018 general local election and all subsequent elections.

[am BC Reg. 310/16, effective Dec 8/16]

19.3 (1) For the purposes of section 19.1, a member is considered to be declared to be a candidate if

- (a) the member's name appears in a list referred to in section 7 (6), or
- (b) the member complies with section 16 (3).

(2) For the purposes of applying the definition of “declared” in section 1 of the Schedule to the *Local Elections Campaign Financing Act*, “**declared**”, in relation to a candidate, means declared as a candidate under subsection (1) of this section.

Candidate financial agent appointment

19.4 (1) For the purposes of applying section 17 (5) [*each candidate must have a financial agent*] of the *Local Elections Campaign Financing Act*, if the statement referred to in section 7 (1) (b) (ii) of this regulation identifies an appointed financial agent for a member, the member must deliver the information and material required under section 17 (5) of the *Local Elections Campaign Financing Act* to the secrétaire trésorier

- (a) at least 90 days before election day, or
- (b) no later than 30 days after notice is sent under section 16 (1) of this regulation.

(2) For the purposes of applying section 62 (1) (a) [*other information to be publicly available*] of the *Local Elections Campaign Financing Act*, a reference to

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

nomination documents is to be read as a reference to the Information and material delivered under subsection (1) of this section.

Initial provision of Information between Elections BC

and secrétaire trésorier

19.5 For the purposes of applying section 92 (1) [*provision of information between Elections BC and local authorities*] of the *Local Elections Campaign Financing Act*, the secrétaire trésorier must provide to the BC chief electoral officer the information and material referred to in that section as soon as practicable after

- (a) a member is declared to be a candidate, and
- (b) that information and material is provided to the secrétaire trésorier.

Disclosure requirements

19.6 (1) For the purposes of applying section 16 [*general information respecting candidate*] of the *Local Elections Campaign Financing Prior to 2018 General Local Election Regulation*, B.C. Reg. 106/2014, if

- (a) the jurisdiction referred to in subsection (1) (b) of that section is a francophone education authority in relation to an election for a regional trustee under the Act, and
- (b) the francophone education authority has more than one ward, the candidate disclosure statement must include the ward in relation to which the person is a candidate.

(2) For the purposes of applying section 36 [*general information respecting third party sponsor*] of the *Local Elections Campaign Financing Prior to 2018 General Local Election Regulation*, if

- (a) the jurisdiction referred to in subsection (1) (c) of that section is a francophone education authority in relation to an election for a regional trustee under the Act, and
- (b) the francophone education authority has more than one ward, the third party disclosure statement must include the ward in relation to which the third party sponsor is a candidate.

(3) This section does not apply in relation to the following:

- (a) an election held before the 2014 general local election;
- (b) the 2018 general local election;
- (c) an election held after the 2018 general local election.

[en BC Reg. 145/14; am BC Reg. 310/16, effective Dec 8/16]

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Division 5 – Election Offences

Local Government Act offences

19.7 (1) Division 18 [*Election Offences*] of Part 3 of the *Local Government Act* applies in relation to the election of an individual to the office of regional trustee of a francophone education authority.

(2) If a person elected as a regional trustee is disqualified from holding office under Division 18 of Part 3 of the *Local Government Act*, the office to which the person was elected is deemed to be vacant.

[am BC Reg. 310/16, effective Dec 8/16]

Local Elections Campaign Financing Act offences

19.8 For certainty, Division 2 [*Offences*] of Part 7 of the *Local Elections Campaign Financing Act* applies in relation to the application of that Division to the election of regional trustees of a francophone education authority.

[en BC Reg. 145/14]

PART 3 - GENERAL

Form of affirmation

20 The signed statement set out in Schedule A is prescribed for the purposes of sections 166.13 (1) and 166.24 (4) of the Act.

[am BC Reg. 310/16, effective Dec 8/16]

Voting declaration

21 The declaration set out in Schedule B is prescribed for the purposes of section 166.14 (5) of the Act.

Oath of office

22 The oath of office set out in Schedule C is prescribed for the purposes of section 166.19 of the Act.

Application of regulations and orders

23 (1) The regulations and orders set out in Schedule D apply for the purposes of Part 8.1 of the Act.

(2) If a regulation or order that applies for the purposes of Part 8.1 of the Act refers to a word or phrase that is defined in the regulation or order but is not listed in Column A of section 166.11 (1) of the Act, a reference in that definition to a word or phrase listed in Column A of section 166.11 (1) of the Act is to be read as a reference to the word or phrase listed opposite in Column B of that section.

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Schedule A

SIGNED STATEMENT

I,[*name*], confirm that

- (a) the following provision applies: [*please check the applicable provision*]
 - o I am a citizen of Canada;
 - o I am an immigrant parent as defined in the *School Act*,
- (b) I reside in British Columbia, and
- (c) the following provision or provisions apply: [*please check the applicable provision(s)*]
 - o my first language learned and still understood is French;
 - o I received my primary school instruction in Canada in French;
 - o one of my children has received primary or secondary school instruction in Canada in French;
 - o one of my children is receiving primary or secondary school instruction in Canada in French.

.....
(*signature*)

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Déclaration signée

Je,[*nom*], confirme que

- (a) la disposition suivante s'applique: [*veuillez cocher la disposition pertinente*]
 - Je suis citoyen(ne) du Canada;
 - Je suis un parent immigrant au sens ou l'entend le *School Act*,
- (b) Je réside en Colombie-Britannique, et
- (c) la ou les disposition(s) suivante(s) s'applique(nt): [*veuillez cocher la ou les dspositions(s) pertinente(s)*]
 - la première langue que j'ai apprise et que je comprends encore est le français;
 - j'ai reçu mon instruction au niveau primaire en français au Canada;
 - un de mes enfants a reçu son instruction en français au Canada au niveau primaire ou secondaire;
 - un de mes enfants reçoit son instruction en français au Canada au niveau primaire ou secondaire.

.....
(*signature*)

[am BC Reg. 310/16, effective Dec 8/16]

SCHEDULE B

VOTING DECLARATION

I,[*name*], make the following declaration:

- 1 I am a member in good standing of the conseil scolaire francophone de la colombie- britannique.
- 2 I wish to vote in an election of regional trustees of the conseil scolaire francophone de la colombie-britannique in respect of the following year:
.....
- 3 I have not and will not vote
 - (a) in an election of school trustees that takes place in the same year as the election referred to in section 2 of this declaration, or
 - (b) in any by-election to fill a vacancy for a trustee elected in a trustee election referred to in section 3 (a) of this declaration.

.....
(*signature*)

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Déclaration de vote

Je,[*nom*], fais la déclaration suivante:

- 1 Je suis membre en règle du conseil scolaire francophone de la Colombie-Britannique.
- 2 Je désire voter lors d'une élection de conseillers régionaux du conseil scolaire francophone de la Colombie-Britannique pour l'année suivante:
.....
- 3 Je n'ai pas voté et je ne voterai pas
 - (a) lors d'une élection de conseillers scolaires ayant lieu la même année que l'élection mentionnée dans l'article 2 de la présente déclaration, ou
 - (b) lors de toute élection partielle visant à remplacer un conseiller scolaire élu lors d'une élection de conseillers scolaires mentionnée au paragraphe 3 (a) de la présente déclaration.

.....
(*signature*)

[am BC Reg. 310/16, effective Dec 8/16]

SCHEDULE C

OATH OF OFFICE

I,[*name*], do [swear] [solemnly affirm] that:

I am qualified to hold office as a regional trustee in the conseil scolaire francophone de la Colombie-Britannique and meet the regional trustee qualification requirements set out in the *School Act* and regulations;

I have not knowingly contravened the *School Act* or regulations in relation to my election as a regional trustee;

I will abide by the *School Act* and regulations and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters;

I will comply with the requirements of the *School Act* and regulations that relate to conflict of interest and, in particular, I will comply with the requirements relating to disclosure of pecuniary and indirect pecuniary interest in a matter.

SWORN/AFFIRMED BEFORE ME

at[*city*], British Columbia

on[*date*].

.....
.....
A commissioner for taking affidavits
for British Columbia

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

Serment d'entrée en fonctions

Je,[*nom*], déclare sous serment/affirme solennellement que:

je suis apte à occuper le poste de conseiller régional au sein du conseil scolaire francophone de la Colombie-Britannique et je satisfais aux normes de sélection des conseillers régionaux stipulées dans le *School Act* et les règlements;

je n'ai pas, à ma connaissance, enfreint les dispositions du *School Act* ou des règlements en ce qui a trait à mon élection comme conseiller régional;

je me conformerai aux stipulations du *School Act* et des règlements; je m'acquitterai fidèlement de mes fonctions et ne laisserai aucun intérêt personnel influencer ma conduite en matière publique;

je respecterai les exigences du *School Act* et des règlements relativement aux conflits d'intérêts et je respecterai, notamment, les exigences relatives à la divulgation d'intérêts pécuniaires directs et indirects en quelque matière que ce soit.

DÉCLARÉ SOUS SERMENT/AFFIRMÉ SOLEMNELLEMENT DEVANT MOI

à[*ville*], Colombie-Britannique

.....[*date*] .

.....
Commissaire à l'assermentation

pour la Colombie-Britannique

[am BC Reg. 388/07; am BC Reg. 310/16, effective Dec.8/16]

SCHEDULE D

1 The following ministerial orders apply for the purposes of Part 8.1 of the *Act*:

- (a) Board Authorized Course Order, M285/04;
- (b) *REPEALED* by BC Reg. 254/06;
- (c) *REPEALED* by BC Reg. 145/14;
- (d) Educational Program Guide Order, M333/99;
- (e) Graduation Program Order, M302/04;
- (f) Graduation Requirements Order, M205/95;
- (g) Individual Education Plan Order, M638/95;
- (h) Investigation by Superintendent Order, M151/89;
- (i) *REPEALED* by BC Reg. 1122/04, effective Oct 21, 2004;
- (j) Permanent Student Record Order, M190/91;
- (k) Provincial Fees Order, M140/89;
- (l) Provincial Letter Grades Order, M192/94;
- (m) Required areas of Study in an Educational Program Order, M295/95;
- (n) School and Student Data Collection Order, M152/89;
- (o) Board of Education Fees Order, M236/2007;

FRANCOPHONE EDUCATION AUTHORITIES REGULATION

- (p) *REPEALED* by BC Reg. 147/08, effective June 6, 2008;
- (q) *REPEALED* by BC Reg. 147/08, effective June 6, 2008;
- (r) Special Needs Students Order, M150/89;
- (s) Student Credentials Order, M164/96;
- (t) Student Learning Assessment Order, M60/94;
- (u) Student Progress Report Order, M191/94;
- (v) Student Records Disclosure Order, M14/91;
- (w) Support Services for Schools Order, M149/89;
- (x) Work Experience Order, M282/04.

[am. B.C. Reg. 468/04, am B.C. Reg. 1122/04, am B.C. Reg. 254/06; am BC Reg. 388/07; am BC Reg. 145/14]

2 The following orders in council apply for the purposes of Part 8.1 of the *Act*:

- (a) Board Insurance Order, OIC 1390/87;
- (b) Board of Examiners Order, OIC 779/95;
- (c) *REPEALED* by BC Reg. 147/08, effective June 6, 2008;
- (d) Workers' Compensation Coverage Order, OIC 1117/2004.

[am BC Reg. 262/05; am BC Reg. 145/14]

3 The following regulations apply for the purposes of Part 8.1 of the *Act*:

- (a) *REPEALED* BC Reg. 277/02;
- (b) *REPEALED* by BC Reg. 145/14;
- (c) sections 1, 3 to 7, 9, 10, 12, 13 and 16 of, and the Appendix to, the School Regulation, B.C. Reg. 265/89;
- (d) *REPEALED* by BC Reg. 145/14.

[editorial edits Dec. 22/99; am B.C. Reg. 277/02 effective October 11.02, am B.C. Reg. 254/06; am BC Reg. 145/14]