

Purpose:

These by-laws have been prepared and adopted by the Board in accordance with the *Education Act* and the regulations made pursuant to it. The purpose of these by-laws is to establish procedures that must be followed by the Board in conducting the business of the District.

Elections:

1.1 YK1 District No. 1 was formally established on October 1, 1939 under Section 33 of the *School Ordinance, NWT*.

Trustees are elected into at-large positions per the *Local Authorities Elections Act*. In accordance with the *Education Act*, elections take place every 4 years, and the Trustees hold their position until their term expires at 12 noon, on the first Monday of the month following the election for Trustees.

1.2 Elections shall be conducted pursuant to the LAEA, and as modified by the City of Yellowknife *Elections Bylaw 5043*, in relation to voting in the office of the returning officer, mail-in ballots, and the use of vote counting machines.

Copy of Yellowknife Elections By-law 5043 as Appendix A.

Selection of Chairperson and Vice-Chairperson:

1. The selection of the Chairperson and Vice-Chairperson shall take place at the annual organizational meeting of the Board. In an election year, the organization meeting of the Board will be held immediately prior to the regularly scheduled meeting in November, and in a non-election year will be scheduled in August, within two weeks of the first day of school.
2. The Superintendent shall advise each Trustee of the date, time and place of the organizational meeting.
3. Should the organizational meeting follow the District Education Authority election, the Superintendent shall immediately, after calling the meeting to order:
 - 3.1. Proceed to read the returns of election to the Board as certified by the returning officer;
 - 3.2. Certify that all Members meet the eligibility criteria to take office and have signed the oath of office and have received a copy of the Declaration of Elected Office; and
 - 3.3. Proceed to have the Trustees elect a Chairperson and Vice-Chairperson to serve at the pleasure of the Board. Either can be relieved by a two-thirds majority vote of Trustees.

4. Should the organizational meeting not follow the District Education Authority election, the Superintendent shall call the organizational meeting to order and proceed to have the Trustees elect a Chairperson and Vice-Chairperson to serve at the pleasure of the Board.
5. The Organizational Meeting shall have an agenda established as follows:
 1. Call to Order
 2. Land Acknowledgement
 3. Superintendent's Opening Remarks
 4. Declaration of Conflicts of Interest
 5. Review and Approval of the Chairperson and Vice Chairperson Election Process
 6. Election of Chairperson
 7. Election of Vice Chairperson
 8. Other Organizational Items (as required)
 9. Adjournment
6. The Superintendent shall appoint two scrutineers, who are not Trustees, for the election of both the Chairperson and Vice-Chairperson.
7. The Superintendent shall call for nominations for the office of Chairperson.
8. Any Trustee may nominate themselves or any other Trustee for the office of Chairperson (or Vice Chairperson) and a seconder is not required. Any Trustee may participate in the election of the Chairperson (or Vice Chairperson) in person, electronically, or in writing.
9. A Trustee does not have to be present to be nominated for the office of Chairperson or Vice-Chairperson, providing that they have indicated in writing to the Superintendent their willingness to accept nomination.
10. Nominations shall remain open for one minute following the last nomination.
11. The Superintendent shall then declare nominations closed and ask each nominee in reverse order if they accept nomination.
12. A vote by secret ballot shall be conducted in the election of the Chairperson and the Vice-Chairperson.
13. The scrutineers shall collect, count the ballots, and provide written results to the Superintendent.
14. The Trustee receiving a clear majority, greater than 50% of all the votes cast shall be declared elected.
15. Should no Trustee receive a clear majority of the votes cast, the Superintendent shall announce the name of the Trustee receiving the least number of votes whose name shall then be dropped from the ballot. In the event there is a tie for the least number of votes, the Trustees

shall vote again. In the event that a tie remains for the bottom position, the Trustees will vote in order to determine which Trustee will remain on the ballot.

16. Balloting shall continue until one Trustee receives a clear majority of votes.
17. The Trustee receiving a clear majority of votes shall be declared as Chairperson and shall immediately take over the chair.
18. The Chairperson shall then proceed to have the Trustees elect the Vice-Chairperson following the same procedure that was used to elect the Chairperson.
19. The Chairperson shall call for a motion to destroy all cast ballots following the completion of the elections.
20. If the position of Chairperson or Vice-Chairperson becomes vacant, the Trustees shall elect a replacement using the same voting procedures as outlined above.
21. Other Organizational Items may be determined at the Organizational meeting as required such as: conflict of interest and disclosure forms, a schedule for regular board or other predetermined meetings, standing committee appointments, Trustee Parent Advisory Council appointments, etc.

Rules of Order:

1. The Chairperson shall preside at all Board meetings.
2. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and Vice-Chairperson, the Trustees present shall select a Trustee to serve as chairperson for the meeting, or until such time as either the Chairperson or Vice-Chairperson arrive.
3. If there is no quorum present at the expiration of one-half hour from the announced start time of the meeting, the Board shall stand adjourned, and the Director of Corporate Services shall enter into the record the names of the Trustees present.
4. Motions shall normally be put in writing and seconded before the Chairperson calls for debate and a vote.
5. Before speaking, every Trustee shall address the Chairperson and, when recognized, speak to the question under debate avoiding all discourteous language and reference to personalities.
6. When two or more members speak at once, the Chairperson shall name the Trustee that is to speak first.
7. No Trustee while speaking shall be interrupted by another, except upon a point of order, or for the purpose of explanation. The Trustee who



- interrupts shall confine all remarks to the point of order or explanation.
8. If any Trustee violates these rules of order, the Chairperson shall, and any Member can, call them to order. In such a case the Trustee shall immediately be silent, but afterwards be permitted to explain; and the chairperson, if appealed to, shall decide the case, without debate.
 9. No Trustee shall speak to any issue more than twice, or for more than three minutes each time speaking without prior permission of the Chairperson. Trustees shall be permitted to clarify something or to reply to a specific question not previously answered. The Chairperson shall not permit any repetitive commentary.
 10. A Trustee may request that the motion under discussion be read at any time during the debate, but not to interrupt a Trustee that is speaking.
 11. No Trustee shall speak to a motion after the Chairperson has called for the vote.
 12. A notice of motion may be given at any meeting. It shall be recorded in the minutes, but shall not be debated or voted on until the motion is properly moved and seconded.
 13. When a motion is being debated no other motion is allowed unless it is to:
 - 13.1 Adjourn;
 - 13.2 Table;
 - 13.3 Call the Question;
 - 13.4 Refer;
 - 13.5 Amend;
 - 13.6 Postpone; or
 - 13.7 Recess.
 14. Every Trustee present shall vote on every motion except where a Trustee declares a conflict of interest.
 15. The Chairperson shall declare the results of all votes as either carried or defeated. A Trustee may request that their vote be recorded into the minutes.
 16. In the case of a tie vote, the motion shall be declared defeated.
 17. The following motions will be voted on without debate:
 - 17.1. To Adjourn;
 - 17.2. To Table; or
 - 17.3. To Call the Question.
 18. If an issue arises that is not addressed by these rules of order, *Robert's Rules of Order will apply.*

Meetings through Electronic Means:

Normally a Trustee, or a staff member required at a meeting, is expected to be present at meetings. However, where circumstances warrant, they may participate at a Board Meeting or Committee Meeting by using electronic means. A member of the public (if requested) may also participate at a Board Meeting or Committee Meeting by using electronic means. In addition, due to circumstances the Chairperson may determine that a meeting be held entirely by electronic means.

In these situations, the following conditions will apply:

- Trustees, or staff members, participating in a meeting held by electronic means are deemed to be present at the meeting. and will be recorded in the meeting minutes as being connected remotely. A member of the public observing the meeting will be recorded in the meeting minutes as being connected remotely.
- Trustees participating electronically can participate in meeting discussions and vote on motions.
- Trustees wishing to participate electronically must provide the Superintendent, prior to the meeting, a telephone number from which contact can be made during the meeting.
- Trustees participating electronically shall inform the Chairperson of their departure from a meeting; temporarily or permanently.
- If a Trustee participating electronically has a conflict of interest on a matter under discussion, the Trustee shall advise the Chairperson, and disconnect from the meeting. The Superintendent shall call the Trustee and reconnect the Trustee back into the meeting when the item under discussion has been dealt with.
- The electronic means must enable all the meeting's participants to communicate with each other, and if possible, enable all participants to view each other.
- The electronic means must enable the public to listen to the meeting, and if possible, enable the public to view the meeting and participants.
- Reasonable steps must be taken to notify the public of locations and/or means by which members of the public may attend electronically to observe a meeting.
- Where required the Superintendent or designate will be responsible for the organization of the electronic communications with the meeting participants.
- The Chairperson shall conduct voting on a motion verbally by asking

first for those in favour, and then for those opposed.

- A Trustee must ensure the means and location used to participate in the meeting electronically will allow moving in-camera and will meet all requirements of an in-camera session.

Order of Business:

1. Annually the Board at a regular meeting the following shall be appointed:
 - 1.1. A general solicitor (typically at the June Board meeting), and
 - 1.2. An auditor (typically at the November Board meeting).
2. The Board shall hold a regular meeting every month of the school year at a date, time to be determined by the Board. Each regular meeting agenda will confirm the date and time of the next regular meeting. Regular meetings will take place at the Yellowknife Education District No. 1 Board room unless otherwise announced.
3. The Chairperson, in consultation with the Superintendent, shall establish the agenda for regular Board meetings.
4. Trustees may place items on the agenda by contacting the Chairperson two weeks prior to the meeting.
5. The agenda, together with supporting materials, will be circulated to Trustees, the Superintendent and school principals at least four calendar days in advance of the meeting.
6. The agenda, together with supporting materials, will be made available to the public at least four days in advance of the meeting.
7. Amendments to the agenda may be made after the meeting is called to order provided there is two thirds majority vote in favour by the Trustees in attendance and are made prior to the adoption of the agenda.
8. The Superintendent shall provide the order of business in the general form of a prepared agenda as follows: (Actual agendas shall list all respective Administration, Board, Committees, Parent Advisory Committee, etc. Reports.)
 1. Call to Order
 2. Land Acknowledgement
 3. Chairperson's Opening Remarks
 4. Declaration of Conflict of Interest
 5. Adoption of Agenda
 6. Delegations & Presentations
 7. Review and Approval of the Minutes
 8. Business Arising from the Minutes

9. Trustees' Statements
 10. Unfinished Business
 11. New Business
 12. Reports
 13. Announcements
 14. Date and Time of Next Meeting
 15. Chairperson's Closing Remarks
 16. Adjournment
9. Delegations and/or individuals wishing to make a presentation to the Board shall:
- 9.1. Provide to the Chairperson or Superintendent a written summary of information to be presented at least five days prior to the meeting at which they wish to appear.
 - 9.2. In special circumstances, and with the consent of the majority of Trustees present, the requirement for five days' notice may be waived.
 - 9.3. Be restricted to providing comments about those matters that are within the jurisdiction and responsibility of the Board.

There will be a maximum of three presentations permitted at a single meeting, each limited to ten minutes. These restrictions can be waived at the discretion of the Chairperson.

The Board, in a public meeting, will not hear personal complaints or comments directed toward any person employed by the District.

No motions relating to any request of the delegation shall be dealt with until the next meeting of the Board.

10. Minutes are the legal record of all action taken at regular and special Board meetings. The meeting minutes and all attachments (and any required translations) are kept on file (electronic and hardcopy) in the District office. In the event that there is a discrepancy later discovered between the English and the translated version, the English version shall be the official version. The minutes shall contain:
 - 10.1. A full description of the meeting including date, location, times of opening and adjournment;
 - 10.2. A list of all Trustees and administration in attendance;
 - 10.3. A complete and accurate record of all motions, specifying the movers and seconders, and whether or not the motion was carried or defeated;
 - 10.4. Names of Trustees who either request their vote be recorded or

declare a conflict of interest;

- 10.5. Points of order or appeals and their outcomes;
- 10.6. All appointments to committees; and
- 10.7. The signature of the Chairperson and the Director of Corporate Services after they have been approved by Board motion.

Meeting approved agendas and minutes will be posted on the District's website as soon as available for public viewing.

The Director of Corporate Services shall ensure that a backup electronic and hardcopy of all minutes is kept in a secure and separate location.

- 11. Trustees wishing to make a public statement on a matter not included on the agenda may do so as long as the item is political in nature. Trustees are responsible for their personal opinions expressed in these statements. Statements must be in written form and will be included in the minutes of the meeting. The written copy must be filed with the Director of Corporate Services prior to the meeting so that copies may be distributed to other Trustees.

The minutes will reflect that a statement was made, the title and the name of the individual making the statement. The agenda for the Board Meeting will include the following statements under item 9, Trustee statements:

"Trustee statements are individual opinions and are not intended to represent the views of the Board.

Trustee statements are not debatable and there will be no opportunity for rebuttal or questions."

- 12. Board Meetings shall end by 10:00 pm unless extended by unanimous consent of the Members present.

Observers:

- 1.1. Meetings of the Board are open to the public who are welcome to attend and observe from the designated public seating area, or attend and observe via electronic means.
- 1.2. Observers are not permitted to address the Board unless invited by the Chairperson to provide information with respect to a specific item on the agenda.
- 1.3. Cameras and recording devices may be restricted at the discretion of the Chairperson.

Special Meetings:

1. Special Meetings of the Board may be requested at any time by the Chairperson, or by written agreement of at least four Trustees.

Each Trustee must be notified of a Special Meeting in writing by registered mail at least six clear days before the date of the Meeting. The requirement to inform Trustees of Special Meetings by registered mail may be waived if all Trustees have provided a signed and written acknowledgement of the Meeting. Proof of registered mailings or signed acknowledgements of the Meeting will be included in the record of the Special Meeting.

The notice of Special Meeting shall state the date, time and location of the Special Meeting and the nature of the business to be conducted. No other business shall be dealt with at a Special Meeting other than that stated in the notice.

A public notice shall be advertised as soon as possible indicating the date, time, location, and relevant details of the Special Meeting.

Meetings Closed to the Public (In-Camera):

Section 95 of the *Education Act* requires that all Board decisions are to be made in open public meetings. However, the Board can hold a meeting, or part of a meeting in private, if two-thirds of the Trustees present decide that it is in the public interest to do so. When a meeting is held in private, the Board cannot make any motions other than to revert to a public meeting.

The Chairperson, or any Trustee, can request that the Board meet in private at any time during a meeting if deemed necessary, and can also determine who may be in attendance, subject to a two-thirds majority.

In-Camera Meetings are held to discuss confidential matters which may include:

1. Individual staff or student issues,
2. Collective bargaining or salary negotiations,
3. Legal issues, or
4. Acquisition/disposal of land

Members in attendance shall not disclose the details of any discussion that occurred at an In-Camera Meeting.

At the next Regular Meeting, the Chairperson shall include in their report an acknowledgement that an In-Camera Meeting has taken place, and the subject matter discussed.

Trustee Compensation:

Each Trustee shall receive an annual honorarium.

Effective January 1st, 2021, the following amounts are the approved annual honorarium:

Trustees	9,808.00 per annum
Vice Chair	11,116.00 per annum
Chair	13,078.00 per annum

These amounts will be adjusted annually according to the Yellowknife Consumer Price Index.

Trustee Resignation

Trustee resignations must be in writing and presented to the Director of Corporate Service or announced at a Regular meeting as a Trustee Statement.

Section 93 of *The Education Act* grants the Board the power to decide whether to replace a vacant Trustee position. If the Board chooses to fill a vacant Trustee position, the following process will be followed:

1. Appointment the individual who had the next greatest number of votes in the most recent District Education Authority election.
2. If that individual refuses to accept the position or is unable to serve, then the position shall be offered to the other candidates in the order of the votes received.

If there are no candidates available to fill the position the Board may either hold an election or appoint an eligible candidate.

Appendix A – City of Yellowknife Elections By-law 5043 – follows



CITY OF YELLOWKNIFE

BY-LAW NO. 5043

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A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to allow for election procedures authorized under the *Local Authorities Elections Act*.

PURSUANT TO Section 52.1 and 52.2 of the *Local Authorities Elections Act*, R.S.N.W.T. 1988, c.L-10.

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife wishes to provide for municipal voting alternatives and the use of vote counting machines for Elections, By-elections and Referendums.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

APPLICATION

1. This By-law may be cited as the Elections By-law.
2. The Returning Officer for the City of Yellowknife may allow a voter to vote in their office during a Municipal General Election, By-election or Referendum ("Election") provided that:
 - a) The public is notified of the location, dates and times that they are able to vote at the Office of the Returning Officer;
 - b) The name of each person that has cast their ballot at the Office of the Returning Officer is recorded;
 - c) The Returning Officer notifies each Deputy Returning Officer of the names of all the people who voted at the Office of the Returning Officer;
 - d) The ballots cast at the Office of the Returning Officer are secured and remain in the custody of the Returning Officer so as to prevent ballots from being added to or taken from them until the counting of ballots at the close of voting stations on election day;
 - e) Only those ballots cast at the Office of the Returning Officer no later than the close of voting stations on election day are counted; and
 - f) The Returning Officer shall ensure that voters vote only once in the Election, that they are able to vote secretly, and that their votes are not counted until the count of votes at the close of voting stations on election day.



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3. The Returning Officer for the City of Yellowknife may allow a voter to vote by mail-in ballot during an Election provided that:
- a) The public is notified of mail-in balloting options available during the Election and how to request a mail-in ballot if one is not automatically mailed to all eligible voters;
 - b) A voter that requests a mail-in ballot must do so in writing and provide proof of identity to the Returning Officer;
 - c) The name of each person that has requested and returned a mail-in ballot is recorded as having voted;
 - d) The Returning Officer notifies each Deputy Returning Officer of the names of all voters who have requested a mail-in ballot and are recorded as having voted;
 - e) The mail-in ballots returned and received by the Returning Officer are secured and remain in the custody of the Returning Officer so as to prevent ballots from being added to or taken from them until the counting of ballots at the close of voting stations on election day;
 - f) Only those mail-in ballots received no later than the close of voting stations on election day are counted; and
 - g) The Returning Officer shall ensure that voters vote only once in the Election, that they are able to vote secretly, and that their votes are not counted until the count of votes at the close of voting stations on election day.
4. The Returning Officer for the City of Yellowknife may allow for the counting of ballots at a voting station by means of vote counting machines / tabulators in accordance with the procedures outlined in Schedule "A" attached hereto and forming part of this by-law.

REPEALS

5. By-law No. 4705 is hereby repealed.

EFFECT

6. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 29 day of September, A.D. 2021.



Mayor



City Manager



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Read a Second Time this 27 day of SEPTEMBER, A.D. 2021.

R. A. A. A.
Mayor

J. B. A. A. A.
City Manager

Read a Third Time and Finally Passed this 4 day of OCTOBER, A.D., 2021.

R. A. A. A.
Mayor

J. B. A. A. A.
City Manager

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

J. B. A. A. A.
City Manager



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SCHEDULE "A"

1. Storage and Security

All tabulators, memory cards and election supplies shall be securely stored at the Returning Officer's designated location before and after use at the voting stations during the election.

2. Pre-election procedures

Preventative maintenance

- (1) The equipment vendor shall conduct full maintenance of all tabulators prior to voting days.

Appearance of ballots

- (2) The appearance of ballots shall be in accordance with the *Local Authorities Elections Act*.

Programming of the tabulators

- (3) The tabulators shall be programmed so that:
- (a) a printed record of the results can be produced indicating the number of votes cast for each candidate and for the answer to any by-law or question.
 - (b) a ballot is returned to the election officer if the tabulator determines that the ballot:
 - i. has no votes in the designated voting spaces;
 - ii. has more votes in the designated voting spaces than a voter is entitled to mark on a ballot; or
 - iii. is damaged or defective or has been marked in such a way that it cannot be properly processed.

Logic and accuracy testing

- (4) Prior to voting days, the Returning Officer shall test each tabulator to ensure it accurately counts the votes cast for all candidates and answers to any by-law or question.
- (5) Adequate safeguards shall be taken when testing the tabulators to ensure that the system or any part of it used for tabulating is isolated from all other applications or programs and that no remote devices are capable of gaining access to them.
- (6) The test for each tabulator shall be conducted by:

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- (a) loading the memory card into the tabulator designated for that voting station.
 - (b) producing a zero tape before the test to confirm that no votes are stored in the memory card.
 - (c) feeding and tabulating the ballots and comparing against the pre- determined results.
- (7) Any errors detected in the testing of the tabulators shall be identified, corrected and the test repeated until the desired test results are achieved.

Completion of testing

- (8) At the completion of the testing, the Returning Officer or designate shall:
- (a) clear the totals of each tabulator memory card and seal it inside the memory card slot of the tabulator.
 - (b) securely store the tabulators containing the memory cards until they are deployed to a voting station for use during the voting at the office of the Returning Officer and on election day.

3. Voting station procedure

- (1) A tabulator shall be used in every voting station during the voting at the Office of the Returning Officer and on election day.

Candidates and scrutineers

- (2) Candidates and scrutineers' roles and responsibilities at the voting station are outlined in the *Local Authorities Elections Act*.
- (3) To protect the secrecy of the vote, candidates or scrutineers are prohibited from accompanying and assisting voters while voting.
- (4) Candidates and scrutineers are prohibited from examining or objecting to a ballot while it is being fed into the tabulator.

Zero tape

- (5) Before the opening of the voting station during the voting at the Office of the Returning Officer and on election day, the election officer shall produce a zero tape of all totals in the memory card of the tabulator.

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- (6) The zero tape shall only be produced on the first day of the voting at the Office of the Returning Officer.
- (7) The zero tape shall remain affixed to the tabulator until the results are printed by the tabulator after the close of the voting station.
- (8) Candidates or scrutineers may be present when the election officer produces the zero tape.
- (9) If the zero tape total is not zero for all candidates or for answers to any by-laws or questions, the election officer shall immediately notify the Returning Officer or other election officers.

Marking the ballot

- (10) An election officer shall issue a ballot to a voter in a secrecy folder.
- (11) The voter shall proceed to a voting screen and vote by marking the space to the right of the candidate of their choice or for the answer to any by-law or question.
 - (a) After marking the ballot, the voter shall place the ballot into the secrecy folder and proceed to the election officer.
 - (b) The election officer shall feed the ballot into the tabulator while the voter is still in the voting station.

Malfunctioning tabulator

- (12) If the tabulator fails to operate during voting, the election officer shall contact the designated call centre for instructions.
- (13) The election officer shall insert the ballot from the secrecy folder directly into the auxiliary compartment in full view of the voter.
- (14) When the tabulator becomes operational again, the election officer shall insert the ballots from the auxiliary compartment into the tabulator.
- (15) If a tabulator is replaced during voting and the original memory card is used, the election officer shall feed the ballots from the auxiliary compartment into the replacement tabulator.
- (16) If the memory card must be replaced during voting, the election officer shall feed all ballots, including any from the auxiliary compartment, into the replacement tabulator.

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Ballots where the tabulator detects less votes than a voter is entitled to mark

- (17) The tabulator shall accept ballots where the tabulator has detected less votes in the designated voting spaces than a voter is entitled to mark on a ballot, providing that a mark has been detected for at least one office.

Ballots where the tabulator detects no votes

- (18) The tabulator shall return a ballot if it detects no votes in the designated voting spaces.
- (19) The election officer shall:
- (a) advise the voter that the tabulator does not recognize any marks made on the ballot and
 - (b) return the ballot to the voter and instruct the voter how to mark the ballot.
- (20) If the voter does not want to re-mark the ballot, the election officer shall re-feed the ballot into the tabulator and press the "Accept" button.
- (21) If the voter is not present and the tabulator returns the ballot because it detects no votes in the designated voting spaces, the election officer shall press the "Accept" button so that the ballot is drawn into the tabulator.

Ballots where the tabulator detects more votes than the voter is entitled to mark

- (22) The tabulator shall return a ballot if it detects more votes in the designated voting spaces than a voter is entitled to mark on a ballot.
- (23) The election officer shall:
- (a) return the ballot to the voter and advise that the tabulator reads more votes than the voter is entitled to mark or more than one vote for an answer to a by-law or question.
 - (b) instruct the voter that on how many candidates they may vote for or for any answer to a by-law or question.
 - (c) ask the voter if he or she wishes to obtain a new ballot.
 - (i) If the voter does not wish to obtain a new ballot, re-feed the ballot into the tabulator and press the "Accept" button.
 - (ii) If the voter wishes to obtain another ballot, the election officer shall fold the original ballot in half, write "cancelled" across the

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back of the ballot and place it in the designated envelope. The election officer shall issue a replacement ballot to the voter for marking.

- (24) If the voter is not present and the tabulator returns the ballot because it has detected more votes in the designated voting spaces than a voter is entitled to mark, the election officer shall press the "Accept" button so that the ballot is drawn into the tabulator.
- (25) If, at any point the voter does not wish to obtain a replacement ballot, the election officer shall press the "Accept" button so that the ballot is drawn into the tabulator.

Damaged or Defective Ballots

- (26) If the tabulator does not accept a ballot because it is damaged or defective, the election officer shall:
 - (a) remove the ballot and advise the voter that the tabulator did not accept ballot.
 - (b) re-insert the ballot, trying different orientations (face-down/head- first/last).
 - (c) if rejected again, return the ballot to the voter and direct them to obtain a new ballot.
 - (d) the election officer shall fold the original ballot in half, write "cancelled" across the back of the ballot.
 - (e) place the "cancelled" ballot in the designated envelope.
 - (f) issue a replacement ballot to the voter for marking.
- (27) If the voter refuses to accept a replacement ballot and the tabulator still does not accept the ballot, the election officer shall fold the ballot in half and shall write "declined" on the ballot and place it in the designated envelope.
- (28) If the voter is not present and the tabulator returns the ballot because it is damaged, defective or has been marked in such a way that the tabulator does not accept it, the election officer shall:
 - (a) fold the original ballot in half and write "cancelled – replaced" across the original ballot.
 - (b) prepare a replacement ballot in full view of any candidates or scrutineers present by marking the replacement ballot with the same mark(s) contained in the designated voting space(s) as the original ballot.

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- (c) feed the replacement ballot into the tabulator.

4. Closing of the voting station during the voting at the Office of the Returning Officer

- (1) Each night of the voting at the Office of the Returning Officer, after the close of voting, the election officer shall:
 - (a) feed any ballots from the auxiliary compartment into the tabulator.
 - (b) ensure that the election results are not generated.
 - (c) unplug the tabulator and place it in the appropriate carrying cases.
 - (d) ensure the tabulator is securely stored.

5. Closing of the voting station on election day

- (1) After the close of voting on election day, the election officer shall:
 - (a) feed any ballots from the auxiliary compartment into the tabulator.
 - (b) turn the tabulator key to the "Open/Close Poll" position and press the button under "Close Polls" to produce the results tape.
 - (c) deliver the tabulator and other election supplies to the Returning Officer's designated location.

Malfunctioning tabulator at the close of election day

- (2) If the tabulator fails to operate at the voting station at the close of the voting period, the election officer shall contact the designated call centre for instructions.
- (3) The election officer shall:
 - (a) remove the ballots from the tabulator stand and place them into a designated ballot box along with the envelope containing the cancelled and declined ballots.
 - (b) remove any ballots from the auxiliary compartment, place them into a separate box, write on the box "Auxiliary compartment ballots" and seal it.
 - (c) advise all candidates and scrutineers present of the Returning Officer's designated location where a backup tabulator is located and their right to be present at that location.
 - (d) deliver all the election supplies from the voting station to the Returning Officer's designated location.



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- (4) At the Returning Officer's designated location, in the presence of all candidates or scrutineers present, the election officer shall:
- (a) remove the memory card from the malfunctioning tabulator and insert it into the backup tabulator.
 - (b) feed any the ballots from the "Auxiliary compartment ballots" box into the backup tabulator.
 - (c) turn the tabulator key to the "Open/Close Poll" position and press the button under "Close Polls" to produce the results tape.
 - (d) the tabulator shall print two copies of the results tape and shall transmit the results to the City's results system.
 - (e) deliver the tabulator and other election supplies to the Returning Officer's designated location, if required.
 - (f) If the tabulator memory card has malfunctioned at the close of voting, the election officer shall:
 - (a) obtain a replacement tabulator memory card and insert it into the original or replacement tabulator.
 - (b) produce a zero tape of all totals in the memory card.
 - (c) feed all ballots, including those from the auxiliary compartment, into the tabulator.

6. Production of election results from the Office of the Returning Officer

- (1) At the Returning Officer's designated location, a election officer shall generate the vote results for the Office of the Returning Officer by:
- (a) inserting the memory card into a tabulator.
 - (b) turning the tabulator key to the "Open/Close Poll" position and pressing the button under "Close Polls" to produce the results tape.
 - (c) the tabulator shall print two copies of the results tape.

7. Election Results

- (1) Election results will be generated by the tabulator by producing a results tape.



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8. Post-election testing

- (1) A post-election test shall be conducted by loading blank memory cards into the tabulators and tabulating a pre-determined group of ballots.
- (2) The tabulated results shall be compared against the pre-determined results.
- (2) Any errors detected in the testing of the tabulators shall be identified, corrected and the test repeated until the desired results are achieved.

9. Retention of election documents

- (1) The Returning Officer shall retain and have access to the memory cards, ballots, results tapes and other materials that were produced during the pre- and post-election tests.
- (2) The Returning Officer shall not alter these materials and shall retain them in the same manner as is provided for in the Local Authorities Elections Act for the keeping of election records.

References/Related Documents:

- Education Act
- Administrative Procedures

Revision History			
Revision	Revision Description	Approved Date	Review Date
1-2	Adopted and revised before the revision table was included. Going forward a summary for the changes will be included.	June 2021	N/A
3	In section 'Selection of Chairperson and Vice Chairperson' the following was update: Added Organizational meeting agenda; any trustee may nominate themselves for Chairperson and Vice Chairperson.	October 2022	2022-2026 Board
4	Removed requirement for the board to appoint a general solicitor.	February 2023	2022-2026 Board
5	Moved Board organizational meeting to August in non-election years.	May 2023	2022-2026 Board
6	Added section regarding elections below "Purpose" on page 1.	June 2026	June 2026