

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF EDUCATION

School Act

Ministerial Order No. M180

WHEREAS, pursuant to section 167 of the *Local Government Act*, which pursuant to section 45 of the *School Act* applies in respect of trustee elections conducted under the *School Act*, the Minister of Education may, if the Minister of Education considers that special circumstances exist regarding a trustee election, make any order the minister considers appropriate to achieve the purposes of Part 3 [*Electors and Elections*] of the *Local Government Act* as it applies in respect of trustee elections conducted under the *School Act*;

AND WHEREAS on March 11, 2020 the World Health Organization declared the spread of the coronavirus communicable disease (“COVID-19”) to be a pandemic;

AND WHEREAS on March 16, 2020 the British Columbia Provincial Health Officer issued an order prohibiting gatherings in excess of 50 people due to the COVID-19 pandemic;

AND WHEREAS on March 18, 2020 the Minister of Public Safety and Solicitor General declared that a state of emergency exists throughout the whole of the Province of British Columbia;

AND WHEREAS on June 26, 2021 there is to be a by-election (the “By-election”) to fill a vacancy on the Board of Education for School District # 23 (Central Okanagan) (the “Board”);

AND WHEREAS the Council of the City of Kelowna (the “Council”), having considered the implications of the COVID-19 pandemic, has requested that I, Jennifer Whiteside, Minister of Education, make an order allowing the City of Kelowna’s Chief Election Officer to permit voting by all electors voting in the By-election to be done by mail and allowing certain declarations made by electors to be made orally;

April 29, 2021

Date



Minister of Education

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: School Act, sections 36, 45; Local Government Act, section 167

Other: _____

AND WHEREAS I believe that the COVID-19 pandemic constitutes a “special circumstance” for the purposes of section 167 of the *Local Government Act*, and that in order safely to achieve the purposes of Part 3 [*Electors and Elections*] of that Act, as it applies in respect of trustee elections conducted under the *School Act*, it is appropriate for me to make the order requested by the Council.

NOW THEREFORE, pursuant to section 167 of the *Local Government Act* and to section 45 of the *School Act*, I HEREBY ORDER THAT, for the by-election to fill the vacancy on the Board, the general voting day for which by-election is set for June 26, 2021, the Council may,

- a) as an exception to section 110 of the *Local Government Act*, or any applicable provision of a bylaw of the City of Kelowna,
 - (i) permit voting by all eligible electors under the Act to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting,
 - (ii) permit a secrecy sleeve to be used instead of a secrecy envelope,
 - (iii) permit the Chief Election Officer to establish time limits in relation to voting by mail ballot at the sole discretion of the Chief Election Officer, and
 - (iv) permit the Chief Election Officer to establish procedures for voting, processing and securing mail ballots at the sole discretion of the Chief Election Officer, including, but not limited to, establishing times for opening certification envelopes, placing mail ballots in the vote tabulating machine, and securing the memory card of the vote tabulating machine; and

- b) as an exception to section 125 (1) (b) and (c) of the Act, or any applicable provision of a bylaw of the City of Kelowna, permit each elector, when obtaining a ballot for voting, to make, as directed by the election official responsible, an oral declaration that the elector is entitled to vote in the by-election and that the elector has not voted before in the same by-election, in which case the election official responsible must make a record that the elector made an oral declaration.