



School Trustee Information & Nomination Handbook

2022 School Trustee Election

INTRODUCTION

We thank you for your interest in school trusteeship and hope this information will be of assistance as you develop an understanding of public school and the role of a school trustee.

More information is available on the following websites:

Hanover School Division
www.hsd.ca

Manitoba School Boards Association
<https://www.mbschoolboards.ca/elections2022.php>

The Public Schools Act
<https://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

The Municipal Councils and School Boards Elections Act
<https://web2.gov.mb.ca/laws/statutes/ccsm/m257e.php>

Association of Manitoba Municipalities
<http://www.amm.mb.ca/issues/2022elections/>

If you have any questions regarding information in this handbook or the school trustee election, please contact the Hanover School Division Senior Election Official, Scott Bestvater at scbestvater@hsd.ca or 204-326-6471.

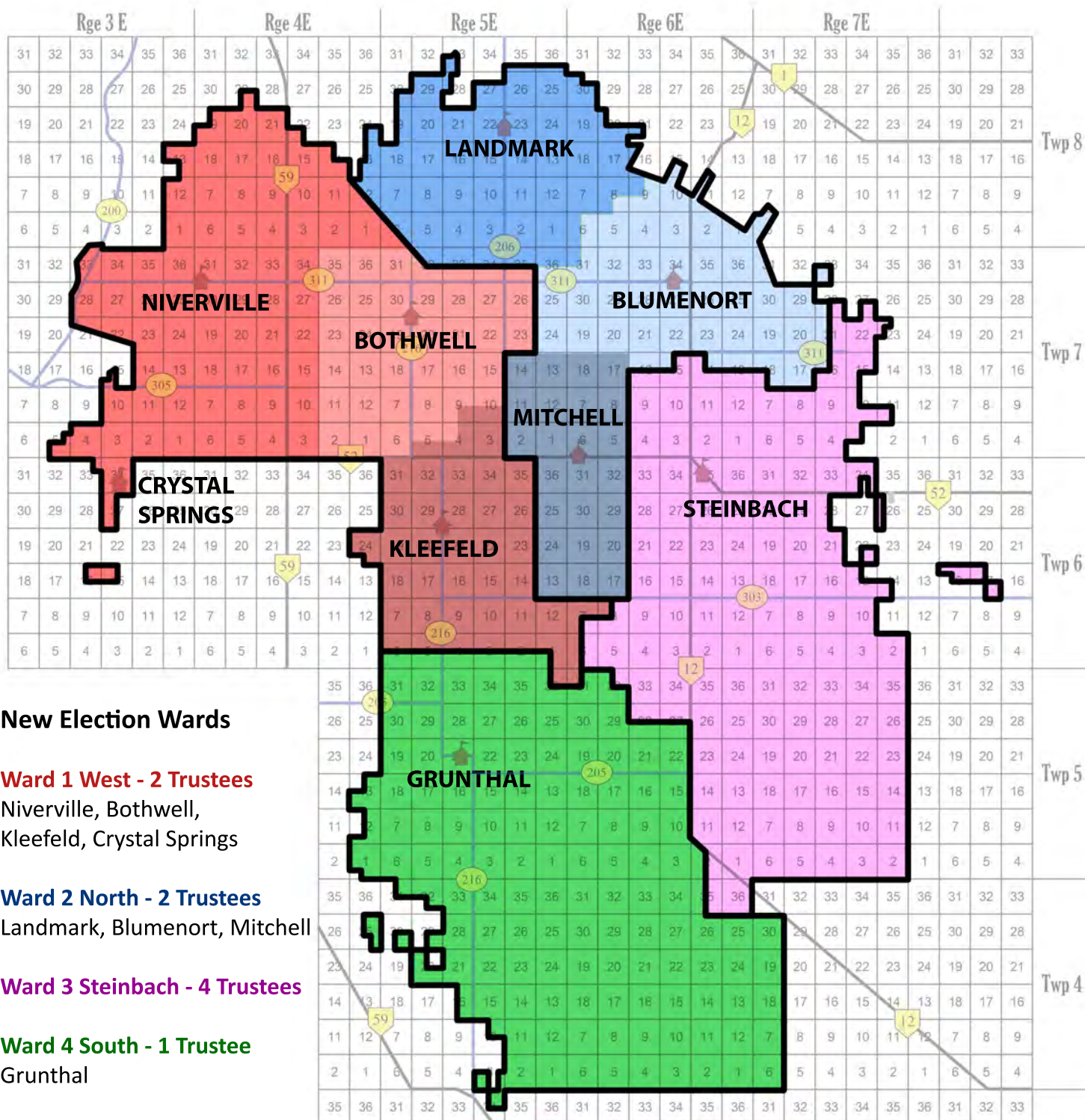
HSD TRUSTEE HANDBOOK

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Election Boundary Map



Map displayed is for general reference only.

| | |
|--|---|
| July 28, 2022 | <i>Voting by sealed envelope</i> First day to apply in writing to vote by sealed envelope |
| September 1, 2022 | <i>Nomination notice:</i> Nomination notice will be published in The Carillon and on the HSD website www.hsd.ca |
| September 13, 2022 | <i>School Board Candidate Information Virtual Session:</i> Presented by MSBA More information: https://www.mbschoolboards.ca/ |
| September 14-20, 2022 | <i>Nomination period:</i> Nomination papers accepted during regular working hours (Monday to Friday, 9 am - 12:00 Noon and 1-4 pm) at the HSD Office (5 Chrysler Gate, Steinbach) Bring completed Form 13. Form 14 will be supplied and completed in-person when submitting Form 13 at the HSD Admin Office. Official Agent to be appointed (if applicable) Form 15 Scrutineer to be appointed (if applicable) Forms 16, 17 and 18 |
| September 21, 2022 | <i>Withdrawal deadline:</i> Candidates may withdraw their nomination during regular working hours (9 am – 4 pm) at the HSD office, in writing, if sufficient candidates remain <ul style="list-style-type: none"> • Form 19 |
| September 22, 2022 | Senior Election Official to declare candidate(s) elected by acclamation List of accepted candidates will be posted on the HSD website: www.hsd.ca <i>Note: Candidates names will appear on the ballots in an order determined by random lot. The random lot draw will take place publicly at 9:00 am at the Hanover School Division Admin Office.</i> |
| September 28 - October 21, 2022 | <i>Voting by sealed envelope</i> SEO will accept in person, written applications to vote by sealed envelope ballot at the HSD office (5 Chrysler Gate) |
| September 28, 2022 | <i>Voting by sealed envelope</i> First day to apply in person to vote by sealed envelope |
| September 29, 2022 | <i>Public Notice of Election</i> SEO will publish notice of election, including alternative voting opportunities, list of nominations, hours of voting, information on voting by sealed envelope ballot, etc., in The Carillon and on the HSD website www.hsd.ca |
| October 20, 2022 | <i>Advance Voting</i> to take place at the HSD office (5 Chrysler Gate) from 8:00 am to 8:00 pm <i>Mobile Voting</i> to take place in long term care facilities & PCHs |
| October 26, 2022 | <i>Election Day 8:00 am – 8:00 pm</i> |
| October 27, 2022 | SEO to announce official results Term of office of incoming Trustees starts at noon |
| Judicial Recount | See sections 120-125 of the <i>The Municipal Councils and School Boards Elections Act</i> for information and deadlines. |



Interested in running for your school board, but want to learn more?

Save the Date!

**Plan on attending a virtual
candidate information session!**
7:00 p.m., Wednesday, September 13, 2022

No need to register! Join us virtually on Zoom by clicking on this link:

<https://us02web.zoom.us/j/85649276972>

Can't make it for the live virtual session?

A recording of the candidate information session and information about school boards and trustee elections will be available at mbschoolboards.ca following the event.



Election Day is Wednesday, October 26, 2022.

Glossary of Election Terms

(unless otherwise noted, all legislative references are to The Municipal Councils and School Boards Elections Act)

Accessible Voting Place – A voting place that is accessible for persons with physical disabilities is a primary consideration when the SEO is selecting an appropriate voting place location. Some key features of an accessible voting place include: at least one accessible parking space (two is preferable); an accessible entrance (wide doors, preferably automatic); a level ramp with handrails; voting tables located at least 150 cm from the wall to allow for room to turn, etc. [s. 51(4)]

Acclamation – Where there are the same number (or a lesser number) of nominated candidates as there are vacancies for office, the SEO declares the candidates elected to office automatically. In the case of acclamation, no election is required. [s. 48(1)]

Advance Voting Opportunity – For those qualified voters who expect to be unable to vote on Election Day, at least one day for advance voting must be established in each local authority. The opportunity may begin any time after the ballots are prepared and must end at least 48 hours before Election Day. The advance voting opportunity must be open between 8:00 a.m. and 8:00 p.m. In addition, the SEO has the authority to establish additional advance voting opportunities as deemed necessary, and can establish the hours other than 8:00 a.m. to 8:00 p.m. [s. 89]

Assistant Senior Election Official – An election official that is appointed by the senior election official (SEO), to assist in the overall running of the election. The assistant SEO may act in place of the SEO if, for some reason, the SEO cannot perform his / her duties. [s. 12(1)(2)]

At-Large Election – In the case of municipal elections only, an election where every member of council is elected by voters of the whole of the municipality. [Municipal Act 87(1)]

Ballots – The paper used by a voter to cast a secret vote. The SEO can decide whether to use separate ballots (separate ballot papers to elect the head of council and councillors), or composite ballots (the election for head of council and councillors are combined on the same ballot paper). [s. 54(1)(2)]

By-election – An election that is not conducted as part of a general election and is held as a result of a vacancy on a council or school board. The SEO must hold a by-election when requested to do so by council, as soon as reasonably practicable after the vacancy occurs. When setting the date, the SEO must give consideration to voter participation and the availability of election workers. [Municipal Act s. 105(3), Public Schools Act s. 26(5)]

Candidate (Municipal Elections) – A person who has filed a completed nomination within the designated nomination period and has been confirmed as a qualified nominee by the SEO. A person may run for municipal office if they: is a Canadian citizen; is at least 18 years of age on Election Day; has been a resident (or registered land owner) in the local authority for at least six months on Election Day; and has not been disqualified from running in an election, by law. [Municipal Act s. 90(1)]

Elected Authority – Means the council of a municipality or the school board of a school division / district.

Election Day – The day fixed for voting in an election or on a question, other than a day fixed for advance voting. Manitoba general municipal and school board elections are held every four years, on the fourth Wednesday in October. For designated Resort Communities (Dunnottar, Winnipeg Beach and Victoria Beach), Municipal Election Day is the fourth Friday in July. A by-election is held as a result of a vacancy on council, and Election Day for a by-election is held as soon as reasonably practicable after the vacancy occurs. [Municipal Act s. 86(1), Public Schools Act s. 25(2)]

Election Official – A person appointed to administer any aspect of the election, including the SEO, assistant SEO, or any other appointed official. The SEO is the primary election official, but they can delegate any of his / her duties to the assistant SEO or other election officials. [s. 10(1), 12(1), 13(1)]

Enumeration – An enumeration is a process for registering qualified voters in a local authority in order to establish and maintain the voters list. Although not mandatory, an enumeration may be conducted if requested by the SEO, and may be done by door-to-door canvass, telephone, mail or by any other means. [s. 32(1)]

Health Care Facility – Refers to a hospital, including a facility as defined in The Mental Health Act; a personal care home as defined in The Health Services Insurance Act; and a developmental centre as defined in The Vulnerable Persons Living with a Mental Disability Act. A mobile voting station (a voting station that travels from place to place) must be established on Election Day to serve eligible voters who are patients or residents of a health care facility within a local authority. [s. 94(1)]

Judicial Recount – If a tie vote is declared by the SEO, and an objection was raised to the election **official's decision to accept or reject a ballot during the count, the SEO must apply to the courts** for a recount within 14 days. The recount will **be conducted by a judge of the Court of Queen's Bench** and will take place as soon as is reasonably possible. [s. 120(1)]

Local Authority – Means a municipality (including a City, Town, Village, Local Government District, or Rural Municipality), a school division and a school district.

Mobile Voting Station – Refers to a voting station that travels from place to place. A mobile voting station must be established at a health care facility on Election Day, to serve patients or residents. A mobile voting station may serve more than one facility in the local authority and may move within a facility. In addition, the SEO may want to establish a mobile voting station to serve geographically dispersed voters or to serve voters detained at a remand centre. [s. 94(1)]

Nomination – A person who wishes to be an official candidate in an election, and have their name on the ballot paper, must first be nominated under The Municipal Councils and School Boards Elections Act. To be nominated, they must obtain a minimum number of signatures in the local authority where they wish to be a candidate. The nomination period begins 42 days before Election Day and ends 36 days before Election Day, during which time the nomination form must be filed with the SEO [s. 38, 39]

Official Agent – A candidate may appoint a person to act as his / her official agent. The official agent can act on behalf of the candidate and usually assists the candidate with general campaigning. The appointment of the official agent must be made in writing and signed by the candidate making the appointment and the official agent. The appointment form must be filed with the SEO during regular office hours. [s. 46(1)]

Personal Security Voting – A voter may apply in writing to the SEO to vote as a personal security voter if, for personal security reasons, they do not want their name, address, or other personal

information on the voters list. If they are already on the voters list, they would apply to have this information obscured. If they are not on the voters list, they would apply to have this information omitted. When applying, they are assigned a personal security certificate with a voter identification number, which they reference when voting. To further enhance the personal security of the voter, they may only vote by sealed envelope ballot. [s. 34(1)]

Public Notices – Notification which informs voters of election proceedings, such as Election Day voting place locations, the nomination period, etc. If public notice is required, it must be given at least once by publishing a copy of it in a newspaper having general circulation throughout the local authority (or more than one newspaper, if no single newspaper has general circulation), or mailing/distributing a copy of it to every household in the local authority. Public notices may be combined, which allows more than one notice to be given in the same advertisement. [s. 4(1)(2), 5]

Registered Candidate (Municipal Elections) – A registered candidate is a prospective candidate who has registered with the SEO during the election campaign period and before nominations close [s. 93.3(1) MA]. Once registered a prospective candidate may begin accepting campaign contributions and incurring campaign expenditures. A registered candidate does not become a candidate in the election until they file nomination papers with the SEO.

Registered Owner of Land / Land Owner – A registered owner of land is qualified to vote in a local election if his / her name is entered on the assessment roll as the owner of a right, interest or estate in the land. This also includes a person who is an owner with another person as joint tenants, or a person who is registered under The Condominium Act as the owner. For non-resident land owners, only two non-resident landowners may vote in a municipal election.

Scrutineer – Each candidate may appoint representatives, known as scrutineers, to observe election proceedings on their behalf. All scrutineers must be appointed in writing, and appointments filed with the SEO. Scrutineers must be at least 18 years of age, but do not necessarily have to be residents of the local authority for which they are appointed. Both a candidate and an official agent may act as a scrutineer. Scrutineers may be present during the opening of the voting place, during the taking of the votes and during the count after the voting place closes, but no more than two scrutineers (per candidate) are allowed at a voting station at one time. Scrutineers are permitted to observe Election Day voting opportunities, as well as advance voting, mobile voting, and during the counting of sealed envelope ballots. [s. 71(1)]

Senior Election Official (SEO) – An election official, appointed by a local authority, that exercises general direction and supervision over the conduct of elections, ensures that election officials carry out their duties with fairness and impartiality, and gives election officials any instructions necessary to administer the Act. Each local authority must appoint an SEO, however, two or more local authorities may appoint the same SEO

Template – A template is required for each voting place to assist those voters with a visual impairment or who have difficulty reading. The template allows the voter to mark the ballot by lining up the template circles over the ballot, and marking the appropriate circle for the candidate of their choice. The voting official may assist the voter by reading out the names of the candidates in the order they appear on the ballot. The voting official may also assist the voter with getting to and from the voting compartment, but must leave the voting compartment while the voter marks the ballot (unless the voter requests that the person stay to assist). If a voter chooses not to use a template, either a friend or an election official may assist the voter in marking the ballot. [s. 82(1)]

Voters List – The list of eligible voters that is established and maintained by the SEO. Revisions to the voters list can be made on an on-going basis as new information about voters becomes

available, but revisions must stop between the close of nominations and Election Day. The voters list is used to verify the eligibility of a person that votes. However, if a person is not on the voters list, they may still vote as long as they present acceptable identification to the voting official at the time of voting. The information on the voters list must be kept confidential – voters may only view their own information from the list. In addition, candidates are entitled to a copy of the voters list to be used for election purposes only. [s. 23(1)]

Voting Compartment – Each voting station is required to have at least one screened-off area so that voters can mark their ballots in secret, conveniently, and without interference or interruption. The SEO must ensure the voting compartment meets these requirements when setting up voting stations for advance voting and on Election Day. [s. 59]

Voting Official – The election official that is generally responsible for the conduct of voting at the voting station. This person must be appointed by the SEO and is responsible for a number of tasks related to the voting process, such as opening the voting station, adding voters to the voters list, and counting the votes after the voting place closes. [s. 13(1)]

Voting Place – The site where a person votes in an election. A voting place must be in a convenient location for the majority of voters served by it, and for this purpose, may be established outside the local authority. A voting place must be accessible to persons with physical disabilities, and may not be established in a dwelling, in any licensed premises or in any premises where a candidate has an estate or interest. A voting place may have one or more voting stations. [s. 51(1-5)]

Voting Record – The document used to record the name and address of each person who is given a ballot. In addition, the voting record must record information like whether the person was **required to take an oath and the reason for it; if the person's right to vote was challenged and the reason; if the person was required to produce identification; which ballots the person is given; if the person requires assistance from a friend or interpreter; if the person refuses to take an oath; and if the person takes the ballot out of the voting place.** [s. 70(1)]

Voting Station – A station within a voting place that a person attends to receive and cast a ballot. The SEO must establish a separate voting station for each voting subdivision, however two or more voting stations may be established at a central voting place. The voting station is equipped with a copy of the voters list, a voting record, a ballot box, ballots, one or more voting compartments and directions for voting. [51(1)]

Voting Subdivisions – The SEO may divide the local authority into sections, in order to direct voters to a specific voting station for voting. Typically, the local authority will be divided into voting subdivisions of approximately 350-400 voters. The SEO must establish a voting station for each voting subdivision. Each voting subdivision has a separate voters list, voting record and statement of the vote. On Election Day, eligible voters attend their designated voting station in order to vote. [s. 23(2), 51(1)]

Wards – In the case of municipal elections, a municipality may be divided into a number of election districts, referred to as wards. For a municipality divided into wards, councillors elected from each ward, and only ward residents / landowners may vote for councillors. Wards may be established by council bylaw, and the bylaw must be passed at least 180 days before the election. [Municipal Act s. 87-89]

Provide the Candidate with the Following Material:

Be sure that each nominated candidate has been provided with a campaign financing package that includes:

- a copy of the municipality's campaign financing campaign financing bylaw;
- a copy of the "Municipal Candidates Guidebook – Municipal Elections 2014";
- a copy of the voters list – ensure that candidates know that it may only be used for election purposes;
- the SEO's contact information; and
- the CAO's contact information.

At this time, you will also want to be sure to provide the following items and information to the candidate:

- Notice of the dates, times and locations of all voting opportunities that will be offered in the local authority, including advance and mobile voting opportunities;
- A listing of all voting place locations (both advance voting and regular voting), where the ballot count will be held, and the place and time when the official tally will take place;
- An official agent appointment form, if he/she wishes to appoint an official agent; and
- Scrutineer appointment forms and scrutineer information sheets, if he/she wishes to appoint scrutineers.
- Inform the candidate of the method of ordering the candidates' names on the ballots. If random ordering is chosen, inform the candidate of the date, time and location where the draw will take place;
- Inform the candidate that he/she may only withdraw up until 24 hours after the nomination period closes, and only if a sufficient number of candidates remain;

6.5 Appointment of the Candidate's Official Agent

Once nominated, a candidate may appoint an agent to represent him/her during the election. A candidate may want to appoint an official agent to help with door-to-door campaigning, with election signage, etc. The appointment of an official agent must:

46(1)(2)

- be made in writing and signed by the candidate making the appointment;
- include the name, address and telephone number of the person appointed;
- include a statement signed by the person consenting to the appointment; and
- **be filed with the SEO**

It is important to have proper documentation of the appointment and the official agent's necessary contact information – the SEO may need to contact the official agent in the future in order to relay important election information.

Refer to form 15 for a sample appointment form for the candidate's official agent.

6.6 Appointing Scrutineers

71

A candidate may act as his/her own scrutineer, or may appoint another person to act as scrutineer. The appointment must be made in writing.

In order to be qualified as a scrutineer, the person must:

- be at least 18 years old;
- be a candidate, an official agent, or a person appointed by a candidate or official agent; and
- take an oath that he/she will respect and uphold the rights of voters and preserve the secrecy of the vote.

The SEO should be discussing the appointment of the scrutineer when the candidate files his/her nomination. The SEO should ensure additional copies of scrutineer appointment forms and scrutineer oath forms are available at the voting place in case a scrutineer is appointed on Election Day. Remind both the candidate and the scrutineer to keep a copy of the appointment with them at all times and to bring a copy of the appointment to the voting place to present to the voting official.

Refer to form 16 for a sample scrutineer appointment form.

Refer to form 17 for a sample scrutineer oath form.

In order to give scrutineers a sense of their responsibilities and extent of their authority, you should provide an information sheet to scrutineers when appointed. Scrutineers will appreciate the information and the SEO will be spared any undue scrutiny about the spoiling of ballots, the registration of voters, and other matters.

Refer to form 18 for a sample scrutineer information sheet.

Scrutineers are entitled to enter the voting place 15 minutes before it opens, remain for the duration of the vote, and be present for the count after the voting place closes. Scrutineers may also attend advance voting opportunities and alternative voting counts. The same rules apply to candidates acting as scrutineers in these instances.

6.7 Withdrawing a nomination

47(1)(2)(

A candidate may, up until 24 hours after the nomination period ends, withdraw his/her nomination papers (35 days before Election Day).

A declaration signed by the candidate must be submitted to the SEO, who will accept the withdrawal only if a sufficient number of candidates remain for the number of offices to be filled. The candidate's signature on the withdrawal letter must be witnessed by another person, who must sign as witness.

Important: A candidate cannot withdraw after the 24 hour period. The SEO should ensure that each candidate is aware of this when they file their nomination.

Refer to form 19 for a sample candidate withdrawal form.

8.3 Who Can Be Present at Voting Places

The following persons may be present at the voting station:

68

- the voting official and other election officials appointed to that voting station;
- voters, for the purpose of voting;
- an interpreter, if required;
- a candidate;
- not more than two scrutineers (per candidate); and
- any other person allowed to be present by the SEO (such as an election observer).

Refer to part 6.6 (Appointing Scrutineers) for a re-cap of the duties of scrutineers.

8.4 Political Activities at Voting Places

72

It is important to ensure a level playing field for all candidates on Election Day – voters should be free from political influence by candidates while at the voting place. In order to ensure this, several provisions in the Act control political activities at voting places.

It is important that candidates, their official agents, and scrutineers are aware of the following rules:

1. Other than an election official carrying out his/her duties under the Act, no person may distribute pamphlets, or any papers referring to the election, **within 50 metres of the voting place.**
2. No person may wear or display any item that refers to the election or a candidate, or post or display a sign referring to the election or a candidate, **within 50 metres of the voting place.**
3. If a sign or poster is found to be within 50 metres of the voting place, the election official may remove it, or order the candidate, or the organization that produced the sign to remove it or obscure it. For example, if a candidate's sign is within a private home, and the election official is unable to gain access, it may be obscured on the outside of the home with a piece of paper, etc.
4. Scrutineers can wear a badge or ribbon that indicates (by colour only) the candidate for whom the person is a scrutineer. However, even in this instance, the badge or ribbon may not indicate the name (or initials) of the candidate.
5. While the candidate is permitted to act as a scrutineer, it is important that the candidate's role be confined only to this function. Electioneering by greeting voters at the door, socializing in the voting place, or passing out campaign material is inappropriate and/or unlawful. If a candidate is engaging in electioneering, the election official may wish to give him a friendly reminder about appropriate behaviour at the voting place.

An election official can deal with the removal of election signage in contravention of the Act well in advance of Election Day, by giving candidates a gentle reminder about the 50 metre rule.

72(5)

The only signs related to the election that may be within 50 metres of the voting place are those authorized and posted by election officials, such as directions to the voting place or parking signs.

ELECTION

Part 12 – Declaring Elected Members

Preliminary Results

115

After receiving the statements of the vote from voting officials, the SEO tallies the votes received and announces the preliminary results to those present.

Official Tally

116(1-3)

After all of the ballot boxes and statements of vote are received, the SEO must complete an official tally. The SEO must give the candidates and their representative scrutineers notice of the time and place of the official tally.

The official tally must be conducted by the SEO and at least one other election official. The candidates and one representative scrutineer (per candidate) may also be present. For a vote on a question, representative scrutineers for both the “yes” and “no” answer may be present for the official tally.

The SEO may open a ballot box to examine any of the documents in it, including the ballots, if he or she considers it necessary to confirm or interpret the information on a statement of the vote, or to settle a dispute between a voting official and a candidate about the content of the statement of the vote.

During the official tally, the SEO may not change a decision made by a voting official to accept or reject a ballot.

Statement of Official Results

116(5)

For each office to be filled, the SEO must prepare a statement of official results using the statement of votes. The official results must include:

- The votes counted for each candidate at each voting station;
- The total number of votes counted for each candidate; and
- The number of ballots rejected or declined in the election.

For each vote on a question, the official results must include:

- The votes counted for each answer to a question at each voting station;
- The total number of votes counted for each answer to a question; and
- The number of ballots rejected or declined on a question.

116(6)

The SEO is responsible to ensure that any contents removed from the ballot box or packages are replaced and the box is again secured.

Refer to form 31 and form 32 for sample statements of official results.

Declaration of Results

After the statement of the official results is prepared, the SEO must declare:

117(1)

- The candidate or candidates who received the highest number of votes to be elected; or
- A tie, if two or more candidates cannot be declared elected because the same number of votes was cast for each.

In the case of a vote on a question, the SEO must declare the result of the vote on a question (unless a judicial recount is applied for).

Remember that the term of the incoming council starts at noon on the day following the election – ensure your election results are declared by this time.

Tie Vote

118

If two or more candidates for an office cannot be declared elected because of a tie vote, the SEO must declare the office vacant and proceed to hold a by-election to fill the office.

120(1)

However, if a tie vote is declared, and an objection was made to a decision of an election official to accept or reject a ballot, the SEO must apply for a judicial recount.

The process for a judicial recount is outlined in The Municipal Councils and School Boards Elections Act, sections 120 – 125. If the SEO is required to apply for a judicial recount, it would be helpful to talk with a Municipal Services Officer with Municipal Finance and Advisory Services for further assistance and advice.

Postponing the Declaration

The SEO may postpone declaring the results of an election or vote on a question if:

119(1)

- Voting has been declared interrupted;
- One or more ballot boxes has not been returned; or
- The SEO is unable to determine the number of votes cast for each candidate or each question for any other reason.

119(3)

When voting is interrupted and a voting station is unable to reopen, the SEO must declare the election or vote on a question invalid and proceed with a new election or vote.

119(4)

The declaration may not be postponed for more than 7 days. If the declaration is still not resolved 8 days after Election Day, the SEO must prepare a statement of official results based on the information available, and declare the results.

C.C.S.M. c. P250
The Public Schools Act

- 48.1(1) Rights of employees respecting elections
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- (4) Action to preserve equality by population of wards
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58(1) Appeal against action of school board

- (2) Procedure on appeal

POWERS OF SCHOOL BOARDS

General powers of school boards

48(1) Subject to the regulations, a school board may

- (a) provide a course of instruction and training for children between three and six years of age in nursery or kindergarten schools or both;
- (b) establish and conduct evening schools and part-time day schools;
- (b.1) establish and operate, or enter into a partnership to establish and operate, an adult learning centre in accordance with *The Adult Learning Centres Act*;
- (c) arrange for and conduct summer schools;
- (d) with the consent of the minister, establish and conduct day schools for special purposes;
- (e) enter into an agreement with the minister to establish and conduct special courses, whether or not such courses are part of the public schools program and for payment to the school board in connection with such course, such amount as may be specified in the agreement;
- (f) collect such tuition fees as the school board may establish for any of the classes referred to in clauses (b) to (e) except for classes that are part of the regular public school program;
- (g) provide such apparatus and materials as may be deemed expedient for any of the purposes of this section;
- (h) provide, with or without charge, lunches to pupils;
- (i) provide materials, appliances and equipment for school sports and games and supervise and direct sports and games during school terms or vacation;
- (j) purchase books and other instructional materials to be given to the pupils or to be loaned to them with or without charge as the school board may decide;
- (k) provide such course of technical and vocational instruction as may be approved by the minister for pupils enrolled in or attending the schools under the jurisdiction of the school board by placing the pupils under the instruction of any person approved by the minister;
- (l) with the approval of the Lieutenant Governor in Council, establish, maintain and provide for a school outside the limits of the school division or school district;
- (m) repealed, S.M. 1996, c. 51, s. 9;
- (n) establish and administer, with the consent of the minister, a system of medical and dental inspection of pupils and employees and subject to *The Public Health Act* and the regulations made thereunder, make such arrangements as may be approved by the minister for attending to the health, cleanliness and physical condition of the pupils and employees of the schools under the jurisdiction of the school board;
- (o) except as otherwise provided in this Act, collect or recover in any court of competent jurisdiction as a debt fees owing to it from a parent or legal guardian of a pupil attending, or receiving a service from, a school in the school division or school district;
- (p) notwithstanding any other provision of this Act, enter into an agreement with the government, or any minister of the government on behalf of the government, or any agency of the government or any other school board or any person
 - (i) respecting the attendance and education of children from within its school division or school district at a school operated by the other party, or
 - (ii) respecting the attendance and education at schools operated by it of children, the education of whom is the responsibility of or under the supervision of the other party, or
 - (iii) respecting the provision, exchange or sharing of educational services, or
 - (iv) respecting the payment, sharing or collection of fees and charges agreed upon by the parties, or
 - (v) respecting the construction of a regional vocational school or any other school within or without its territorial jurisdiction, and respecting the programs to be offered therein, or

- (vi) respecting any one or more of the things mentioned in sub-clauses (i) to (v);
- (q) notwithstanding any other provision of this Act, but subject to the approval of the minister, enter into an agreement with the Government of Canada or a minister thereof on behalf of the Government of Canada or an agency of the Government of Canada or an Indian Band or its representative to whom authority over the education of children of the Indian Band has been granted under an Act of Parliament,
 - (i) respecting the attendance and education of children from within its school division or school district at a school operated by the other party, or
 - (ii) respecting the attendance and education at schools operated by it of children, the education of whom is the responsibility of or under the supervision of the other party, or
 - (iii) respecting the provision, exchange or sharing of educational services, or
 - (iv) respecting the payment, sharing or collection of fees and charges agreed upon by the parties, or
 - (v) respecting any one or more of the things mentioned in sub-clause (i) to (iv);
- (r) enter into agreements with the council of a municipality for the purpose of construction and maintenance of recreational or other facilities on property owned by the school division or school district and for the joint use of those facilities;
- (s) decide who shall be school visitors;
- (t) provide or make provision for the transportation of any of its resident pupils to and from school, or to and from any school activity during or outside of school hours, and may provide, in whole or part, for the expense of any such transportation;
- (u) establish, operate, maintain and regulate a system of patrols for the protection of children from traffic accidents;
- (v) establish and provide for any course of study approved by the minister;
- (w) provide or authorize the levying of caution fees or fines.

Powers to expend moneys

48(2) A school board may spend moneys raised for school purposes

- (a) for extending courtesies of providing tributes and recognition to any person;
- (b) for sponsoring or participating in activities in co-operation with educational organizations;
- (c) for making grants to or becoming members of such organizations of an educational or related nature as the school board may determine; and
- (d) for the in-service education of teachers or other employees.

Scholarships, bursaries, etc.

48(3) A school board may grant to a pupil a scholarship, bursary or award.

Suspension and expulsion

48(4) Subject to the regulations and notwithstanding any other provision of this Act, a school board may suspend or expel from a school any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school.

Granting of leave of absence to teachers

48(5) A school board may grant leave of absence to any teacher, officer or other employee under its jurisdiction for such period as the school board may approve and may grant the teacher, officer or other employee such allowance per month, during leave of absence, as the school board deems advisable.

Cumulative sick leave

48(6) A school board may, by by-law, provide a schedule of cumulative sick leave with pay for its employees other than teachers.

Insurance coverage

48(7) A school board may, under the terms of any arrangement with its employees place insurance coverage on its employees and provide for salary continuation plans and may spend money raised for school purposes to pay, in whole or in part, the premiums thereon.

S.M. 1989-90, c. 49, s. 9; [S.M. 1996, c. 51, s. 9](#); [S.M. 2002, c. 29, s. 44](#).

Rights of employees respecting elections

48.1(1) Nothing in this or any other Act of the Legislature prohibits an employee from seeking nomination as or being a candidate for public office, or supporting a candidate or political party, in a municipal, provincial, federal or school board general election or by-election, and, if elected, from serving in that office.

Leave of absence

48.1(2) An employee who, pursuant to subsection (1), proposes to become a candidate in a municipal, provincial, federal or school board election may apply to the employee's school board for leave of absence without pay for a period

(a) where the employee is nominated as a candidate, not longer than the period commencing on the day on which the writ for the election is issued and ending 90 days after the day on which the results of the election are officially declared; and

(b) where the employee is not nominated as a candidate, not shorter than the period commencing on the day on which the writ for the election is issued and ending on the day fixed by law for the nomination of candidates;

and every such application shall be granted.

Reinstatement of unsuccessful candidate

48.1(3) An employee who runs for office in an election pursuant to this section and is not elected, and applies to the employer within 90 days from the date on which the results of the election are officially declared, shall be reinstated to the position held immediately prior to the date the leave of absence was granted under subsection (2) or to a comparable position, and the employee's service shall be deemed to be unbroken for all purposes.

Leave of absence for elected candidate

48.1(4) An employee who runs for office in an election pursuant to this section and is elected shall, upon application to the employer, be granted leave of absence without pay for the period during which the employee holds office but not exceeding five years.

Definitions

48.1(5) In this section,

"employee" means an employee of a school board, school division or school district; (« employé »)

"employer" means a school board, school division or school district. (« employeur »)

S.M. 1989-90, c. 49, s. 10; S.M. 1991-92, c. 20, s. 7 to 10; [S.M. 2004, c. 15, s. 12](#).

Agreement respecting regional vocational schools

49(1) With the written approval of the minister, two or more school divisions may enter into an agreement for the administration of and provision of funds for the operation of, a regional vocational school and the agreement may provide for the establishment of a governing board to administer the regional vocational school.

Membership of governing board

49(2) Where an agreement made under subsection (1) provides for the establishment of a governing board to administer regional vocational schools, the board shall be comprised only of trustees from the school boards of the school divisions which are party to the agreement and shall be known as: "The Governing Board for Regional Vocational School" and, upon being established, the members of the governing board are a body corporate and politic under that name.

Agreement to continue regional vocational school

49(2.1) If an agreement under subsection (1) is or will be terminated but a school division that was a party to it wishes the regional vocational school to continue,

- (a) the minister may enter into an agreement with the school division and the governing board to continue the regional vocational school; and
- (b) the minister and the school board may, pursuant to the agreement and despite subsection (2), name persons who are not trustees to serve as members of the governing board of the regional vocational school.

Powers and duties of board

49(3) Subject to subsection (4), a governing board established or continued under an agreement made under this section to administer a regional vocational school has, for and in respect of the regional vocational school the powers, duties and obligations of a school board under this Act.

Exceptions

49(4) Notwithstanding subsection (3) or any other provision of this Act, a governing board established or continued under an agreement made under this section to administer a regional vocational school does not have the powers, duties and obligations imposed under clauses 41(1)(a), (k) or (p) subsections 41(4) or (5), section 43, clause 48(1)(a), section 57 or Part IX.

Subsidiary agreements

49(5) The parties to an agreement made under this section may enter into subsidiary agreements with each other — and in the case of an agreement under subsection (1) that establishes a governing board to administer the regional vocational school, with the board — respecting the provision of supplies and services.

Additional transportation powers

49(6) Notwithstanding subsection 43(6), a school division which is a party to an agreement under this section in respect of a regional vocational school may, for the purpose of assisting in the administration of the regional vocational school, and in accordance with any agreement made under this section, extend transportation routes beyond the boundaries of the school division and provide transportation to pupils residing outside the school division.

S.M. 2007, c. 11, s. 2.

Pensions for non-teachers

50(1) Subject to subsection (2) and the regulations, a school board shall, by by-law, establish a superannuation or pension plan for its employees and officers who are not provided for under *The Teachers' Pensions Act* and for this purpose may

- (a) establish a superannuation or pension fund and make rules governing the management, administration and investment of the fund; and
- (b) make rules which specify the person who is eligible to participate in the plan, the amount each participant is required to contribute, the conditions under which a participant, other person or estate is eligible to receive a pension or other benefits, the amount of such pension or other benefits and the procedures to be followed in the administration of the plan; and
- (c) enter into an agreement with a life insurance company or trust company, provided such company is authorized to carry on its business in the Province of Manitoba, to manage the investments of the fund; and
- (d) guarantee the solvency of any superannuation or pension fund established by it.

Optional plan

50(2) In lieu of establishing a superannuation or pension fund under subsection (1), a school board may

- (a) enter into an agreement with a municipality in Manitoba whereby the employees of the school board become eligible to participate in the superannuation or pension plan established by that municipality; or

(b) enter into an agreement with a life insurance company authorized to carry on its business in Manitoba, or with the Government of Canada or with the Manitoba Association of School Trustees, to provide a pension or other benefits for its employees who are not teachers.

Contribution by school boards

50(3) Where a superannuation or pension plan is established under subsection (1) or (2) the school board shall contribute from the funds of the school division or school district the amount required under the plan to be contributed by it and shall include the amount of the contribution in its annual estimates.

Protected from attachment and not assignable

50(4) The interest of an employee in the fund or any allowance or payment out of the fund to any person entitled under this Act is not subject to garnishment, attachment or seizure, or to any legal process whatsoever and in the case of the death of the employee or person receiving an allowance, any allowance or payment out of the fund does not form part of the estate of the deceased so as to be liable for any of his debts and no interest, allowance or payment out of the fund is assignable, except that the sum which an employee who leaves the service or is dismissed is entitled to be paid out of the fund may be assigned to another employee superannuation or pension fund or plan approved by the Minister of National Revenue.

SUPERINTENDENT

Appointment of superintendent

51 A school board may appoint a superintendent, fix and pay his remuneration and define his duties.

Delegation of powers and duties to superintendent

52(1) A school board may by resolution delegate to the superintendent

- (a) power to employ, within the establishment and budgetary limits set by the school board, necessary staff except senior officers and employees holding administrative or supervisory positions; or
- (b) except in respect of positions mentioned in clause (a), power to accept resignations and power to grant within policy and budgetary limits established by the school board, exchange leave for teachers and to cancel or alter that leave; or
- (c) power to appoint attendance officers; or
- (d) power to promote non-teaching staff into established positions, except in respect of positions mentioned in clause (a); or
- (e) power to select teachers for schools operated by the Department of National Defence, to grant leave for service with the Department of External Affairs and to select teachers for similar service; or
- (f) power to request municipal councils to make improvements in roads and sidewalks adjacent to school sites and power to enter into agreements on behalf of the school board with respect thereto within policy and budgetary limits established by the school board; or
- (g) power to approve payment under final certificates for payments in respect of routine contracts awarded by the school board other than for new buildings, where the contracts have been completed to his satisfaction; or
- (h) any one or more of the powers mentioned in clauses (a) to (g).

Assignment of principal's duties to superintendent

52(2) In the case of

- (a) the Churchill School District No. 2264;
- (b) the Snow Lake School District No. 2309;
- (c) the Lynn Lake School District No. 2312;
- (d) the Sprague School District No. 2439;
- (e) the Leaf Rapids School District No. 2460; and

(f) the South Winnipeg Technical Centre;
a school board may assign the duties of a principal to a superintendent.

S.M. 1989-90, c. 49, s. 11; S.M. 1991-92, c. 20, s. 11; [S.M. 1997, c. 27, s. 3](#).

SECRETARY-TREASURER

Appointment of secretary-treasurer

[53\(1\)](#) Every school board shall appoint a secretary-treasurer, fix and pay his remuneration and define his duties.

Notice of appointment

[53\(2\)](#) Where a secretary-treasurer is appointed, the chairman of the school board or the secretary-treasurer shall, within 10 days thereafter, send or cause to be sent to the minister by registered mail a written notice of the appointment stating the full name and address and qualifications of the appointee.

Payment of accounts

[53\(3\)](#) Subject to subsection (4), the secretary-treasurer shall pay the accounts authorized by the school board and in accordance with the policy of the school board.

Payment of accounts without approval

[53\(4\)](#) The secretary-treasurer may without prior approval of the school board pay all accounts that are payable by the school division or school district and that have been included in the estimates of the school division or school district for the year in which the account is payable if he considers payment without prior approval of the school board to be in the best interests of the school division or school district and pay all other accounts that are payable by the school division or school district and that have been approved by the school board.

Secretary-treasurer to report occupations of trust

[53\(5\)](#) At the first meeting in each year the secretary-treasurer shall make a written statement to the school board of all occupations in which he is engaged which involve the receipt by him of money other than that belonging to the schoolboard or to himself and he shall thereafter during the year as they occur, report any such additional occupations or any discontinuance thereof and the chairman of the school board shall immediately report to the minister all such occupations made known to the school board.

Powers of auditors

[54\(1\)](#) An auditor referred to in subsection 41(8) for the purpose of carrying out his duties may

- (a) require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers and writings as the auditors may direct them or any of them to produce;
- (b) administer oaths to persons and witnesses.

Duty to assist auditors

[54\(2\)](#) Every trustee and every employee of a school board shall, on request, furnish to the auditor all papers, books accounts and information that the auditor requires to carry out his duties and that it is in the power of the trustee or the employee, as the case may be, to furnish.

Duty to account

[54\(3\)](#) Every secretary-treasurer, every person who has been a secretary-treasurer and every trustee or other person who has in his possession any books, papers, chattels or moneys that came into his possession as secretary-treasurer, trustee or otherwise shall deliver up or account for and pay over the books, papers, chattels and moneys to the person designated by the school board or by the minister.

Recording of minutes

55(1) The secretary-treasurer shall record in a minute book, without note or comment, all resolutions, decisions and other proceedings of the school board.

Right to examine

55(2) On the demand of any resident voter, the secretary-treasurer shall make available to him and permit him to examine the minutes of any school board meeting, excepting any record of any meetings held in camera, at any time when the offices of the school division or school district are open for the transaction of business.

Penalty

55(3) Sections 247, 248 and 249 apply, with such modifications as the circumstances require, to every person who contravenes, neglects, refuses or fails to comply with subsection 54(3).

S.M. 2005, c. 27, s. 162.

GENERAL PROVISIONS

Payment of annual indemnity

56(1) A school board may, by by-law, provide for the payment of an annual indemnity to the chairman and to each trustee payable in such amount and at such times and under such conditions as provided in the by-law.

Additional indemnities

56(2) In addition to the indemnity referred to in subsection (1), each member of the school board may be paid and may accept

(a) such amount per mile as set by by-law of the school board for each mile actually and necessarily travelled from his place of residence in the school division or school district to the place of meeting and return to his place of residence, allowable only once for each school board meeting;

(b) such amount per hour as set by by-law of the school board for each hour actually and necessarily spent by him under authority previously given by resolution of the school board in the performance of such duties, work or services as he is required or authorized under the resolution to perform; and

(c) such an amount per mile, as set out by by-law of the school board, for each mile actually and necessarily travelled by him in the performance of the duties, work or services to which clause (b) applies;

but the remuneration or mileage mentioned in clauses (b) and (c) is not payable until an account showing the work or service performed, verified by statutory declaration, has been filed with the secretary-treasurer and payment thereof authorized by resolution of the school board.

Reimbursement for expenses

56(3) A school board may reimburse its trustees, trustees-elect or employees for expenses necessarily incurred while attending conventions or carrying out duties assigned or approved by the school board and at such rates and under such conditions as the school board may determine.

School funds

56(4) Notwithstanding any other provision of this Act, the principal of each school, subject to the rules of the school board, may raise, hold, administer and expend moneys to be known as "**school funds**" for the purposes of the school.

Exclusion of student council funds

56(5) School funds referred to under subsection (4) do not include student council funds.

Alteration of wards and numbers of trustees

57(1) Subject to subsections (2), (3), (4), (5) and (6) a school board may, by by-law, or on the petition of 10 or more resident voters

(a) alter the boundaries of existing wards;

- (b) increase or decrease the number of wards;
- (c) increase or decrease the number of trustees in any ward but the total number of trustees shall not be fewer than five or more than nine;
- (d) repealed, S.M. 2002, c. 8, s. 15;
- (d.1) subject to section 57.1, abolish the existing wards and establish the number of trustees to be elected at large, which must be not fewer than five or more than nine;
- (e) establish wards and subject to clause (c), state the number of trustees to be elected in each ward so established; or
- (f) do any one or more of the things mentioned in clauses (a) to (e).

Population of wards

57(2) Subject as herein provided each trustee of a school division or school district divided into wards shall represent, in so far as is practicable, approximately the same number of resident voters.

Representation quotient

57(3) A school board of a school division or school district divided into wards may establish a representation quotient for the school division or school district by dividing the total number of voters on the voters list of the division or district by the total number of trustees to be elected.

Action to preserve equality by population of wards

57(4) Where, in the case of a school division or school district divided into wards, the number of voters per trustee in any one or more of the several wards thereof varies from the quotient obtained under subsection (3) to an extent greater than is permitted under subsection (5), the school board may take such action as may be required to give effect to subsection (2).

Variation in population basis

57(5) In determining the area to be included in, and in fixing the boundaries of any ward the school board shall consider

- (a) special geographic conditions, including the sparsity, density and relative rate of growth or loss of population of a part of the school division or school district; and
- (b) any special diversity or community of interests of the inhabitants of a part of the school division or school district;

and may allow a variation in the population requirement of any ward where, in its opinion, those considerations or any of them render a variation desirable but in no case may the representation quotient of any ward in the school division or school district as a result thereof vary from the quotient obtained under subsection (3) to an extent that is greater than 25% or to an extent that is less than 25% of the quotient.

School board may not pass by-law

57(6) Where the application of subsection (3), (4) or (5) would result in a reduction in the number of trustees in the school division or school district, the school board may decide not to pass the by-law.

Approval of the minister

57(7) A by-law passed under subsection (1) has no effect unless approved in writing by the minister.

Referendum

57(8) Before the minister approves a by-law passed under subsection (1), he may require the by-law to be submitted to a referendum of the resident voters of the school division or school district.

Effective date

57(9) A by-law made under subsection (1) shall take effect on the date of the next following general election of trustees in the school division or school district and the term of office of all trustees of the school division or school

district affected by the by-law terminates at the time the by-law takes effect and, before the election, the minister in approving the by-law shall determine the term of office or method of fixing the term of office of each of the trustees to be elected.

S.M. 2002, c. 8, s. 15; S.M. 2005, c. 27, s. 162; S.M. 2009, c. 37, s. 2.

Restriction re at large elections

57.1 A school board may pass a by-law under clause 57(1)(d.1) only if

- (a) at the 1998 general election held for the school division or school district, trustees were elected at large; and
- (b) at the next general election, all the members of a municipal council that are to be elected by the eligible voters within the school division or school district are to be elected at large.

S.M. 2009, c. 37, s. 3.

Appeal against action of school board

58(1) Where 10 or more resident voters of a school division or school district aggrieved by the action of a school board under subsection 57(1) or by the failure of the school board to take action within three months next following the making of a request under subsection 57(1) the voters may in writing appeal to the minister against the action, or the failure or refusal to act of the school board and the minister may refer the matter to the board of reference.

Procedure on appeal

58(2) Where under subsection (1) the minister refers the matter to the board of reference, he shall send a copy of the request to the board of reference and to the school division or school district and the board of reference shall act thereon as provided in section 9.

S.M. 2005, c. 27, s. 162.

School Boards and Trusteeship in Manitoba

School Boards and Trusteeship in Manitoba

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Introduction and overview

In Canada, education is a provincial responsibility. In Manitoba, the responsibility for the delivery of public education to students in kindergarten through grade twelve graduation has been delegated to school boards.

School boards are elected bodies responsible for the planning and delivery of educational services within geographic regions known as school divisions or school districts. For practical purposes, there is no difference between a division or district. Provincial legislation in the form of *The Public Schools Act* and *The Education Administration Act* defines the structure, obligations and responsibilities of school boards; within the bounds imposed upon them by this legislation, school boards are themselves a law-making level of government.

The primary function of a school board is to set policy. A school board sets policy through the decisions it makes at public meetings. School boards also hold regular committee meetings, at which committee members—trustees appointed to serve in that capacity—consider specific aspects of school board business.

Preparing for and participating in school board and committee meetings are the main functions of a school trustee. School trustees have the same rights as every other elector in the division or district, plus the right to speak and vote at school board meetings. A school trustee has authority only insofar as his or her voice and vote influence the corporate action of the school board. An individual trustee has no authority to act alone unless the board as a whole specifically delegates a responsibility to that individual.



The role of school boards and school trustees

The smallest Manitoba school divisions serves a few hundred students, while the largest serves over 30,000. With a few exceptions, school boards range in size from five to nine trustees, and both the size and the nature of the area they represent vary tremendously. This variation can have a significant impact on the way in which education is provided and school boards function. Despite these differences, however, there are two characteristics which are common to all effective school boards: they focus their efforts on improving student achievement, and they are in regular and meaningful contact with the communities they serve.

Most often, school trustees are not professional educators, but that doesn't mean that they don't play an important role when it comes to student achievement. In fact, student achievement is a school board's primary reason for existence. But instead of focusing their attention on what's happening in individual classrooms, effective school boards focus their attention on making sure that learning expectations are high for all students, that the policies and resources to make achieving those expectations possible are in place, and that progress towards meeting student achievement goals is being monitored and reported on a regular basis. Budget allocations, hiring decisions, policies on student assessment and staff professional development—these are just a few of the areas where school board decisions have a profound effect on student learning.

When we talk about school boards interacting with their communities, the term we most often use is “community engagement.” Effective school boards encourage public attendance at their meetings and keep constituents informed about their progress, but community engagement means more than that. Community engagement means developing formal mechanisms to ensure that major policies are enacted only after all sides of a matter have been studied. It means deliberately reaching out to groups who may not be familiar with the school system, or who do not feel they have a stake in its success, and actively seeking their opinions. A school board engages its community when it looks for ways to overcome obstacles to public participation, when it listens to varied opinions without prejudging their value, and when it communicates clearly and openly both the nature of and the reasoning behind its ultimate decisions.



Just as there is no “typical” school board in Manitoba, so too there is no typical school trustee. Board members represent all age groups, all levels of educational attainment, and all occupations. Effective board members do, however, share some very important characteristics.

- Effective board members are characterized by the ability to work as members of a team.
- They maintain open minds, and have the ability to engage in give-and-take and to arrive at a decision.
- They know that authority rests with the board as a corporate body, not with individual trustees, and that they must work with their colleagues in order to achieve their goals.
- They are willing to spend the time required to become informed and to do the homework needed to take part in effective school board meetings.
- They share a strong desire to serve children and their community, as well as a strong belief in the value of public schools.
- Effective board members respect the needs and feelings of other people, and have a well-developed sense of fair play.
- They recognize that the school division or district they serve may be one of the largest businesses in town, and that the board is responsible for seeing that the business is well-managed.

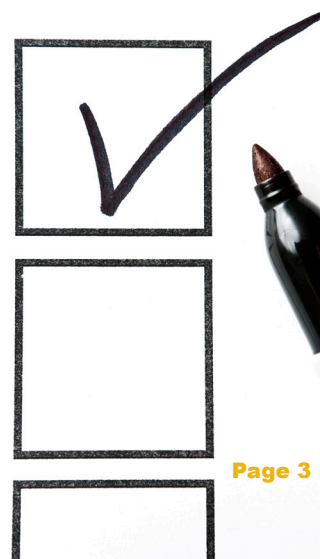
Duties and powers of school boards

The Public Schools Act defines both the “duties” (those things “every school board shall” do) and the “powers” (those things “a school board may” do) of school boards in Manitoba. School board duties are standard throughout the province; combined, they ensure a basic level of public school education to which all Manitobans are entitled. At the same time, school boards may differ on which “powers” they chose to exercise. In this way, they develop schools that reflect the values and concerns of the communities they serve. School boards are responsible for providing adequate school accommodation for students between the ages of 6 and 21, and for employing the necessary teachers and other staff. The school board must authorize the spending of divisional or district funds, and ensure that the proper financial reports are maintained and published or distributed as required. If a program of study is not

offered in a division or district, a school board may be responsible for paying certain costs associated with students attending a school that does offer that program. As well, the school board may be required to provide transportation for students to and from school, if those students reside a minimum distance from their school, or if students have physical or other limitations that render them unable to walk to school.



The list of what a school board *may* do is varied. It includes the provision of nursery schools or kindergarten for children between the ages of 3 and 6, as well as evening and summer school. A school board may choose to provide lunch for its pupils, either with or without charge. A board, with the consent of the Minister of Education, may establish and administer a system of dental and medical inspection of pupils and employees. A school board also has the authority to enter into agreements with other school boards, government agencies or departments, or municipalities, to provide certain facilities or services to its pupils.



Conduct of school board business

The primary function of a school board is to set policy. These policies are, in effect, the laws under which a division or district operates. Implementation of that policy—that is, the day-to-day management of school business—is the role of the administrative staff hired by a school board.



POLICIES

A school board sets policy through the decisions it makes at public meetings. *The Public Schools Act* provides that “An act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board, is not valid or binding on any person affected thereby” (Section 35). Combined with the requirement that “Every school board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct” [Section 30(3)], legislation assures that school board business is conducted in an open manner.

In addition to full school board meetings, trustees also attend the meetings of any committees on which they serve. Committees may deal with matters such as finance, personnel, or policy. Special or ad-hoc committees may also be appointed from time to time to deal with special projects or emerging issues. Unlike regular or special school board meetings, committee meetings do not have to be held in public, but may be held in-camera. These committees don’t make final decisions themselves. Their role is to investigate, deliberate, and report back to the full board. The board then has the option of adopting the recommendations of the committee at its public meeting, modifying any proposed course of action, or rejecting a committee report outright.

One special committee is the Committee of the Whole. Membership on the Committee of the Whole is the same as membership on the board—that is, all of a division’s or district’s trustees. The difference between a Committee of the Whole meeting and a board meeting is twofold: first, a meeting of the Committee of the Whole may be held in-camera, and second, the board, when sitting as the Committee of the Whole, cannot make any decision that is legally binding. The Committee of the Whole functions in much the same manner as any other committee; it submits its report to the board in public session, and the board then acts upon the report. The Committee of the Whole is an important instrument in that it allows the board to discuss thoroughly issues which it believes should not be debated in public, while still making the final decision in a public meeting. Two examples of issues which are often discussed in Committee of the Whole are staff or student discipline as it relates to individuals, and land acquisitions.

The decisions made by a school board at its meetings set the direction for the school division or district. The school board employs administrators to see that this direction is implemented in an effective and efficient manner. The two most senior administrators of a school division or district are the superintendent and the secretary-treasurer. By law, all school boards must employ a secretary-treasurer, who is the chief financial officer of the division or district. In addition, all Manitoba school boards employ a superintendent, who is the division or district’s chief educational officer. In some instances, both positions are held by the same individual. *The Public Schools Act* lists those responsibilities which a school board may delegate to its secretary-treasurer or superintendent. An effectively managed school division or district is one in which the senior administrators and school board work closely together, each respecting and drawing upon the other’s areas of expertise.

Preparing for and participating in school board and committee meetings are the main functions of a school trustee. Although school trustees do not receive a salary for time spent on school board business, they do receive a payment called an indemnity. This indemnity varies in amount from division to division, and is generally higher in larger jurisdictions. Along with reimbursement for out of pocket expenses incurred by trustees in the course of school board business, this indemnity ensures that trustees are able to serve without experiencing undue financial hardship.

School board elections

Elections for the office of school trustee are held every four years, in conjunction with municipal elections, on the fourth Wednesday in October¹.

School board elections are governed by *The Municipal Councils and School Boards Elections Act*. Any differences between the conduct of school board and municipal elections are the result of specific provisions in *The Public Schools Act*, which is the provincial legislation that governs school board operations.

Qualifications

Section 22 of *The Public Schools Act* outlines the qualifications of a candidate for the office of school trustee².

A person is qualified to be nominated for and elected as a trustee of a school board, if the person:

- a. is a Canadian citizen;
- b. is of the full age of 18 years, or will be at the date of the election;
- c. is an actual resident in the school division or school district, and will have been so for a period of at least six months at the date of the election; and
- d. is not disqualified under any other provision of this *Act* or under any other *Act*, and is not otherwise by law prohibited from being a trustee or from voting at elections in the school division or school district.

Section 22(2) of *The Public Schools Act* specifies that certain individuals may not be nominated or serve as trustees: members of the Legislative Assembly or the Senate or House of Commons of Canada, and pupils in regular attendance at a school within the same school division or district. Section 40(1) of *The Municipal Councils and School Boards Elections Act* prohibits an individual from holding or being nominated for more than one office on an elected authority at the same time, and Section 40(2) stipulates that anyone serving on a municipal council or school board must resign that office before being nominated to run in another authority's by-election.

Candidates for school board office must actually reside in the school division or district for which they are seeking election; they are not eligible for office if they are non-resident property-owners or rate-payers. However, individuals do not need to be residents of the specific ward in which they wish to run, as long as they do reside within the division or district as a whole.

Employees may run for and serve as trustees in the division or district where they are employed, providing they take a leave of absence from their employment while serving. This unpaid leave must be granted by the division or district, for a period of time not exceeding five years.



¹In Frontier School Division only, elections for local school committee members are held on this date, with elections to area advisory committees and the board of the Frontier School Division held in the ensuing weeks. For more information, contact Frontier School Division.

²The qualifications for trustees in the Division scolaire franco-manitobaine (DSFM) include the ability to function in French, and slightly different residency requirements. For more information, contact DSFM.

Once elected, school trustees normally hold office until the expiration of their term, at which time they must decide whether to seek re-election. There are, however, circumstances in which a trustee's seat can be declared vacant. These are outlined in Section 39.8 of *The Public Schools Act*.

A school board of a school division or school district shall declare a seat vacant and . . . order an election to fill that seat when the trustee elected to that seat:

- a. is deceased; or
- b. has submitted a resignation in writing to the secretary-treasurer of the school division or school district; or
- c. has failed to attend three consecutive regular meetings of the school board without authorization of the school board by resolution recorded in the minutes; or
- d. has been disqualified from holding office under this Act; or
- e. ceases to be a resident of the school division or school district.

If potential candidates for office doubt their ability to attend meetings on a regular basis (usually once or twice a month), or if they plan to move beyond the boundaries of their school division or district in the immediate future, they may want to reconsider their decision to run for office.

Under Section 39.6(1) of *The Public Schools Act*, a trustee will also be disqualified from holding office if the trustee:

- a. violates any provision of *The Public Schools Act*; or
- b. is convicted of
 - (i) an offence punishable by imprisonment of five years or more, or
 - (ii) an offence under section 122 (breach of trust by public officer), 124 (selling or purchasing office) or 125 (influencing or negotiating appointments or dealings in office) of the *Criminal Code* (Canada).

When a trustee is disqualified under this section, the trustee remains disqualified from being nominated, elected, or appointed as a trustee for four years from the day of disqualification.



Conduct of school board elections

The next general school trustee election will be held on October 26, 2022. Once an individual has decided to run for the office of school trustee, the next step is to file nomination papers. Generally, these papers can be picked up at the local school division office or, for divisions within the City of Winnipeg, at the City Clerk's Department of City Hall. Interested individuals should contact their local school division office to confirm where they can obtain the necessary papers.

In order to be nominated, candidates must obtain the signatures of 25 voters or 1% of the total number of voters in the ward in which they are running, whichever is less. In this case, "voters" means people whose names appear on the voters list for the ward.

Once the necessary signatures are obtained, and other supporting documentation is completed, these papers must be filed with the division or district senior election official during regular business hours, during the legislated nomination period. For 2022, nominations open on Wednesday, September 14, and close on Tuesday, September 20. The school board office will be able to tell candidates where the nomination papers will be accepted. Once filed, a nomination may be withdrawn within 24 hours of the close of the nomination period, providing that withdrawal would leave enough remaining candidates to fill the offices to be elected.

The conduct of the actual campaign is up to each individual candidate. Campaigning methods may include any or all of social media, door-to-door canvassing, printed brochures, newspaper advertisements and lawn signs. There are, however, restrictions on the distribution of brochures and the posting of signs within the immediate area of any polling station on election day. As well, groups such as teachers and parent councils often organize town-hall meetings, in which voters are given an opportunity to question candidates, and candidates an opportunity to share their viewpoints.

Candidates are responsible for raising any funds required for the conduct of their campaigns. Funds expended on school board elections are not tax deductible for candidates, nor are contributions made to a candidate's campaign tax deductible for the donor.



The Manitoba School Boards Association

The Manitoba School Boards Association is a voluntary organization of public school boards in Manitoba. Its mission is to enhance the work of locally elected school boards through leadership, advocacy and service, and to champion the cause of public education for all students in Manitoba.

The mandate of the Manitoba School Boards Association is:

1. to promote and support the work of elected public school boards within the parameters of Manitoba laws and statutes.
2. to promote and advance the cause of public education in the province through research, study and public discourse.
3. to work collaboratively with education partners, stakeholders, and community agencies in addressing the learning and developmental needs of school-aged children and youth.

The association offers a wide range of direct services to member boards, and provides a strong voice for the expression of their views and concerns.

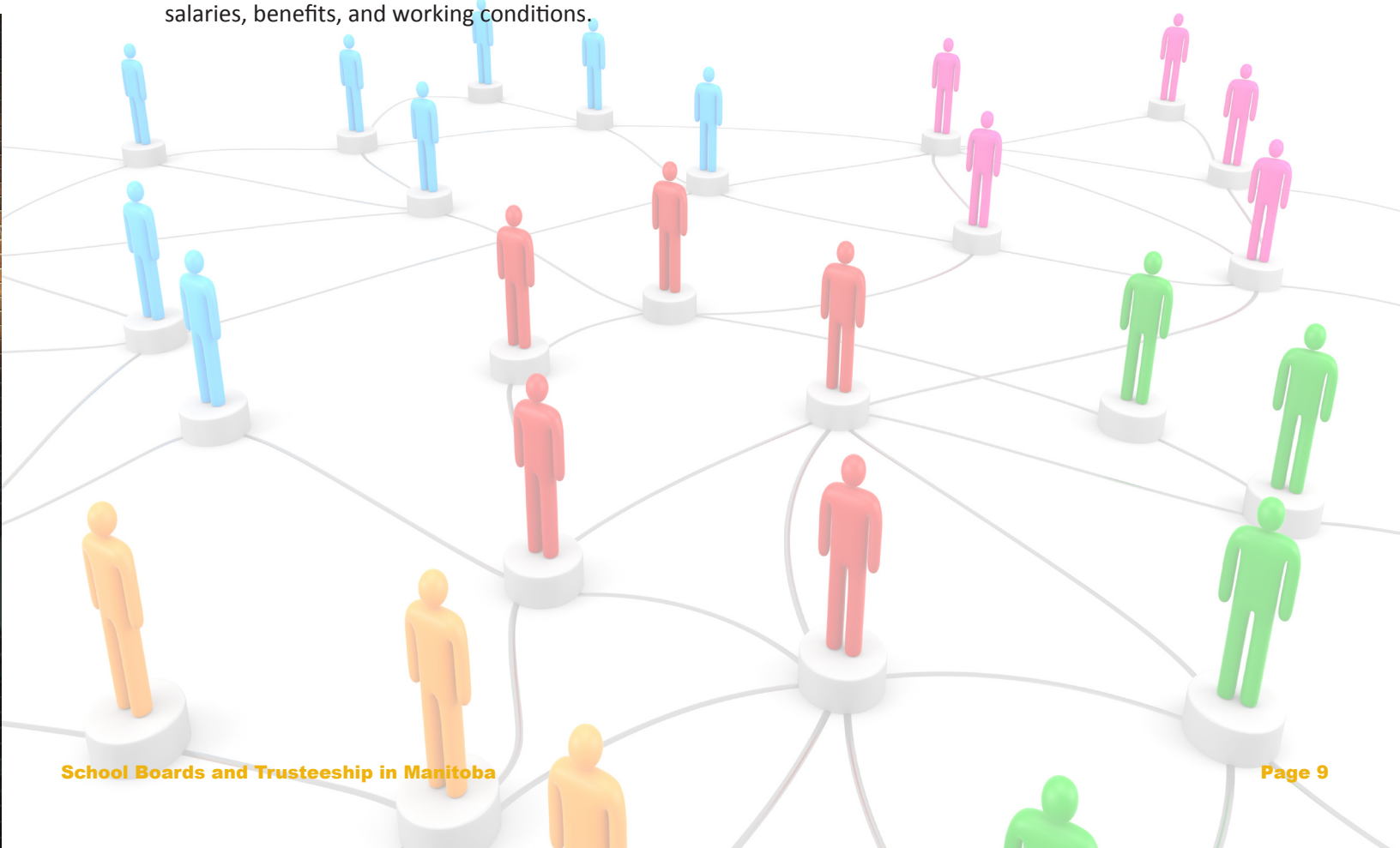
The school divisions and districts that are members of the Manitoba School Boards Association are grouped into six regions. Each year, the boards that make up a region meet to elect one or more Directors, for a total of seven representatives on the association's provincial executive. Other members of the Executive include the President and two Vice-Presidents, who are elected at the association's Annual Convention, and the immediate Past President. The eleven-member provincial executive governs the association between conventions.

The Manitoba School Boards Association office is located at 191 Provencher Boulevard in Winnipeg.



The association staff is divided into four departments:

1. **The Executive Office** is responsible for the general administration of the association, and for ensuring the implementation of the policies and instructions of the provincial executive. This department provides support services to the executive and many of the association's committees, and shares advocacy responsibilities with Education and Communication Services. It is also responsible for the association's trustee education program, including the fall general meeting and annual convention, provincial and regional workshops, and on-line learning opportunities. It produces print and electronic learning resources, develops association advertising and media campaigns, and maintains the association's website and membership data bases. It supports individual boards in the areas of board and policy development and procedural matters.
2. **Corporate and Risk Management Services** carries out the accounting functions of the association and related entities (MSI Insurance and the Pension Plan for Non-teaching Employees of Public School Boards in Manitoba), as well as for the Child Nutrition Council of Manitoba. General office management and systems/technology support are also housed in this department. It also oversees the MSI insurance program, as well as both Safe Grad and TADD Manitoba programs. Risk Management works closely with schools to ensure student and staff well-being through programs of school and playground inspections, and to help mitigate the potential for loss as a result of fire, flood, theft, or other hazards.
3. **Human Resource Services and Provincial Bargaining** is responsible for providing value added human resource services to member boards including employment contract management, executive recruitment, and other senior level HR activities. The department is also responsible for leading provincial teacher collective bargaining as the employer bargaining representative for school divisions across Manitoba.
4. **Labour Relations** is responsible for providing labour relations and personnel services to member school boards in the capacity of advisor, coordinator, and agent. This department assists member boards in the maintenance of good employer-employee relationships through the establishment of fair and reasonable salaries, benefits, and working conditions.



FAQ

Question: When is the next school board election?

Answer: School board elections are held every four years. The next general school board elections will be held on **Wednesday, October 26, 2022.**



Question: Who serves as public school trustees?

Answer: Public school trustees come from all walks of life. They are retirees, homemakers, professionals, tradespeople, university students—the list goes on. What these people do have in common, however, is a sincere interest in children and education, and a desire to serve their communities.

Question: I live in one school division, but own property in a neighbouring one. Can I run for school trustee in either of the two divisions?

Answer: No. *The Public Schools Act* requires that a candidate be “an actual resident in the school division or district,” and that they have been so for a period of at least six months at the date of the election.

Question: My school division is divided into three wards. I live in Ward 1. Does that mean that I have to run as a candidate in Ward 1, or can I run in one of the other wards?

Answer: A person does not have to live in the specific ward to run as a candidate, as long as they do reside within the division or district.

Question: My spouse teaches in the school division in which we live. Can I still run for school trustee?

Answer: An individual whose spouse works for a school division or district may still be a trustee in that same division or district. There are, however, some matters which come before the board where that trustee would be considered to have a conflict of interest. In those situations (such as leave provisions), that trustee would not become involved in the debate or voting on that specific matter. There are a number of other situations where a trustee could have a potential conflict of interest. Legislation requires that situations such as these be declared when a trustee takes office.

Question: I am a public school teacher. Does that disqualify me from running for school trustee?

Answer: A teacher or other school division employee may serve as a school trustee. If you work in the same school division or district in which you live, you will be required to take a leave of absence from your job in order to serve.

Question: If I’m elected school trustee, how will I learn about the job? Will I be offered any training?

Answer: Most school divisions and districts offer orientation sessions for new trustees, to familiarize them with local policies and procedures. As well, resources and training are offered by the Manitoba School Boards Association, shortly after each school trustee election. Together, local and provincial learning opportunities help new trustees better understand their new role, and develop skills they will need to be effective board members.

For more information

For general information about the role of school boards and trustees, or about school board elections, visit the Manitoba School Boards Association website at www.mbschoolboards.ca, phone the association office at **204-233-1595 or 1-800-262-8836**.

For information about running for office in your division or district, contact the school division office. You can find the phone number below, or visit www.mbschoolboards.ca/members.php for additional contact information. Candidates running for trustee on boards within the cities of Winnipeg and Brandon will find additional information on those cities' websites.



| | | | |
|----------------------------|--------------|---|--------------|
| Beautiful Plains (Neepawa) | 204-476-2388 | Pine Creek (Gladstone) | 204-385-2216 |
| Border Land (Altona) | 204-324-6491 | Portage la Prairie (Portage la Prairie) | 204-857-8756 |
| Brandon (Brandon) | 204-729-3100 | Prairie Rose (Carman) | 204-745-2003 |
| DSFM (Lorette) | 204-878-9399 | Prairie Spirit (Swan Lake) | 204-836-2147 |
| Evergreen (Gimli) | 204-642-6260 | Red River Valley (Morris) | 204-746-2317 |
| Flin Flon (Flin Flon) | 204-681-3413 | River East Transcona (Winnipeg) | 204-667-7130 |
| Fort La Bosse (Virden) | 204-748-2692 | Rolling River (Minnedosa) | 204-867-2754 |
| Frontier (Winnipeg) | 204-775-9741 | Seine River (Lorette) | 204-878-4713 |
| Garden Valley (Winkler) | 204-325-8335 | Seven Oaks (Winnipeg) | 204-586-8061 |
| Hanover (Steinbach) | 204-326-6471 | Southwest Horizon (Melita) | 204-483-6294 |
| Interlake (Stonewall) | 204-467-5100 | St. James-Assiniboia (Winnipeg) | 204-888-7951 |
| Kelsey (The Pas) | 204-623-6421 | Sunrise (Beausejour) | 204-268-6500 |
| Lakeshore (Eriksdale) | 204-739-2101 | Swan Valley (Swan River) | 204-734-4531 |
| Lord Selkirk (Selkirk) | 204-482-5942 | Turtle Mountain (Killarney) | 204-523-7531 |
| Louis Riel (Winnipeg) | 204-257-7827 | Turtle River (McCreary) | 204-835-2067 |
| Mountain View (Dauphin) | 204-638-3001 | Western (Morden) | 204-822-4448 |
| Mystery Lake (Thompson) | 204-677-6152 | Whiteshell (Pinawa) | 204-753-8366 |
| Park West (Birtle) | 204-842-2100 | Winnipeg (Winnipeg) | 204-775-0231 |
| Pembina Trails (Winnipeg) | 204-488-1757 | | |

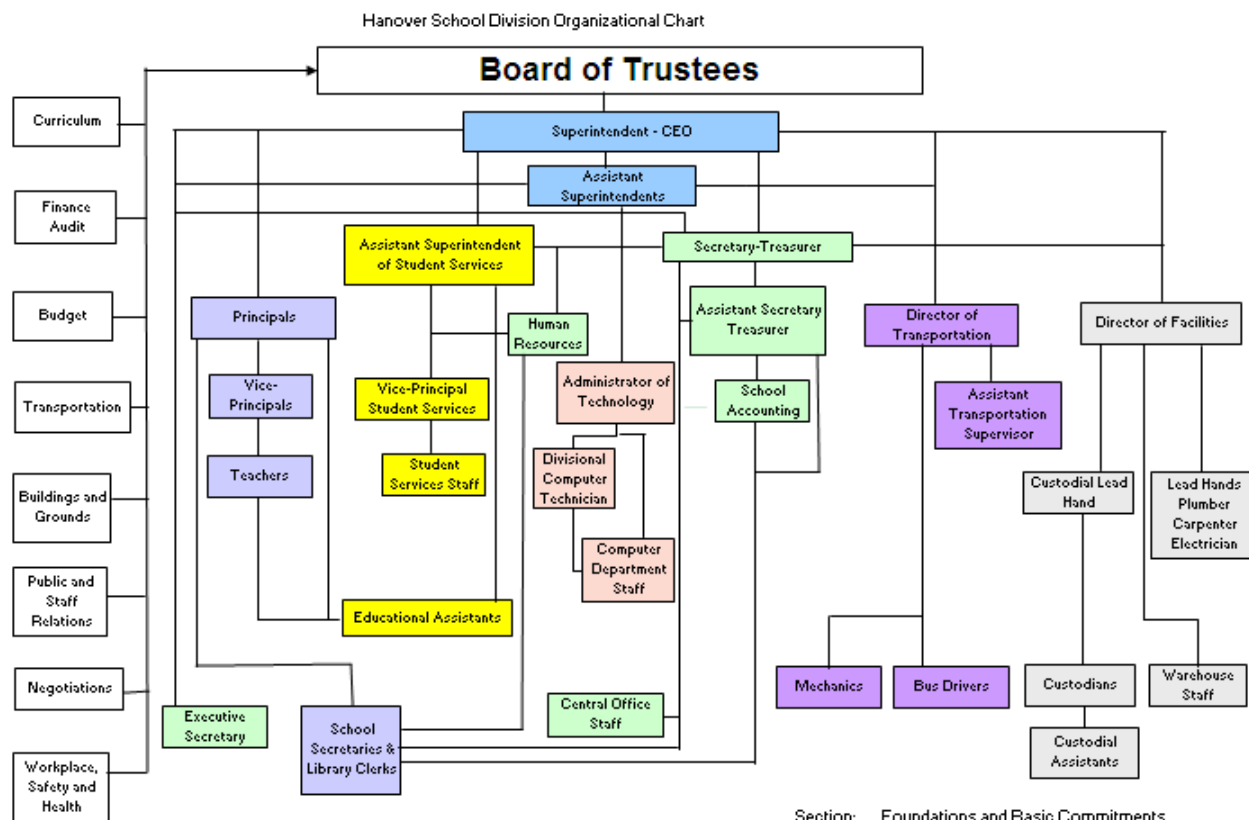


HSD Organizational Chart

Section A: Foundations and Basic Commitments

Code: AB

POLICY



Section: Foundations and Basic Commitments
 Code: AB
 Page: 1 of 1
 Date Policy Adopted: 21-Apr-87
 Revised: 07-Nov-09 21-Jul-10

Legal References:

Additional Information: Formally Policy A-2

Appendixes:

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|---------|--------------------------|----------|----------------|----------|--------------|-------------|
| Policy: | HSD Organizational Chart | Adopted: | April 21, 1987 | Revised: | June 2, 2010 | Page 1 of 1 |
|---------|--------------------------|----------|----------------|----------|--------------|-------------|

POLICY

The Hanover School Division Board of Trustees acknowledges their role in the development and maintenance of a teaching and learning environment that ensures all learners are developing to their fullest potential as they acquire the knowledge, skills, values, and dispositions required to lead a productive and wholesome life.

In accordance with the Public Schools Act, the Board is identified as a corporate body with the authority and responsibility to govern the local delivery of public education to the communities within the boundaries of the Hanover School Division.

Individual Trustees have no individual authority and act as a member of a corporate Board, that is accountable to the public for the collective decisions made by the Board, as well as, the delivery and quality of educational services and programs provided throughout the division.

The function of the Board of Trustees is:

- to be a contributing member of the corporate Board;
- to set the conditions for a highly performing learning organization;
- to develop a set of core priorities for the division that will focus on student engagement and learning, as well as, the social, emotional, and physical well-being of all students;
- to provide clear direction to the organization through its policies;
- to prepare and approve a budget and staff allocations that will provide the necessary resources to support the divisional strategic plan and address identified needs to improve learning outcomes for all students;
- to establish mechanisms for gathering and reviewing appropriate evidence to determine how the system is doing in implementing its vision, strategic plan and policies;
- to oversee the systematic development of the collective capacity of the organization, focusing on continuous learning by all – students, staff, elected trustees – and continuous improvement based on identifying the best practices available;
- to explore the very best governing practices available, as well as, examine its own ways of doing business and, as necessary, to adopt practices that will make it a more effective Board;
- to consult and engage with parents, students and supporters of the Board about the Board's multi-year plan; and
- to establish processes that invite communications with the community and Parent Advisory Councils.

Regularly scheduled School Board meetings are held twice a month during the school year. The Board meets on the first Tuesday of each month and the meeting is open to the public. The third Tuesday of each month is a closed meeting for the Board that involves committee work. The schedule of meeting dates and times is posted online at www.hsd.ca.

Legal References: Public Schools Act

Additional Information:

Appendixes:



Commercial or Personal Interests of Board Members

Section B: School Board Governance and Operations

Code: BC

POLICY

All personnel in the employ of the board shall exercise the greatest care that neither their influence with their pupils nor their position on the teaching staff shall be used for personal gain of any person, business, or institution. No teacher shall tutor for private gain a pupil who is enrolled in the school in which the teacher is serving.

GUIDELINES

Legal References:

Additional Information: Formally Policy A-8

Appendixes

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| Policy: | Commercial or Personal Interests of Board Members | Adopted: | | Revised: | | Page 1 of 1 |
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Board Operations and Procedural By-Laws

Section B:

Board Governance and Operation

Code:

BD

POLICY

The Hanover School Division Board of Trustees recognizes that the Board is a legal corporate body, responsible for providing governing procedures, guidelines and expectations to those individuals acting as trustees. Hanover School Division is a political subdivision of the Province of Manitoba whose duties, responsibilities, and powers are outlined in the Public Schools Act of Manitoba.

The Hanover School Division Board of Trustees in accordance with Section 33-(1) of the Public Schools Act, shall pass by-laws establishing rules of procedure for the operation of the school board, as well as, a Trustee Code of Conduct. All board members are required to adhere to the following guidelines and standards.

GUIDELINES

1. Trustees of Hanover School Division will continue in office until their successors are elected and take their oath of office.
2. A trustee elected to fill a vacancy holds office only for the unexpired term of the person in whose place he/she has been elected.
3. Individual Trustees need to be an active participant of the Board, respecting and representing a diversity of viewpoints.
4. Individual trustees are accountable to the public and have a responsibility to bring forward the voice and views of the people within the communities they represent.
5. Decisions of the Board are a result of been voted upon by the Trustees. Board decisions do not require unanimous support. Board decisions are only those that have been voted upon and are reflected in the Minutes of the Board meetings as policies or resolutions.
6. Once a decision has been made all Trustees will respect the decision of the Board, as well as, be prepared to explain the decision of the Board to the public.
7. Individual Trustees have no authority over staff and staff operations. Trustees are not to attempt to exercise individual authority of the Division or the Superintendent.
8. First Meeting
 - 8.1. The first meeting of a school board following a regular election shall be held in the month of November not later than the 14th day after the 4th Wednesday in October in the year of the election at an hour to be fixed by the Secretary-Treasurer of the school division who shall notify each trustee of the time and the place of the meeting.



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9. Oath of Office

- 9.1. All newly elected trustees shall take the oath of office at the first meeting.

10. Election of Chair and Vice-Chair

- 10.1. From among the trustees present, the Secretary-Treasurer must conduct an election of a chair and a vice-chair of the board. The election must be held in a year a regular election is held, at the first meeting of a school board after the regular election; and in any other year, at the first meeting of a school board in September.
- 10.2. If the Secretary-Treasurer is absent when an election is to be held the Trustees must select from among themselves a Trustee to conduct the election, and the Trustee selected is entitled to vote in the election.
The Secretary-Treasurer is responsible for conducting the election and shall appoint two scrutineers.
- 10.3. The Secretary-Treasurer shall ask all trustees present if anyone is not willing to let their name stand for the position of Chair and Vice-Chair, prior to casting of ballots.
- 10.4. The Chair shall be elected first, followed by the Vice-Chair.
- 10.5. The positions shall be determined by a simple majority (50% plus 1)
- 10.6. The vote shall be by secret ballot. No abstentions are permitted. A spoiled ballot will be considered an abstention and a re-vote will take place.
- 10.7. If a clear majority has not been determined after the first ballot, the name(s) with the lowest number of votes shall be dropped from the next ballot.
- 10.8. If there are multiple names tied for the lowest they will all be dropped unless the total of these votes is a majority. In this event, another vote will be held among those tied. The name with the greatest number of votes will be moved forward to the next ballot.
- 10.9. In the event of a three-way tie or a four-way tie for first place on the initial ballot, trustees will be asked to vote for their top two choices. The two names with the greatest total number of votes will be moved forward to the next ballot. If there is still a tie, the names of all trustees present shall be placed in a hat. One name shall be drawn out and that trustee will not vote in the next ballot.
- 10.10. If there is an even number of trustees present and the last ballot ends in a tie, the names of all trustees present shall be placed in a hat. One name shall be drawn and that trustee will not vote in the final ballot.

11. Time of Meetings

- 11.1. The date of regular meetings in July, August and December shall be published in the divisional calendar, once approved by the Board.

12. Regular Board Meeting Procedures

- 12.1. The Chairperson is the official spokesperson of the Board, signs all legal documents on behalf of the Board, and chairs the meetings of the Board unless otherwise arranged. At special meetings of the Board, the Chairperson may delegate the chairmanship of the meeting to the Vice-Chairperson.

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| Policy: | Board Operations & Procedural By-Laws | Adopted: | June 2, 2015 | Reviewed: | October 18, 2016 | Page 2 of 6 |
|---------|---------------------------------------|----------|--------------|-----------|------------------|-------------|

- 12.2. The Board Chair shall preside at meetings of the board of trustees and may vote with the other members on all questions. Questions on which there is an equality of votes shall be deemed to be defeated.
- 12.3. Vice-Chair shall preside in the absence of the Chair - When the chair is absent from a duly called and regularly held or special meeting of the Board of Trustees, the vice-chair shall preside and while so presiding, he/she has all the powers of the chair.
- 12.4. In the absence of the Chair and Vice-Chair, the Chair of Finance will preside over meetings of the Board.
- 12.5. The Chair shall call all meetings to commence on time.
- 12.6. The Chairperson shall maintain order and preserve decorum, and may, if necessary, call a Trustee or another member of the Board to order and if necessary, to cause that person to be removed.
- 12.7. The Chair shall determine:
 - the order in which Trustees may speak;
 - that all Trustees that wish to, have spoken to a motion, and when the Trustees are ready to vote, shall call the vote.
- 12.8. A proposed agenda is presented at the beginning of each regularly scheduled Board meetings, which shall take place on the first and third Tuesday of each month, except July, August and December.
- 12.9. The agenda reflects the business the Board must monitor, attend to and pursue in its governance role.
- 12.10. The meeting format respects Roberts Rules of Order.
- 12.11. Regular Board meetings should not normally be convened without the Superintendent and Secretary-Treasurer present.

13. In-Camera Meetings

- 13.1. According to the Public Schools Act of Manitoba, all School Board meetings are held openly and no one is excluded or removed from those meetings except for improper conduct.
- 13.2. It is appropriate for the Board to meet behind closed doors when the Board must deal confidential and/or with sensitive matters such as:
 - negotiations,
 - personnel matters,
 - litigation,
 - student files,
 - land acquisitions/disposal,
 - security and discipline matters.

14. Call to Order

- 14.1. The Chair shall call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present. If a quorum is not present, within thirty minutes of the time the meeting was slated to begin, the meeting shall be adjourned and the chair shall decide on a future date. A quorum is a majority of the whole board; no business can be legally transacted without a quorum being present.



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- 14.2. Every member, previous to speaking shall address himself to the chair and confine himself to the question under debate.
- 14.3. No member shall speak on any question after the chair has called a vote on the question.
- 14.4. Notice shall be given of all motions introducing new matters, at a meeting previous to that in which it comes up for discussion, unless the rule is dispensed with by the unanimous vote of the members present. A member, in giving notice of motion, may or if requested by another member shall, explain briefly the purpose of his motion but without argument or debate and shall confine his explanation to a maximum of three minutes.
- 14.5. Only one amendment shall be allowed to an amendment, and a motion by way of amendment must be directly relevant to the main motion.
- 14.6. No question once decided shall be reversed without notice from at least one meeting to another. No question shall be reversed without a two-third majority voting for the reversal.
- 14.7. Every member of the board present when a question is put, shall vote thereon, unless he/she asks to be excused and a majority of the board then present excuse him/her.
- 14.8. When a member requests a recorded vote, the Secretary-Treasurer shall record the name and vote of every member voting on any matter or question. The request for a recorded vote has to be made prior to voting on the motion.
- 14.9. It shall be the duty of the Chair at all times to preserve order and to endeavour to conduct all business before the board with propriety and dispatch.

15. Board Committees and Special Meetings

- 15.1. The school board may hold a meeting at any time and any place to deal with an emergency situation if all the trustees consent thereto and are present thereat.
- 15.2. Notice of all school board meetings, regular and special, shall be given by the Secretary-Treasurer to all trustees so that the notice will be received at every trustee's designated address at least 24 hours before the meeting, by notifying each of them personally or in writing, stating the place, date and hour of the meeting.
- 15.3. Special meetings are not usually convened without the Superintendent and Secretary-Treasurer present.
- 15.4. Board Committees assist the Board to do its work; they do not assist or advise staff and shall request information through the Superintendent.
- 15.5. The Board may establish standing Committees and/or Ad Hoc Committees for a specified purpose. In keeping with the broad focus of the Board, Board committees will not normally have direct dealings with staff operations.
- 15.6. It shall be the duty of the Chair to appoint committees. The number of trustees on any committee shall be fewer than a quorum of the board. It shall be the prerogative of the chair to appoint as many committees as he deems necessary. The chair is an ex-officio member of all committees. He may attend all meetings and contribute to debate and also has the right to vote along with the other committee members. At least one staff officer shall be assigned to each committee to provide background, do research and record the minutes.
- 15.7. Committee meetings are held on the second board meeting of the month.



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Code:

BD

16. Procedures for Delegations Wishing to Appear Before the Board

- 16.1. Any resident of the division can make a presentation to the Board on a Divisional issue provided:
 - All normal dispute resolution procedures or formal channels have been exhausted.
 - Written or electronic notification is received by either the Superintendent or Secretary Treasurer by Thursday at noon of the week prior to the board meeting at which the presenter(s) wish to appear.
 - An outline of the topic and content is received either at the board office or electronically by Thursday at noon of the week prior to the board meeting at which the presenter(s) wish to appear.
- 16.2. The presentation would occur immediately following the official opening of the meeting with the exception of personnel or contract issues in which case it would be deferred to the Committee of the Whole In-Camera Meeting.
- 16.3. One spokesperson shall be identified for the group presenting.
- 16.4. The maximum time allotted per presentation is 10 minutes.
- 16.5. No decision will be made at the meeting where the presentation occurs. It will be carried forward to the next official meeting.
- 16.6. If a copy of the full presentation has not been received prior to the meeting, the board requests that the presenters provide a copy to the board once the presentation is complete.
- 16.7. Presentations from a person or group from outside of the division may be heard at the discretion of the board.

17. Other

- 17.1. Motions to accept recommendations of committees shall be moved by the respective chair of the committee presenting the report.
- 17.2. All regular meetings beginning at 7:30 p.m. shall be adjourned at or before 10:00 p.m., except by unanimous decision of the board to suspend the rules.
- 17.3. Any trustee who has made a motion, shall have the liberty to withdraw it, with the consent of the seconder, before any debate has taken place thereon, but not after debate is had, without leave being granted by the board.
- 17.4. Motions may be dealt with in the following manner:
 - Voted on immediately when the question is called.
 - Postponed to a specific date.
 - Tabled indefinitely.
 - The last two would have to be decided by majority decision of the board.
- 17.5. A mover or seconder of any motion may still vote against the motion.
- 17.6. No member shall leave the board meeting before the close of the sessions without permission of the chair.
- 17.7. Only after there is a mover and seconder shall a motion be discussed.
- 17.8. A trustee may appeal the decision of the chair and a vote has to be taken. There is no debate; the vote is taken; the meeting continues. The chair may without injury to his position, accept the decision if such is negative and carry on.



Board Operations and Procedural By-Laws

Section B:

Board Governance and Operation

Code:

BD

Legal References: Manitoba Public Schools Act / Sections 21.50 through section 35 of the PSA

Additional Information:

Appendix

| | | | | | | |
|---------|---------------------------------------|----------|--------------|-----------|------------------|-------------|
| Policy: | Board Operations & Procedural By-Laws | Adopted: | June 2, 2015 | Reviewed: | October 18, 2016 | Page 6 of 6 |
|---------|---------------------------------------|----------|--------------|-----------|------------------|-------------|



Trustee Remuneration, Expenses and Resources

Section B: School Board Governance & Operations **Code:** BE

POLICY

The Hanover School Division Board of Trustees, in accordance with the provisions of the Public Schools Act and by By-Law, are entitled to receive an annual indemnity, as well as, expenses for attending Board sanctioned meetings and/or events. Trustees shall also be provided with the required resources to effectively assist them in carrying out their duties as a trustee during their term(s) in office.

GUIDELINES

1. Trustees shall receive an annual indemnity.
2. The trustee indemnity shall be reviewed annually and shall be increased by the Consumer Price Index (CPI) for Winnipeg for the previous calendar year.
3. The Board will authorize the reimbursement of Trustee expenses as provided in the Public Schools Act (PSA) and which are consistent with the provisions described in administrative procedure FM-17 Trustee Remuneration, Expenses and Resources.
4. The Board may include funds in the annual budget to cover Trustee professional development, attendance at provincial, national and international seminars, conferences, or workshops related to education.

Legal References: Manitoba Public School Act

Additional Information: See Administrative Procedure FM-17 Trustee Remunerations, Expenses and Resources

Appendixes:

| | | | | | | |
|----------------|---|-----------------|---------------------|-----------------|--|--------------------|
| Policy: | Trustee Remuneration, Expenses & Resources | Adopted: | June 2, 2015 | Revised: | | Page 1 of 1 |
|----------------|---|-----------------|---------------------|-----------------|--|--------------------|

POLICY

In accordance with the Manitoba Public Schools Act (PSA) 35.1 (1), the Hanover School Division Board expects all trustees to adhere to the highest ethical standards and conduct all duties of a trustee in a fair, respectful and impartial manner. Trustees are required to:

1. Serve Hanover School Division to the best of their abilities, acting with integrity, being accountable for their actions and decisions, devoting time, thought and study to the duties of a trustee.
2. Respect the authority vested in the role of the Superintendent of Schools and his/her senior staff and shall give the responsibility to manage and operationalize policies and directions, which have been established and evaluated by the Board, to its executive officers.
3. Trustees shall treat colleagues, divisional and school staff, students and community members in a respectful and courteous manner. If a concern is brought to the attention of a trustee, the trustee should ensure that it is dealt with through the proper channels of staff communications. The order of communication being: teacher, principal, superintendent, Board Chair and the Board.
4. Become informed about current educational topics and trends through individual study, participation in programs sponsored by local or provincial affiliations and attending and participating in educational conferences and/or workshops.
5. Work with fellow trustees in a spirit of harmony and cooperation, being respectful of differences of opinion that may arise in committee and Board debates and discussions.
6. Observe proper decorum and encourage full, open, and courteous discussions in all matters with other trustees, taking no action that could compromise the integrity or authority of the Board.
7. Express any contrary opinions in a professional, respectful, and honest manner, encouraging the free expression of opinion by all trustees, while at the same time respecting formal decisions and resolutions of the Board.

Conflict of Interest

1. Once a trustee becomes aware that he or she is in a position that creates a conflict of interest or a perceived conflict of interest, he or she will declare the nature and extent of the conflict. When the conflict has been disclosed, the trustee involved must abstain from deliberating or voting on the issue, giving rise to the conflict.
2. Trustees shall not accept a pecuniary benefit or gift from any person, group or vendor having an association with the Board and shall disclose, to the board, all gifts that have been offered.
3. Trustees shall not use the school(s) or the school division's property and/or resources for personal advantage or for the advantage of family and friends. It is the ethical and legal duty of each trustee to avoid conflict of interest in all trusteeship responsibilities.

Confidentiality

1. Trustees must respect the strict confidentiality of all personal or confidential information obtained in his or her capacity as a trustee.

2. Trustees shall take no action that might compromise in any way the Board, the Division or any of its employees or students.
3. Trustees will ensure that:
 - 3.1. The substance of information obtained during *in camera* meetings is not shared;
 - 3.2. Material distributed during *in camera* meetings is returned to the divisional administration as deemed necessary by the Freedom of Information and Personal Privacy and Personal Health Information Acts;
 - 3.3. All information related to divisional personnel matters remains at the site of *in camera* meetings, unless otherwise advised by the divisional administration;

Enforcement of the Trustee Code of Conduct

1. A trustee must uphold the commitments articulated in the Hanover School Division's Trustee Code of Conduct and address any violation(s) at a closed meeting of the Board following the guidelines represented in Appendix A - Addressing a Breach of the Trustee Code of Conduct.
2. If a school board determines that a trustee has breached the code of conduct that applies to the trustee, the board may impose one or more of the following sanctions:
 - 2.1. Censuring the trustee.
 - 2.2. Barring the trustee from attending all or part of a meeting of the school board or a committee of the school board.
 - 2.3. Suspending the trustee from the school board, including suspending all the trustee's rights, duties and privileges as a member of the school board, for up to three months.
3. A motion to sanction a trustee is subject to the following rules:
 - 3.1. The motion may be debated at a board meeting that is closed to the public, but must be voted on in a public meeting.
 - 3.2. To be approved, a motion to impose a sanction requires an affirmative vote of 2/3 of all the members of the Board.
 - 3.3. The Board may specify that the annual indemnity payable to a trustee may be reduced as a result of being sanctioned.
4. A trustee may appeal a sanction to a single adjudicator appointed by the Minister of Education and Advanced Learning. A trustee who wishes to appeal a sanction must first provide written notice to the Minister of Education and Advanced Learning within 10 days of the date the sanction was imposed.
5. The costs of adjudication are to be paid by the school division. If authorized by the adjudicator the school division may recover some or all of the costs from the trustee that was sanctioned.

Legal References: Manitoba Public Schools Act

Additional Information:

Appendices: Appendix A – Addressing a Breach of the Trustee Code of Conduct



Traffic Control Device: **Signs**

Division: **Private**

Subject: **Election Posters**

Page **1** of **1**

Purpose

Election posters or election signs located on the highway right-of-way are cause for few real concerns. However, when erected close to a traffic control device or when they obstruct motorists' vision, they can affect safe traffic operations.

Policy

Election posters or election signs will be permitted on the highway right-of-way provided that:

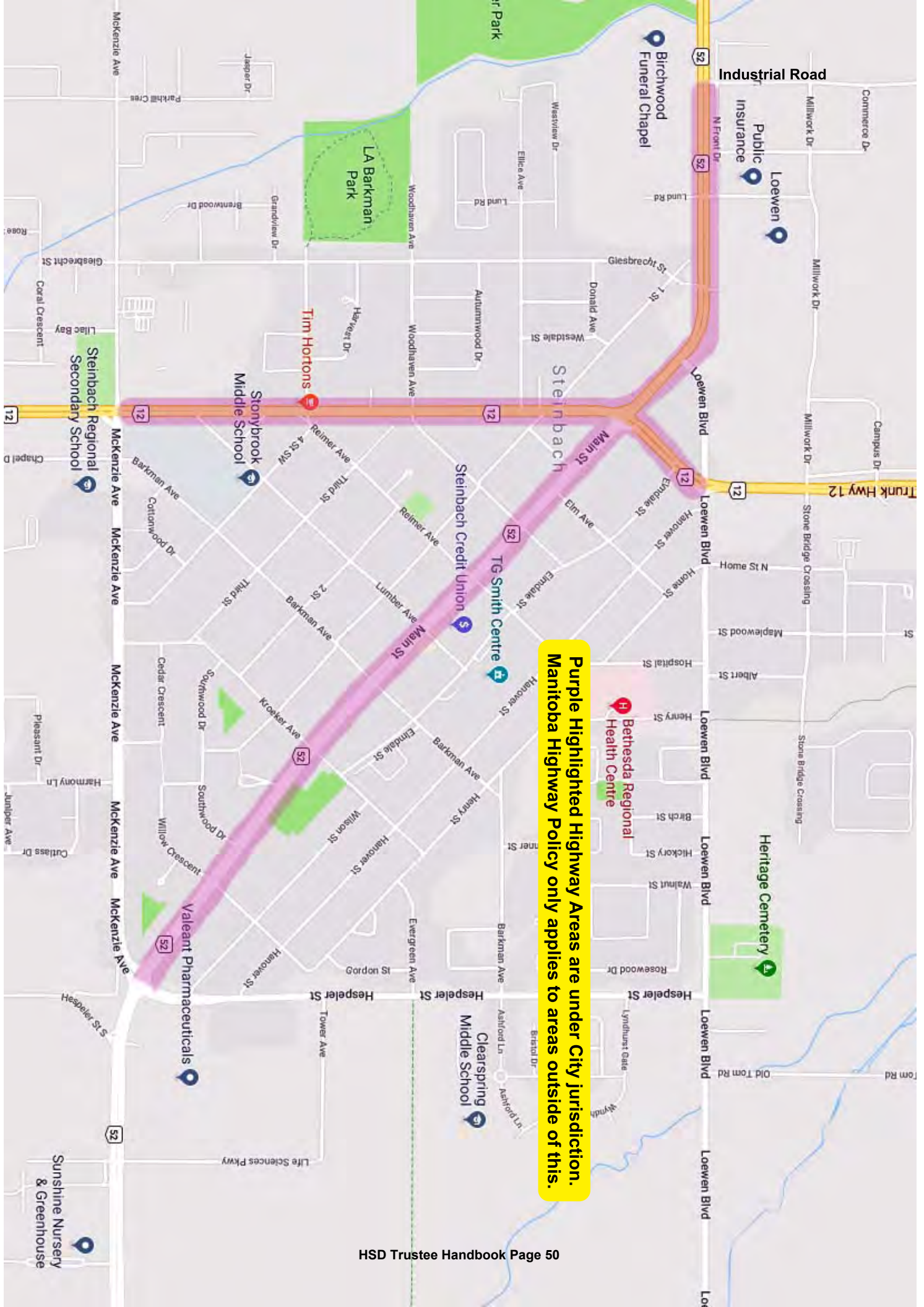
- they do not create an obvious hazard such as obstructing the vision of traffic leaving or entering the highway
- they are not installed within 25 m of any traffic sign or signal
- they are not installed in the median of a divided highway
- they are not installed closer than 1 m to the shoulder line. (Larger signs should be installed further away from the roadway.)
- they are **not** installed on Department traffic control devices (sign posts, etc.)

In the event that election posters or election signs are found to be in contravention of these guidelines, or that they are not removed within seven days of the election, the office of the local political candidate will be asked to relocate or remove them.

In the event that offending posters or signs are not removed within 48 hours, they may be removed according to Section 8(5) of the Highways and Transportation Department Act. At the direction of the Regional Maintenance Engineer/Manager, they may be stored for seven days at the local maintenance yard, following which time they may be disposed of or destroyed.

RECOMMENDED: ORIGINAL SIGNED BY
Director, Traffic Engineering

APPROVED: ORIGINAL SIGNED BY
Assistant Deputy Minister
Engineering & Technical Services



Purple Highlighted Highway Areas are under City Jurisdiction.
Manitoba Highway Policy only applies to areas outside of this.

FORM 13

[Subsection 42(1)]

CANDIDATE NOMINATION
(School Trustee of Hanover School Division)

I, _____ seek to be nominated to the office of **School Trustee**
(surname and usual name of candidate)

for **Hanover School Division** in Ward _____.
(Ward 1 West, Ward 2 North, Ward 3 Steinbach, Ward 4 South)

**** Note: Please print clearly.**

Your name will appear on the ballot as it is written on the nomination form.

Phone number: _____

Mobile number: _____

Address / description of land that qualifies the candidate to be nominated:

Mailing address (if different): _____

Email address: _____

NAME, ADDRESS / LOCATION, AND SIGNATURE OF QUALIFIED VOTERS:

Only eligible voters that appear on the Hanover School Division voters list in the ward which you are seeking office can support the nomination.

| Full Name (Print) | Physical Address (Print - DO NOT USE BOX #) | Signature (Sign) |
|--|---|------------------|
| 1. | | |
| 2. | | |
| 3. | | |
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| 7. | | |
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| 20. | | |
| 21. | | |
| 22. | | |
| 23. | | |
| 24. | | |
| 25. | | |
| Although only 25 signature are required we recommend securing several more to ensure that 25 will be on our voters list. | | |
| 26. | | |
| 27. | | |
| 28. | | |
| 29. | | |
| 30. | | |
| 31. | | |
| 32. | | |
| 33. | | |
| 34. | | |

FORM 14

[Subsection 42(1)]

DECLARATION OF CANDIDATE
(School Trustee of Hanover School Division)

I, _____ a candidate nominated for the office of **School Trustee**
(name of candidate)

for Ward _____ for Hanover School Division at this election, do solemnly declare:

1. That I am a Canadian citizen and will be the full age of eighteen years at the date of the election.
2. That I am a resident in the school division, and will have been for a period of at least six months at the date of the election.
3. That my place of residence is:

(Here give exact address or description of place of residence, including name of school division, etc. in which the nominee resides).

4. That I am not disqualified from holding office under The Municipal Councils and School Boards Elections Act or any other Act of the Legislature, and am not otherwise by law prohibited, from being a trustee or from voting at election in the school division or school district.

And I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of The Manitoba Evidence Act.

Declared before me at the Office)
of Hanover School Division)
in the Province of Manitoba,)
this _____ day of September 2018)

(Senior Election Official)

(Signature of candidate)

This form is a sample only and will be completed in person when submitting your Nomination Form 13.

FORM 15

Subsection [46(1)]

OFFICIAL AGENT APPOINTMENT FORM

Hanover School Division

I, _____, candidate for the 2022 school trustee election appoint
(candidate's name)

_____ to act on my behalf.
(name of the official agent – surname, first name)

Official agent's address: _____

Official agent's phone number: _____

Official agent's email address: _____

I, _____ consent to the appointment of official agent.
(name of official agent)

Signature of candidate

Signature of official agent

This form must be presented to the SEO of the local authority either in person or by email during regular office hours.

Scott Bestvater
Senior Election Official

Hanover School Division
5 Chrysler Gate, Steinbach, MB
Phone 204-326-6471
Fax 204-326-9901

FORM 16

[Section 71(1)]

SCRUTINEER APPOINTMENT FORM

Hanover School Division

I, _____, candidate for the 2022 school trustee election, appoint
(candidate's name)

_____, as **scrutineer**
(name of scrutineer)

to attend on my behalf at the voting stations in the local authority.

Signature of Candidate

FORM 17

[Subsection 71(1)]

OATH OF SCRUTINEER

Hanover School Division

I, _____ of _____,
(full name) (address)

in the Province of Manitoba, make oath and say: (or do solemnly affirm):

1. That I am a person duly appointed to act as scrutineer during the present election.
2. That I will uphold a voter's right to vote in secret.
3. That I will not interfere with a person marking a ballot.
4. That I will not attempt to discover how a person voted.
5. That I will not communicate information about how another person voted.
6. That I will not induce a person, directly or indirectly, to reveal how he/she voted.

Sworn (or affirmed) before me at the office)
of Hanover School Division)
in the Province of Manitoba,)
this _____ day of _____, 2022)

(Senior Election Official)

(Signature of person taking oath)

Scrutineer for:

(Candidate's name)

FORM 18

INFORMATION SHEET FOR SCRUTINEERS

The role of the scrutineer is to assist the candidate in tracking the progress of the vote, to have a role in ensuring that only those who are on the voters' list or who are otherwise entitled to vote cast their ballots, and to observe whether the count is conducted in accordance with legislative requirements.

While a candidate may have a number of people supporting his campaign, the number of scrutineers who may be present at the voting station is limited to two.

Scrutineer Appointment

The candidate must appoint each scrutineer in a form approved by the senior election official. The scrutineer should bring a copy of the appointment letter to the voting place and hand it to the voting official, as well as keeping a copy at all times. Scrutineers are entitled to be present in the voting place during regular hours, fifteen minutes before the voting place opens, and after the voting place closes until the counting of the vote is completed.

Every scrutineer must take an oath before the opening of the voting place (including advance opportunities) that underscores their commitment to the rights of voters and the secrecy of the vote. The senior election official should be contacted to make these arrangements.

Candidate as Scrutineer

In addition to the other appointments mentioned above, a candidate is also entitled to act as his/her own scrutineer. The only difference in the role of candidate scrutineer and regular scrutineer is that a candidate may not observe the marking of a ballot by a voter who has requested assistance.

Partisan Materials/Activity

On election day, no one is allowed to wear or display anything that identifies them as a supporter of one particular candidate with one exception – scrutineers may wear a badge or ribbon that indicates **(by colour only)** the candidate for whom the person is a scrutineer. It is important to note that even in this instance, the badge or ribbon may not indicate the name (or even initials) of the election candidate.

While the candidate is permitted to act as a scrutineer, it is important that the role be confined only to this function. Electioneering by greeting voters at the door, socializing in the poll or passing out campaign material is inappropriate and may be considered an election offence under The Municipal Councils and School Boards Elections Act.

Question of Qualification

A question of voter qualification may be raised in two ways:

- 1) the senior election official may ask for photo identification of any voter that attends the voting place;
- 2) a scrutineer may challenge the qualifications of any voter, after which the voter must take an oath swearing that he/she is a qualified voter.

Scrutineers should be selective in requesting that the voting official demand the taking of an oath from a voter and limit such requests only to circumstances where the eligibility of the voter is legitimately in question. To do otherwise is to undermine the credibility of the election process and will result in unnecessary delays at the voting place.

If a scrutineer wishes to have a voter take the oath, the request must be made **prior** to the person receiving a ballot. It is too late to make the request once the ballot is in the hands of the voter, or the ballot has already been cast.

At the Voting Place

If your candidate has asked that you spend the entire day at the voting place, including the count, you'll want to be prepared. Make arrangements for your own coffee and meals, paper, pens and any other material (including a list of voters) required to prepare the information that the candidate has asked you to provide. If you are using a cell phone to speak with the candidate, ensure that this is done discreetly so as not to distract voters or the work of election officials.

The candidate may want to know who has attended the voting place, so that those who have not voted can be contacted as to their intentions. The scrutineers should be keeping track of this on their own and not expect that the voting official will allow access to the voting record at any time during election day. If the voting place is quiet, the voting official may allow a scrutineer to review the voting record where it would not interrupt election day activity.

The Count

In many cases, the candidate is not as concerned about having a scrutineer at the voting place for the entire proceeding as they are about having someone in attendance for the count. Remember to get to the voting place before 8:00 p.m. to ensure that the doors are not locked. Once the voting place is closed for voting, it will not be reopened until completion of the ballot counting.

Voting officials will do everything possible to ensure that a ballot can be legitimately counted. **Ballots that are marked with an X, a cross, a circle, in pen or in pencil and which clearly indicate the candidate for whom the person has intended to vote will be counted.** Ballots that have marks for more candidates than there are offices to be filled will be rejected and will not be counted. Ballots that do not show clearly for whom the vote has been made (a mark between or on the line which separates candidate names) and ballots that have not been marked will also be rejected. Ballots that have word art or dialogue written on them may also be rejected and not counted.

If a candidate or scrutineer objects to the counting (or the spoiling) of a ballot paper, the voting official should be advised. The voting official has authority to make a decision to either accept or reject a ballot – this decision is **final**.

After the preliminary count is done, a statement of the vote outlining the number of votes for each candidate is completed. The voting official presents this to the senior election official, who then declares the official results. Any candidate or scrutineer may sign the statement.

If it appears that the candidates have received an equal number of votes, the senior election official must immediately proceed to a by-election. However, if an objection is made to the voting official's decision to accept or reject a ballot, the senior election official must apply to the court for a judicial recount.

FORM 19

[Subsection 47(1)]

CANDIDATE WITHDRAWAL

I, _____ a candidate nominated for the office of School Trustee
(name of candidate)

for Hanover School Division, wish to withdraw my nomination.

Important note: A candidate may withdraw up until 24 hours after the close of nominations.
The deadline for withdrawal is September 21, 2022.

(Signature of Witness)

(Signature of candidate)