

BYLAW NO. 011/2024

A BYLAW OF  
THE BOARD OF TRUSTEES OF ELK ISLAND PUBLIC SCHOOLS  
REQUIRING CRIMINAL RECORD CHECKS FOR TRUSTEE NOMINATIONS

WHEREAS the Board of Trustees of Elk Island Public Schools (the "Division") is a local jurisdiction for the purposes of the *Local Authorities Election Act*, RSA 2000, c. L-21 ("*Local Authorities Election Act*") established under the *Education Act*, SA 2012, c. E-0.3 ("*Education Act*");

AND WHEREAS the Division is governed by a Board of Trustees (the "Board") which is a corporate body established pursuant to the *Education Act*;

AND WHEREAS on December 5, 2024, the Board approved Bylaw No. 010/2024, by which it established the rules and procedures for the conduct of school trustee elections;

AND WHEREAS the Board has appointed its Returning Officer and Substitute Returning Officer who will be responsible for the conduct of the election of Board trustees ("*Trustee Elections*");

AND WHEREAS section 21.1 of the *Local Authorities Election Act* allows an elected authority to, by bylaw passed prior to December 31 of the year before a year in which a general election is to be held, require a person seeking to be nominated as a candidate to provide a criminal record check;

AND WHEREAS section 28 of the *Local Authorities Election Act* provides that

- a. a returning officer shall not accept for filing a nomination that is not accompanied with a criminal record check required by bylaw,
- b. at any time after the commencement of the nomination period until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy, or secretary, and
- c. a filed nomination paper must be made available in a partial or redacted form as necessary, but the results of the criminal record check must not be withheld or redacted except to ensure that the mailing address of the candidate and of the candidate's official agent is not disclosed;

NOW THEREFORE, the Board of Trustees of Elk Island Public Schools, duly assembled, enacts the following:

1. DEFINITIONS

1.1 THAT, unless otherwise specified, words in this bylaw are defined in the same manner as they are defined in the *Local Authorities Election Act*.

1.2 THAT in this bylaw:

a. "criminal record check" means a name-based criminal record check conducted by an authorized police force.

2. SCOPE

2.1 THAT this bylaw applies to the conduct of Board general elections and by-elections conducted for the Division.

3. CRIMINAL RECORD CHECK

3.1 THAT every nomination of a candidate for the office of trustee must be accompanied with a criminal record check issued no earlier than 12 months prior to the date of the election to which the nomination pertains.

4. EFFECTIVE DATE

4.1 THAT this bylaw comes into force upon approval of third and final reading.

READ A FIRST TIME this 19<sup>th</sup> day of December, 2024.

READ A SECOND TIME this 19<sup>th</sup> day of December, 2024.

READ A THIRD and FINAL TIME this 19<sup>th</sup> day of December, 2024.



Board Chair



Secretary-Treasurer