




Eligibility to Vote in School Board and School Council Elections	
DM Approval: 	Effective Date: February 1, 2018

GENERAL INFORMATION

The *Education Act* requires that public elections be held for Yukon School Boards and Councils within a prescribed timeframe. The Act establishes the eligibility requirements to vote in these elections. Elections are overseen and administered by the Chief Electoral Officer from Elections Yukon.

PURPOSE

The purpose of this policy is to clarify a person's eligibility to vote in School Board and School Council elections as established by the *Education Act*.

DEFINITIONS

'Elector' mean a person who has the right to vote in an election for the Yukon School Board or Council.

'Polling day' means the day on which people vote in an election for a Yukon School Board or Council.

POLICY STATEMENT

Qualifications of Electors

In order to be eligible to vote in a Yukon School Board or School Council election, as of polling day an elector must:

1. Be a Canadian citizen;
2. Have reached the age of 18; and
3. Be qualified to vote on the basis of either attendance or residency.

Attendance

A parent may vote in an election for the School Board or Council that is responsible for the school that their child attends.

Residency

A person may vote in a School Board or School Council election if they have been a resident in the education area of the School Board or the attendance area of the School Council for three months. Education areas for School Boards are established under s. 59 of the *Education Act*, and attendance areas are established under s. 58 of the Act. Under s. 62 of the Act, the Minister shall designate the category of residents for whom the education area or attendance area is established (which may be based on geographic, language or religious criteria).

For the election of School Councils established on the basis of religion, electors voting on the basis of residency must be recognized by the Catholic Episcopal Corporation. In accordance with the *Separate School Regulation*, a person with a substantive interest in Catholic education in Yukon, who is not otherwise resident in the attendance area, may be deemed resident by the Catholic Episcopal Corporation upon notice to the Chief Electoral Officer.

For the election of School Boards established on the basis of French first language, electors voting on the basis of residency must possess minority language education rights referred to in section 23 of the *Canadian Charter of Rights and Freedoms*.

Right to vote in the election of more than one School Council

For the election of School Councils, the only circumstance in which an elector may vote in the election of more than one School Council is when they have children attending more than one school. In that case, the parent may vote in the election of the School Council for each of the schools their children are attending.

Electors do not have the right to vote in the election of more than one School Council on election day on the basis of both their child's attendance at a school and their residence in the attendance area of another school. If a parent has a child attending a school, but the parent lives in a different attendance area, they must choose to vote in the election of either for the School Council of the school where their child attends or for the School Council in their attendance area (residency), but not both.

Example: A parent has a child who attends Takhini Elementary School. The parent is recognized by the Catholic Episcopal Corporation and wishes to vote in the election for Holy Family Elementary School Council on the basis of residency. The parent must choose to vote either for the Takhini Elementary School Council or the Holy Family School Council, not both.

School Board elections

Elections to School Boards are separate elections from those of School Councils, held at different times of the year and at different intervals.

An elector cannot vote more than once in the election of a School Board. Electors must choose to vote either on the basis of attendance or on the basis of residency, as defined by the *Education Act* and this policy.

Eligibility of Candidates

Candidate eligibility flows from eligibility as an elector. A person may file a nomination paper only in a School Board or School Council election in which he or she is an eligible elector.

Persons not Qualified to Vote

The Chief Electoral Officer and the Assistant Chief Electoral Officer are not qualified to vote in an election for School Boards or Councils.

ROLES AND RESPONSIBILITIES

The Chief Electoral Officer is responsible for administering and overseeing Yukon School Board and School Council elections. The Chief Electoral Officer determines the eligibility of voters in Yukon elections on the basis of the *Education Act* and this policy.

The Department of Education is responsible for providing advice and assistance regarding provisions under the *Education Act* and this policy.

APPLICATION

This policy applies to all electors for elections of Yukon School Boards and Councils.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective February 1, 2018.

LEGISLATIVE AND POLICY REFERENCES

Education Act sections 57-59, 62, 82-83

Education Act, Separate School Regulation

Canadian Charter of Rights and Freedoms section 23