

School Board Elections Fact Sheet

Changes to the Local Authorities Election Act (LAEA) 2024

Changes to the LAEA are intended to improve transparency and public confidence in local elections, including school board elections.

Below is a summary of frequently asked questions to the changes to the LAEA in the *Municipal Affairs Statutes Amendment Act, 2024* that impact school boards and candidates for school board trustee.

The intent of this document is to provide guidance on the legislative changes and does not constitute legal advice. Please consult with your legal advisors if you are seeking further legal advice.

Election Postponement s.6.1

[What provisions are in place in the event of an emergency or disaster that impacts the conducting of an election?](#)

The Minister may extend or adjourn voting or take any action considered appropriate if an event has a significant effect on the conduct of the election.

Returning Officer and Substitute

Returning Officer Eligibility s.13(3)(b)

[Are there any changes to appointing an RO/SRO since the last election?](#)

The LAEA prohibits a school board candidate's spouse, adult interdependent partner, child, parent, or sibling from being an RO or SRO in the same school authority as the candidate.

Candidate Criminal Record Checks s.21.1

[What is the process to require candidates to provide a criminal record check?](#)

This provision allows school boards to pass a bylaw requiring candidates seeking to be nominated to provide a criminal record check as part of their nomination package for an upcoming election. NOTE – the bylaw must be passed by December 31 in the year prior to an election year.

Candidate Eligibility Changes: Office of the Ombudsman s. 22(1.11)

[Are there any amendments to the eligibility requirements for school board trustee candidates?](#)

(See references to s.23.1 and s.147.23 for other candidate eligibility amendments)

An individual employed by the Office of the Ombudsman is ineligible to be a school board trustee candidate unless they take a leave of absence.

Candidate Eligibility Changes: Criminal Offences s.23.1

[Are there any amendments to the eligibility requirements for school board trustee candidates? \(See references to s.22\(1.11\) and s.147.23 for other candidate eligibility amendments\)](#)

The amendments clarify when a candidate convicted of a criminal offence is disqualified and becomes ineligible to continue as a candidate in an election.

Nomination Deposits s.30.1

[Can we still accept cash, certified cheque, or money order as a deposit?](#)

Nomination deposits can now also be accepted by e-transfer, debit card or credit card.

Withdrawal of Nomination s.32(2)

[When can a person nominated as a candidate withdraw?](#)

A nominated person can withdraw any time during the nomination period. If more than the required number of candidates are nominated for any office, any person nominated as a candidate for the office may withdraw within 24 hours after the close of the nomination period.

Voting Hours s.46(4)

[Are there any changes to the voting hours?](#)

Amendments clarify that an elector in line to enter the voting station when a voting station closes and who wishes to vote must be permitted to vote.

Municipal Permanent Electors Register (PER) s.49

[Are school boards required to use a Permanent Electors Register when conducting an election?](#)

School board elections only require access to a municipality's Permanent Electors Register (PER) in the following situations:

- 1) To verify electors if the school board decides to offer special ballots.
- 2) For electors who are vouching for another elector at the polling station.

Bylaws for Voter Identification Requirements s.53.011 Repealed

[Can boards continue to rely on a previous bylaw passed for voter identification requirements?](#)

Bylaws previously made by a school board under this authority are void.

Vouching s.53(1) and s.53(4)

[Can a municipality share the PER with a school board when a board conducts an election or by-election that is not administered by a municipality?](#)

When vouching for the person's residence, the person must be listed on the municipality's PER. School boards will be required to coordinate with the relevant municipality to access their PER.

Voter Identification s.53(1)(a)

[Is voter identification no longer required for school board elections with the repeal of s. 53.1 and s. 54?](#)

Every person is required to produce one piece of government issued identification that contains a photograph of the person. Or the person makes a statement in the presence of an officer at the voting station in the prescribed form.

Candidate's Scrutineer s.69(5.1)

[What has changed regarding the duties of a scrutineer?](#)

Scrutineers may perform the duties of a scrutineer at more than one voting station.

Application for Special Ballot s.77.1

[What has changed when providing special ballots prior to nomination day? \(see s. 49 on the use of a PER for special ballots\)](#)

If a school board decides by bylaw to offer special ballots, an elector that applies to vote via special ballot must be on the PER to receive a ballot.

When a board provides for special ballots when conducting its own election or by-election, the board is required in advance to work with the relevant municipality to process special ballot applications. This

will require confirming that individuals are on the relevant municipality's PER.

Tabulators in Local Elections s.84

[What equipment can an authority use when counting the votes?](#)

School boards are prohibited from using voting equipment such as voting machines, vote recorders, automated voting systems or tabulators.

Notice of Objection s.87

[Can a person object to a person making a statement of eligibility?](#)

The ability to object to a voter has been repealed. A deputy makes note of any objection made using the prescribed form and decides on the question arising from the objection.

Recount Thresholds s.98(1.1)

[When must a recount of valid votes be conducted by the Returning Officer?](#)

If a request by the runner-up candidate for school board trustee is received within 48 hours after the statement of results is announced or posted, the RO must conduct a recount of votes if the votes between the candidate declared elected and the first runner up are within 0.5% of the total number of votes cast for that office.

Campaign Period s.147.1(1)(b)

[Has the definition of campaign period changed?](#)

The definition of campaign period has been expanded to include the entire election cycle. The campaign period now begins January 1 of the year following a general election and ends December 31 immediately following the next general election.

Corporation and Union Donations

s.147.2(3)

[What are the limitations to receiving corporate and union donations?](#)

Corporate and union donations are now permitted but may not exceed \$5,000 in total per election cycle to all candidates running for a public or a separate school division election.

Notice Required for Contributions and Expenses s. 147.22

[Is this a new requirement for candidates?](#)

Individuals intending to run or become nominated for school board trustee cannot accept a contribution or incur a campaign expense unless they have provided written notice to the school board. See [Notice of Intent](#) form for school board elections that school boards can use to collect this information.

Register of Candidates s.147.221

[Are school boards required to maintain a register of candidates that have given notice?](#)

School boards must maintain a register of candidates that have given notice to the local jurisdiction under s.147.22.

Candidate Eligibility Changes: Receiving Anonymous or Unauthorized Contributions s.147.23 and s.22(1.4)

[Are there any amendments to the eligibility requirements for school board trustee candidates? \(See references to s.23.1 and s.22\(1.11\) for other candidate eligibility amendments\).](#)

Candidates who use or expend anonymous or unauthorized contributions are ineligible to be formally nominated.

Expense Limits s.147.34

[Does the Expense Limits Regulation apply to school board trustee elections?](#)

The [Expense Limits Regulation](#) does not apply to school board trustee nominees.

Campaign Disclosure Statements s.147.4

[Are candidates who received contributions in the previous year of a general election required to file a campaign disclosure statement in the prescribed form?](#)

Candidates who have filed an intent to run or have become nominated are required to submit a financial disclosure for the previous calendar year by March 1 if they accepted contributions or incurred expenses in that year.

Campaign Disclosure Statements s.147.4(7)

[What changes have been made regarding campaign disclosure statements?](#)

Candidate campaign disclosure statements must now be made available on the board's website in perpetuity, instead of just the four years after an election.

Campaign Surplus s.147.5 and s.147.53(1)(b)

[Do school board trustee candidates have to provide a disclosure statement when there is a campaign surplus?](#)

Changes to the LAEA clarifies that these requirements also apply to candidates for school board trustee who have filed an intent to run but later withdrew from an election. Within 60 days after filing the disclosure statement, any surplus >1,000 is to be donated to a registered charity until the amount is <\$1,000.

Local Political Parties and Slates of Candidates s.158.3

[How does this change affect school board elections?](#)

The [Local Political Parties and Slates Regulation](#) does not apply to school board trustee elections.

Third Party Advertising and Financial Requirements Part 8 – s.162 to s.188

[How does this change affect school board elections?](#)

Part 8 – Third Party Advertising requirements applies to all local authority elections. Returning officers are required to process registrations and financial disclosures for third party advertisers either for or against candidates. The limit on third party advertising contributions has been reduced to \$5,000.