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CHIEF ELECTORAL OFFICER ORDER 2022/03 (SB)

October 17, 2022

To: All School Board Returning Officers

Info: Hon. Jeanie McLean, Minister of Education
Richard Provan, Director Policy and Planning, Department of Education
Marc Champagne, Executive Director, Commission scolaire francophone du Yukon
Melissa Flynn, Interim Executive Director, First Nation School Board
Lori Choquette, School Council Liaison, Department of Education
Elaine Taylor, Executive Director, Association of Yukon School Councils, Boards and Committees

SUBJECT: ADAPTATION OF THE EDUCATION ACT PROVISION REGARDING POLLING DAY

Under the authority provided to the chief electoral officer in the *Education Act* section 84(2), this directive is to adapt regulation 1995/146 *School Board Elections* section 7.01, issued under the authority of section 93 of the Act, entitled *Hours of Polling*, for the school board and council election period beginning on Monday, October 17 and ending on Monday, November 7 at 8 PM, as follows:

Adaptation: Amend Regulation section 7.01 to add (2) an additional period of voting prior to polling day may be authorized by the chief electoral officer

Description: There are insufficient opportunities for in-person voting with a single period during polling day to vote in person.

Purpose: To provide additional opportunities for in-person voting in polling places by offering an early vote before polling day at schools on Saturday, November 5 from 11AM to 4PM.

This adaptation is to support elector access across the territory with an alternate period to vote in-person at a polling place means to vote by mail-in ballot processes using an internet vote.

Rationale: Traditionally, under one school board and one polling location, there has been a single in-person voting period of five hours on the Monday polling day. Turnout is generally very low.

The 3PM – 8PM period meets statutory requirements. It is aligned with the end of the Monday school day and evening period to offer electors the opportunity to vote when picking up their children and during the supper period. It is not enough as the single short window does not provide elector flexibility or convenience.

Polling places have increased from one to ten locations. Notwithstanding, a single five-hour window does not support sufficient access. Feedback from election stakeholders has supported an additional voting period on the weekend when there is more time flexibility to plan and accommodate time and opportunity to vote.

Unlike territorial elections, there is no provision to allow for an Advance Poll. This additional period to early vote doubles the in-person voting time at schools and offers a new weekend opportunity before lunch and during the afternoon.

Without the adaptation, an elector's right to vote and participate in the school elections could be unduly and unfairly compromised.

Authority: As allowed by section 84(2), this is in consideration of the unusual and unforeseen circumstances related to the expansion of the CSFY board and recent introduction of the FNSB; from a Whitehorse-centric

election to a truly territorial election in scope and scale. There are now 11 schools under board authority of which most are outside Whitehorse.

Max Harvey
Chief Electoral Officer

ADAPTATION TO AMEND THE SCHOOL BOARD ELECTION REGULATION (1995/146)

7.01 Hours of polling

(1) The polling day hours of voting for the election of trustees of a School Board are from 3:00 p.m. to 8:00 p.m.

(2) The chief electoral officer may authorize a poll for early voting for the election of trustees of a School Board prior to polling day from 11:00 a.m. to 4:00 p.m.

ADAPTED EDUCATION ACT PROVISION

No change. Polling hours are governed by regulation.

EDUCATION ACT REFERENCE

Chief electoral officer

84(2) If, during the course of an election, it appears to the chief electoral officer that, because of any mistake, miscalculation, emergency, or unusual or unforeseen circumstances, any of the provisions of this Division do not accord with the exigencies of the situation, the chief electoral officer may, by particular or general instructions, adapt any of the provisions of this Division to the execution of its intent to any degree the chief electoral officer considers necessary to meet the exigencies of the situation.