



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **EDUCATION ACT ELECTION REGULATIONS**

## PLEASE NOTE

This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this regulation, current to October 8, 2022. It is intended for information and reference purposes only.

This document is ***not*** the official version of these regulations. The regulations and the amendments printed in the ***Royal Gazette*** should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the ***Table of Regulations*** on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



**EDUCATION ACT**  
**Chapter E-.02**

**ELECTION REGULATIONS**

Pursuant to subsection 12(2) of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

**1. Definitions**

In these regulations,

- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (b) “**ballot**” means a ballot paper provided to a voter to be marked by the voter and returned to the office of the Chief Electoral Officer;
- (b.1) “**certificate envelope**” means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s marked ballot;
- (c) “**Chief Electoral Officer**” means the Chief Electoral Officer appointed under the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1;
- (d) “**Deputy Chief Electoral Officer**” means the Deputy Chief Electoral Officer appointed under the *Election Act*;
- (d.1) “**election day**” means the third Friday in October, and, in 2022, means a date specified by the Chief Electoral Officer;
- (e) “**election documents**” means the documents or papers directed in these regulations to be delivered to the Chief Electoral Officer;
- (f) “**election officer**” means the Chief Electoral Officer, the Deputy Chief Electoral Officer and any other person appointed by the Chief Electoral Officer to assist in the conduct of an election under these regulations;
- (f.1) “**election period**” means the period beginning on the second Monday in September and ending on the third Friday in October in an election year for the education authorities, and, in 2022, means the election period specified by the Chief Electoral Officer;
- (g) “**eligible voter**” means a person referred to in subsection 4(1);
- (g.1) “**inner envelope**” means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s marked ballot in its certificate envelope;
- (g.2) “**outer envelope**” means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s inner envelope containing the voter’s marked ballot in its certificate envelope;
- (h) “**education authority election**” means an election under these regulations;

- (i) “**trustee**” means a trustee of an education authority. (EC525/16; 425/22; 744/22)

## **2. Election date**

- (1) Subject to subsections (1.1) and (2), elections for trustees for an education authority shall be held on the third Friday in October in 2022, and in every third year following.

### **Exception - 2022**

- (1.1) Notwithstanding subsections (1), 8(2) and 10(3), due to exigent circumstances, the elections for trustees of an education authority in 2022 shall be held on the date specified by the Chief Electoral Officer.

### **Notice of date**

- (1.2) The Chief Electoral Officer shall give notice of the date referred to in subsection (1.1) in accordance with clause 8(1)(g) or by any other means the Chief Electoral Officer considers effective for the purpose.

### **Exception - general election**

- (2) Where the election period for an education authority election coincides or overlaps with the writ period for a general election to be held pursuant to clause 4.1(4)(b) or subsection 4.1(5) of the *Election Act*, the education authority election shall be held on the last Friday in November in the same calendar year.

### **Notice by Chief Electoral Officer**

- (3) The Chief Electoral Officer shall give notice of the change in the election date pursuant to subsection (2) in accordance with clause 8(1)(g). (EC525/16; 273/22; 744/22)

## **2.1 Election zones**

For the purposes of the election of trustees

- (a) for the French Language School Board, the province is divided into six electoral zones as set out in Schedule 1 to these regulations; and
- (b) for the Public Schools Branch, the province is divided into seven electoral zones as set out in Schedule 2 to these regulations. (EC425/22)

## **3. Trustees elected from zones**

- (1) Subject to subsection (2), trustees for the French Language School Board shall be elected from the electoral zones set out in Schedule 1 to these regulations as follows:
- (a) two trustees from each of Zones 1, 3 and 5;
  - (b) one trustee from each of Zones 2, 4 and 6.

### **Trustees for Public Schools Branch**

- (1.1) Subject to subsection (2), the board of trustees for the Public Schools Branch shall be composed of
- (a) two trustees elected from Electoral Zone 5 and one trustee elected from each of the other electoral zones set out in Schedule 2 to these regulations;
  - (b) two trustees who are members at large, appointed by the Lieutenant Governor in Council, each for a term not to exceed two years; and



- (c) one Mi'kmaq representative, nominated by the Epekwitk Assembly of Councils and appointed by the Lieutenant Governor in Council for a term not to exceed two years.

**Appointment**

- (2) Where an education authority election produces fewer than the required number of elected trustees, the Minister shall appoint, from among those persons eligible to be trustees, the additional trustees necessary to fill the vacant positions. (EC525/16; 425/22)

**3.1 Qualifications for member at large**

A trustee who is a member at large appointed under clause 3(1.1)(b) shall meet the qualifications set out in clauses 4(1)(a) to (c) for an eligible voter. (EC425/22)

**4. Eligible voter**

- (1) A person is eligible to vote in an education authority election if the person
  - (a) is a Canadian citizen;
  - (b) is at least eighteen years of age on the date of the election;
  - (c) has been resident in the province for at least the six months immediately preceding the date of the election; and
  - (d) where the election is for trustees for the French Language School Board, meets one of the following requirements:
    - (i) the person is an eligible parent, or
    - (ii) the person would be an eligible parent if the person had a child.

**Policies**

- (2) The French Language School Board, in consultation with the Chief Electoral Officer, may develop policies to provide for the manner in which a person may establish that the person meets one of the requirements specified in clause (1)(d).

**Voting in electoral zone**

- (3) An eligible voter shall vote only in the electoral zone in which the voter resides on election day. (EC525/16; 425/22)

**5. Eligible candidate for French Language School Board**

- (1) Subject to subsection (3), a person is eligible to be nominated and run as a candidate for trustee of the French Language School Board if the person
  - (a) meets the qualifications set out in clauses 4(1)(a), (b) and (d); and
  - (b) has been resident in the electoral zone in which the person proposes to run as a candidate for at least the six months immediately preceding the date of the election.

**Eligible candidate for Public Schools Branch**

- (2) Subject to subsection (3), a person is eligible to be nominated and run as a candidate for trustee of the Public Schools Branch if the person
  - (a) meets the qualifications set out in clauses 4(1)(a) and (b); and
  - (b) has been resident in the electoral zone in which the person proposes to run as a candidate for at least the six months immediately preceding the date of the election.

**Ineligibility**

- (3) The following persons are not eligible to be nominated or to run as a candidate:
- (a) a person who is not qualified pursuant to subsection (1) or (2), as the case may be;
  - (b) an employee of either education authority;
  - (c) an employee of the Department who, in the opinion of the Minister, would as a trustee have a potential conflict of interest;
  - (d) a person who, immediately preceding the date of the election, is or has become disqualified from holding office as a trustee under the *Education Act* Education Authority Regulations (EC524/16);
  - (e) a person who has been found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.

**Withdrawal**

- (4) A candidate who has been nominated may withdraw as a candidate by giving notice of the intention to withdraw to the Chief Electoral Officer in the form approved by the Chief Electoral Officer. (EC525/16; 425/22)

**6. Chief Electoral Officer**

- (1) The Chief Electoral Officer shall administer education authority elections.

**Idem**

- (2) The Chief Electoral Officer may appoint the employees that the Chief Electoral Officer considers necessary to perform the duties of the office. (EC525/16; 425/22)

**7. Call for nominations**

The Chief Electoral Officer shall, on the second Monday in September in an election year, call an education authority election and publish a call for nominations in accordance with clause 8(1)(g). (EC525/16; 273/22)

**8. Powers and duties of Chief Electoral Officer**

- (1) The Chief Electoral Officer shall
- (a) exercise general direction and supervision over the conduct and administration of education authority elections;
  - (b) instruct each election officer appointed under subsection 9(1) and provide necessary supervision to ensure the effective conduct of education authority elections;
  - (c) supply a mail-in ballot package to each eligible voter who applies for it, consisting of a ballot, inner envelope, certificate envelope and outer envelope and instructions for their use;
  - (d) develop and approve any forms necessary for the conduct of education authority elections;
  - (e) have the discretion to adapt the provisions of these regulations to existing circumstances where the Chief Electoral Officer considers it necessary;
  - (f) be responsible solely to the Minister;
  - (g) publish notices respecting the nomination and election of trustees in daily and weekly newspapers in the province, in English and French, as the Chief Electoral Officer considers appropriate;



- (h) enforce, on the part of election officers, fairness, impartiality and compliance with the Act and these regulations; and
- (i) exercise the powers necessary to fulfil the office of Chief Electoral Officer in conducting education authority elections.

**Special powers for Chief Electoral Officer**

- (2) Where, during the course of an education authority election, it appears to the Chief Electoral Officer that insufficient time has been allowed or insufficient election officers have been provided for the conduct of the election, the Chief Electoral Officer may, notwithstanding anything in these regulations,
  - (a) except as provided in this subsection, extend or abridge the time for doing any act; and
  - (b) generally adapt the provisions of these regulations to existing circumstances, but the Chief Electoral Officer shall not change the date of the election. (EC525/16; 425/22)

**9. Election officers**

- (1) The Chief Electoral Officer shall appoint election officers as required to administer the mail-in ballot process.

**Duties of election officers**

- (2) Each election officer shall
  - (a) report to and be responsible to the Chief Electoral Officer;
  - (b) exercise direction and supervision over the administration of the mail-in ballot process, subject to the rules and instructions issued by the Chief Electoral Officer; and
  - (c) exercise any other powers and perform any other duties prescribed by these regulations or assigned by the Chief Electoral Officer. (EC525/16; 425/22)

**10. Nominating candidate**

- (1) Any 10 or more eligible voters may nominate a candidate for trustee for the electoral zone in which the nominators and the candidate reside by filing a nomination paper in the form approved by the Chief Electoral Officer in the office of the Chief Electoral Officer during the period set out in subsection (2).

**Nominations accepted**

- (2) The Chief Electoral Officer shall accept nomination papers at any time between the start of the election period and 2 p.m. on nomination day as set out in subsection (3).

**Nomination day**

- (3) Nomination day shall be the Friday that is the 21st day before election day. (EC525/16; 425/22)

**11. Nominated candidates**

After nomination day, the Chief Electoral Officer shall

- (a) determine the eligibility of candidates; and
- (b) publish in the daily and weekly newspaper in the province, in English and French, as the Chief Electoral Officer considers appropriate,

- (i) the name of each nominated candidate, and
- (ii) the name of the zone in which each candidate has been nominated. (EC525/16; 425/22)

## **12. Election by acclamation**

- (1) Where, on nomination day, only the required number of candidates have been nominated for a particular electoral zone, the Chief Electoral Officer shall declare those candidates elected by acclamation.

### **Report to Minister**

- (2) The Chief Electoral Officer shall report to the Minister the fact that there are eligible candidates elected by acclamation and the Minister shall appoint those candidates as duly elected trustees. (EC525/16; 425/22)

## **12.1 Mail-in ballot application deadline**

- (1) Applications by eligible voters for mail-in ballots shall be accepted by the Chief Electoral Officer from the second Monday in September until 11:59 p.m. on Sunday, the 12th day before election day.

### **Deadline to return mail-in ballots**

- (2) Only mail-in ballots received by the Chief Electoral Officer before 12 noon on election day shall be counted. (EC425/22)

## **13. Duties of eligible voter - application**

- (1) An eligible voter shall complete the application for a mail-in ballot, including the voter's declaration of eligibility, and send or deliver the application to the Chief Electoral Officer, as directed on the application form.

### **Duties of eligible voter - voting by mail-in ballot**

- (2) On receiving the mail-in ballot package, an eligible voter shall
  - (a) mark the ballot paper for the candidate or candidates of the voter's choice;
  - (b) refold the ballot paper in the same manner as it was received, place the ballot paper in the inner envelope, seal the inner envelope, place it in the certificate envelope, and sign, date and seal the certificate envelope; and
  - (c) place the certificate envelope in the outer envelope, seal it and return it to the office of the Chief Electoral Officer no later than 12 noon on election day. (EC525/16; 425/22)

## **13.1 Authority of Chief Electoral Officer**

- (1) In the event of a dispute concerning the electoral zone in which a voter shall vote, the Chief Electoral Officer shall decide the matter.

### **Decision not subject to appeal**

- (2) The decision of the Chief Electoral Officer under subsection (1) is conclusive and final and shall not be appealed.





**Additional information**

- (3) The Chief Electoral Officer may, where an application for a mail-in ballot package does not contain all the required information, or in order to determine the applicant's electoral zone for the purposes of these regulations, request the applicant to provide
- (a) the information required on the application form; or
  - (b) additional information specified by the Chief Electoral Officer. (EC425/22)

**14. Eligible voter needing assistance**

Where an eligible voter is unable to submit an application or vote in the manner set out in section 13 because the voter is unable to read or write or is visually disabled or impaired, the voter may contact the Chief Electoral Officer for assistance in voting. (EC525/16; 425/22)

**15. Order for advance poll or mail-in ballot**

Revoked by EC425/22 (EC525/16; 425/22)

**16. Candidate's agent**

- (1) Each candidate may appoint one agent to represent the candidate at the counting of the ballots.

**Proof of appointment**

- (2) A candidate's agent shall carry a certificate of appointment that is signed by the candidate, and shall produce the certificate on demand by an election officer for the purpose of attending the counting of the ballots. (EC525/16; 425/22)

**17. Counting of ballots**

Following the close of the election period, election officers at a time and place directed by the Chief Electoral Officer shall

- (a) open the ballot box; and
- (b) count the votes using the following method:
  - (i) complete the tally sheet and give a tally sheet to at least two other persons present, who shall act as witnesses,
  - (ii) after each person present is given full opportunity to examine each ballot, the designated election officer shall decide whether the ballot should be rejected or counted,
  - (iii) if the ballot is counted, the election officer shall call out the vote and have it entered on the tally sheet, and
  - (iv) if the ballot is rejected, the election officer shall place it in a separate envelope. (EC525/16; 425/22)

**18. Objection to ballot**

If, during the counting of the votes, any of the persons referred to in section 17 objects to any ballot, the designated election official shall hear and decide every question arising out of the objection, and the designated election official's decision is final. (EC525/16; 425/22)

**19. Duties after counting ballots**

- (1) After counting the votes, the designated election officer shall
  - (a) place the ballots for each candidate in marked envelopes and seal them;
  - (b) complete the required number of statements of poll supplied by the Chief Electoral Officer;
  - (c) sign the statements of poll and have them signed by a witness and any other person present who wishes to do so; and
  - (d) deposit all ballots and tally sheets in the ballot box.

**Delivery to Chief Electoral Officer**

- (2) The designated election officer shall immediately after completing the duties listed in subsection (1) deliver all ballot boxes with their contents and each completed statement of poll to the Chief Electoral Officer.

**Security of election documents, etc.**

- (3) The Chief Electoral Officer shall secure all ballot boxes, ballots and other election documents used in an election for a period of two months following election day. (EC525/16; 425/22)

**20. Candidate may request recount within two working days**

- (1) Within two working days after election day, any candidate may request the Chief Electoral Officer to recount all the ballots cast for trustees in the candidate's electoral zone.

**Recount within two working days**

- (2) The recount shall commence not later than two working days after the request is received under subsection (1).

**Time and place of recount and final addition**

- (3) The Chief Electoral Officer shall notify the candidates concerned of the time and place at which the ballots will be recounted and the final addition made.

**Recount by election officer**

- (4) At the time and place specified by the Chief Electoral Officer under subsection (3), and in the presence of the persons authorized to be present, an election officer designated by the Chief Electoral Officer shall open the sealed envelopes containing the ballots and count all the votes or ballots in them.

**Final addition**

- (5) The designated election officer shall recount the ballots according to the rules set out in section 17 and shall verify or correct the statement of each poll by recording the ballot count and the number of votes cast for each candidate.

**Judicial review**

- (6) If a recount of ballots under subsection (5) fails to establish which candidate has received the highest number of votes, or if a candidate continues to dispute the results, the rejected ballots shall be reviewed by a judge of the Provincial Court.

**Recount after judicial review**

- (7) If, at the judicial review referred to in subsection (6), the judge determines that any of the rejected ballots should have been counted, the designated election officer shall recount those ballots, in accordance with this section, and include the result of this recount in the results.



**Breaking a tie vote**

- (8) Where after the judicial review referred to in subsection (6) or a recount under subsection (7) the votes cast for two or more candidates are still equal in number, an election officer designated by the Chief Electoral Officer shall, in the presence of at least two of the persons authorized to be present under subsection (9), toss a coin to determine the winning candidate.

**Recount, who may be present**

- (9) At a recount of ballots and final addition each candidate shall be entitled to be represented by one agent appointed by the candidate to attend, and may personally be present if the candidate so desires.

**Review, who may be present**

- (10) At a judicial review, the Chief Electoral Officer shall be present, and each candidate shall be entitled to be represented by one agent appointed by the candidate to attend, and may personally be present if the candidate so desires.

**Idem**

- (11) Except with the sanction of the Chief Electoral Officer in the case of a recount and final addition or the judge in the case of a judicial review, no person other than those referred to in subsection (9) or (10), as applicable, shall be present at the recount and final addition or the judicial review.

**Results certified**

- (12) Upon the determination of the candidate with the highest number of votes or of the winning candidate, in accordance with this section, the Chief Electoral Officer shall immediately certify the results. (EC525/16;425/22)

**21. Ballots retained for two months**

- (1) The Chief Electoral Officer shall retain the contents of the ballot boxes and all documents pertaining to the election for two months following election day.

**Chief Electoral Officer may destroy election documents**

- (2) The Chief Electoral Officer may destroy election documents after the expiry of the time required in subsection (1) except where there is any court proceeding related to the election of a trustee pending or in progress.

**Inspection of election documents**

- (3) All election documents filed with the Chief Electoral Officer are public records and may be inspected by any person on request at the office of the Chief Electoral Officer during normal office hours. (EC525/16; 425/22)

**22. Irregularities**

No administrative irregularity in the mode of electing a trustee invalidates the election. (EC525/16)

**23. Candidates declared elected**

- (1) The Chief Electoral Officer shall declare to be elected the following persons:
- (a) in an electoral zone to be represented by one trustee, the candidate having the highest number of votes;

- (b) in an electoral zone to be represented by two trustees, the two candidates with the highest numbers of votes.

**Report to Minister**

- (2) The Chief Electoral Officer shall report to the Minister within five working days after election day, pending any recount,
  - (a) the names of the candidates who have been declared elected; and
  - (b) the electoral zone that each of the elected candidates represents. (EC525/16; 425/22)

**24. Publish names of trustees**

Within 28 days after election day, the Minister shall publish the names of the trustees in the Royal Gazette. (EC525/16)

**25. Schedules adopted**

The Schedules to these regulations are hereby adopted and form part of these regulations. (EC525/16; 425/22)

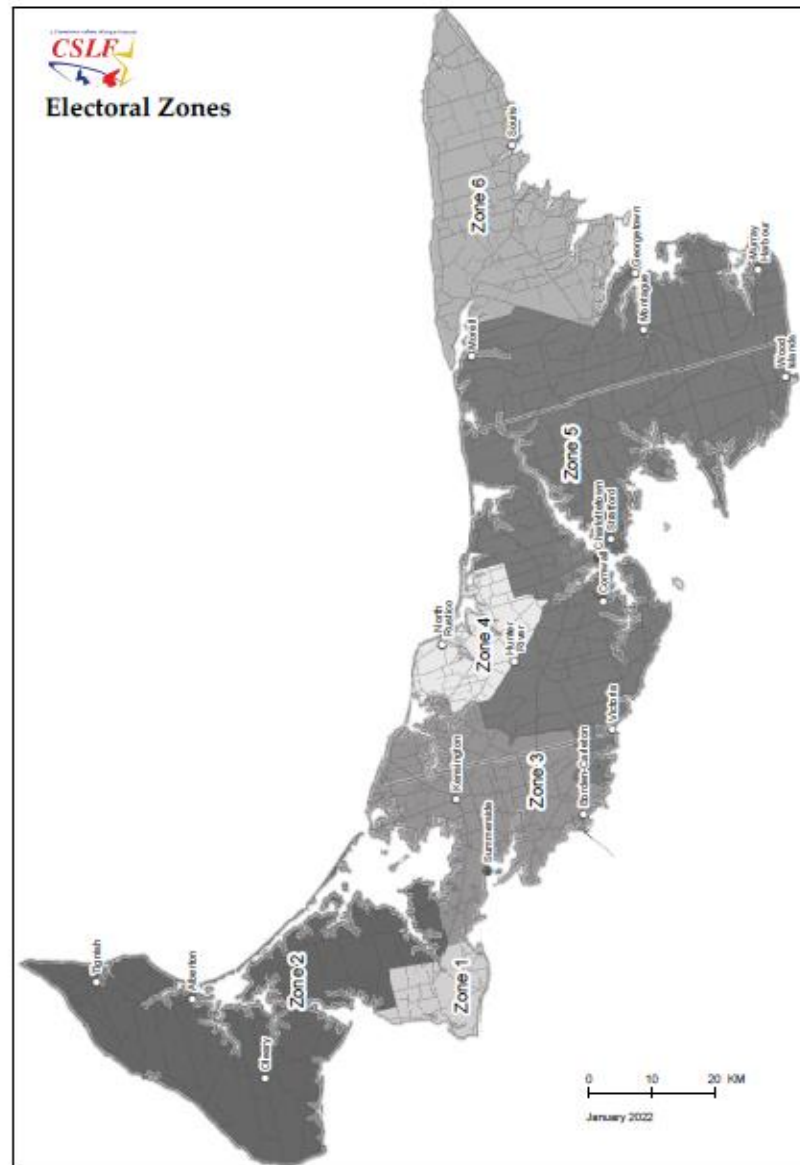
**26. Revocation**

The *School Act* School Board Regulations (EC268/14) are revoked. (EC525/16)

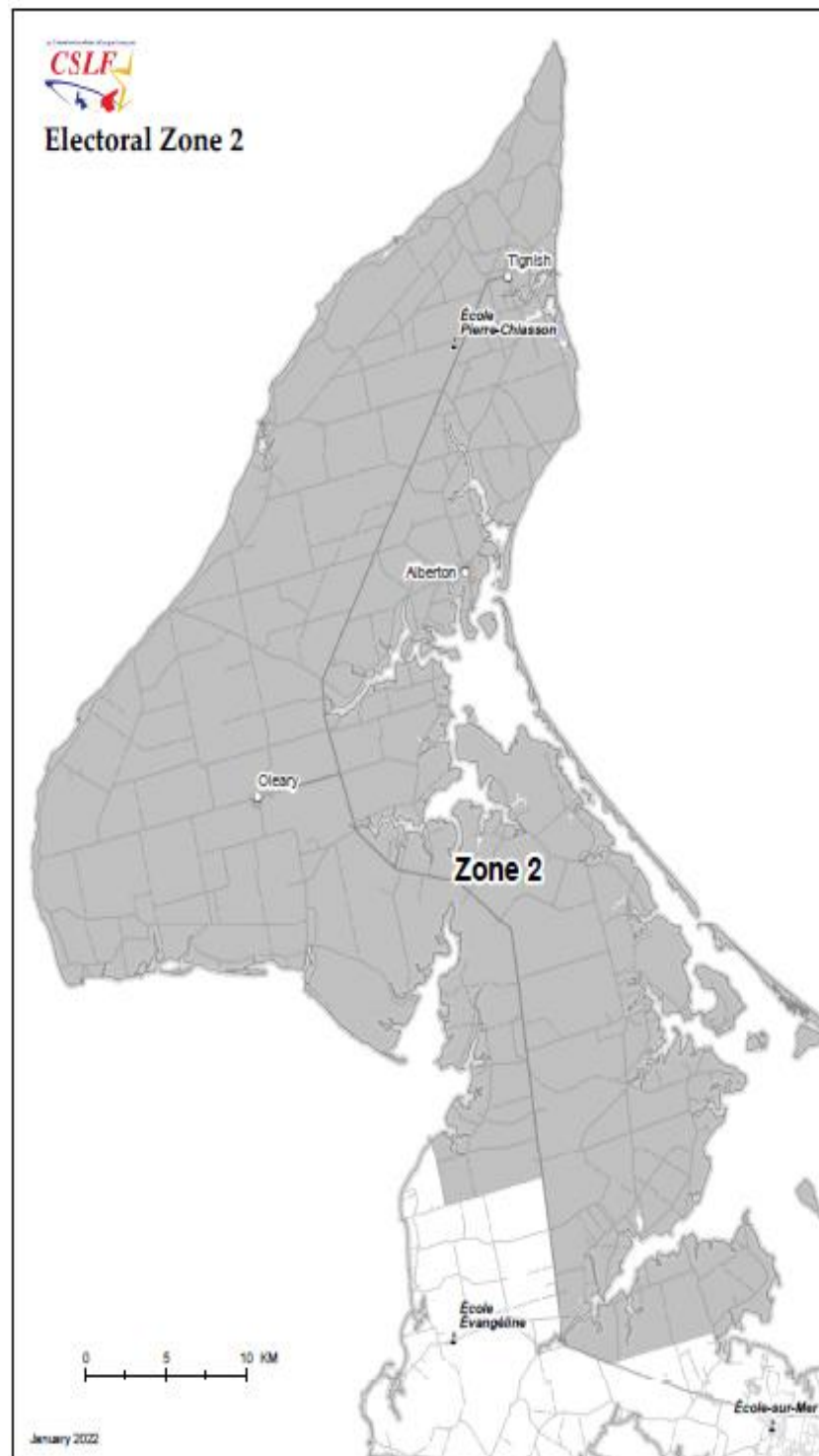


## SCHEDULE 1

### FRENCH LANGUAGE SCHOOL BOARD ELECTORAL ZONES

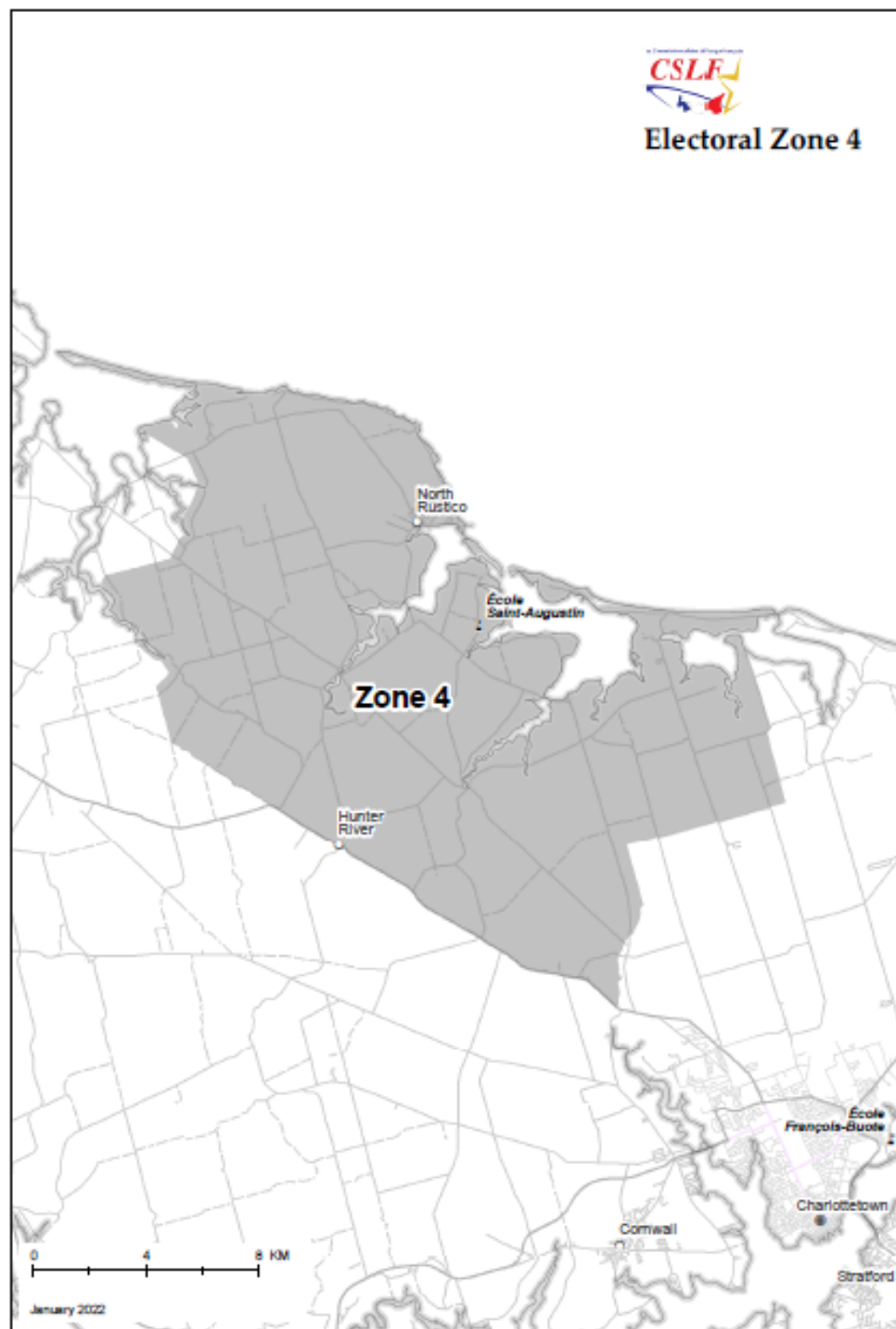




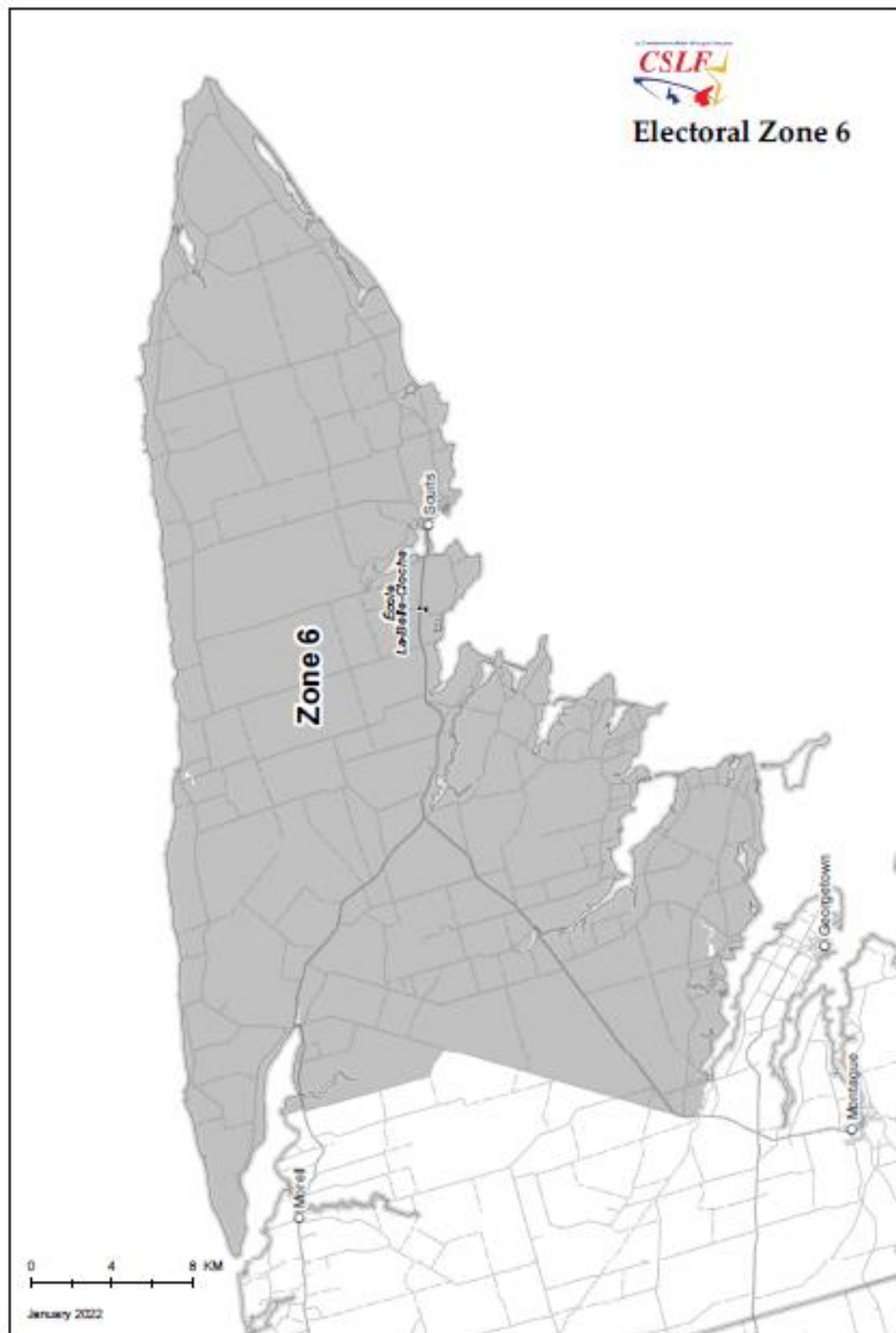










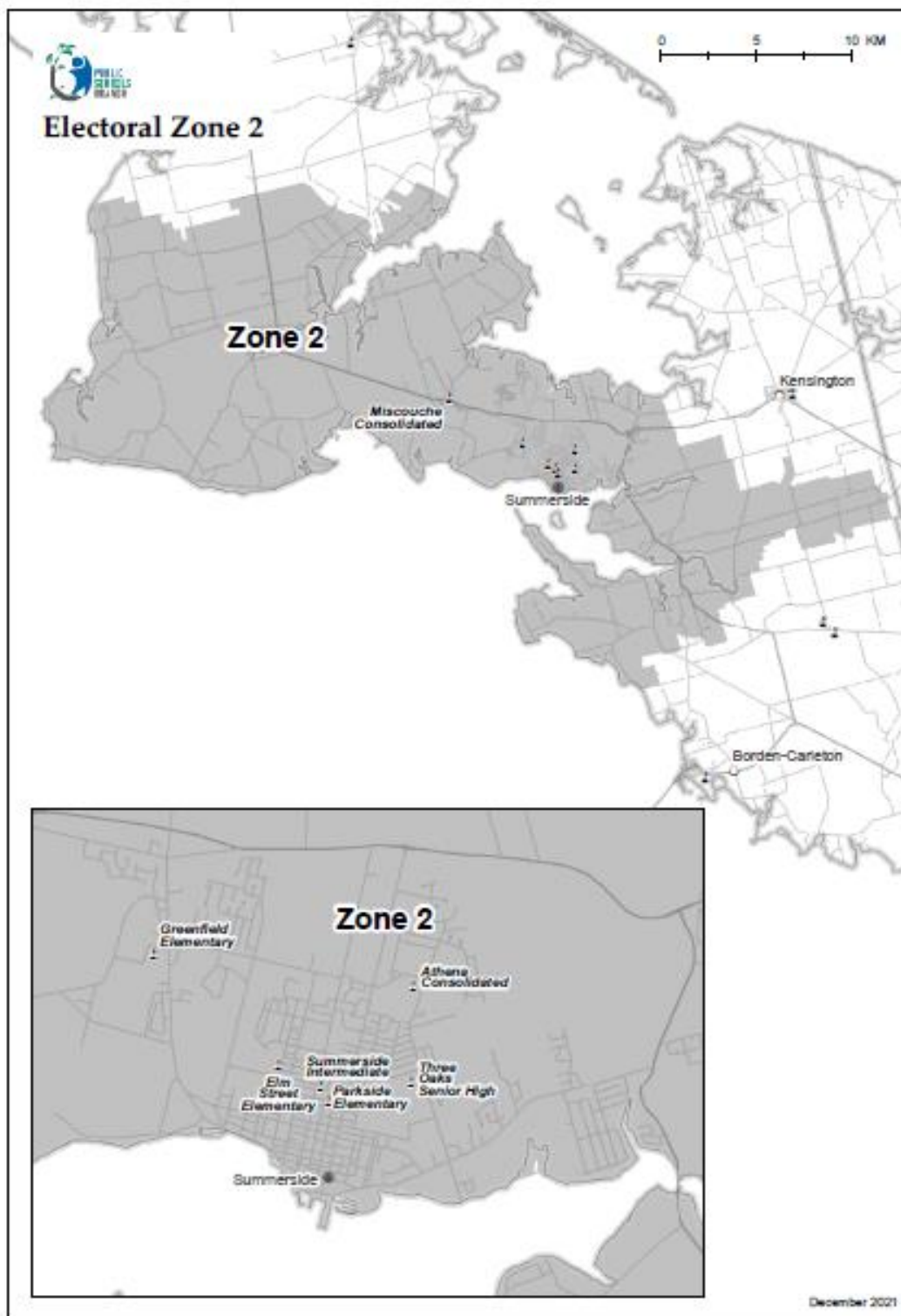


**Electoral Zones**

0 10 20 KM

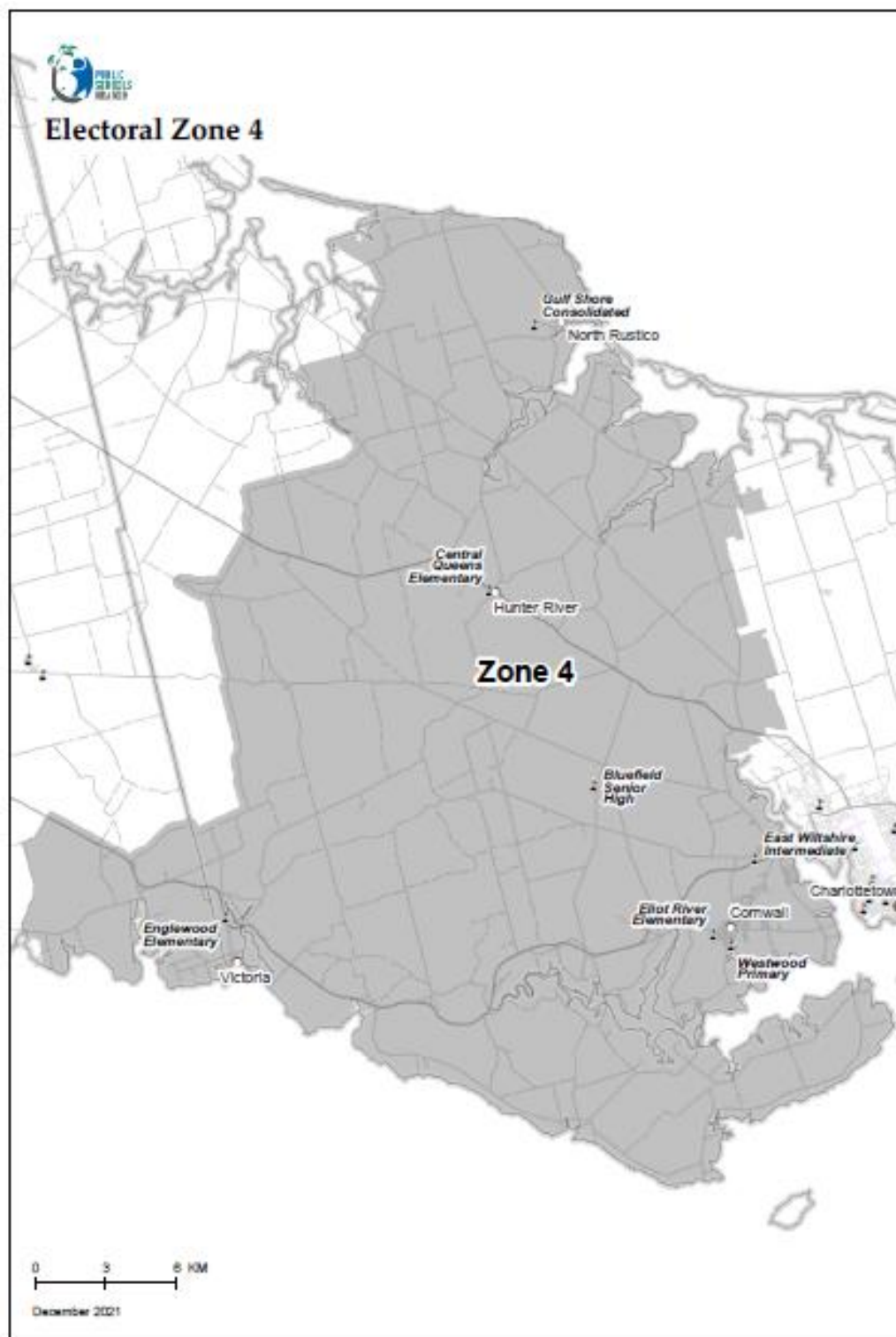
December 2021



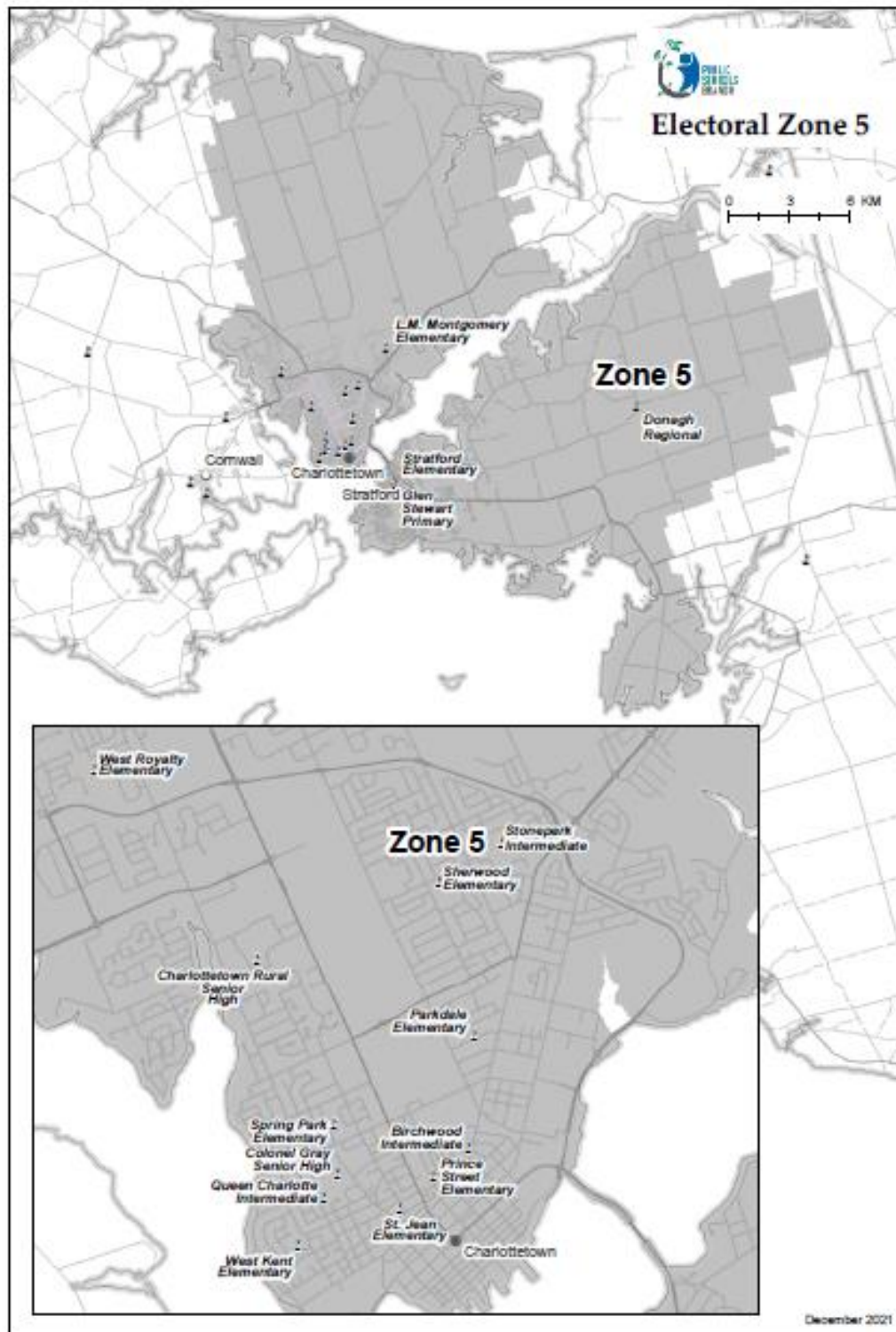


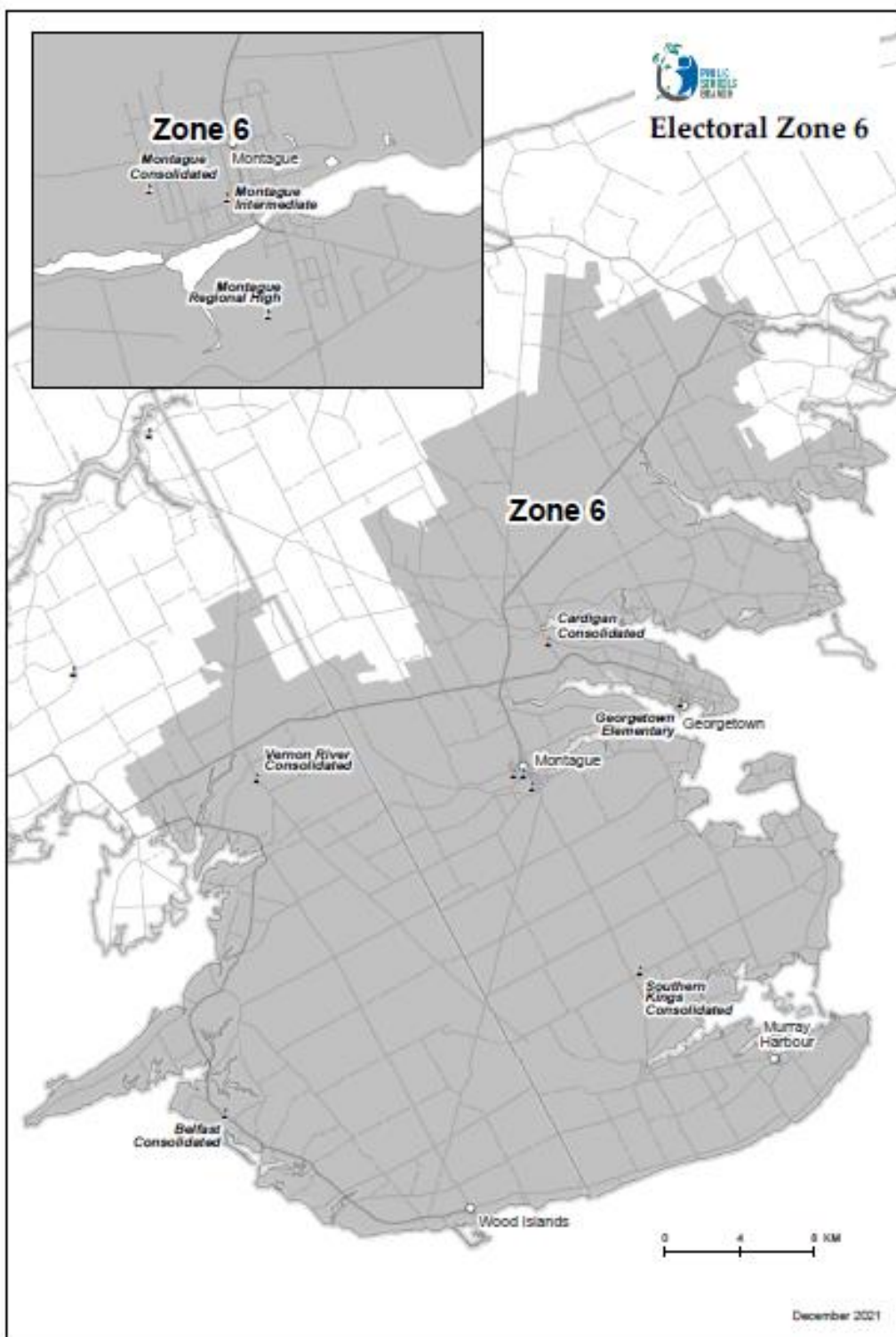


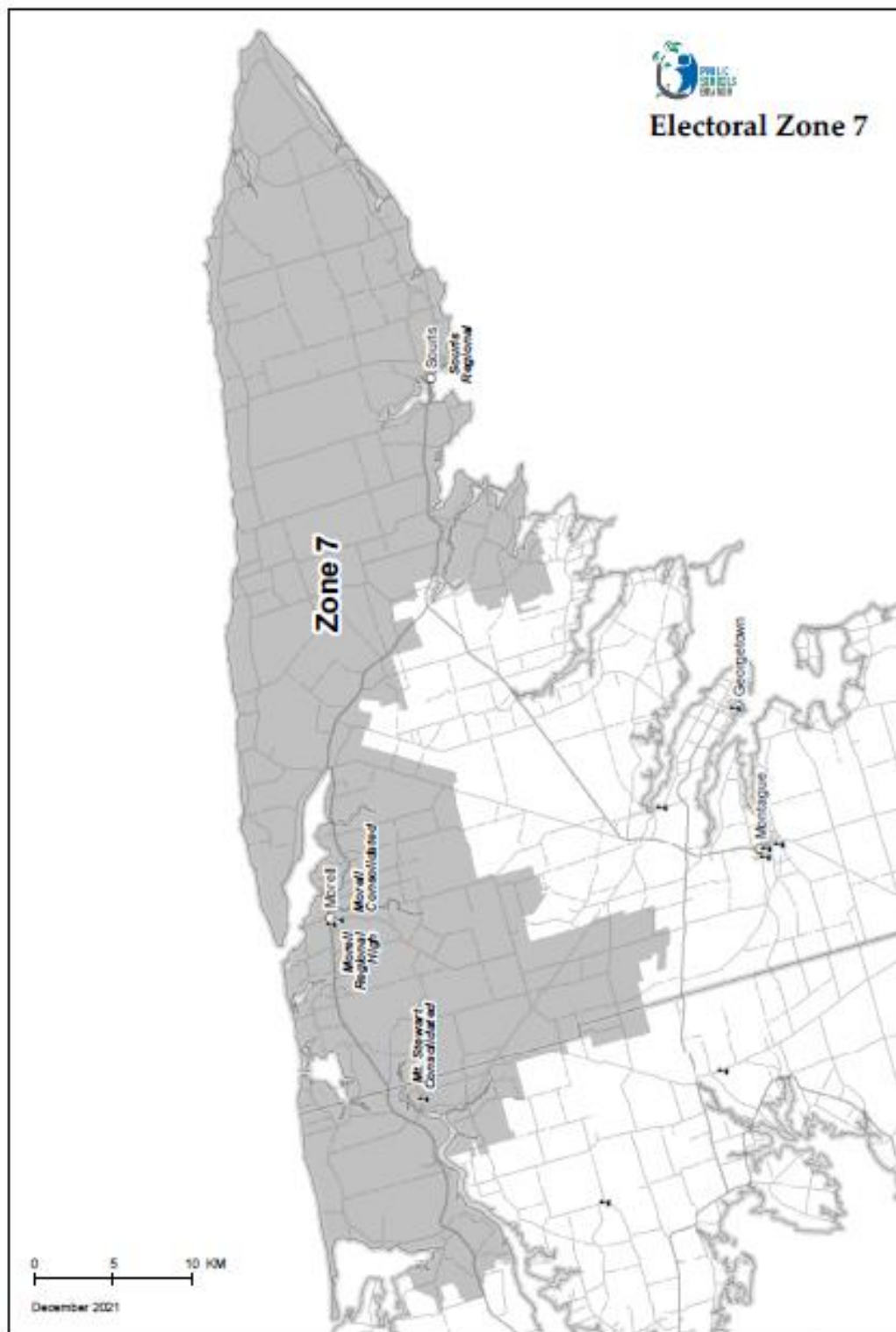












(EC525/16; 425/22)