

**SCHEDULE 1
TO THE BRITISH COLUMBIA EGG MARKETING BOARD
CONSOLIDATED ORDER**

Election Rules and Procedures¹

Board Electoral Model

1. (1) The British Columbia Egg Marketing Board (BCEMB) consists of:
 - (a) a chair appointed by the Lieutenant Governor in Council; and
 - (b) four members who are registered producers, elected by registered producers.
- (2) The term of office of an elected member is four years. Terms are staggered so that an election will occur every year.
- (3) An election for each member position will be conducted every four years. An elected member's term begins as of the Annual General Meeting and an elected member may serve until a successor is elected. An elected member may stand for election in the year that their term expires.

Election Officer

2. The Board will appoint a person or firm who is independent of the egg industry and the Egg Board staff to oversee the election and certify the results. The Election Officer will receive and validate all nomination forms and ballots. The Election Officer will also open and count ballots in the presence of any appointed Scrutineers.

Notice of Election

3. Notice of election and nomination forms will be distributed by the Election Officer to registered producers no less than 30 working days before the scheduled AGM.

Eligibility to Vote

4. To be eligible to vote in an election, a producer must be a registered producer²

¹ Parts of these Election Rules and Procedures paraphrase certain provisions of the British Columbia Egg Marketing Scheme, 1967 (B.C. Reg. 173/67) and the Natural Products Marketing (BC) Act Regulations (B.C. Reg. 328/75) (collectively, the "Regulations"). These provisions should be read in the context of the Regulations in which they appear. Further, the Regulations are subject to change from time to time. In the event of any conflict between the Regulations and these Rules and Procedures, the Regulations will govern. Persons who need to rely on the text of these Rules and Procedures for legal or other purposes should also review the Regulations.

² Subsection 3(p) of the Natural Products Marketing (BC) Act Regulations (B.C. Reg. 328/75) provides that every Election Rules and Procedures Review Request – November 14, 2022 partnership or corporation qualified to vote under any scheme will in writing appoint a person to vote in its behalf and will file with the marketing board, commission or returning officer a copy of such appointment.

and must be so qualified as at the day the election ballots are mailed.

Eligibility for Nomination, Election or Office

5. (1) An individual is not eligible for nomination, election or office as an elected member unless:
 - (a) the nomination is endorsed in writing by not less than 5 registered producers and that only one endorsement is allowed per registered producer number;
 - (b) the individual consents in writing to be nominated as a candidate for election;
 - (c) the individual is a registered producer holding quota in any region, or the appointed representative of a partnership that is a registered producer holding quota in any region, or the appointed representative of a corporation that is a registered producer holding quota in any region;
 - (d) the individual, or the firm or corporation, that is the registered producer is in good standing with all applicable orders made by the British Columbia Egg Marketing Board; and
 - (e) the individual is a Canadian citizen or has Permanent Resident status and at least nineteen (19) years of age.
- (2) It is preferred that an individual nominated for election or office has experience in egg production.
- (3) The Election Officer will allow 10 working days from the date the nomination forms are sent (electronically transmitted) to the close of nominations. The signed nomination form must be submitted to the Election Officer by 4:00 p.m. on the day nominations close either by post, courier, or electronically transmitted (fax or scanned attachment to the email).
- (4) The Election Officer will validate the nomination forms by verifying that the signers are registered producers holding quota or the appointed representative of a partnership or corporation. Each valid nominee will be informed by the Election Officer that upon election to the BCEMB, a signed declaration must be provided that identifies any offices and directorships currently held by the producer. Where a producer holds an office or directorship that may result in a persistent conflict of interest that could substantially impair the producer's ability to fulfill their obligations as an elected member of the BCEMB, the BCEMB may require that producer to undertake to divest himself or herself from such office or directorship.

Producer Register

6. (1) A registered producer is a person owning layers in British Columbia and registered under the Scheme. To be entered in the BCEMB Register of Producers and thereby be registered under the Scheme, a person owning layers in British Columbia, must hold quota in British Columbia.
- (2) The Board will at all times maintain a current and accurate register of producers in accordance with the requirements in the Scheme. The register will be open to inspection to any registered producer during regular business hours, and an up-to-date copy of the register shall be sent to any registered producer on request.
- (3) A registered producer will be conclusively deemed to have received a notice, ballot or other thing required to be delivered in respect of an election where it is sent to the registered producer's last email address registered with the Board, and a failure to receive such notice, ballot or other thing does not invalidate the election.
- (4) Inadvertent omission to send a notice, ballot or other thing required to be sent in respect of an election does not invalidate the election.

Voting

7. (1) If the number of nominations does not exceed the number of positions open for election, then the nominees will be elected by acclamation.
- (2) If there are more nominations than positions open for election, then registered producers will be advised of the election and of the voting procedures. Only one ballot can be cast per registered producer number.
- (3) The Board has approved online voting. The online system approved by the Board meets appropriate security, safety, and ease of use requirements.
- (4) Registered producers voting online will be sent an individual email from the Election Officer no more than 5 business days after the close of nominations. The email will include all instructions on how to vote online.
- (5) If more than one ballot is cast for an eligible producer number, all such ballots will be considered spoiled.
- (6) The Election Officer will allow 10 working days from the date ballots are emailed to the date ballots must be received. Ballots must be received at the office of the Election Officer by the established deadline. Ballots received after the deadline will not be counted.
- (7) Proxy voting is not allowed, except to the extent specifically required under subsection 3(p) of the Natural Products Marketing (BC) Act Regulations (B.C. Reg. 328/75).

Ballot Count

8. All ballots will be received and validated by the Election Officer. Candidates must advise the Election Officer if they choose to have a personally appointed scrutineer present. The date for counting the ballots will be no later than five working days before BCEMB's AGM and notice of the date will be given to scrutineers who have expressed interest in being present for the vote count. The valid ballots will be opened and counted by the Election Officer and any scrutineers. The scrutineers may include one or more representatives from the British Columbia Egg Producers' Association.

Election Outcome

9. (1) The candidate receiving the highest number of votes will be elected to the BCEMB. In the event of a two-way tie for the highest number of votes, all ballots will be recounted. If a recount confirms the tie result, the BCEMB chair will cast the deciding vote.
- (2) The Election Officer will contact all candidates and notify them of the election outcome. A written report prepared by the Election Officer will be submitted to the BCEMB and B.C. Farm Industry Review Board (BCFIRB) upon completion of the election. A Producer Notification will be emailed to all registered producers after the election to announce the outcome. This may occur prior to the written report being received. The Election Officer will present their report to the membership at the Annual General Meeting immediately following the election.
- (3) All ballots will be kept by the Election Officer until the BCEMB passes a motion for destruction.

Executive

10. The BCEMB shall elect a vice-chair and secretary at its first meeting following an election.

Terms of Office

11. (1) An elected member of the BCEMB ceases to hold office when:
 - (a) a successor is elected;
 - (b) the person is convicted of any offence under the Natural Products Marketing (BC) Act or the Scheme;
 - (c) the person resigns in writing; or
 - (d) the member is absent from the province for three consecutive months, or fails to attend to their duties for three consecutive months, without permission from the Board and the position is declared vacant by the remaining board members.

- (2) If a vacancy occurs by reason of death or any of the above circumstances, the remaining members may choose to:
 - (a) continue with a vacant position,
 - (b) If the remaining members constitute a quorum, appoint someone to fill the vacancy until the term is completed, subject to BCFIRB approval,
 - (c) If there are insufficient members to constitute a quorum, request that BCFIRB fill any vacancies in the membership, or
 - (d) hold a special by-election to elect a replacement for the remainder of the term.

Review Process

12. The election rules and procedures shall be reviewed not later than December 31, 2025. The BCEMB will also review the Election Rules and Procedures upon:
 - (a) receipt of a written request from the BC Egg Producers Association,
 - (b) receipt of written request by 20 registered producers, or
 - (c) upon the passing of a motion requesting a review at an Annual General Meeting of the registered producers.

Any changes to the Election Rules and Procedures must be approved by BCFIRB prior to implementation.

Effective Date

Approved by the BC Egg Marketing Board on: November 10, 2022

Approved by BCFIRB on: January 6, 2023



Pawan Joshi
Presiding Member

These Election and Appointment Rules and Procedures come into effect on January 6, 2023 and replace all previous rules and procedures for the election and appointment of members.