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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

## Bill 185

(1997, chapter 98)

### **An Act respecting the election of the first commissioners of the new school boards and amending various legislative provisions**

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**Introduced 4 December 1997**

**Passage in principle 18 December 1997**

**Passage 19 December 1997**

**Assented to 19 December 1997**

## EXPLANATORY NOTES

*This bill establishes special rules applicable to the election of the first commissioners of the new French language and English language school boards.*

*In particular, the bill gives the Government the power to fix, by order, the polling date and the dates of the proceedings required for the polling to be held.*

*The bill empowers the Commission de la représentation to divide the territory of any new school board into electoral divisions in cases where the provisional council fails to do so in accordance with the rules established in the bill or where three or more members of the provisional council who oppose the division as adopted by the provisional council so request.*

*The bill gives the chief electoral officer the power to appoint the returning officers and to establish the rules governing the establishment and revision of the first list of electors of the new school boards and the location of polling stations and the choice of materials required for voting.*

*More specifically, the bill requires the chief electoral officer to take all measures required to inform the electors of the manner in which they may exercise their right to vote. The chief electoral officer must, in particular, send a notice to each address informing all electors who are entitled to choose to vote at the election of the commissioners of an English language school board of the manner in which they may make such a choice.*

*Lastly, the bill contains necessary consequential amendments.*

## LEGISLATION AMENDED BY THIS BILL :

- Health Insurance Act (R.S.Q., chapter A-29);
- Education Act (R.S.Q., chapter I-13.3);
- Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47).

## Bill 185

### AN ACT RESPECTING THE ELECTION OF THE FIRST COMMISSIONERS OF THE NEW SCHOOL BOARDS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The Act respecting school elections (R.S.Q., chapter E-2.3) applies to the election of the first commissioners of the new school boards referred to in paragraph 2 of section 509 of the Education Act (R.S.Q., chapter I-13.3), subject to the provisions of this Act.

**2.** The Government shall fix, by order, the polling date and the dates of the proceedings required for the holding of the poll.

The order shall come into force on the date of its publication in the *Gazette officielle du Québec*.

**3.** The provisional council shall, on or before 31 January 1998, divide the territory of the new school board into electoral divisions on the favourable vote of at least three quarters of the council members entitled to vote.

The provisional council shall, on or before 3 February 1998, transmit to the chief electoral officer the resolution voted under the first paragraph together with the description of the electoral divisions effected according to the parameters determined by the chief electoral officer.

The scale prescribed by section 6 of the Act respecting school elections is applicable by reference to the number of students who, as of 30 September 1997, resided or were placed in the territory concerned by the election and were admitted to educational services provided in schools to receive instruction in the language of the French language or English language school board.

In the case of a dissentient school board established pursuant to section 515.7 of the Education Act, the number of electoral divisions shall be three.

**4.** The provisional council may, on the favourable vote of at least three quarters of the council members entitled to vote, establish two, four or six electoral divisions in excess of the number provided by the third paragraph of section 3, without exceeding twenty-one divisions, where the council considers it justified owing to

- (1) the particularly large size of the territory of the new school board;
- (2) the number of local municipalities whose territory is comprised within the territory of the new school board;
- (3) the isolated location of the territory of a local municipality in the territory of the new school board.

**5.** Within seven days after the adoption of a resolution under section 3, but not later than 3 February 1998, three or more members of the provisional council entitled to vote may notify the Commission de la représentation established by section 524 of the Election Act (R.S.Q., chapter E-3.3) of their opposition to the resolution of the provisional council. The Commission de la représentation may alter the division of the territory of the new school board into electoral divisions in keeping with, so far as possible, the principle of effective representation of electors and the boundaries of electoral divisions of the existing school boards referred to in paragraph 1 of section 509 of the Education Act.

**6.** If the provisional council does not fulfil its obligations under section 3, the Commission de la représentation established by section 524 of the Election Act shall divide the territory of the new school board into electoral divisions which take into account, so far as is possible, the principle of effective representation of electors and the boundaries of electoral divisions of the existing school boards referred to in paragraph 1 of section 509 of the Education Act.

**7.** The returning officer shall be appointed by and shall act under the authority of the chief electoral officer.

The returning officer shall ensure that the election is properly conducted and, for that purpose, shall see to the training of the other election officers and shall direct their work.

**8.** If the returning officer is unable to exercise the returning officer's functions, the election clerk shall replace the returning officer and shall so notify the chief electoral officer, who may, in that case, appoint another person as the returning officer.

**9.** The chief electoral officer shall establish all the rules applicable to the establishment and revision of the list of electors which may depart from the provisions of the Act respecting school elections, except the provisions of sections 12 to 19 and 40 of the said Act.

For the purposes of sections 15 and 40 of the said Act, the date of admission to educational services is 1 March 1998.

In the case of a dissentient school board, subparagraphs 2 and 3 of the first paragraph and the second paragraph of section 508.38 of the Education Act

apply, except that the date of 30 September provided therein shall be replaced by 1 March 1998.

**10.** The chief electoral officer shall be charged with taking all measures required to inform the electors of the manner in which they may exercise their right to vote.

The chief electoral officer shall, in particular, send a notice to each address containing the information relating to the electors entered on the list of electors for that address or, where applicable, stating that no elector is entered on the list for that address. The notice shall also inform all electors entitled to choose to vote at the election of the commissioners of an English language school board or, as the case may be, of a dissentient school board having jurisdiction in the territory in which they are domiciled of the manner in which they may make that choice. The notice shall also enable those electors to make that choice.

For those purposes, the provisional councils are required to transmit to the chief electoral officer, on or before 16 March 1998, the name, sex, date of birth and domiciliary address of the parents of each child admitted to educational services provided in schools. The second paragraph of section 68.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) does not apply to that transmission.

**11.** A single board of revisors shall be established for each French language school board and for the part of the territory of any school board that coincides with the territory of the French language school board.

The board of revisors shall be composed of one person designated by the returning officer of the French language school board, one person designated by the returning officer of the English language school board the greater part of whose territory coincides with the territory of the French language school board and a president appointed under an agreement between the returning officers of the two school boards or, failing agreement, by the chief electoral officer.

**12.** The chief electoral officer shall establish all the rules governing the location of polling stations and the materials required for voting which may depart from the provisions of the Act respecting school elections.

**13.** Section 127 of the Act respecting school elections does not apply to the election of the first commissioners of the new school boards or to any by-election held before the next general election.

**14.** The existing school boards must allow their premises, including their schools, to be used free of charge for the purposes of this Act.

Furthermore, the chief electoral officer and the Commission de la représentation may, after consulting the existing school boards, require the services of their personnel.

**15.** The first commissioners shall take office on 1 July 1998.

The commissioners representing parents' committees referred to in paragraph 2 of section 512 of the Education Act shall become, as of 1 July 1998, members of the council of commissioners of the new school board until their replacement by persons elected in accordance with section 145 of that Act.

**16.** Upon the expiry of the time for contesting an election, the returning officer shall remit all documents relating to the election to the director general of the new school board for conservation purposes.

**17.** The returning officer shall transmit to the director general of the new school board the names of the candidates declared elected and the official results of the poll for entry by the director general in the Minutes of Proceedings of the school board.

The director general of the new school board shall, as soon as possible, give public notice of the names of the candidates elected and of the electoral divisions represented by them.

**18.** The chief electoral officer shall, after the polling is held, add to the permanent list of electors the changes made to the list of electors for school elections during the revision process and an entry indicating the choice made by an elector to vote at the election of the commissioners of an English language school board or, as the case may be, of a dissentient school board.

The list of electors to be used in any by-election before the general election subsequent to the election of the first commissioners of the new school boards shall be prepared by the chief electoral officer on the basis of the permanent list of electors and shall contain an entry indicating, where applicable, the choice made by an elector in any of those elections to vote at the election of the commissioners of an English language school board or, as the case may be, of a dissentient school board.

#### MISCELLANEOUS AMENDING PROVISIONS

**19.** Section 65.0.1 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by adding the following paragraph:

“Furthermore, the Régie shall transmit to the chief electoral officer, upon request, all the Québec residential addresses known to it. The second paragraph of section 68.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information does not apply to the first transmission of such information.”

**20.** Section 528, sections 529 to 530 and the first paragraph of section 530.2 of the Education Act (R.S.Q., chapter I-13.3), enacted, amended or replaced by sections 44 to 46 of chapter 47 of the statutes of 1997, are repealed.

**21.** Section 7 of the Schedule to the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47) is repealed.

#### FINAL PROVISIONS

**22.** If the proclamation of the Governor General under the Great Seal of Canada declaring that paragraphs 1 to 4 of section 93 of the Constitution Act, 1867 do not apply in respect of Québec is published before 1 January 1998, the fourth paragraph of section 3 and the third paragraph of section 9 of this Act shall be repealed as of the date of publication of the proclamation.

Similarly, the second paragraph of section 10 and the first and second paragraphs of section 18 shall be amended by striking out the words “or, as the case may be, of a dissentient school board”.

**23.** The sums required for the carrying out of this Act shall be taken out of the consolidated revenue fund; however, the Government may determine that a reasonable part of the sums required shall be payable by the school boards.

**24.** The provisions of this Act come into force on 19 December 1997.