

Decisions

Decision

An Act respecting school elections
(R.S.Q., c. E-2.3)

Chief electoral officer — Acceptance of nomination papers by an assistant of the returning officer

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning acceptance of nomination papers by an assistant of the returning officer

WHEREAS a general school election shall be held on November 16, 2003, in the school boards of Québec;

WHEREAS section 25 of the Act respecting school elections (R.S.Q., c. E-2.3) provides that the returning officer may appoint assistants to whom he may delegate in writing the exercise of all or part of his powers and duties under the Act;

WHEREAS section 62 of the Act respecting school elections provides that a person wishing to be a candidate shall file a nomination paper at the office of the returning officer;

WHEREAS subparagraph one of section 38 of the Act respecting school elections provides that the returning officer shall give a public notice, not later than 44 days before polling day, setting forth the place, dates and hours for filing nomination papers;

WHEREAS the said provisions do not allow an assistant to receive and accept nomination papers in a place other than the office of the returning officer;

WHEREAS the size of the areas covered by most of the school boards of Québec requires that nomination papers be receivable at several places by assistants designated for that purpose by the returning officer;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where he observes that, subsequent to exceptional circumstances, it does not meet the demands of the situation;

WHEREAS the chief electoral officer has first informed the Minister of Education of the decision he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt sections 38 and 62 of the said Act in order to provide that nomination papers may be received by an assistant designated for the purpose, in a place other than the office of the returning officer.

For the purposes of this decision, subparagraph one of section 38 and the first paragraph of section 62 of the Act respecting school elections shall read as follows:

“**38.** Not later than 44 days before polling day, the returning officer shall give a public notice setting forth the following particulars:

(1) the places, dates and hours for filing nomination papers;

(...)”;

“**62.** A person wishing to be a candidate shall file a nomination paper at the office of the returning officer or at the office of the assistant designated for that purpose by the returning officer, on the opening days and hours of the office, at any time from the thirty-third day to 5:00 p.m. on the twenty-eighth day before polling day.

(...)”.

This decision shall take effect on 3 October 2003.

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission de la
représentation électorale*

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