



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 24

(2013, chapter 15)

An Act to amend the Act respecting school elections and other legislative provisions

**Introduced 14 March 2013
Passed in principle 24 April 2013
Passed 5 June 2013
Assented to 14 June 2013**

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EXPLANATORY NOTES

This Act amends the Act respecting school elections in order to set a ceiling on election expenses that may be incurred by authorized candidates running for the office of chair of a school board or any other office of commissioner. The amount of contributions that an elector may make to a candidate during the same fiscal year is reduced from \$1,000 to \$300. A candidate may make additional contributions during the fiscal year of an election for the candidate's own benefit, the total of which may not exceed \$700. In addition, the starting point of certain time limits for the holding of by-elections is specified.

The Education Act is amended in order to harmonize the term of a person who is elected to the parents' committee with that person's term of office as commissioner representing the parents' committee, where applicable.

Furthermore, any vacancy on a council of commissioners occurring more than 12 months before the next general election is to be filled by appointment. Any election expenses incurred or contributions made are to be reimbursed should a by-election be cancelled. The manner of the reimbursement is specified.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting school elections (chapter E-2.3);
- Education Act (chapter I-13.3);
- Act to amend the Education Act and other legislative provisions (2008, chapter 29).

Bill 24

AN ACT TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SCHOOL ELECTIONS

1. The Act respecting school elections (chapter E-2.3) is amended by replacing “before the end of the term of the commissioner in whose seat a vacancy has occurred” wherever it appears in sections 199 and 200 by “before the polling day of the next general election and there is a vacancy on the council of commissioners”.

2. Section 206.21 of the Act is amended

(1) by replacing “\$1,000” by “\$300”;

(2) by adding the following paragraph at the end:

“In addition to the contributions mentioned in the first paragraph, an authorized candidate may, during the fiscal year of the election, make contributions for the candidate’s own benefit, the total of which must not exceed \$700.”

3. Section 206.40 of the Act is amended by adding the following paragraph at the end:

“Such an account need not be opened if the sums derive exclusively from contributions by the authorized candidate himself.”

4. Section 206.47 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“206.47. The amount of election expenses incurred by an authorized candidate during an election must not exceed the following:

(1) for the election to the office of chair of the board, an amount of \$3,780, increased by \$0.30 per person entered on the list of electors of the school board, to which is added, where applicable, a supplement of

(a) \$0.10 per person entered on the list, if the density of electors per square kilometre is greater than 1, but less than or equal to 10;

(b) \$0.20 per person entered on the list, if the density of electors per square kilometre is greater than 0.45, but less than or equal to 1; or

(c) \$0.35 per person entered on the list, if the density of electors per square kilometre is less than or equal to 0.45;

(2) for any other office of commissioner, an amount of \$1,890 increased by \$0.30 per person entered on the list of electors of the electoral division.

Unorganized territories situated in the territory of a school board are excluded when calculating the density of electors per square kilometre.

Not later than 31 December of the year preceding the year in which the general election is to be held, the Minister publishes the list of school boards whose authorized candidates for the office of the chair are entitled to the supplement provided for by subparagraphs *a* to *c* of subparagraph 1 of the first paragraph. For the purpose of establishing that list, the Chief Electoral Officer transmits the data concerning the number of electors per school board to the Minister for the calculation of the density of electors.

Unless the Minister publishes a new list, the latest list published also applies for all subsequent by-elections held before the next general election.”;

(2) by replacing “The number of persons entered on the list for the purpose of calculating the amounts shall be” in the second paragraph by “Except to establish the list of school boards referred to in the third paragraph, the number of persons entered on the list is”.

EDUCATION ACT

5. Section 47 of the Education Act (chapter I-13.3) is amended by adding the following paragraph at the end:

“The term of a person elected to the parents’ committee who is a commissioner shall not end until that person’s term of office as commissioner has ended. The person’s term of office as commissioner may not however be renewed unless the person was elected under the second paragraph in the year the position of commissioner was to be renewed.”

ACT TO AMEND THE EDUCATION ACT AND OTHER LEGISLATIVE PROVISIONS

6. Paragraph 2 of section 9 and section 14 of the Act to amend the Education Act and other legislative provisions (2008, chapter 29) are amended by replacing “before the end of that person’s term of office” by “before the date set for the next general election”.

FINAL PROVISIONS

7. Despite section 200 of the Act respecting school elections (chapter E-2.3), any vacancy on the council of commissioners more than 12 months before the polling day of the first general school election following 14 June 2013 is to be filled by the council of commissioners in the manner set out in the first paragraph of section 199 of the Act, including the case where a polling day set for a by-election falls after 14 June 2013.

In the latter case, the election expenses incurred by an authorized candidate up until 14 June 2013 are reimbursed in full. The first and fourth paragraphs of section 207 and section 208 of the Act respecting school elections apply to the reimbursement, with the necessary modifications.

A candidate must reimburse electors who made a contribution to a by-election that was cancelled. The candidate must, within the 30 days following reimbursement of the election expenses referred to in the second paragraph, reimburse the electors who contributed to the election fund and transmit to the director general of the school board an additional financial report showing that the contributions have been reimbursed and that all the debts arising from election expenses have been paid.

In that context, the first paragraph of section 206.9 of the Act respecting school elections must be read as though “31 December of the year following the year of the election” had been replaced by “the date the reports referred to in sections 209 and 209.4 of that Act are transmitted or 90 days after the date set for the election, whichever occurs first”.

8. This Act comes into force on 14 June 2013, except sections 4 to 6, which come into force on the date to be set by the Government.