

## Decisions

### Decision

Act respecting school elections to elect certain members of the boards of directors of English-language school service centres  
(chapter E-2.3)

#### Chief electoral officer

— Powers vested in the chief electoral officer by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres with respect to the list of electors to be produced for the September 26, 2021, school elections

Decision of the chief electoral officer by the powers vested in the chief electoral officer by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres with respect to the list of electors to be produced for the September 26, 2021, school elections

WHEREAS the provisions of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (CQLR, c. E-2.3) must be read in the same manner as the Act respecting school elections were read on February 7, 2020, because of a case pending before the courts.

WHEREAS polls that were to be held on December 20, 2020, pursuant to the government Order in Council 1176-2020 dated November 11, 2020, were not held because of the COVID-19 pandemic and pursuant to the Ministerial Order 2020-096 of the Minister of Health and Social Services dated November 25, 2020.

WHEREAS the Ministerial Order 2021-057 of the Minister of Health and Social Services dated August 4, 2021, repealed Order No. 2020-096, which, among other things, prohibited the publication of election notices.

WHEREAS the polls that were not held pursuant to Order No. 2020-096 were set for September 26, 2021, by government Order No. 1076-2021 on August 4, 2021.

WHEREAS the School elections must be held on September 26, 2021, in Québec English-language school boards.

WHEREAS the vacant seats for these school elections are not all from the same type of election event, namely: nine general election seats, six recommencement seats and two by-election seats.

WHEREAS as part of recommenced proceedings, in accordance with section 84.1 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, the poll must be held in the four months during which the situation justifying the recommenced proceedings is observed, the persons entitled to be entered on the list of electors or to be candidates are the same as at the time of the original election and the list of electors in force is then used.

WHEREAS as part of a general election or a by-election, in accordance with section 39 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, the Chief Electoral Officer submits a new list of electors to the returning officer, which establishes the status as a qualified elector on polling day.

WHEREAS the holding of different types of election events during a poll is not provided for in the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres.

WHEREAS, almost a year has passed between the production of the list of electors for the original 2020 election and the September 26, 2021, school elections and persons on the 2020 list of electors might no longer be qualified electors while others not on the list may have acquired this status.

WHEREAS some English-language school boards have vacant seats up for general election and recommencement and, as a result, the returning officers of these school boards would have different lists of electors to manage during the September 26, 2021, school elections depending on the seats to be filled.

WHEREAS section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres allows the Chief Electoral Officer to adapt a provision of the Act where he or she finds that, as a result of an exceptional circumstance, the provision does not meet the demands of the resultant situation.

WHEREAS the Chief Electoral Officer informed the Ministre de l'Éducation of the decision he or she intends to make.

The Chief Electoral Officer, pursuant to the powers conferred on him or her by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, decided to adapt dispositions of the Act as follows:

1. The preamble forms an integral part of this decision.
2. For the purposes of the school elections to be held on September 26, 2021, a new list of electors will be produced for each English-language school boards required to hold an election.
3. For the establishment of the lists of electors, the status as a qualified elector will be ascertained on September 26, 2021.
4. Therefore, section 84.1 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres does not apply to the September 26, 2021, school elections.

This decision shall take effect from the date of signing.

Québec, August 16, 2021

PIERRE REID  
*Chief Electoral Officer*

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