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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 13

## **An Act to amend the Education Act in respect of school elections**

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### **Introduction**

**Introduced by  
Mr Claude Ryan  
Minister of Education**

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## EXPLANATORY NOTES

*This bill grants to a person being other than Catholic or Protestant and having no children enrolled in a school of either of the school boards which have jurisdiction in the territory where he is domiciled the right to opt, before the expiry of the time for applying for changes to the list of electors, to vote and to be elected a commissioner, where such is the case, in either of the school boards if he is not a ratepayer or if, being a ratepayer, he did not elect before the first of April for which school board he will pay his school assessments.*

*The bill provides for a decrease in the number of election wards where school municipalities are amalgamated, wholly or partly annexed or divided.*

*It abolishes the spouse's disqualification from office as a school commissioner or trustee.*

*It extends the period for preparation of the list of electors by ten days, fixes this period between the seventy-fifth and thirty-fifth days before polling day and makes corresponding adjustments to the various other time limits connected with the election of school commissioners and trustees.*

*It repeals the procedure of appeal to the Provincial Court regarding examination of the list of electors.*

*It provides for the election of the chairman and representatives of the parents' committee where a regional school board ceases to exist.*

# Bill 13

## **An Act to amend the Education Act in respect of school elections**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**I.** Section 39 of the Education Act (R.S.Q., chapter I-14) is amended

(1) by replacing the third and fourth paragraphs by the following paragraphs:

“If such person has no children enrolled in a school of either school board and is a ratepayer, he may pay his school assessments to either board, at his option, and his right to vote and to be elected a commissioner, where such is the case, shall be exercised in the school board for which he has opted.

To be valid for a school year, such option respecting the payment of school assessments must be made before the 1st of April in the preceding school year and be sent before such date to each school board concerned, which must forthwith inform the regional board of which such board is a member and the municipality within the meaning of the Act respecting municipal taxation; such an option shall remain effective for each of the school years preceding the year in which the next election is held.”;

(2) by inserting, after the fifth paragraph, the following paragraphs:

“If such person has no children enrolled in a school of either school board and is not a ratepayer or if he has not exercised the option described in the third paragraph and is a ratepayer, he may exercise his right to vote and to be elected a commissioner, where such is the case, in either school board, at his option; he shall from the next school

year, if he is a ratepayer, pay his school assessments to the school board for which he has opted for each of the school years preceding the year in which the next election is held.

To be valid for a school election, such option respecting the right to vote and to be elected a commissioner must be made before the expiry of the time allotted for making an application for changes to the electoral list.”

**2.** Section 47.4 of the said Act, enacted by section 3 of chapter 10 of the statutes of 1986, is amended by replacing the words “the school board” in the sixth line by the words “each school board resulting from the amalgamation, annexation or division”.

**3.** Section 47.5 of the said Act, enacted by section 3 of chapter 10 of the statutes of 1986, is amended by replacing the word and figures “46, 47 and 47.2” in the first line by the word and figures “46, 47, 47.1 and 47.2”.

**4.** Section 48 of the said Act, amended by section 4 of chapter 10 of the statutes of 1986, is again amended by adding, at the end of subparagraph *a* of the first paragraph, the words and figures “, except in cases provided for in sections 46, 47 and 47.2”.

**5.** Section 78 of the said Act, amended by section 161 of chapter 95 of the statutes of 1986, is again amended by striking out the second paragraph.

**6.** Section 82 of the said Act is amended by replacing paragraph 1 of the second paragraph by the following paragraph:

“(1) to be of full age and a Canadian citizen on the day of the poll;”.

**7.** Section 86 of the said Act, replaced by section 13 of chapter 10 of the statutes of 1986, is amended by replacing the words “Between 15 August and 15 September in the year in which the election of school commissioners and trustees is to be held” in the first and second lines by the words “Between the 75th day and the 35th day before the day of the poll”.

**8.** Section 88 of the said Act, replaced by section 14 of chapter 10 of the statutes of 1986, is again replaced by the following section:

**“88.** The secretary-treasurer shall deposit the electoral list at his office not later than the 35th day before the day of the poll and he shall give public notice of the deposit within the five following days.”

**9.** Section 89 of the said Act, replaced by section 15 of chapter 10 of the statutes of 1986, is amended by replacing the words “If on 1 October” in the first line by the words “If on the 30th day before the day of the poll”.

**10.** Section 90 of the said Act is amended by replacing the words “Within fifteen days” in the first line by the words “Within five days”.

**11.** Section 91 of the said Act is amended

(1) by replacing the words “within the next fifteen days” in the third line of the first paragraph by the words “within the next seven days”;

(2) by striking out the words “and give public notice thereof” at the end of the first paragraph;

(3) by striking out the word “also” in the first line of the second paragraph.

**12.** Section 93 of the said Act is amended by replacing the words “on the thirty-first day after the date of the notice of its deposit” in the first and second lines by the words “on the seventeenth day before the day of the poll”.

**13.** Subdivision 5 of Division IV of Part III of the said Act is repealed.

**14.** Section 110 of the said Act, amended by section 18 of chapter 10 of the statutes of 1986, is replaced by the following section:

**“110.** Any person wishing to be a candidate shall, from the 16th to the 14th day before the day of the poll, between 10 a.m. and 5 p.m., file a nomination paper at the office of the returning-officer. Each nomination must be supported by ten electors of the ward for which the candidate is standing.

The returning-officer shall announce the date, time and place fixed for the nomination of candidates by a public notice of at least seven clear days.”

**15.** Section 449 of the said Act is amended

(1) by inserting, after the second paragraph, the following paragraphs:

“The secretaries-general of the united school municipalities or, as the case may be, the secretary-general of the sole school board shall

proceed to the election of the chairman and the representatives of the parents' committee of the school board within thirty days before the effective date of the changes. They shall remain in office until the date on which they are replaced by persons elected according to section 52.1.

The secretaries-general of the united school municipalities shall act jointly.”;

(2) by replacing the third paragraph by the following paragraph:

“The order of the Government shall have effect on 1 July following its publication in the *Gazette officielle du Québec* or on any other date fixed by the Government, except for elections provided for in this section and in section 47.3.”

**16.** Section 535 of the said Act, amended by section 40 of chapter 10 of the statutes of 1986, is again amended

(1) by replacing the words “at least four months before the date of the elections” in the third and fourth lines of the second paragraph by the words “before 1 July of the school year in which a general election is held”;

(2) by striking out the fourth and fifth paragraphs.

**17.** Section 536 of the said Act, amended by section 41 of chapter 10 of the statutes of 1986, is again amended by replacing the fourth paragraph by the following paragraph:

“The description of the boundaries of each ward must be entered in the minute book and shall remain in force for three years; public notice of the list of the wards must be given before the ensuing 15 July.”

**18.** Section 539 of the said Act, replaced by section 42 of chapter 10 of the statutes of 1986, is repealed.

**19.** Section 543 of the said Act, amended by section 43 of chapter 10 of the statutes of 1986, is again amended by striking out the figures “108” and “144” in the fourth line of the first paragraph.

**20.** Section 567.8 of the said Act, amended by section 47 of chapter 10 of the statutes of 1986, is again amended by striking out the figures “108” and “144” in the fourth line.

**21.** This Act comes into force on (*insert here the date of assent to this Act*).