

1990, chapter 35

**AN ACT TO AMEND THE ACT RESPECTING SCHOOL
ELECTIONS AND THE EDUCATION ACT FOR CREE,
INUIT AND NASKAPI NATIVE PERSONS**

Bill 28

Introduced by Mr Michel Pagé, Minister of Education and Government House Leader

Introduced 14 March 1990

Passage in principle 2 May 1990

Passage 17 October 1990

Assented to 18 October 1990

Coming into force: 18 October 1990

Acts amended:

Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14)

Act respecting school elections (1989, chapter 36)





CHAPTER 35

An Act to amend the Act respecting school elections and the Education Act for Cree, Inuit and Naskapi Native Persons

[Assented to 18 October 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1989, c. 36,
s. 7, am.

1. Section 7 of the Act respecting school elections (1989, chapter 36) is amended by replacing the first paragraph by the following paragraph:

Authoriza-
tion

“7. The Government may, by order, authorize a school board to increase or reduce the number of electoral divisions that it may establish under section 6 by two, four or six, where it considers this to be justified by

(1) the particularly large or particularly limited size of the territory of the school board;

(2) the number of local municipalities whose territory is comprised in the territory of the school board;

(3) the isolated location of the territory of a local municipality in the territory of the school board.”

1989, c. 36,
s. 12, am.

2. Section 12 of the said Act is amended by inserting the words “section 223.2 of this Act or to section 568 of” after the words “pursuant to” in paragraph 5.

1989, c. 36,
s. 15, am.

3. Section 15 of the said Act is amended

(1) by replacing the words “that where his child is enrolled as a student” in the third and fourth lines of the first paragraph by the words “the school board to which his child is admitted as a student”;

(2) by replacing the words "enrolled in the schools" in the first line of the second paragraph by the words "admitted to the educational services".

1989, c. 36,
s. 18, am.

4. Section 18 of the said Act is amended

(1) by inserting the words "or a school board for Catholics" after the word "board" in the first line of subparagraph 2;

(2) by inserting the words "or a school board for Protestants" after the word "board" in the first line of subparagraph 3;

(3) by inserting, after the first paragraph, the following paragraph:

Voting

"An elector who declares himself to be of a religious confession, whether Catholic or Protestant, and who has a child admitted to the educational services of a school board that declares itself to be of a different religious confession may vote only at the election of commissioners of a school board that declares itself to be of his religious confession or of no religious confession, at his own choosing."

1989, c. 36,
s. 21, am.

5. Section 21 of the said Act is amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) an employee of the school board or of the regional school board of which the school board is a member;"

(2) by replacing the words "The members of the personnel" in the first line of the third paragraph by the word "Employees".

1989, c. 36,
s. 35, am.

6. Section 35 of the said Act is amended by replacing the figure "174" in the second line of the first paragraph by the figure "223.1".

1989, c. 36,
s. 45, am.

7. Section 45 of the said Act is amended by replacing the words "whose name is entered on the list of electors and" in the first line by the words "entitled to have his name entered on the part of the list of electors corresponding to an electoral division".

1989, c. 36,
s. 174,
repealed
1989, c. 36,
s. 176,
replaced

8. Section 174 of the said Act is repealed.

9. Section 176 of the said Act is replaced by the following section:

Motion

"176. The motion shall be presented within 30 days after the declaration of election."

1989, c. 36,
s. 185, am. **10.** Section 185 of the said Act is amended by replacing the word “section” in the second line by the word “Act”.

1989, c. 36,
s. 194,
replaced **11.** Section 194 of the said Act is replaced by the following section:

End of term
of disqual-
ified
commis-
sioner **“194.** The term of a commissioner who ceases after his election to meet the requirements for election set forth in section 20 or who is disqualified or became disqualified during his term of office ends on the date on which the judgment declaring him ineligible or disqualified becomes *res judicata*.

Action Any elector of a school board in which a person is a candidate for, holds or has held a seat on the council of commissioners may bring an action to declare that person ineligible or disqualified.

Action The school board itself may bring the action.”

1989, c. 36,
s. 195,
replaced **12.** Section 195 of the said Act is replaced by the following section:

Disqualified
commis-
sioner **“195.** The term of a commissioner who, after being elected, becomes disqualified pursuant to any of subparagraphs 1 to 4 of the first paragraph of section 21 ends on the day he takes office in a position referred to in those subparagraphs.”

1989, c. 36,
s. 196,
replaced **13.** Section 196 of the said Act is replaced by the following section:

End of
term **“196.** The term of a commissioner convicted of an offence which disqualifies him ends on the day the judgment becomes final.”

1989, c. 36,
s. 200, am. **14.** Section 200 of the said Act is amended by adding the words “and the poll shall be held on the Sunday following the forty-fifth day after the notice” at the end of the third paragraph.

1989, c. 36,
ss. 223.1 and
223.2, added **15.** The said Act is amended by inserting, after section 223, the following sections:

Corrupt
electoral
practice **“223.1** Every offence described in paragraphs 1 to 4 of section 212, in paragraph 4 of section 213, in paragraphs 1, 2, 3, 4 and 10 of section 214, in paragraphs 1 and 3 of section 215 and in sections 216, 217 and 219 is a corrupt electoral practice.

Loss of
rights **“223.2** Every person convicted of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election.”

1989, c. 36,
s. 279,
replaced

16. Section 279 of the said Act is replaced by the following section:

Words
replaced

"279. In any Act, regulation, by-law, ordinance, order, contract or other document, the expressions "corporation of trustees", "corporation of school trustees", "separate corporation" and "corporation of dissentient trustees" mean a dissentient school board. The same applies to the expression "school trustees" and to the words "corporation" and "trustees", when they are used within the meaning of any of those expressions.

Words
replaced

In addition, in the documents mentioned in the first paragraph, the expression "school trustees" and the word "trustees" mean, depending on the context, the commissioners or the council of commissioners of a dissentient school board."

c. I-14,
s. 610,
replaced

17. Section 610 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is replaced by the following section:

Votes

"610. Subject to section 181, each member of the Council and the regional councillor delegated by the Council of the Regional Government pursuant to section 608 shall have one vote."

Presumption

18. Any person who is a qualified elector and who was entered on the list of electors of a school board by the application of sections 15 to 18 of the Act respecting school elections as they read before 18 October 1990, but who is not entitled to be entered thereon by the application of sections 15 to 18 of the said Act as amended by this Act, shall be struck off that list of electors and shall be deemed to be entered on the list on which he is entitled to be entered for the purpose of the elections to be held on 18 November 1990.

Coming into
force

19. This Act comes into force on 18 October 1990.