

1989, chapter 36  
**AN ACT RESPECTING SCHOOL ELECTIONS**

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**Bill 106**

Introduced by Mr Claude Ryan, Minister of Education

Introduced 15 December 1987

Passage in principle 3 November 1988

Passage 21 June 1989

**Assented to 22 June 1989**

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**Coming into force: 1 July 1989, except paragraph 4 of section 12, which will come into force on such later date as the Government may fix**

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**Acts amended:**

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Education Act (R.S.Q., chapter I-14)

Education Act (1988, chapter 84)



## CHAPTER 36

### An Act respecting school elections

[Assented to 22 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### SCOPE

Scope **1.** This Act applies to all school boards, except regional school boards, the Cree School Board, the Kativik School Board and the Commission scolaire du Littoral established by chapter 125 of the Statutes of Québec, 1966-67.

#### CHAPTER II

##### DATE OF ELECTIONS

Regular election **2.** An election shall be held every four years for all the seats of commissioners who must be elected in accordance with this Act.

Polling day **3.** Polling day shall be the third Sunday in November.

Appointment by Government **4.** If the election is not held on the prescribed date, the Government may appoint the commissioners. Only persons qualified to be commissioners may be appointed.

Government order Notwithstanding the foregoing, the Government may order that an election be held and fix the dates of the various proceedings leading to an election.

## CHAPTER III

## ELECTORAL DIVISIONS

Electoral  
divisions

**5.** Within six months before 1 September in the year in which the election of school commissioners is held, the council of commissioners shall divide the territory of the school board into electoral divisions.

Number of  
electoral  
divisions

**6.** The number of electoral divisions shall vary from 9 to 21 according to the number of students enrolled in the schools of the school board on 30 September of the preceding school year. There shall be

- (1) 9 divisions if there are fewer than 2 000 students;
- (2) 11 divisions if there are 2 000 students or more but fewer than 3 000;
- (3) 13 divisions if there are 3 000 students or more but fewer than 4 000;
- (4) 15 divisions if there are 4 000 students or more but fewer than 5 000;
- (5) 17 divisions if there are 5 000 students or more but fewer than 6 000;
- (6) 19 divisions if there are 6 000 students or more but fewer than 25 000;
- (7) 21 divisions if there are 25 000 students or more.

Special  
authorization

**7.** The Government may, by order, authorize a school board to establish two, four or six electoral divisions in addition to the number prescribed in section 6, where it considers it to be justified by

- (1) the exceptional 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.

Publication  
of order

The order is published in the *Gazette officielle du Québec* and comes into force before 1 September in the year in which the election of commissioners is held.

Dissentient  
school  
boards

**8.** In the case of a dissentient school board, the number of divisions shall be three, but at the request of the council of commissioners, the Government may authorize a greater number of divisions.

Designation  
of electoral  
division

**9.** The council of commissioners shall assign a name or a number to each electoral division.

Public  
notice

It shall give a public notice containing a description of the boundaries of the divisions, using the names of the streets wherever possible.

Valid  
period

**10.** The division of the territory of a school board into electoral divisions is valid only for the first general election following the coming into force of the division and for every by-election held before the next general election.

Failure to  
perform

**11.** If the council of commissioners fails to perform its obligations under sections 5, 6 and 9, the Minister of Education may appoint a person to perform such obligations at the expense of the school board.

## CHAPTER IV

### PARTIES TO AN ELECTION

#### DIVISION I

##### ELECTORS

Qualified  
elector

**12.** Every person who, on polling day,

- (1) has attained eighteen years of age,
- (2) is a Canadian citizen,
- (3) has been domiciled in Québec for six months,
- (4) is not under curatorship, and
- (5) is not deprived of election rights, pursuant to the Election Act (1989, chapter 1),

is a qualified elector.

Right to  
vote

**13.** To exercise his right to vote, a person must be entered on the list of electors.

- 14.** Every elector shall be entered on the list of electors of the division in which his domicile is situated.
- 15.** If the domicile of an elector is situated in the territory of more than one school board, the elector cannot vote at the election of commissioners of any school board other than that where his child is enrolled as a student.
- An elector who has no children enrolled in the schools of any of the school boards may vote at the election of commissioners of such one of the school boards as he chooses.
- 16.** An elector contemplated in the second paragraph of section 15 who is the owner of a taxable immovable situated in the common territory of more than one school board cannot vote at the election of commissioners of any school board except the school board to which he has elected to pay his school tax.
- If the elector has not exercised his option with regard to the payment of school taxes he may vote at the election of the commissioners of either school board.
- 17.** The option in respect of the exercise of the right to vote must, to be valid for a school election, be made before the expiry of the time prescribed for an application for an alteration to the list of electors.
- 18.** Notwithstanding sections 15 and 16, the only electors who may vote at the election of commissioners of
- (1) a dissentient school board are electors who declare themselves to be of the same religious confession as the board;
  - (2) a Catholic confessional school board are electors who declare themselves to be of a religious confession other than Protestant or of no religious confession;
  - (3) a Protestant confessional school board are electors who declare themselves to be of a religious confession other than Catholic or of no religious confession.
- 19.** The domicile of a person is as provided in the Civil Code for all civil purposes.
- Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed

to have changed his domicile, except where he carries on duties outside Québec on behalf of the Government of Québec or of Canada.

## DIVISION II

### CANDIDATE

**Eligibility**      **20.** Every person who is entitled to have his name entered on the list of electors of a school board and who, on polling day, has been domiciled in the territory of the school board for six months or more may be elected as a commissioner for that school board.

**Disqualification**      **21.** The following persons are disqualified for election to the office of school commissioner:

- (1) Members of the National Assembly;
- (2) Members of the Parliament of Canada;
- (3) justices of any court of justice;
- (4) a member of the personnel of the school board;
- (5) a person sentenced to imprisonment.

**Duration**      Disqualification under subparagraph 5 applies for the term of the sentence but ceases if the person obtains a pardon for the offence committed.

**Disqualification**      The members of the personnel of the Conseil scolaire de l'île de Montréal are disqualified for election to the office of school commissioner of any school board on the island of Montréal.

## DIVISION III

### ELECTION OFFICERS

**Returning officer**      **22.** The director general of the school board is the returning officer *ex officio*. He may refuse to act as such only with the authorization of the council of commissioners, who shall, in that case, appoint another person to replace him.

**Election clerk**      **23.** The returning officer shall appoint an election clerk to assist him in the performance of his duties.

**Replacement**      **24.** If the returning officer is unable to exercise his duties, the election clerk shall replace him and he must notify the council of

commissioners, who may, in that case, appoint another person as the returning officer.

**25.** The returning officer may, if he considers it appropriate, appoint assistants to whom he may delegate in writing the exercise of all or part of his powers and duties under this Act.

**26.** The returning officer may also retain, on a temporary basis, the services of any person he considers necessary.

**27.** The returning officer, the election clerk, the assistants, the members of the board of revisors, the persons required by the returning officer and polling officers are election officers.

Before taking office, every election officer, except the returning officer, must swear before the returning officer or a person designated by the latter that he will perform the duties of his office faithfully and to the best of his judgment and ability.

**28.** Election officers shall be chosen from among persons who are qualified electors; they may also be chosen from among the employees of the school board.

**29.** The returning officer may dismiss any election officer who neglects to perform his duties, engages in partisan work or is not qualified for the office.

An election officer who has been dismissed shall return all the official documents in his possession to the returning officer.

**30.** The school board shall fix the tariff of remuneration and expenses of election officers. The tariff cannot exceed that fixed under the Election Act.

DIVISION IV

REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS

**31.** A ticket recognized under Division III of Chapter V may designate a person for each polling station where a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer.

**32.** An independent candidate may designate a person for each polling station where a vote may be cast in his favour, and give him

a power of attorney to represent him before the deputy returning officer.

**33.** A candidate may be present wherever his representative is authorized to act, assist him in performing his duties or replace him.

Presence of candidate

A candidate who has no representative may act where a representative would be authorized to act.

Unrepresented candidate

**34.** A recognized ticket may designate a poll runner for each polling place where there is a polling station at which a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to periodically collect a list of the persons who have already exercised their right to vote.

Poll runner

An independent candidate may in the same manner designate a poll runner for each polling place where there is a polling station at which a vote may be cast in his favour.

Poll runner

The first two paragraphs do not apply to advance polls.

Advance polls

**35.** A person who pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 174 or the Election Act is disqualified from holding office as a representative or a poll runner.

Disqualification

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes *res judicata*.

Duration

**36.** The power of attorney shall be signed by the leader of the ticket, by the independent candidate or by the person designated for that purpose by the leader or candidate in a writing transmitted to the returning officer.

Power of attorney

The power of attorney shall be presented to the deputy returning officer.

Power of attorney

**37.** The power of attorney of a representative is valid for the duration of the poll and the counting of votes at the polling station to which he is assigned. The power of attorney of a poll runner is valid for the duration of the poll.

Valid period

CHAPTER V

ELECTION PROCEEDINGS

DIVISION I

NOTICE OF ELECTION

Notice of election

**38.** Not later than 90 days before polling day, the returning officer shall give a public notice setting forth the following particulars:

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

(2) the particulars that must be set forth in a nomination paper and the documents that must be attached;

(3) the fact that if two or more candidates are nominated for a seat of commissioner, an advance poll and a poll will be held to elect one of them;

(4) the date of the advance poll and the opening and closing times of the polling station or stations on that day;

(5) polling day and the opening and closing times of the polling station or stations on that day;

(6) the name of the election clerk;

(7) the telephone number and address of the office of the returning officer.

DIVISION II

LIST OF ELECTORS

§ 1.—*Preparation*

Preparation of list

**39.** The returning officer shall draw up the list of electors for each electoral division between the ninetieth and forty-fifth days before polling day.

Method

The list may be drawn up from the latest list of electors prepared under the Election Act.

Other measures

The returning officer shall take any other necessary measures to draw up the list of electors.

- Entries**           **40.** When preparing the list of electors, the returning officer shall enter the names of the persons who are entitled to vote at the election of the commissioners of the school board or who have chosen to exercise their right to vote at such election pursuant to sections 15 to 18.
- Deposit**           **41.** Not later than 45 days before polling day, the returning officer shall deposit the list of electors of each electoral division at the head office of the school board.
- Public notice**   **42.** Not later than five days after the deposit of the list of electors, the returning officer shall give a public notice of the deposit of the list of electors of each electoral division indicating the place where it may be examined.
- Content**           The notice shall also indicate the place, days and hours fixed for filing applications for entry, striking or correction.
- Failure to carry out formalities**   **43.** If on the 40th day preceding polling day the list of electors has not been prepared or deposited, or if the notice prescribed in section 42 has not been given, the Minister may appoint a person to carry out, at the expense of the school board, the formalities that have not been observed.
- Government responsibilities**   The Government may in such a case fix the dates for the various stages required for the holding of the elections, including polling day.

### § 2.—*Revision*

- Corrections**   **44.** Within five days after the notice of deposit of the list of electors, any person who ascertains that his name is not entered on the list of electors although it should be entered or that his name is entered on the list although it should not be entered or that he is erroneously designated may file a written application for entry, striking off or correction with the returning officer.
- Striking off**       **45.** Any elector whose name is entered on the list of electors and who finds that the name of a person has been entered on the list although that person is not entitled thereto may file a written application with the returning officer for the striking off of that person's name.
- Application by relative or spouse**   **46.** An application for entry, striking or correction under section 44 may also be made by an elector who is a relative or the spouse of the person who is entitled to make the application.

- Interpretation  
 "relative" For the purposes of the first paragraph,  
 (1) "relative" means the father, mother, grandfather, grandmother, brother-in-law, sister-in-law, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law and, in respect of a member of a group of persons who live together and observe common rules under the authority of a superior, the superior or the delegate authorized by him for the purposes of the first paragraph;
- "spouse" (2) "spouse" means a person who is married to and cohabits with the person referred to in the first paragraph, or a person who cohabits with but is not married to that person and whom he publicly presents as his spouse.
- Board of revisors **47.** The returning officer shall establish a board of revisors composed of three revisors appointed by him.
- Chairman and vice-chairman **48.** The returning officer shall appoint the chairman and vice-chairman of the board of revisors from among its members.
- Quorum **49.** Two revisors constitute a quorum of the board of revisors.
- Decisions **50.** Every question submitted to the board of revisors shall be decided by a majority vote.
- Tie-vote In the event of a tie-vote, the chairman or, in his absence, the vice-chairman shall have a casting vote.
- Transmission of applications **51.** Upon the expiry of the five days prescribed in section 44, the returning officer shall transmit the applications for entry, striking or correction to the board of revisors.
- Depositions **52.** Within the five following days, the board of revisors shall examine the applications and receive the depositions on oath of all persons present who wish to be heard and, if need be, of their witnesses.
- Entry in register It shall maintain or dismiss each of the applications submitted. Mention of its decision must be entered in the register it is required to keep.
- Notice **53.** Before taking an application for the striking of a name into consideration, the board of revisors shall give notice of one clear day to the person concerned by the application.

- 54.** Where the decision of the board involves the striking or entry of a name although no application has been made therefor, the board may strike or enter the name of its own initiative.
- Striking or entry of name
- Notice
- Notice of one clear day must be given to the person concerned that his name will be struck. The board cannot strike the name if it has failed to give this notice.
- 55.** The board of revisors may also, of its own initiative, correct the name or address of an elector where the error is manifest or where, after inquiry, the board comes to the conclusion that the name or address is erroneous.
- Corrections by revisors
- 56.** The board of revisors, upon completing its work, shall prepare an abstract of each entry, striking and correction it has made on the list of electors.
- Abstract of changes
- It shall also certify the number of names entered on the list of electors before revision, the number of names added, struck or corrected and the total number of names appearing on the revised list.
- Certification of numbers
- 57.** On or before the twenty-ninth day preceding polling day, the board of revisors shall transmit the abstract of changes to the returning officer.
- Transmission of abstract
- 58.** After receiving the abstract of changes, the returning officer shall incorporate the changes into the list of electors.
- Incorporation into list
- The abstract of changes forms part of the list of electors until such time as the changes have been incorporated into the list.
- Abstract to form part of list
- § 3.—Coming into force**
- 59.** The list of electors comes into force 27 days before polling day.
- Coming into force
- 60.** The returning officer shall give to every candidate, on the day of filing his nomination paper, a free copy of the list of electors for the electoral division where he has filed for nomination.
- Copy to candidates
- 61.** No clerical error in the preparation, revision or putting into force of the list of electors affects the validity of the list unless it results in actual injustice.
- Clerical errors

DIVISION III

NOMINATIONS AND TICKETS

Nomination paper **62.** A person wishing to be a candidate shall file a nomination paper at the office of the returning officer on or before the fourteenth day preceding polling day between 10:00 a.m. and 5:00 p.m. or, as the case may be, during the nomination period fixed by the council of commissioners.

Designation of mandatary **A** person wishing to be a candidate may designate in writing a person to act in his name as his mandatary.

Nomination period **The** nomination period which may be fixed by the council of commissioners may extend from the twentieth day to the fourteenth day preceding polling day.

Tickets **63.** Candidates may be grouped into tickets recognized by the returning officer.

Recognition **64.** Any ticket which undertakes, through its leader, to present candidates for at least one-third of the seats of commissioners open for nominations at the next election may apply for recognition.

Application **65.** The leader of the ticket shall transmit to the returning officer, between the seventy-fifth day and the twenty-fifth day preceding polling day, a written application for recognition setting forth the following particulars:

(1) the name of the ticket;

(2) the address to which communications intended for the ticket must be sent;

(3) the name, address and telephone number of the leader of the ticket.

Undertaking **The** application must also set forth the undertaking which entitles the ticket to apply for recognition.

Names of candidates **The** application must be accompanied with the names, addresses and signatures, for at least one-third of the seats of commissioners open for nominations, of the eligible persons declaring their intention to be candidates of that ticket for those seats.

Recognition by returning officer **66.** The returning officer shall grant the recognition to a ticket applying therefor in accordance with sections 64 and 65.

**Misleading name** The returning officer shall refuse to recognize a ticket if its name includes the word "independent" or is likely to mislead the electors as to which ticket they are voting for.

**Duration of recognition** The recognition has effect for the purposes of the next general election and every by-election held before the general election following the next one.

**Change of ticket name** **67.** A recognized ticket is not authorized to change its name except with the approval of the returning officer. The returning officer shall refuse to approve any change if the proposed name includes the word "independent" or is likely to mislead the electors as to which ticket they are voting for.

**Approval** An application for approval is made by means of a writing from the leader of the ticket.

**Withdrawal of recognition** **68.** The returning officer shall, unless the election proceedings are recommenced pursuant to Division III of Chapter VI, withdraw the recognition of a ticket where, at the end of the nomination period, it offers candidates for less than one-third of the seats of commissioners open for nominations or where the number of candidates remaining after that period but before the end of the polling period is under the required minimum.

**Misleading name** The returning officer shall also withdraw the recognition of a ticket which has changed its name to include the word "independent" or when the new name is likely to mislead the electors as to which ticket they are voting for.

**Content of nomination paper** **69.** The nomination paper shall state the name, date of birth, address and occupation of the candidate, indicate the division for which he is a candidate and include an affidavit certifying that he is eligible.

**Indication of ticket** **70.** The nomination paper of the candidate of a recognized ticket shall state that he is the candidate for that ticket.

**Signatures** **71.** The nomination paper shall be signed by the candidate and supported by ten electors of the electoral division for which the nomination paper is filed.

**Address** Each elector shall enter his address opposite his signature as it appears on the list of electors.

**Proof of identity** **72.** The nomination paper shall be accompanied with a proof of the candidate's identity and a statement signed by him or his

mandatary certifying that he knows the signatories, that they signed the nomination paper in his presence and that to the best of his knowledge they are electors of the school board.

True copy After examining the proof of identity, the returning officer shall keep a true copy and return the original to the person filing the nomination paper or his mandatary.

Letter from leader **73.** The nomination paper of the candidate of a recognized ticket must be accompanied with a letter signed by the leader of the ticket certifying that the person is its official candidate for the seat concerned.

Restriction **74.** No person may be a candidate for more than one school board or for more than one electoral division of a school board.

Name of candidate **75.** A person may be a candidate under the given name and surname he ordinarily uses provided that it is the name by which he is commonly known in political, professional or social life and that he is acting in good faith.

Filing **76.** The returning officer shall receive, without delay, every nomination paper meeting the requirements of this Act.

Proof of nomination The returning officer shall then issue an acknowledgment of receipt, which is proof of the nomination.

Access to nomination papers **77.** Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the returning officer, during the election period, shall allow any elector to examine, at his office, any nomination paper received.

Copy of nomination paper **78.** Notwithstanding section 10 of the Act respecting Access to documents held by public bodies and the Protection of personal information, only a candidate may obtain a copy of a nomination paper that has been accepted. The copy may be obtained free of charge at the office of the returning officer.

Acclamation **79.** If, at the expiry of the nomination period, the returning officer has received only one nomination for an electoral division, he shall declare that candidate elected.

No nomination **80.** If, at the expiry of the nomination period, the returning officer has received no nomination for an electoral division, he shall inform the Minister in writing; within 30 days of being so informed, the Minister shall fill the office of commissioner.

**81.** A candidate may withdraw at any time by filing with the returning officer a declaration to that effect bearing his signature.

**82.** The name of a candidate who has withdrawn shall not appear on the ballot paper.

Notwithstanding the foregoing, if it is impossible to print new ballot papers in time for the poll, the deputy returning officer shall strike the name of the candidate from every ballot paper.

If the withdrawal of a candidate occurs while voting is in progress, all the votes cast in his favour shall be cancelled.

**83.** If, after the withdrawal of a candidate, there remains only one candidate, the returning officer shall declare him elected.

**84.** If a candidate dies after the nomination period but before the close of the poll, the returning officer shall hold a new nomination period for that electoral division between 10 a.m. and 5 p.m. on the second following Friday. The poll shall be held on the third subsequent Sunday.

The returning officer shall publish a public notice as soon as possible informing the electors of the new nomination period and new polling day.

#### DIVISION IV

##### POLL

#### § 1.—*Notice of poll*

**85.** If the returning officer has received more than one nomination for an electoral division, he shall announce that a poll will be held by publishing a notice indicating

(1) for each division where a poll is necessary, the given name, surname and address of each candidate, in alphabetical order of the candidates' surnames;

(2) the date, place and time when advance polling stations will be open and the electors entitled to vote thereat;

(3) the date, place and time when polling stations will be open on polling day.

The notice shall also indicate the name of the recognized ticket to which a candidate belongs, where that is the case.

Posting **86.** The returning officer shall post up the notice of poll at the head office of the school board at the expiry of the nomination period.

§ 2.—*Advance poll*

Advance polling stations **87.** The returning officer shall, seven days before polling day, establish as many advance polling stations as he considers necessary.

Provisions applicable **88.** Except if otherwise provided, the provisions of this division relating to a regular poll held in a polling station, adapted as required, apply to the advance poll.

Hours **89.** The advance polling station shall be open from 9:00 a.m. to 7:00 p.m., on Sunday of the week preceding polling day.

Who may vote **90.** Election officers on duty on polling day, handicapped persons, persons who have reason to believe they will be absent or unable to vote on polling day may vote at the advance poll.

Oath **91.** A person who has reason to believe that he will be absent or unable to vote on polling day and wishes to vote at the advance poll shall, before receiving a ballot paper, declare under oath that he will be absent or unable to vote on polling day. A note thereof shall be entered in the poll book.

Duty of poll clerk **92.** When an elector is admitted to vote in an advance poll, the poll clerk shall enter his given name, surname and address in the poll book and shall make an entry thereof on the list of electors in the space reserved for that purpose.

Entries in poll book **93.** After the close of the advance polling station, the poll clerk shall enter in the poll book the particulars prescribed in section 131.

Ballot papers The deputy returning officer shall place in separate envelopes the ballot papers found in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers and the list of electors; he shall then seal the envelopes. These envelopes, except the envelope containing the list of electors, shall be placed in the ballot box together with the poll book. The deputy returning officer shall seal the ballot box and affix thereto a safety seal bearing a number.

Ballot box The deputy returning officer shall then deliver the ballot box to the returning officer or the person designated by him.

§ 3.—*Poll officers*Polling  
stations

**94.** The returning officer shall establish as many polling stations as he considers necessary.

Location

The polling stations of an electoral division must be grouped in one public place. However, if the returning officer considers it preferable by reason of the size of the electoral division, the number of electors or the presence of a hospital centre or a reception centre in the electoral division, he may establish these stations at more than one place.

Appoint-  
ments

**95.** The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.

Duties of  
deputy  
returning  
officer

**96.** The deputy returning officer shall, in particular,

(1) see to the physical arrangement of the polling station;

(2) ensure that the polling is properly conducted and that order is maintained;

(3) facilitate the exercise of the right to vote and ensure the secrecy of the vote;

(4) proceed with the counting of the votes;

(5) transmit the results of the poll to the returning officer and deliver the ballot box to him.

Duties of  
poll clerk

**97.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) assist the deputy returning officer.

Peace  
officers

**98.** The returning officer may, to maintain peace and order, require the assistance of peace officers or of any other person.

§ 4.—*Materials required for the poll*Ballot  
papers

**99.** The returning officer shall cause ballot papers to be printed in the form prescribed in Schedule I.

- Paper            The paper used to make the ballot papers must be of sufficient weight that writing does not appear through it.
- Counterfoil and stub        **100.** The ballot paper must have a counterfoil and be attached to a stub. The counterfoil and the stub must bear the same number on the reverse and be numbered consecutively.
- Identification of candidates    **101.** The ballot paper must allow each candidate to be identified.
- Content on obverse            The ballot paper must contain, on the obverse,
- (1) the full names of the candidates in alphabetical order of surnames, with the given name of each placed before his surname;
  - (2) under each name, the name of the recognized ticket to which the candidate belongs, where such is the case;
  - (3) a circle for the elector's mark opposite the particulars pertaining to each candidate.
- Content on reverse            **102.** The ballot paper shall contain, on the reverse,
- (1) the number of the ballot paper appearing on the counterfoil and the stub;
  - (2) a space reserved for the initials of the deputy returning officer;
  - (3) the name of the school board;
  - (4) the name or number of the electoral division concerned;
  - (5) polling day;
  - (6) the name and address of the printer.
- Electoral division            The designation of the electoral division concerned must correspond to that appearing in the nomination papers.
- Same name                    **103.** Where several candidates have the same given name and surname, the returning officer shall, to avoid the possibility of confusion, enter their occupation and, if necessary, their address under their name. Where that is the case, he shall make the same entries for each candidate.
- Printer's affidavit            **104.** When delivering the ballot papers to the returning officer, the printer shall produce an affidavit containing the description of the

ballot papers printed by him, showing the number of ballot papers delivered to the returning officer, and certifying that he has not furnished any other ballot paper to any other person and that he has none in his possession.

Ballot  
boxes

**105.** The returning officer shall obtain as many ballot boxes as are necessary for the conduct of the election.

Shape and  
size

Every ballot box shall be made of durable material and of uniform size and shape.

§ 5.—*Preliminary proceedings*

Delivery of  
materials

**106.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall deliver to the deputy returning officer, in a sealed ballot box, after affixing his initials to the seals, the list of electors of the polling station, a poll book, the required number of ballot papers, the forms and the materials and documents required for the poll and the counting of votes. He shall also supply the deputy returning officer with a polling booth.

Presence  
of election  
officers

**107.** The deputy returning officer and the poll clerk shall be present at the polling station one hour before the opening of the poll.

Attendance  
of candidate

**108.** A candidate or his representative may be present at the polling station with the deputy returning officer and the poll clerk and observe any operation taking place in the polling station.

Examination  
of documents

**109.** The deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the materials required for the poll, and comply with the directives issued in that respect by the returning officer.

Examination  
of ballot box

**110.** At the time fixed for the opening of the poll, the deputy returning officer and the poll clerk shall inspect the ballot box to verify that it contains no ballot paper. It shall then be sealed and placed in front of the deputy returning officer, on the table of the polling station.

§ 6.—*Polling*

Polling  
hours

**111.** Polling shall take place from 9:00 a.m. to 7:00 p.m.

Employees'  
leave

**112.** Every employer shall grant to his employees, during the hours the polling stations are open, at least four consecutive hours to vote, not counting the time normally allowed for meals.

Penalty prohibited      No deduction of salary or wages and no penalty may be imposed on the employee by reason of this leave.

One elector at a time      **113.** Not more than one elector shall be admitted to a polling station at one time.

Name and address      **114.** The elector shall give his surname, given name and address to the deputy returning officer and to the poll clerk.

Admission to vote      **115.** The deputy returning officer shall admit an elector to vote if he has not already voted, if he is entered on the list of electors used at the polling station and if his surname, given name and address correspond to those appearing on the list of electors.

Ballot paper      **116.** The deputy returning officer shall, after writing his initials in the space reserved for that purpose and detaching the counterfoil, give a ballot paper to the elector admitted to vote.

Required declaration      **117.** Every person presenting himself to vote shall, if requested by the deputy returning officer, a candidate or his representative, make the following declaration before the deputy returning officer:

“I swear (*or solemnly affirm*) that I am a qualified elector and that I have not already voted in this election.”

Refusal to comply      If the elector refuses, he shall lose his right to vote in the current election and an entry thereof shall be made in the poll book, in accordance with the form provided in Schedule II.

Error in designation      **118.** The elector whose designation does not correspond exactly to that appearing on the list of electors may nevertheless be admitted to vote after making the declaration provided in section 117.

Voting      **119.** After receiving a ballot paper, the elector shall proceed to the polling booth and, without undue delay, mark his ballot paper in one of the circles and fold it.

Marking of ballot paper      The elector shall mark his ballot paper by making a cross, an “X”, a check mark or a line on the ballot with a pen or, as the case may be, the pencil put at his disposal by the deputy returning officer.

Marked ballot placed in ballot box      **120.** The elector shall leave the polling booth, and allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every representative or a candidate who wishes to do so. The elector, in full view of the persons present, shall then detach the stub and remit it to the deputy returning officer, who shall destroy it, and the elector himself shall place his ballot paper in the ballot box.

**121.** As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

Indication  
on list of  
electors

**122.** If the initials appearing on the back of the ballot are not those of the deputy returning officer, the latter shall cancel the ballot and the poll clerk shall make an entry thereof in the poll book.

Initials

**123.** The deputy returning officer shall give a new ballot paper to an elector who has inadvertently marked or spoiled his ballot paper, and cancel the marked or spoiled ballot paper.

Spoiled  
ballot  
paper

**124.** An elector who declares under oath that he is unable to mark his ballot paper himself may be assisted

Assistance

(1) by the deputy returning officer or the poll clerk, in the presence of the candidates or their representatives;

(2) by an elector of the same electoral division, in the presence of the deputy returning officer or the poll clerk assigned to the polling station. The latter elector shall declare under oath that he has not assisted another elector during the poll.

In either case, an indication thereof shall be entered in the poll book.

Indication  
in poll book

**125.** An elector under whose name a person has already voted may nevertheless be admitted to vote after making the declaration provided in section 117. An entry thereof shall be made in the poll book.

Name used  
by other

**126.** An elector whose name does not appear on the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer may obtain a written authorization to vote from the returning officer or the election clerk.

Name on  
revised  
list only

An elector who has obtained an authorization under the first paragraph shall present it to the deputy returning officer and declare under oath that he is the person who obtained it. An entry thereof shall be made in the poll book.

Oath

**127.** By way of exception to section 13, an elector whose name is not entered on the list of electors for the electoral division where it would rightfully be entered may be allowed to vote upon the following conditions:

Name not  
on the list

(1) he makes the declaration contemplated in section 117;

(2) two electors entered on the list of electors for the same electoral division declare under oath that the person applying to vote is a qualified elector.

Entry in  
poll book

An entry thereof shall be made in the poll book.

Extension  
of polling  
period

**128.** If polling does not begin at the time fixed, if it is interrupted by irresistible force or if it cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted ten hours.

Late  
voting

**129.** The electors who are present on the premises of a polling station at the close of the poll and who have not been able to vote before the appointed time may exercise their right to vote. The deputy returning officer shall declare the polling closed after they have voted.

## CHAPTER VI

### PROCEEDINGS AFTER CLOSE OF POLL

#### DIVISION I

##### COUNTING OF VOTES

Counting  
of votes

**130.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall count the votes. The candidates and their representatives may attend.

Entries in  
poll book

**131.** Before the ballot box is opened, the poll clerk shall enter in the poll book

(1) the number of electors who have voted;

(2) the number of ballot papers inadvertently marked, spoiled or cancelled and the number of unused ballot papers.

Procedure

**132.** The deputy returning officer shall open the ballot box, count the votes by taking, one by one, the ballot papers placed in the ballot box and allow each person present to examine each ballot.

Valid  
ballot  
papers

**133.** The deputy returning officer shall declare valid every ballot paper which an elector has marked in one of the circles as provided in section 119.

Rejected  
ballot papers

Notwithstanding the foregoing, the deputy returning officer shall reject every ballot paper which

(1) has not been furnished by him;

- (2) has not been marked;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked elsewhere than in one of the circles;
- (5) bears fanciful or injurious entries; or
- (6) bears a mark by which the elector can be identified.

## Eceptions

**134.** The deputy returning officer shall reject every ballot paper that does not bear his initials. However, the ballot paper shall not be rejected where all of the following conditions are met:

(1) the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors and the poll book, as the case may be, were placed in it;

(2) the ballot papers found in the ballot box which bear no initials are, on their face, those furnished by the deputy returning officer;

(3) the deputy returning officer signs an affidavit attesting that he inadvertently omitted or forgot to affix his initials to a specified number of ballot papers.

## Initials

The deputy returning officer shall then, in full view of the persons present, affix his initials to the back of every ballot that does not bear them, and shall enter on each ballot, following his initials, a note indicating that they were affixed as a correction. An entry thereof shall be made in the poll book.

## Attached stub

**135.** No ballot paper may be rejected for the sole reason that the stub has not been detached. In such a case, the deputy returning officer shall detach the stub and destroy it.

## Marking

Furthermore, no ballot paper may be rejected for the sole reason that the mark made in one of the circles by the elector extends beyond the circumference of the circle.

## Objections

**136.** The deputy returning officer shall consider every objection raised in relation to the validity of a ballot and decide it immediately. The objection and the decision of the deputy returning officer shall be entered in the poll book.

## Statement of the poll

**137.** After counting the ballots, the deputy returning officer shall draw up a statement of the poll according to the form provided in Schedule III.

Copy to candidates He shall give a copy of the statement to every candidate or his representative and shall keep a copy to be delivered to the returning officer.

Sealed envelopes **138.** The deputy returning officer shall then place, in separate envelopes, the ballot papers marked in favour of each candidate, the rejected ballot papers, the inadvertently marked, spoiled or cancelled ballot papers, the unused ballot papers and the statement of the poll. He shall seal the envelopes.

Initials The deputy returning officer, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

Ballot box The envelopes, the poll book and the list of electors shall be placed in the ballot box.

Seals **139.** The deputy returning officer shall seal the ballot box; he, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

Delivery of box The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by him.

## DIVISION II

### ADDITION OF VOTES

Time and place **140.** The addition of the votes shall begin at the time fixed by the returning officer on the night of the poll. It shall take place at the office of the returning officer and any candidate or elector may be present.

Procedure **141.** The returning officer shall add the votes by using the statements of the poll delivered to him by the deputy returning officers and compiling the votes cast in favour of each candidate in each polling station of the electoral division.

Adjournment **142.** If the statement of the poll has not been enclosed in a ballot box or if a ballot box has not been returned to the returning officer, he shall adjourn the addition of the votes until he obtains the missing statement or ballot box.

Missing statement or ballot box If it is impossible to obtain them, he shall use the statement of the poll given to him or, failing that, the statement of the deputy returning officer or of a representative, and he shall continue with the addition.

Results of  
addition

**143.** The returning officer shall declare the results of the addition. He may communicate them to any person on request.

Tie

**144.** In the case of a tie for first place, the returning officer shall make a new addition of the votes.

Application  
to the Court  
of Québec

If the tie-vote still exists after the new addition, the returning officer shall apply to the Court of Québec in accordance with the provisions of section 147.

## DIVISION III

## JUDICIAL RECOUNT

Application  
by candidate  
or repre-  
sentative

**145.** Any candidate or his representative may apply for a judicial recount on the ground that a deputy returning officer has, in counting the votes, improperly counted any ballot, improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate.

Majority of  
5% or less

**146.** The candidate who came second, or his representative, may apply for a judicial recount where the majority is not over 5% of the votes cast.

Procedure

**147.** The application for a judicial recount is made by way of a motion to a judge of the Court of Québec of the judicial district in which all or part of the electoral division where the election was held is situated.

Motion

**148.** The motion must be presented within four days after the addition of the votes.

Recount

**149.** The judicial recount shall begin within four days after the presentation of the motion and be carried out as rapidly as possible.

Notice

**150.** The judge shall give notice in writing of at least one clear day to the returning officer and to the candidates of the day, time and place where the recount will take place.

Summons

The judge shall summon the election clerk and the returning officer, and order the returning officer to bring the ballot boxes and the statements of the poll of the electoral division concerned.

Recount

**151.** On the appointed day, the judge, in the presence of the returning officer and election clerk, shall recount the votes.

Applicable provisions

**152.** Sections 133 and 135 apply for the purpose of deciding the validity of a ballot paper and the judge may for that purpose take the measures he considers appropriate.

Missing ballot box or documents

**153.** If a ballot box or required documents are missing, the judge shall take the appropriate measures to ascertain the results of the vote. For that purpose, he is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

Witnesses

Every person testifying on that occasion before the judge has the same privileges and immunity as a witness before the Superior Court, and articles 307 and 309 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, adapted as required.

Custody of ballot boxes

**154.** While the recount is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been delivered to him.

Duty of judge

**155.** Upon the completion of the recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of the poll and certify the results of the vote.

Return of ballot boxes

The judge shall return the ballot boxes and all the other documents used for the recount to the returning officer.

Elected candidate

**156.** The returning officer shall declare elected the candidate who received the largest number of votes.

New election

If the tie-vote still exists after a judicial recount, the returning officer shall order a new election for the electoral division concerned and shall fix the dates for nominations and for the poll.

Costs

**157.** The judge shall award and fix the amount of the costs according to the tariff established by government regulation.

Unchanged results

Where the election results remain unchanged, the costs of the candidate who received the largest number of votes shall be assumed by the person who applied for the recount.

No costs

The person who applied for a recount pursuant to section 146 shall pay no costs.

Recovery of costs

**158.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.

## DIVISION IV

## DECLARATION OF ELECTION

Elected  
candidate

**159.** If no application for a judicial recount is filed within the time prescribed, the returning officer shall declare elected the candidate who has received the largest number of votes. He shall also declare elected the candidate declared elected under section 79 or under section 83. He shall send a copy of the declaration to each candidate.

Date of  
taking  
office

**160.** School commissioners shall take office on the date of the declaration of election.

Continuance  
in office

Every commissioner shall remain in office until a new election is held, unless his seat becomes vacant for one of the reasons set out in section 191.

Custody of  
documents

**161.** The returning officer shall keep the documents relating to the election until the time allowed for contestation has expired.

Entries in  
minute  
book

**162.** The returning officer shall enter the names of the candidates declared elected and the official results of the poll in the minute book of the school board.

Public  
notice

**163.** The returning officer shall issue, without undue delay, a public notice stating the given name and surname of every elected candidate and the electoral division he represents.

Oath of  
office

**164.** Within thirty days from taking office, every school commissioner shall swear before the returning officer, or the person designated by him, to fulfill his duties faithfully and to the best of his judgment and ability.

Entry

An entry of the oath shall be made in the Minutes of Proceedings of the school board.

## CHAPTER VII

## ELECTORAL CODE OF ETHICS

## DIVISION I

## SECURITY OF VOTING

Secrecy

**165.** Voting is secret.

Prohibition **166.** No elector may, on the premises of a polling station, indicate publicly, in any manner, in favour of which candidate he proposes to vote or has voted.

Prohibition No candidate, representative or election officer may, on those premises, attempt to learn in favour of which candidate an elector proposes to vote or has voted.

Premises of polling station The building in which the polling station is located and any neighbouring place where the indications of the elector or the actions of the candidate, representative or election officer may be heard or seen by the electors waiting in line are considered to be the premises of a polling station.

Prohibition **167.** No candidate, representative, election officer or elector who has given assistance to another elector may reveal the name of the candidate for whom the elector has voted.

Forced disclosure **168.** No person may be compelled to disclose for which candidate he has voted.

## DIVISION II

### PARTISAN PUBLICITY AND PARTISAN WORK

Prohibited publicity **169.** No person may, on the premises of a polling station, use a sign to indicate his association with a recognized ticket or his support for or opposition to a ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

Premises of polling station The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are considered to be the premises of the polling station.

Partisan work **170.** No election officer may engage in partisan work from the time he has made his oath.

School board employee **171.** No employee of a school board may engage in partisan activities in relation to an election of commissioners of the school board.

Exceptions **172.** Attending a meeting of the candidates on a recognized ticket, making a contribution to a candidate or affixing a signature in support of a nomination or an application for authorization are not partisan activities.

Applicability      The first paragraph does not apply to the secretary general of the school board or to any other employee of the school board while he is an election officer.

## CHAPTER VIII

### CONTESTATION OF ELECTIONS

Irregularity or corrupt practice      **173.** The election of a school commissioner may be contested by a candidate or by five electors where the election or the declaration pertaining to it is irregular, or, where a corrupt electoral practice was used which causes the election of the school commissioner to be null.

Offence      **174.** 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.

Procedure      **175.** An election is contested by way of a motion to the Superior Court of the judicial district in which all or part of the electoral division where the election was held is situated.

Motion      **176.** The motion shall be presented within 30 days after the declaration of election or within 30 days after the use of the corrupt electoral practice where the motion alleges that the practice was used after the declaration of election.

Returning officer      **177.** The returning officer shall be made a party to the case.

Summons      **178.** The summons is made by way of a writ to which is attached, to stand in lieu of a declaration, the motion provided for in section 175.

Hearing      **179.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure but the motion is heard and decided by preference.

Rules of proof      **180.** The rules of proof are those in force in civil matters.

Proceedings continued      **181.** The fact that the respondent has accepted a post which disqualifies him from holding a seat or has abandoned his seat as a school commissioner does not prevent the making of the motion or interrupt the hearing.

Decision of the court      **182.** The court shall decide whether

- (1) the election is null;
- (2) the school commissioner whose election is contested was duly elected or declared elected;
- (3) another person was elected, indicating who that other person is.

Nullity of election

**183.** If the hearing establishes

- (1) that a corrupt electoral practice was used by a candidate or, with his knowledge and consent, by another person, the candidate shall be considered guilty of a corrupt electoral practice, and if he has been elected, his election is null;
- (2) that a corrupt electoral practice was used by the representative of a candidate, the election of that candidate is null.

Exception

The election of a candidate shall not be declared null pursuant to subparagraph 2 of the first paragraph if it is established that the deed is of minor gravity and could not have affected the outcome of the election, and that the candidate, in good faith, took reasonable precautions to carry on an honest campaign for election.

Votes subtracted

**184.** If the hearing establishes that a candidate, personally or through another person, committed an offence described in section 217 or 219, the court shall subtract, from the number of votes which appear to have been given in favour of the candidate, one vote for each person who voted at that election and in respect of whom, according to the evidence, the candidate is guilty of that offence.

Unchanged results

**185.** The election of a candidate shall not be declared null by reason of an offence against this division that does not constitute a corrupt electoral practice, if the court comes to the conclusion that the offence could not have changed or significantly affected the outcome of the election.

Inobservance of formalities

**186.** No election may be declared null by reason of a failure to observe a formality prescribed for the proceedings relating to the polling or for the counting of votes or by reason of the disqualification of an election officer if the election proceedings have been conducted in accordance with the principles established by this Act and the inobservance or disqualification has not affected the outcome of the election.

Inobservance  
of time  
limits

**187.** No election may be declared null by reason of a failure to observe the prescribed time limits, unless the inobservance has affected the outcome of the election.

Valid  
election

**188.** No election may be declared null by reason of the fact that a person who supports a nomination is not an elector.

Appeal

**189.** No appeal lies from a decision of the Superior Court.

New  
election

**190.** If the court annuls the election of one or several school commissioners without designating another person elected, it shall order a new election, determine the nomination period and fix the date of the poll.

CHAPTER IX

PROCEDURE APPLICABLE TO THE FILLING OF VACANCIES ON  
THE COUNCIL OF COMMISSIONERS

DIVISION I

VACANCIES

End of  
term

**191.** The term of office of a school commissioner ends

(1) upon his death;

(2) upon his resignation;

(3) upon his failure to attend six consecutive sittings of the council of commissioners held at intervals of at least seven days;

(4) upon his becoming disqualified from sitting on the council;

(5) upon his becoming ineligible for the office of commissioner;

(6) upon his failure to make his oath of office.

Resignation

**192.** A school commissioner may resign from office by transmitting a writing to that effect signed by him to the secretary general of the school board.

End of  
term

The term of the commissioner ends on the date of transmission of the writing or on any later date specified therein.

Resignation

The secretary general shall transmit the writing to the council of commissioners at the next sitting.

Failure to  
attend  
sittings

**193.** The term of a commissioner who fails to attend sittings of the council of commissioners ends at the opening of the seventh consecutive sitting he has failed to attend.

Disqualified  
commis-  
sioner

**194.** The term of a commissioner who is disqualified or became disqualified during his term of office ends on the date on which the judgment declaring him disqualified becomes *res judicata*.

Disqualified  
commis-  
sioner

**195.** The term of a commissioner who, after being elected, becomes disqualified pursuant to section 21 ends on the day he takes an office referred to in section 21.

Convicted  
commis-  
sioner

**196.** The term of a commissioner whose disqualification results from the fact that he has been convicted of an offence under an Act of the Parliament of Québec or of Canada and is sentenced to a term of imprisonment ends, except in the case of an immediate pardon, on the day the judgment convicting him becomes *res judicata* or on the day the final sentence is pronounced, whichever is later.

Nullity of  
election

**197.** The term of a commissioner ends on the date the judgment declaring the nullity of his election or ousting him from office becomes *res judicata*.

Notice to  
council of  
commis-  
sioners

**198.** The secretary general of the school board, upon ascertaining a fact described in any of sections 191 to 197, shall notify the council of commissioners at the next sitting.

## DIVISION II

### BY-ELECTIONS AND APPOINTMENTS

Vacancy

**199.** If 12 months or less remain before the end of the term of the commissioner in whose seat a vacancy has occurred, the council of commissioners shall fill the vacancy within 30 days, after consultation with the parents' committee instituted under the Education Act (1988, chapter 84). The person appointed must have the qualifications required of a school commissioner.

Public  
notice

The school board shall give public notice of the surname and given name of the person appointed.

Election

**200.** If more than 12 months remain before the end of the term of office of the commissioner in whose seat a vacancy has occurred, the returning officer of the school board shall hold an election to fill the office.

List of electors

The list of electors for the election is that used at the election of the commissioner in whose seat a vacancy has occurred, subject to applications for entry, striking off or correction.

Notice of election

The provisions of Chapters IV to XIII, adapted as required, apply to the election. The notice of election provided for in section 38 must, however, be given within 30 days from the date on which the seat is deemed to be vacant.

## CHAPTER X

### LEAVE WITHOUT PAY

Candidate's leave

**201.** Every employer shall, upon written request, grant a leave without pay to his employee who is a candidate at a school election.

Beginning of leave

**202.** The leave begins on the later of the following dates:

- (1) the day on which the employee becomes a candidate;
- (2) the first day for which the employee requested the leave.

End of leave

The leave ends on the day a person is declared elected to the office for which the employee was a candidate.

Election officers leave

**203.** Every employer shall, upon written request, grant a leave without pay to his employee who is an election officer.

Full-time or part-time leave

The employee may be granted a full-time or a part-time leave depending on the terms and conditions of his employment as an election officer.

Employment unaffected

**204.** No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer an employee, or do anything that would adversely affect any of the benefits attached to his employment.

Continuous service

The leave does not interrupt the continuous service of the employee.

Contribution to plans

While on leave, the employee may continue to contribute to all the plans in which he is a participant provided he applies therefor in writing at the beginning of the leave and pays the totality of the premiums, including the employer's contribution.

Benefits

At the expiry of the leave, the employee is entitled to the benefits he would have received if he had been at work during that time.

Complaints. **205.** An employee believing himself the victim of a contravention of this chapter may file a complaint with the labour commissioner general appointed under the Labour Code (R.S.Q., chapter C-27). In that case, sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code apply, adapted as required.

Arbitration **206.** An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the labour commissioner general. In that case, sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code apply, adapted as required.

Concurrent procedures The arbitrator shall refuse to hear the grievance if a complaint is filed with the labour commissioner general at the same time the grievance settlement and arbitration procedure is invoked.

## CHAPTER XI

### ELECTION EXPENSES OF CANDIDATES

Reimbursement **207.** After an election, every candidate who has obtained at least 20% of the votes is entitled to a reimbursement of his election expenses by the school board.

Election by acclamation Every candidate elected by acclamation and every candidate at an election where proceedings are recommenced by reason of the death of a candidate is also entitled to a reimbursement.

Amount of reimbursement The amount of the reimbursement shall be fixed in accordance with the rules determined by government regulation.

Itemized statement **208.** To be entitled to a reimbursement, a candidate must file an itemized statement of his expenses before the date and in the form prescribed by the school board. The statement must be accompanied with the relevant invoices, receipts and other vouchers.

"election expenses" **209.** For the purposes of section 207, the expression "election expenses" means all expenses incurred during an election period to promote or oppose, directly or indirectly, the election of a candidate, propagate or oppose the program or policy of a candidate or approve or disapprove courses of action advocated or opposed by a candidate or acts done or proposed by a candidate or his supporters.

"election expenses" Expenses incurred before the election period for the purchase or production of any literature, object, advertising material or radio or

television programs used or broadcast during the election period for the purposes mentioned in the first paragraph are deemed to be election expenses.

“election period” For the purposes of this section, the expression “election period” means the period beginning on the day of publication of the notice of election and ending on polling day.

## CHAPTER XII

### GENERAL PROVISIONS

Amount of expenses **210.** The Government shall, by regulation, determine rules for the fixing of the amount of election expenses that may be reimbursed to a person who is a candidate for the office of school commissioner.

Coming into force The regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Public notice **211.** A public notice prescribed by this Act shall be published in at least one newspaper having general circulation in the territory of the school board.

Content The notice shall set forth its object and be published within the time prescribed or, failing that, as soon as possible.

## CHAPTER XIII

### PENAL PROVISIONS

Offences **212.** Every person who, at the time of the preparation or revision of the list of electors,

(1) knowingly includes the name of a person who should not be entered,

(2) knowingly omits to include the name of a person who should be entered,

(3) makes an application for the entry of a name he knows to be fictitious or to be that of a deceased person or of a person not qualified as an elector,

(4) makes an application for the striking off of the name of a person he knows is a qualified elector,

(5) discloses, without authorization, the list of electors or information on the list, or

(6) uses the list of electors for commercial or other lucrative purposes

is guilty of an offence.

Offences

**213.** Every person who

(1) offers himself as a candidate knowing he is not eligible as a commissioner,

(2) supports a nomination when he is not an elector,

(3) offers himself as a candidate in more than one electoral division of the same school board, or

(4) knowingly spreads false news of the withdrawal of a candidate,

is guilty of an offence.

Offences

**214.** Every person who

(1) votes more than once at the same school board election,

(2) permits a person to vote without being entered on the list of electors, except in the cases referred to in section 126 or 127,

(3) votes without being entitled to vote,

(4) votes or attempts to vote by falsely assuming the name and quality of an elector or by using the name of a fictitious or deceased person,

(5) knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper,

(6) being a printer, keeps a ballot paper in his possession or delivers a ballot paper to a person other than the returning officer,

(7) modifies or imitates the initials of the deputy returning officer,

(8) acts as the representative of a candidate when his power of attorney is false,

(9) being a deputy returning officer, gives a ballot paper to a person who refuses to make the oath required, or

(10) being a deputy returning officer, knowingly admits to vote a person who has already voted,

is guilty of an offence.

Offences

**215.** Every person who

(1) falsifies the poll book or the statement of the poll,

(2) knowingly destroys a ballot paper before the end of the period for the contestation of the election, or

(3) being a returning officer, makes or issues a fraudulent declaration of election,

is guilty of an offence.

Offences

**216.** Every returning officer or election officer who fraudulently neglects or refuses to act, or acts in contravention of the provisions of this Act, is guilty of an offence.

Offences

**217.** Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any proceeding relating to the vote, or alters or attempts to alter the results of the election, is guilty of an offence.

Offences

**218.** Every employer who

(1) contravenes any of sections 201 to 204, or

(2) uses his authority or his influence to incite any of his employees to refuse to become a candidate or an election officer or to abandon that office after having accepted it,

is guilty of an offence.

Offences

**219.** Every person who

(1) being a candidate, or with a candidate's consent, attempts to influence the vote of an elector or to induce him to abstain from voting by promising or giving him any benefit, or

(2) to obtain or because he has obtained a benefit, votes or agrees to vote for a candidate or abstains or agrees to abstain from voting,

is guilty of an offence.

## Exceptions

The foods or non-alcoholic beverages served or consumed at a meeting held by a candidate or the candidates on a recognized ticket do not constitute benefits for the purposes of the first paragraph.

## Fines

**220.** Every person who is guilty of an offence under either of paragraphs 2 and 3 of section 213, any of paragraphs 1 to 3, 6, 7 and 9 of sections 214 or section 218 is liable to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000, and for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person, or in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

## Fines

**221.** Every person who is guilty of an offence under section 213, either of paragraphs 1 and 4 of section 213, any of paragraphs 4, 5, 8 or 10 of section 214 or any of sections 215 to 217 and 219 is liable to a fine of not less than \$500 nor more than \$5 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$15 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$30 000.

## Aiding

**222.** Every person who, by his act or omission, incites another person to commit an offence may be found guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding the commission of the offence.

## Inciting

**223.** Every person who, by his encouragement, advice or order, induces another person to commit an offence may be found guilty of the offence, and of any other offence committed by the other person, as if he had committed it himself if he knew or should have known that such encouragement, advice or order would probably result in the commission of the offences.

## Proceedings

**224.** Proceedings under this chapter are instituted by the Attorney General, by any person generally or specially authorized by him for that purpose or by any elector of the school board.

## CHAPTER XIV

## CONCORDANCE AMENDMENTS

c. A-2.1,  
schedule,  
am.

**225.** Schedule A to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out the figures and words “86 to 101 and” in the reference to the Education Act.

c. I-14,  
s. 39,  
replaced

**226.** Section 39 of the Education Act (R.S.Q., chapter I-14) is replaced by the following section:

Mention in  
notice of  
erection

**39.** Any erection of school municipalities, division of same or alteration of the boundaries thereof may apply only to the Roman Catholics or the Protestants within such territory. In such case, the notice to be given by the Minister in the *Gazette officielle du Québec*, as stated in section 40, shall mention the fact.

Enrollment  
in schools  
of either  
board

In such a case, a person other than a Catholic or a Protestant who is not contemplated in sections 487 and following, and domiciled or a ratepayer in a territory common to a school municipality for Catholics and a school municipality for Protestants may enrol his children in the schools of either school board, at his option, which is bound to accept them.”

c. I-14,  
s. 47.5,  
replaced

**227.** Section 47.5 of the said Act is replaced by the following section:

Electoral  
divisions

**47.5** In the cases provided for in sections 46, 47, 47.1 and 47.2, the commissioners shall, for the purposes of the next election held in accordance with the Act respecting school elections (1989, chapter 36), divide their territory into electoral divisions in the manner provided for in sections 5 to 11 of the said Act.”

c. I-14,  
Part III,  
Div. I,  
subdiv.  
2, repealed

**228.** Subdivision 2 of Division I of Part III of the said Act is repealed.

c. I-14,  
s. 52.1, am.

**229.** Section 52.1 of the said Act is amended by adding, after the second paragraph, the following paragraphs:

Representa-  
tive of  
parents'  
committee

“To be a representative of the parents’ committee, a person must

(a) be the delegate of a school committee;

(b) have been domiciled in the territory of the school board for at least six months.

Applicable provisions

Section 21 of the Act respecting school elections applies, adapted as required, to the representative of the parents' committee."

c. I-14, s. 52.2, am.

**230.** Section 52.2 of the said Act is amended by replacing the words "in the first paragraph of section 164" in the second and third lines of the second paragraph by the words "in section 191 of the Act respecting school elections".

c. I-14, s. 58, am.

**231.** Section 58 of the said Act is amended by replacing the words "three school trustees" in the third line of the first paragraph by the words "the first school trustees".

c. I-14, s. 63, am.

**232.** Section 63 of the said Act is amended by replacing the second paragraph by the following paragraph:

Election of trustees

"Within 30 days following the service of the declaration of dissent, the dissentients shall elect their trustees as prescribed by the Act respecting school elections."

c. I-14, s. 65, am.

**233.** Section 65 of the said Act is amended by replacing the second paragraph by the following paragraph:

Election of trustees

"Within 30 days following the service of the notice of dissent, the dissentients shall elect their trustees as prescribed by the Act respecting school elections. The trustees elected shall remain in office until the date fixed for the election of school commissioners."

c. I-14, s. 71, am.

**234.** Section 71 of the said Act is amended by replacing the words "before the 1st of May" in the fourth line by the words "before the 1st of April".

c. I-14, s. 72, replaced

**235.** Section 72 of the said Act is replaced by the following section:

School taxes

**72.** The receipt by the chairman of the commissioners and by the chairman of the trustees, or by their secretaries, of the notice provided for in section 71, shall place the person who gave such notice under the jurisdiction of the commissioners from the 1st of July; that person must, if he is a ratepayer, pay his school taxes to that school board."

c. I-14, s. 74, am.

**236.** Section 74 of the said Act is amended by replacing the first paragraph by the following paragraph:

Council of commissioners

**74.** Each corporation of school commissioners or trustees is subject to the authority of a council of commissioners composed of all

the school commissioners or trustees of the corporation elected or appointed in accordance with the Act respecting school elections, and of the commissioner or trustee, or commissioners or trustees, representing the parents' committee."

c. I-14,  
Part III,  
Div. IV,  
subdiv.  
1-12, re-  
pealed

**237.** Subdivisions 1 to 12 of Division IV of Part III of the said Act are repealed.

c. I-14,  
s. 172.1, am.

**238.** Section 172.1 of the said Act is amended by replacing the words "in section 164" in the second line of the second paragraph by the words "in section 191 of the Act respecting school elections".

c. I-14,  
s. 177, am.

**239.** Section 177 of the said Act is amended by replacing the second paragraph by the following paragraph:

Deliberations

"No person, except a school commissioner or trustee, as the case may be, may take part in the deliberations of the council of commissioners without permission from the chairman."

c. I-14,  
s. 194.1,  
added

**240.** The said Act is amended by inserting, after section 194, the following section:

Applicable  
provisions

"**194.1** Sections 304 to 312 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) apply to the members of the council of commissioners in the same manner as to the members of the council of a municipality. For the purposes of those sections, a council of commissioners is deemed to be a council of a municipality and a school board is deemed to be a municipality.

Restriction

However, section 304 of the said Act does not apply to a member of a council of commissioners having a personal interest, direct or indirect, in an enterprise or a contract which conflicts with the interest of the school board, if he discloses his interest, including what is pertinently described in section 305 of the said Act, in writing to the council of which he is a member and if he abstains from taking part in the debate and voting on any decision on the subject in which he has an interest."

c. I-14,  
s. 293, am.

**241.** Section 293 of the said Act is amended by replacing, in paragraph *a*, the words "when the school board establish new school wards, alter the limits of wards already established, unite two or more wards or separate such wards," by the words "when the commissioners".

c. I-14,  
ss. 354.1.1-  
354.1.3,  
added

**242.** The said Act is amended by inserting, after section 354.1, the following sections:

Payment of school assessment      **“354.1.1** The owner of a taxable immovable situated in a territory common to a school board for Catholics and a school board for Protestants shall pay his school assessment to the school board where his children are enrolled.

Option      If such a person has no children enrolled in either school board, he may, at his option, pay his school assessment to either school board.

Time limit for exercising option      To be valid for the purposes of a school year, an option in respect of the payment of school assessment must be made before the 1st of April of the preceding school year and be transmitted before that date to the school boards concerned. The school board favoured by the option shall, without delay, inform the regional school board of which it is a member and the municipal body having jurisdiction in real estate assessment of the option made. The option shall remain valid for each of the school years which precede the year of the next school election.

Failure      Failing an option under this section, section 391, adapted as required, applies to the payment of school taxes.

Failure to exercise option      **“354.1.2** If the person contemplated in section 354.1.1 has not exercised his option under that section for the school year during which a school election is held and that person is an elector, he shall pay his school assessment to the school board where he exercises his right to vote for each of the next school years which precede the year in which the next election will take place.

Member of a regional school board      **“354.1.3** Any payment of school assessment to a school board that is a member of a regional school board entails the obligation to pay school assessment to the regional school board.”

c. I-14, s. 396, replaced      **243.** Section 396 of the said Act is replaced by the following section:

Applicable provisions      **“396.** Where an assessment is submitted for approval to the electors, the vote shall be taken in accordance with sections 397 to 399.5, and sections 12 to 19, 22 to 30 and 85 to 172 of the Act respecting school elections apply, adapted as required, when the vote is held.”

c. I-14, s. 397, replaced      **244.** Section 397 of the said Act is replaced by the following section:

List of electors      **“397.** The list of electors for the referendum is the list used at the last general election of school commissioners, subject to applications for entry, striking off or correction.

Filing      The list of electors shall be filed not less than 45 days before the date of the referendum.

Revision  
of list

Sections 44 to 58 of the Act respecting school elections apply to the revision of the list of electors used for the purposes of the referendum.”

c. I-14,  
s. 399.4,  
replaced

**245.** Section 399.4 of the said Act is replaced by the following section:

Applicable  
provisions

**“399.4** Sections 173 to 190 of the Act respecting school elections, adapted as required, apply to the referendum.”

c. I-14,  
s. 433, am.

**246.** Section 433 of the said Act is amended by replacing the words “in section 164” in the eighth and ninth lines by the words “in section 191 of the Act respecting school elections”.

c. I-14,  
s. 498, am.

**247.** Section 498 of the said Act is amended by striking out the fourth paragraph.

c. I-14,  
ss. 535-537,  
replaced

**248.** Sections 535 to 537 of the said Act are replaced by the following sections:

Council of  
commis-  
sioners

**“535.** Each school board is under the authority of a council of commissioners composed of all the school commissioners of the corporation and one commissioner representing the parents’ committee for each of the elementary and secondary levels.

Divisions,  
election

**“536.** The Act respecting school elections applies to the division of the territory of the school board into electoral divisions and to the election of commissioners.

Representa-  
tives of  
parents’  
committee

**“537.** The representatives of the parents’ committee shall be elected in accordance with section 52.1 or the second paragraph of section 544.”

c. I-14,  
ss. 538-542,  
repealed

**249.** Sections 538 to 542 of the said Act are repealed.

c. I-14,  
s. 543, am.

**250.** Section 543 of the said Act is amended by replacing the word and figures “sections 48, 82, 117, 169” in the third and fourth lines of the first paragraph by the word and figure “section 169”.

c. I-14,  
s. 567,  
replaced

**251.** Section 567 of the said Act is replaced by the following section:

Voting  
procedure

**“567.** When an assessment is submitted for approval to the electors, the vote shall be taken in accordance with sections 567.1 to 567.4, and sections 12 to 19, 22 to 30 and 85 to 190 of the Act respecting school elections, adapted as required, apply when the vote is held.

Powers of  
director  
general  
of council

For the purposes of the first paragraph, the director general of the council has the rights, powers and obligations conferred on the returning officer.”

c. I-14,  
s. 567.1,  
replaced

**252.** Section 567.1 of the said Act is replaced by the following section:

List of  
electors

**“567.1** The list of electors for the referendum is the list used at the last general election of school commissioners, subject to applications for entry, striking off or correction.

Deposit

The list of electors shall be deposited not less than 45 days before the date of the referendum.

Revision  
of list

Sections 44 to 58 of the Act respecting school elections apply to the revision of the list of electors used for the purposes of the referendum.”

c. I-14,  
s. 567.5,  
replaced

**253.** Section 567.5 of the said Act is replaced by the following section:

Council of  
commis-  
sioners

**“567.5** The Protestant School Board of Greater Montréal and the Commission des écoles catholiques de Montréal shall each be subject to the authority of a council of commissioners composed of all the school commissioners of the corporation and one commissioner representing the parents’ committee for each of the elementary and secondary levels.”

c. I-14,  
s. 567.6,  
replaced

**254.** Section 567.6 of the said Act is replaced by the following section:

Divisions,  
election

**“567.6** The Act respecting school elections applies to the division of the territory of the school board into electoral divisions and to the election of commissioners.

Representa-  
tives of  
parents’  
committee

The representatives of the parents’ committee shall be elected in accordance with section 52.1 or the second paragraph of section 544 of this Act.”

c. I-14,  
s. 567.8, am.

**255.** Section 567.8 of the said Act is amended by striking out the figures “48, 82, 117” in the fourth line.

c. I-14,  
s. 567.12,  
am.

**256.** Section 567.12 of the said Act is amended by striking out the last sentence of the second paragraph.

c. I-14,  
forms 3 to 5  
and 20 to 23,  
repealed

**257.** Forms 3 to 5 and 20 to 23 appended to the said Act are repealed.

1988, c. 84,  
s. 85, am.

**258.** Section 85 of the Education Act (1988, chapter 84) is amended by replacing the second paragraph by the following paragraph:

Parents'  
committee

“Where, pursuant to section 87, more than one school committee is established, the members of the committees so established shall hold a meeting to decide either to appoint a single representative to the parents’ committee or to leave it to each school committee to appoint its own representative to the parents’ committee. In either case, the appointment shall be made by majority vote.”

1988, c. 84,  
s. 87, re-  
placed

**259.** Section 87 of the said Act is replaced by the following section:

Several  
buildings

“**87.** Where the deed of establishment of the school places more than one immovable at the disposal of the school or where the school provides instruction at both the elementary and secondary levels, the meeting of parents called pursuant to section 84 may, after consulting the principal, establish a school committee for each immovable or for each level of instruction instead of a single school committee.”

1988, c. 84,  
s. 127, am.

**260.** Section 127 of the said Act is amended by inserting the reference “(1989, chapter 36)” after the words “school elections” in the fifth line of the second paragraph.

1988, c. 84,  
s. 145, am.

**261.** Section 145 of the said Act is amended

(1) by replacing the words “among their members” in the fifth line of the first paragraph by the words “those among their members who are not employees of the school board”;

(2) by striking out the words “in the year” in the second line of the third paragraph;

(3) by adding, after the third paragraph, the following paragraphs:

Oath of  
office

“Within thirty-five days from taking office, every elected representative shall swear before the director general, or the person designated by him, to fulfill his duties faithfully and to the best of his judgment and ability.

Entry in  
Minutes of  
Proceedings

An entry of the oath shall be made in the Minutes of Proceedings of the school board.”

1988, c. 84,  
s. 146, am.

**262.** Section 146 of the said Act is amended

(1) by adding the words “who is not an employee of the school board” after the word “commissioners” in the ninth line of the first paragraph;

(2) by adding, after the third paragraph, the following paragraphs:

Oath of office

“Within thirty-five days from taking office, the elected representatives shall swear before the director general, or the person designated by him, to fulfill their duties faithfully and to the best of their judgment and ability.

Entry in Minutes of Proceedings

An entry of the oath shall be made in the Minutes of Proceedings of the school board.”

1988, c. 84, s. 189, replaced

**263.** Section 189 of the said Act is replaced by the following section:

Parents' committee

“**189.** A parents’ committee shall be established in each school board, composed of the following persons:

(1) one representative of each school committee;

(2) in the case of a confessional or dissentient school board described in section 146, the commissioner representing the parents of the minority of students contemplated in that section for each of the elementary and secondary levels of instruction, where such is the case.”

1988, c. 84, s. 191, am.

**264.** Section 191 of the said Act is amended by adding the words “and any commissioner representing the parents of the minority of students contemplated in section 146” at the end of the first paragraph.

1988, c. 84, s. 200, am.

**265.** Section 200 of the said Act is amended by adding, at the end, the following words: “However, a simple majority is sufficient for the renewal of the term of office of the director general.”

1988, c. 84, s. 311, am.

**266.** Section 311 of the said Act is amended

(1) by replacing the word “municipality” in the first line of the first paragraph by the words “municipal body having jurisdiction in real estate assessment”;

(2) by replacing the word “municipality” in the third line of the first paragraph by the word “body”;

(3) by replacing the second paragraph by the following paragraph:

Transmis-  
sions

“The clerk shall send the copy within 15 days from that on which the Minister of Municipal Affairs communicates to the body the standardizing factor for the municipal fiscal period in which the roll comes into force.”

1988, c. 84,  
s. 314, am.

**267.** Section 314 of the said Act is amended by adding the following paragraph:

Interpreta-  
tion

“For the purposes of this subdivision, an urban or regional community is deemed a municipality.”

1988, c. 84,  
s. 390, am.

**268.** Section 390 of the said Act is amended by adding the words “or the urban or regional community” after the word “municipality” at the end of the second paragraph.

1988, c. 84,  
s. 401, am.

**269.** Section 401 of the said Act is amended by replacing the word “in” in the first line of the first paragraph by the words “in the territory of”.

1988, c. 84,  
s. 485, re-  
placed

**270.** Section 485 of the said Act is replaced by the following section:

Offence by  
employer

**“485.** Every employer who

(1) contravenes section 203 or 204 of the Act respecting school elections at a referendum;

(2) uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that position after having accepted it,

is guilty of an offence.”

1988, c. 84,  
s. 497,  
am.

**271.** Section 497 of the said Act is amended by adding the following paragraph:

Greater  
Québec  
School Board

“However, and notwithstanding section 494, the Greater Québec School Board shall continue to be a member of the Eastern Québec Regional School Board and the provisions of this Act respecting a member school board of a regional school board apply to the Greater Québec School Board in the same manner as to any other member school board of the Eastern Québec Regional School Board.”

1988, c. 84,  
s. 498, am.

**272.** Section 498 of the said Act is amended

(1) by inserting the word and figures “, 179, 189 and 191” after the figure “153” in the first line of the first paragraph;

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

Provisions applicable

“The provisions of sections 146 to 148, 179, 189 and 191 relating to the representative of the minority of students contemplated in section 146 also apply to a regional school board for Catholics or for Protestants.”

1988, c. 84, s. 525, am.

**273.** Section 525 of the said Act is amended

(1) by striking out the words “who is not enrolled or” in the third line of the first paragraph;

(2) by replacing the words “municipality, within the meaning of the Act respecting municipal taxation, of that election and the municipality shall” in the second and third lines of the fourth paragraph by the words “municipal body having jurisdiction in real estate assessment of the election and that body shall”;

(3) by replacing the words “municipal corporation” in the second line of the fifth paragraph by the words “urban or regional community”.

1988, c. 84, s. 724, repealed

**274.** Section 724 of the said Act is repealed.

1988, c. 84, s. 183, am.

**275.** Section 183 of the said Act is amended by replacing the words “and the members of the executive staff” in the first paragraph by the words “and of members of the executive staff”.

1988, c. 84, s. 200, am.

**276.** Section 200 of the said Act is amended by replacing the word “non-renewal” by the word “termination”.

## CHAPTER XV

### TRANSITIONAL AND FINAL PROVISIONS

Continuance in office

**277.** The school commissioners and trustees in office on 1 July 1989 are deemed to have been elected or appointed under this Act. They shall remain in office until the third Sunday of November 1990.

Date of next general election

The date of the next general election of commissioners is the third Sunday of November 1990.

Vacancy

Any vacancy occurring in any of the circumstances described in section 191 shall be filled in accordance with this Act.

- 278.** In any Act, regulation, by-law, order, ordinance or other document, a reference to sections 48, 49 and 78 to 168 of the Education Act (R.S.Q., chapter I-14) is deemed to be a reference to the equivalent provision of this Act.
- 279.** In any Act, regulation, by-law, ordinance, order, contract or other document, the expressions “corporation of school trustees” and “school trustees” mean a dissentient school board or the council of commissioners of a dissentient school board, respectively.
- 280.** The rights, powers and obligations conferred by this Act on the returning officer shall be exercised or assumed by the secretary-general of a school board which is not required to appoint a director general.
- 281.** The Minister of Education is responsible for the carrying out of this Act.
- 282.** Sections 65, 66 and 67.1 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information do not apply to the collection, keeping and use of personal information necessary for the preparation of the list of electors.
- Notwithstanding section 71 of the said Act, no public body may file in an information file the personal information contained in the list of electors.
- Notwithstanding section 89 of the said Act, no person may request that personal information contained in the list of electors be corrected otherwise than as provided by this Act.
- Notwithstanding section 9 of the said Act, no access may be had to ballots except as provided by this Act.
- 283.** The provisions of this Act that grant rights and privileges to a religious confession apply despite sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).
- 284.** The provisions of this Act that grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).
- 285.** This Act comes into force on 1 July 1989, except paragraph 4 of section 12, which will come into force on such later date as the Government may fix.

SCHEDULE I

(Section 99)

BALLOT PAPER

OBVERSE



REVERSE

No	No	SCHOOL BOARD OF	Returning officer's initials	Electoral division of:	Date:	Printer:
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SCHEDULE III

(Section 137)

STATEMENT OF POLL

School board of .....

Electoral division of .....

Polling station No. ....

Number of ballot papers received from the returning officer .....	.....	.....
Number of ballot papers cast for ..... <i>(Name of the first candidate)</i>	.....	.....
Number of ballot papers cast for ..... <i>(Name of the second candidate)</i>	.....	.....
Number of ballot papers cast for ..... <i>(Name of the third candidate)</i>	.....	.....
Number of ballot papers cast for ..... <i>(Name of the fourth candidate)</i>	.....	.....
Number of ballot papers spoiled (not placed in the box) .....	.....	.....
Number of ballot papers rejected in counting the votes .....	.....	.....
Number of ballot papers not used .....	.....	.....
Totals .....	.....	.....

Given under my hand, at .....,  
this ..... 19....

.....  
Deputy Returning Officer

## TABLE OF CONTENTS

		<i>Sections</i>
CHAPTER I	SCOPE	1
CHAPTER II	DATE OF ELECTIONS	2
CHAPTER III	ELECTORAL DIVISIONS	5
CHAPTER IV	PARTIES TO AN ELECTION	12
Division I:	Electors	12
Division II:	Candidate	20
Division III:	Election officers	22
Division IV:	Representatives of candidates and poll runners	31
CHAPTER V	ELECTION PROCEEDINGS	38
Division I:	Notice of election	38
Division II:	List of electors	39
	§ 1.— <i>Preparation</i>	39
	§ 2.— <i>Revision</i>	44
	§ 3.— <i>Coming into force</i>	59
Division III:	Nominations and tickets	62
Division IV:	Poll	85
	§ 1.— <i>Notice of poll</i>	85
	§ 2.— <i>Advance poll</i>	87
	§ 3.— <i>Poll officers</i>	94
	§ 4.— <i>Materials required for the poll</i>	99
	§ 5.— <i>Preliminary proceedings</i>	106
	§ 6.— <i>Polling</i>	111
CHAPTER VI	PROCEEDINGS AFTER CLOSE OF POLL	130
Division I:	Counting of votes	130
Division II:	Addition of votes	140
Division III:	Judicial recount	145
Division IV:	Declaration of election	159
CHAPTER VII	ELECTORAL CODE OF ETHICS	165
Division I:	Secrecy of voting	165
Division II:	Partisan publicity and partisan work	169

CHAP. 36	<i>School elections</i>	1989
CHAPTER VIII	CONTESTATION OF ELECTIONS	173
CHAPTER IX	PROCEDURE APPLICABLE TO THE FILLING OF VACANCIES ON THE COUNCIL OF COMMISSIONERS	191
Division I:	Vacancies	191
Division II:	By-elections and appointments	199
CHAPTER X	LEAVE WITHOUT PAY	201
CHAPTER XI	ELECTION EXPENSES OF CANDIDATES	207
CHAPTER XII	GENERAL PROVISIONS	210
CHAPTER XIII	PENAL PROVISIONS	212
CHAPTER XIV	CONCORDANCE AMENDMENTS	225
CHAPTER XV	TRANSITIONAL AND FINAL PROVISIONS	277