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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FOURTH LEGISLATURE

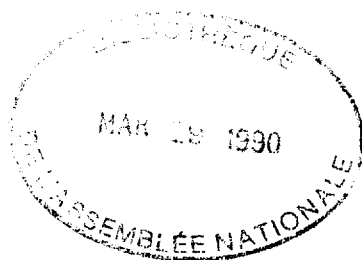
Bill 28

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

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**Introduction**

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



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## EXPLANATORY NOTES

*This bill proposes various amendments to the Act respecting school elections.*

*It clarifies the rules governing the right to vote, in order to prevent a Catholic elector from voting and being elected commissioner in a Protestant school board or a school board for Protestants and, conversely, to prevent a Protestant elector from voting and being elected commissioner in a Catholic school board or a school board for Catholics.*

*This bill relaxes the rules governing the number of electoral divisions that may be established by a school board. It also clarifies the rules respecting the disqualification of commissioners and deprives a person of his electoral rights for a period of five years if he is convicted, under the Act respecting school elections, of an offence that is a corrupt electoral practice. It also provides that the poll at any by-election is to be held 45 days after the notice of election.*

*The bill also corrects certain inaccuracies or technical errors in the Act respecting school elections.*

*Finally, this bill amends the Education Act for Cree, Inuit and Naskapi Native Persons in order to establish that no member of the Council of the Kativik School Board has more than one vote on the Council.*

## Bill 28

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

**4.** Section 18 of the said Act is amended

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

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

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

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

**5.** Section 21 of the said Act is amended

(1) by replacing the words “a member of the personnel” in subparagraph 4 of the first paragraph by the words “an employee”;

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

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

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

**8.** Section 174 of the said Act is repealed.

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

**“176.** The motion shall be presented within 30 days after the declaration of election.”

**10.** Section 195 of the said Act is replaced by the following section:

**“195.** The term of a commissioner who, after being elected, becomes disqualified pursuant to section 20 or any of subparagraphs 1 to 4 of the first paragraph of section 21 ends on the day he ceases to be domiciled in the territory of the school board or on the day he takes an office referred to in such subparagraphs.”

**11.** Section 196 of the said Act is replaced by the following section:

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

**12.** Section 200 of the said Act is amended by adding the words “and the poll shall be held 45 days after the notice” at the end of the third paragraph.

**13.** The said Act is amended by inserting, after section 223, the following sections:

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

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

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

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

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

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

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

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