

HhhExcerpts from the *Education Act* relating to elections

Conseil scolaire acadien provincial (CSAP)

- 11(1)** The Governor in Council may establish a school board with jurisdiction throughout the Province, a body corporate to be known as the *Conseil scolaire acadien provincial*, for the purpose of providing a French-first-language program to the children of entitled parents.
- (2)** The Conseil acadien is responsible for the delivery and administration of all French-first-language programs.
- 13(1)** The Conseil acadien shall be elected by entitled persons, at the same time as the regularly scheduled elections for school boards.
- (2)** An entitled person may vote in an election for the Conseil acadien or for another school board if that person is otherwise entitled to vote in an election for a school board but that person is not entitled to and shall not vote in the same election for both.
- (2A)** For greater certainty, an entitled person who votes in an election for either the Conseil acadien or for another school board may vote for either the Conseil acadien or for another school board in a special election.
- (3)** Notwithstanding the *Municipal Elections Act*,
- (a)** for greater certainty, only entitled persons may be member of the Conseil acadien;
 - (b)** only an entitled person may nominate a candidate for election as a member of the Conseil acadien and a person nominating such a candidate shall be required to sign a statement stating that person's status as an entitled person, in a form prescribed pursuant to the *Municipal Elections Act*;
 - (c)** a person applying to vote in an election for the Conseil acadien shall not be required to take an oath or make an affirmation attesting to that person's status as an entitled person but shall be required to confirm the person's status as an entitled person as defined in the *Education Act* and, where a person wishes to provide the confirmation, the person may provide the confirmation by requesting the ballot to vote for the Conseil acadien and that request constitutes the confirmation;
 - (d)** where a person votes in an election for the Conseil acadien, that fact shall be entered in the poll book in the manner prescribed by or pursuant to the *Municipal Elections Act*;
 - (e)** for greater certainty, the Minister of Service Nova Scotia and Municipal Relations may, pursuant to that Act, prescribe or alter any forms under that Act for the purposes of this Section; and

- (f) the Municipal Elections Officer may give such directions as may be necessary for the purpose of this Section.
- (3A) A returning officer shall accept
- (a) subject to subsection 44(5) of the *Municipal Elections Act*, a signed statement, in a form prescribed pursuant to the *Municipal Elections Act*, of a candidate that the candidate is an entitled person; or
 - (b) a statement signed pursuant to clause 3(b), as sufficient evidence that the candidate or person is an entitled person.

African Nova Scotian Representative

42A(1) In this Section,

- (a) “African Nova Scotian” means a person who is African Nova Scotian or a black person;
 - (b) “African Nova Scotian elector” means a person who is qualified to vote in an election of a school board member and who is also
 - (i) an African Nova Scotian, or
 - (ii) the parent of an African Nova Scotian.
- (2) This Section does not apply with respect to the Conseil acadien.
- (3) Notwithstanding any other provision of this Act, the membership of a school board includes, in addition to those members as determined by the Utility and Review Board, one African Nova Scotian representative, elected by African Nova Scotia electors throughout the school district or school region over which the school board has jurisdiction.
- (4) The election of the African Nova Scotian member of a school board shall be held at the same time as the regularly scheduled elections to the school board.
- (5) Notwithstanding the *Municipal Elections Act*,
- (a) only a person who is
 - (i) an African Nova Scotian, and
 - (ii) qualified to be a candidate for election to a school board, is qualified to be a candidate for election as the African Nova Scotian member of a school board;
 - (b) only an African Nova Scotian elector may nominate a candidate for election as the African Nova Scotian member of a school board and a person nominating such a candidate shall be required to sign a statement stating that person’s status as an African Nova Scotian elector, in a form prescribed pursuant to the *Municipal Elections Act*;

- (c) where a person intends to vote in an election of an African Nova Scotian to a school board, that person shall not be required to take an oath or make an affirmation in a form attesting to that person's status as an African Nova Scotian, but shall be required to confirm the person's status as an African Nova Scotian elector as defined in the *Education Act*, and where a person wishes to provide the confirmation, the person may provide the confirmation by requesting the ballot to vote for the African Nova Scotian elector and that request constitutes the confirmation;
- (d) where a person votes in an election of an African Nova Scotian member of a school board, that fact shall be entered in the poll book in the manner prescribed pursuant to the *Municipal Elections Act*;
- (e) for greater certainty, the Minister of Service Nova Scotia and Municipal Relations may, pursuant to the *Municipal Elections Act*, prescribe or alter any forms under that Act for the purpose of this Section, and
- (f) the Municipal Elections Officer may give such directions as may be necessary for the purpose of this Section.

42A(6) A returning officer shall accept

- (a) subject to subsection 44(5) of the *Municipal Elections Act*, a signed statement, in a form prescribed pursuant to the *Municipal Elections Act*, of a candidate that the candidate is an African Nova Scotian as sufficient evidence that the candidate is an African Nova Scotian; or
 - (b) a statement signed pursuant to clause (5)(b) as sufficient evidence that the person is an African Nova Scotian elector if that person is qualified to vote in an election of a school board.
- (7) A signed statement in good faith of a candidate that the candidate is an African Nova Scotian is conclusive evidence that the candidate is an African Nova Scotian.
 - (8) A statement signed pursuant to clause (5)(b) in good faith and stating that the person is an African Nova Scotian elector or a confirmation provided pursuant to clause (5)(c) in good faith confirming that the person is an African Nova Scotian elector is conclusive evidence that that person is an African Nova Scotian elector, if that person is qualified to vote in an election of a school board.
 - (9) Except as provided by this Section, the *Municipal Elections Act* applies *mutatis mutandis* to the election of the African Nova Scotian member to a school board as if the district or region over which the school board has jurisdiction were an electoral district.
 - (10) A qualified African Nova Scotian elector may vote in a school board election

for either

- (a) a candidate for election as the African Nova Scotian member of the school board; or
 - (b) a candidate for election to the school board other than as the African Nova Scotian member of the school board, but not both.
- (11) For greater certainty, a qualified African Nova Scotian elector, who votes in an election for either a candidate for election as the African Nova Scotian member of the school board or a candidate for election to the school board other than as the African Nova Scotian member of the school board, may vote for either candidate in a special election that follows the election.

School Board Elections

- 48(1)** The election of members of a school board shall take place concurrently with and as part of the regular municipal elections for members of the councils of the municipalities.
- (2) The election of members of a school board shall be conducted by the returning officers responsible for the conduct of municipal elections.
- (3) Notwithstanding subsection (2), a special election may be conducted by the school board if the Minister consents.

Cost-Sharing With School Boards

- 48(4)** Any additional cost incurred by a municipality from
- (a) the inclusion of the election of members of a school board with the regular municipal elections; or
 - (b) a special election for a member of a school board, may be recovered by that municipality from the school board for which the cost was incurred.
- (5) In the event that there is a dispute between a municipality and a school board over the amount to be recovered, the dispute shall be submitted to the Minister [of Education], who shall consult with the Minister of Service Nova Scotia and Municipal Relations, or an official designated by the Minister of Service Nova Scotia and Municipal Relations, and shall render a decision thereon, which decision is final and binding.

49(1) In this Section, “election” includes a special election.

- (2) A voter shall cast only one vote for the election of a member of a school board at an election.

