
Chapter E-2.3

AN ACT RESPECTING SCHOOL ELECTIONS



LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

FOREWORD

The Act respecting school elections (R.S.Q., c. E-2.3), approved on June 22, 1989, came into effect on July 1, 1989, except subparagraph (4) of section 12 which came into effect on April 15, 1990.

Where it is intended to interpret or to enforce the Act, the official wording published by the Éditeur officiel du Québec should be used.

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Chief Electoral Officer
President of the “Commission de la représentation électorale”

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INFORMATION PERTAINING TO THE ACT RESPECTING SCHOOL ELECTIONS

The act respecting school elections (1989, c. 36), approved June 22, 1989 and effective July 1, 1989, except subparagraph 4 of section 12 which came into force on April 15, 1990, has been modified by the following acts:

1990, c. 4	2002, c. 7
1990, c. 35	2002, c. 10
1992, c. 21	2002, c. 75
1992, c. 61	2005, c. 28
1993, c. 51	2006, c. 22
1994, c. 11	2006, c. 51
1994, c. 16	2007, c. 29
1995, c. 23	2008, c. 29
1996, c. 5	2010, c. 35
1997, c. 47	2010, c. 36
1999, c. 14	2011, c. 27
1999, c. 15	2011, c. 38
1999, c. 40	
1999, c. 89	
2000, c. 59	
2001, c. 26	
2001, c. 45	
2002, c. 6	

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Chapter E-2.3

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CHAPTER I

SCOPE

Scope. **1.** This Act applies to all school boards, except 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.

1989, c. 36, s. 1; 1997, c. 47, s. 53.

CHAPTER I.1

OPERATION OF THE ACT

Interpretation. **1.1.** The integration of immigrants into the French-speaking community being a priority for Québec society, this Act shall not operate

(1) to amend, directly or indirectly, the provisions of the Charter of the French language (chapter C-11) relating to the language of instruction;

(2) to modify or confer any minority language educational rights.

Interpretation. More particularly, the fact that a person who does not have a child admitted to the educational services provided in schools of a school board chooses to vote at the election of the commissioners of an English language school board and pays school taxes to that school board, or runs for office within an English language school board, does not make the person, or the person's children, eligible to receive preschool, elementary or secondary instruction in English.

1997, c. 47, s. 54.

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.

1989, c. 36, s. 2.

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

1989, c. 36, s. 3; 2002, c. 10, s. 1.

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- 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.
1989, c. 36, s. 4.
- CHAPTER III**
ELECTORAL DIVISIONS
- 5. (Repealed).**
1989, c. 36, s. 5; 1995, c. 23, s. 77; 2001, c. 45, s. 2.
- Electoral divisions. **6.** The number of electoral divisions shall vary from 7 to 12 according to the number of electors of the school board set out in the document referred to in section 7.4. There shall be
- (1) 7 divisions if there are fewer than 10,000 electors;
 - (2) 8 divisions if there are 10,000 electors or more but fewer than 30,000;
 - (3) 9 divisions if there are 30,000 electors or more but fewer than 70,000;
 - (4) 10 divisions if there are 70,000 electors or more but fewer than 150,000;
 - (5) 11 divisions if there are 150,000 electors or more but fewer than 250,000;
 - (6) 12 divisions if there are 250,000 electors or more.
- 1989, c. 36, s. 6; 2001, c. 45, s. 3; 2008, c. 29, s. 37.
- Authorization. **7.** The Minister may, on request, authorize a school board to establish one to five more electoral divisions than provided for in section 6, if the Minister considers this warranted among other things by
- (1) the particularly large 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. The Minister's decision shall be published in the *Gazette officielle du Québec*.
- Copy. The Minister shall transmit a copy of the decision to the Commission de la représentation.
1989, c. 36, s. 7; 1990, c. 35, s. 1; 2001, c. 45, s. 4; 2008, c. 29, s. 38.

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- Delimitation. **7.1.** The electoral divisions shall be delimited, keeping in mind, as far as possible, any natural community, in such a manner as to ensure that each electoral division has the greatest possible socioeconomic homogeneity, taking into account criteria such as the location of the educational institutions of the school board, physical barriers, population trends, municipality boundaries, territorial contiguity, size and distance.
- A school board may give a name to each electoral division.
- 2001, c. 45, s. 5; 2006, c. 51, s. 1.
- Delimitation. **7.2.** Each electoral division shall be delimited in such a manner that the number of electors in the division is not more than 25 % above or below the quotient obtained by dividing the total number of electors of the school board by the number of divisions.
- Exceptions. A school board may make exceptions to the first paragraph; the division into electoral divisions shall then be submitted to the Commission de la représentation for approval.
- 2001, c. 45, s. 5.
- Transmission of data. **7.3.** The Chief Electoral Officer must transmit the data referred to in the second paragraph of section 7.4 to the director general of the school board on or before 15 February of the year preceding the year in which the general election for which the division is required is to be held.
- 2001, c. 45, s. 5.
- Document. **7.4.** The director general of the school board shall prepare a document establishing the number of electors for the purposes of the division of the territory into electoral divisions.
- Document. The document shall indicate, for each domiciliary address in the territory of the school board, the number of persons whose names are entered on the permanent list of electors and who have the right to vote at that school board on the date on which the Chief Electoral Officer transmits the data necessary for the establishment of the document to the director general of the school board. For that purpose, the last paragraph of section 39 applies, with the necessary modifications.
- 2001, c. 45, s. 5.
- Division proposal. **7.5.** The council of commissioners shall, after 15 February but not later than 1 June of the year preceding the year in which the general election is to be held, adopt a division proposal for the purposes of that election.
- 2001, c. 45, s. 5; 2006, c. 51, s. 2.

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Division proposal. **7.6.** The division proposal shall describe the boundaries of the proposed electoral divisions according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and indicate the number of electors included in each division.

Division proposal. The division proposal shall also include a map or a sketch of the proposed electoral divisions.

In the event of non-compliance with the first or second paragraph, the school board shall start the process of dividing its territory into electoral divisions over again, unless it complies with another measure submitted by the Commission de la représentation.

2001, c. 45, s. 5; 2006, c. 51, s. 3.

7.7. (Repealed).

2001, c. 45, s. 5; 2006, c. 51, s. 4.

8. (Repealed).

1989, c. 36, s. 8; 1997, c. 47, s. 55.

Publication of notice. **9.** Within 15 days of the adoption of the division proposal, the director general of the school board shall publish, in a newspaper having general circulation in the territory of the school board, a notice setting forth

- (1) the object of the notice;
- (2) the description of the boundaries of the proposed electoral divisions;
- (3) the number of electors included in each proposed electoral division;
- (4) the place, days and times for examining the division proposal;
- (5) every elector's right to inform the director general in writing of any objection to the division proposal within 15 days of publication of the notice;
- (6) the address to which objections must be sent;
- (7) the number of objections required to oblige the council of commissioners to hold a public meeting to hear the persons present in respect of the division proposal.

Notice. In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the proposed electoral divisions.

1989, c. 36, s. 9; 2001, c. 45, s. 6.

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- Objection. **9.1.** Within 15 days of publication of the notice, any elector may inform the director general of the school board in writing of any objection to the division proposal.
2001, c. 45, s. 6.
- Objection. **9.2.** On receiving the number of objections required under section 9.3 within the time prescribed in section 9.1, the director general of the school board shall, to ascertain whether the persons having filed an objection are electors, request from the Chief Electoral Officer the list of the persons whose names are entered on the permanent list of electors and who are domiciled at the addresses referred to in the second paragraph of section 7.4. For that purpose, section 39 applies, with the necessary modifications.
2001, c. 45, s. 6.
- Public meeting. **9.3.** The council of commissioners shall hold a public meeting to hear the persons present in respect of the division proposal, if the number of objections received within the prescribed time is equal to or greater than
- (1) 100 in the case of school boards having fewer than 20 000 electors;
 - (2) five times the total number of full blocks of 1 000 electors in the case of school boards having 20 000 or more but fewer than 100 000 electors;
 - (3) 500 in the case of school boards having 100 000 electors or more.
- 2001, c. 45, s. 6.
- Notice. **9.4.** Not later than ten days before the public meeting, the director general of the school board shall publish, in a newspaper having general circulation in the territory of the school board, a notice indicating the place, day, time and purpose of the meeting, and transmit a copy thereof, along with a certified copy of the division proposal, to the Commission de la représentation.
2001, c. 45, s. 6.
- Public meeting. **9.5.** The public meeting does not constitute a sitting of the council of commissioners.
- Public meeting. A majority of the members of the council and the director general of the school board must attend the meeting.
- Chair. The meeting shall be presided over by the chair of the school board or, where the chair is unable to act or where the office of chair is vacant, by the vice-chair. If there is no vice-chair, the meeting shall be presided over by one of the council members present designated by them. The chair of the meeting may maintain order in the same manner as the chair of a sitting of the council and has the same powers.

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Representations or documents. The persons present may make representations verbally of table documents. The documents shall be treated as if they had been tabled at a sitting of the council.

Minutes. The director general shall draw up the minutes of the meeting.
2001, c. 45, s. 6.

Resolution. **9.6.** The council of commissioners shall adopt, by a vote of at least two-thirds of its members who have the right to vote, a resolution dividing the territory of the school board into electoral divisions after the expiry of the time in which electors may file objections to the division proposal or after the day of the public meeting, as the case may be, but before 31 December of the year preceding the year in which the general election for which the division is required is to be held.

Certified copy. The director general of the school board shall, without delay, transmit a certified copy of the resolution to the Commission de la représentation.

If the Commission de la représentation makes a recommendation to that effect in writing to the school board, and if the number of electors is not affected, the council of commissioners may amend a provision of the resolution referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 7.6. The amendment forms an integral part of the resolution, as if it had been adopted with the resolution by a vote of two thirds of the members of the council who have the right to vote. A certified copy of the amended resolution is transmitted without delay to the Commission de la représentation by the director general of the school board.

2001, c. 45, s. 6; 2006, c. 51, s. 5.

Publication of notice. **9.7.** Where the council of commissioners was obliged to hold a public meeting in respect of the division proposal, the director general of the school board shall, within 15 days of the adoption of the resolution, publish, in a newspaper having general circulation in the territory of the school board, a notice setting forth

- (1) the object of the notice;
- (2) the description of the boundaries of the electoral divisions;
- (3) the number of electors included in each electoral division;
- (4) the place, days and times for examining the resolution;
- (5) every elector's right to inform the Commission de la représentation in writing of any objection to the resolution within 15 days of publication of the notice;

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(6) the address to which objections must be sent;

(7) the number of objections required to oblige the Commission de la représentation to hold a public meeting to hear the persons present in respect of the resolution.

Notice. In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the electoral divisions.

Certified copy. Within five days of publication of the notice, the director general shall transmit a certified copy thereof to the Commission de la représentation, with an attestation of its date of publication.

Restriction. However, the publication required under the first paragraph may not be effected between 10 and 31 December of the year preceding the year in which the election is to be held.

2001, c. 45, s. 6.

Objection. **9.8.** Within 15 days of publication of the notice referred to in section 9.7, any elector may inform the Commission de la représentation in writing of any objection to the resolution.

2001, c. 45, s. 6.

Objection. **9.9.** The Commission de la représentation shall inform the school board in writing of any objection received within the prescribed time.

2001, c. 45, s. 6.

Public meeting. **9.10.** The Commission de la représentation shall hold a public meeting to hear the persons present in respect of the resolution, if the number of objections received within the prescribed time is equal to or greater than the number required under section 9.3.

2001, c. 45, s. 6.

Notice. **9.11.** Not later than ten days before the public meeting, the Commission de la représentation shall publish, in a newspaper having general circulation in the territory of the school board, a notice indicating the place, day, time and purpose of the meeting and transmit a copy thereof to the school board.

2001, c. 45, s. 6.

Hearing. **9.12.** The school board is entitled to be heard at the public meeting held by the Commission de la représentation.

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- Representations or documents. The persons present may make representations verbally or table documents.
2001, c. 45, s. 6.
- Resolution. **9.13.** The resolution dividing the territory of the school board into electoral divisions comes into force on 31 March of the year in which the general election for which the division is required is to be held, except where the Commission de la représentation must make the division.
2001, c. 45, s. 6.
- Division. **9.14.** The Commission de la représentation shall divide into electoral divisions the territory of any school board whose council has not adopted a resolution to that effect within the time prescribed in section 9.6.
- Division. The Commission shall also make the division where, after holding a public meeting under section 9.10, it considers that the division proposed by the resolution is not to become effective.
- If the Commission does not give its approval to a delimitation that derogates from the numerical criterion under the first paragraph of section 7.2, it may either divide the territory of the school board into electoral divisions or ask the school board to adopt a new division proposal.
- Public meeting. Before making a decision under this section, the Commission may hold a public meeting to hear the persons present in respect of the electoral divisions it proposes or the resolution of the school board, as the case may be.
2001, c. 45, s. 6; 2006, c. 51, s. 6.
- Certified copy. **9.15.** The Commission de la représentation shall transmit to the school board a certified copy of the decision whereby the division of the territory of the school board into electoral divisions is made.
2001, c. 45, s. 6.
- Publication of notice. **9.16.** The Commission de la représentation shall publish a notice of its decision in a newspaper having general circulation in the territory of the school board.
- Notice. The notice shall set forth
- (1) the object of the decision whereby the division into electoral divisions is made by the Commission;
 - (2) the description of the boundaries of the electoral divisions;
 - (3) the date on which the decision was adopted;
 - (4) the place, days and times for examining the decision.

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- Notice. In addition to or in lieu of the description required under subparagraph 2 of the second paragraph, the notice may include a map or a sketch of the electoral divisions.
2001, c. 45, s. 6.
- Effective date. **9.17.** A division into electoral divisions made by the Commission de la représentation becomes effective on the day of publication of the notice.
2001, c. 45, s. 6.
- Costs. **9.18.** The costs relating to a division into electoral divisions made by the Commission de la représentation in the cases referred to in section 9.14 shall be borne by the school board.
2001, c. 45, s. 6.
- Division. **10.** The division of the territory of a school board into electoral divisions applies for the purposes of the first general election following the coming into force of the resolution of the school board or the decision of the Commission de la représentation, as the case may be. It also applies for the purposes of any subsequent by-election that precedes the second general election held after the division becomes effective.
1989, c. 36, s. 10; 2001, c. 45, s. 6.
- Functions. **10.1.** The Commission de la représentation or any of its members or employees may, in the exercise of their functions, examine any document held by a school board and obtain a copy of it, free of charge.
2001, c. 45, s. 6.
- Power or function. **10.2.** Any member of the Commission de la représentation designated by the chair for that purpose may exercise any power or function of the Commission indicated by the chair.
2001, c. 45, s. 6.
- Identification of sectors. **10.3.** Following the delimitation of the territory of the school board into electoral divisions, the director general of the school board shall identify sectors for each electoral division according to the places where electors will go to vote.
- Description of sectors. On or before 1 June of the year in which the election is to be held, the director general of the school board shall transmit the description of the sectors to the Chief Electoral Officer according to the parameters the latter determines.

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Modifications. The director general of the school board may also, for an electoral division in which a by-election must be held, modify the description of the sectors identified during the preceding general election. On or before the forty-fifth day preceding polling day, the director general shall transmit a description of the modifications to the Chief Electoral Officer, according to the parameters the latter determines.

2001, c. 45, s. 6; 2006, c. 51, s. 7.

11. (Replaced).

1989, c. 36, s. 11; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2001, c. 45, s. 6.

CHAPTER III.1

UPDATING OF THE PERMANENT LIST OF ELECTORS

Collection of information. **11.1.** At least once a year, every school board shall collect the name, date of birth, sex and domiciliary address of all parents who have a child to whom section 1 of the Education Act (chapter I-13.3) applies who is admitted to educational services provided by the school board.

Collection of information. A school board that receives notices under section 18 after the prescribed information was last transmitted under section 11.2 must collect the same information in respect of the electors who have so exercised their voting option.

“parents”. In this section, “parents” means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student.

2000, c. 59, s. 1; 2002, c. 10, s. 2.

Transmission of information. **11.2.** For the purposes of the updating of the permanent list of electors, every school board shall transmit to the Chief Electoral Officer, on the date and in the manner determined by the Chief Electoral Officer, the information collected, indicating in each case whether the information relates to a person referred to in the first or in the second paragraph of section 11.1.

2000, c. 59, s. 1.

Transmission. **11.3.** The Chief Electoral Officer shall transmit to each school board the list of the persons on the permanent list of electors whom he has been unable to locate.

2001, c. 45, s. 7; 2002, c. 10, s. 3; 2006, c. 51, s. 8.

Verification. **11.4.** The school board that receives the list may verify the information concerning those persons and, where applicable, inform them that it was not possible to find their names on the permanent list of electors.

2002, c. 10, s. 3; 2006, c. 51, s. 9.

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11.5. (Repealed).

2002, c. 10, s. 3; 2006, c. 51, s. 10.

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) is domiciled in the territory of the school board and has been domiciled in Québec for at least six months,
 - (4) is not under curatorship, and
 - (5) has not been convicted within the last five years of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3).
- 1989, c. 36, s. 12; 1990, c. 35, s. 2; 2001, c. 45, s. 8; 2002, c. 10, s. 4; 2006, c. 51, s. 11.
- Right to vote. **13.** To exercise his right to vote, a person must, at the time of voting, be an elector of the school board and be entered on the list of electors.
- 1989, c. 36, s. 13; 2002, c. 10, s. 5.
- Entry on list of electors. **14.** Every elector shall be entered on the list of electors of the division in which his domicile is situated.
- 1989, c. 36, s. 14.
- Qualified voter. **15.** Any elector who has a child to whom section 1 of the Education Act (chapter I-13.3) applies who is admitted to educational services provided by a school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of commissioners of that school board.
- Election. Any elector who does not have a child to whom section 1 of the Education Act applies who is admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of the commissioners of the French language school board, unless he has chosen to vote at the election of the commissioners of the English language school board having jurisdiction over the territory in which he is domiciled.

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- English language school board. However, an elector whose child was enrolled in an English language school board when he or she finished school is deemed to have chosen to be registered on the list of electors of that school board and to vote in its elections.
- Voting option. The elector may exercise the voting option described in the second paragraph, outside election proceedings, if, on the date the option is exercised, the elector does not have a child to whom section 1 of the Education Act applies who is admitted to educational services provided by either of the school boards having jurisdiction over the territory in which the elector is domiciled.
- 1989, c. 36, s. 15; 1990, c. 35, s. 3; 1997, c. 47, s. 56; 2000, c. 59, s. 2; 2001, c. 45, s. 9; 2006, c. 51, s. 12.
- 16. (Repealed).**
- 1989, c. 36, s. 16; 1997, c. 47, s. 57.
- Time limit. **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.
- Elector's option. Such an option applies for every election, unless the elector revokes it in accordance with the procedure under section 18 or unless one of his children to whom section 1 of the Education Act (chapter I-13.3) applies is admitted to educational services provided by a school board having jurisdiction over the territory in which the elector is domiciled.
- 1989, c. 36, s. 17; 1997, c. 47, s. 58; 2000, c. 59, s. 3.
- Notice. **18.** The voting option shall be effected by sending a notice in writing to the returning officer or, outside election proceedings, to the director general of the English language school board, who shall inform the returning officer or, outside election proceedings, the director general of the French language school board.
- Content. The notice must include the name, date of birth, sex and domiciliary address of the elector.
- 1989, c. 36, s. 18; 1990, c. 35, s. 4; 1997, c. 47, s. 59; 2000, c. 59, s. 4.
- Presumption. **18.1.** The elector who has opted to vote at an English language school board and establishes his domicile in the territory of another English language school board is deemed to have exercised the option in favour of the latter school board.
- 2002, c. 10, s. 6.
- Domicile. **19.** The domicile of a person is as provided in the Civil Code of Québec for all civil purposes.

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Presumption. 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.

1989, c. 36, s. 19.

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.

1989, c. 36, s. 20.

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;
- (3.1) the Chief Electoral Officer and the other members of the Commission de la représentation;
- (3.2) public servants, except employees within the meaning of the Labour Code (chapter C-27), of the Ministère de l'Éducation, du Loisir et du Sport or of any other department who are assigned to the Ministère de l'Éducation, du Loisir et du Sport on a permanent basis;
- (4) an employee of the school board;
- (4.1) election officers 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. Employees of the Comité de gestion de la taxe 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.

1989, c. 36, s. 21; 1990, c. 35, s. 5; 1997, c. 47, s. 60; 2002, c. 10, s. 7; 2002, c. 75, s. 33; 2005, c. 28, s. 195.

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Ineligibility. **21.1.** Any candidate at a previous election whose financial report or return of election expenses required under any of sections 206.10, 206.13, 209, 209.3 and 209.4 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

2002, c. 10, s. 8.

Ineligibility. **21.2.** Any candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 206.56 is ineligible for four years from his default.

Duration. Notwithstanding the foregoing, the ineligibility affecting an elected candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.

2002, c. 10, s. 8.

Ineligibility. **21.3.** A person is ineligible for office as a member of the council of commissioners if he holds office as member of the council of another school board or if he is a candidate for such an office.

Ineligibility. Any person who is already holding an office on the council of commissioners is also ineligible for office as a member of the council, except in the event of an election at which the office held by the person is open for nominations or ceases to exist.

2002, c. 10, s. 8.

Ineligibility. **21.4.** A person is ineligible for office as a member of the council of commissioners if, following a judgment that has become *res judicata*, he is disqualified under section 176 of the Education Act (chapter I-13.3).

2006, c. 51, s. 13.

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.

1989, c. 36, s. 22.

Election clerk. **23.** The returning officer shall appoint an election clerk to assist him in the performance of his duties. The election clerk shall, for that purpose, perform the duties delegated to him by the returning officer.

1989, c. 36, s. 23; 2006, c. 51, s. 14.

SCHOOL ELECTIONS

- 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.
1989, c. 36, s. 24.
- Assistants. **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.
1989, c. 36, s. 25.
- Temporary personnel. **26.** The returning officer may also retain, on a temporary basis, the services of any person he considers necessary.
1989, c. 36, s. 26.
- Election officers. **27.** The returning officer, the election clerk, the assistants, the members and the secretary of the board of revisors, the revising officers, the persons required by the returning officer and polling officers are election officers.
- Oath. 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.
1989, c. 36, s. 27; 2002, c. 10, s. 9.
28. (Repealed).
2006, c. 51, s. 15.
- Disqualification. **28.1.** A person is disqualified from holding office as an election officer of any school board if the person has been found guilty of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3).
- Duration. The disqualification shall continue for five years from the day on which the judgment convicting the person becomes *res judicata*.
2002, c. 10, s. 10; 2006, c. 51, s. 16.
- Administration of oaths. **28.2.** In carrying out their duties of office, all election officers may administer the oaths provided for in this Act, and they shall do so without charge.
2006, c. 51, s. 17.

SCHOOL ELECTIONS

- Dismissal. **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.
- Official documents. An election officer who has been dismissed shall return all the official documents in his possession to the returning officer.
1989, c. 36, s. 29.
- Remuneration and expenses. **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 (chapter E-3.3).
1989, c. 36, s. 30.
- Immunity. **30.1.** No penalty may be imposed by the school board on election officers who are employees of the school board for acts performed in good faith by the election officers in the performance of their duties, even outside the election period within the meaning of section 206.1.
- Remedy. Any contravention of the first paragraph authorizes the persons on whom the penalty is imposed to assert their rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Labour Code apply, with the necessary modifications.
2002, c. 10, s. 11.
- Act not applicable. **30.1.1.** The Act respecting labour standards (chapter N-1.1) does not apply to election officers.
2006, c. 51, s. 18.
- DIVISION III.1**
CHIEF ELECTORAL OFFICER
- Recommendations. **30.2.** The Chief Electoral Officer may make recommendations and issue directives to the returning officer regarding the performance of the latter's duties.
2002, c. 10, s. 11.
- Assistance. **30.3.** The Chief Electoral Officer may, on request, provide the returning officer with any assistance he may need to perform his duties.
2002, c. 10, s. 11.
- Inquiry. **30.4.** The Chief Electoral Officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters V to VII, Chapter X and Chapter XI.
2002, c. 10, s. 11.

SCHOOL ELECTIONS

- Refusal. **30.5.** The Chief Electoral Officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.
2002, c. 10, s. 11.
- Reasons. **30.6.** Where the Chief Electoral Officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.
2002, c. 10, s. 11.
- Powers and immunity. **30.7.** For his inquiries, the Chief Electoral Officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.
- Witnesses. Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.
2002, c. 10, s. 11.
- Adaptation. **30.8.** If, during the election period within the meaning of section 206.1, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 30.4 does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.
- Decision. The Chief Electoral Officer shall first inform the Minister of Education, Recreation and Sports of the decision he intends to make.
- Report. Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not in session, within 30 days of resumption.
2002, c. 10, s. 11; 2005, c. 28, s. 195.
- Informing the public. **30.9.** With respect to informing the public, the Chief Electoral Officer may, in particular,
- (1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters V to VII, Chapter X and Chapter XI;
 - (2) provide any person applying therefor with advice and information regarding the application of Chapter XI;
 - (3) maintain an information centre on Chapter XI;

SCHOOL ELECTIONS

(4) regularly hold information meetings and conferences for the benefit of the candidates, the school boards and the public;

(5) make any publicity he considers necessary.

2002, c. 10, s. 11.

Powers. **30.10.** The Chief Electoral Officer may entrust the exercise of any power or any function he indicates that is assigned to him under this Act to such person as he may designate.

2002, c. 10, s. 11.

DIVISION IV

REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS

Representatives. **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.

1989, c. 36, s. 31.

Representative of candidates. **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.

1989, c. 36, s. 32.

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

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

1989, c. 36, s. 33.

Poll runner. **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.

Advance polls. The first two paragraphs do not apply to advance polls.

1989, c. 36, s. 34.

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- Disqualification. **35.** A person who is convicted of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3) is disqualified from holding office as a representative or a poll runner.
- Duration. The disqualification shall continue for five years from the day on which the judgment convicting the person becomes *res judicata*.
1989, c. 36, s. 35; 1990, c. 4, s. 970; 1990, c. 35, s. 6; 2002, c. 10, s. 12; 2006, c. 51, s. 21.
- Power of attorney. **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.
1989, c. 36, s. 36.
- Valid period. **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.
1989, c. 36, s. 37.

CHAPTER V ELECTION PROCEEDINGS

DIVISION I NOTICE OF ELECTION

- Notice of election. **38.** Not later than 44 days before polling day, the returning officer shall give a public notice setting forth the following particulars:
- (0.1) every office on the council that is open for nominations;
 - (1) the places, dates and hours for filing nomination papers;
 - (2) (*paragraph repealed*);
 - (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;

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(6) the name of the election clerk;

(6.1) the names of the returning officer's assistants and of any of the assistants who are authorized to receive nomination papers;

(7) the telephone number and address of the office of the returning officer and the office telephone numbers and addresses of the returning officer's assistants.

Content. The notice shall also indicate that any elector who does not have a child to whom section 1 of the Education Act (chapter I-13.3) applies who is admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may serve the notice referred to in section 18, as well as the time period and address for service of such a notice.

Copy. The returning officer shall transmit, as soon as practicable, a copy of the notice to the Chief Electoral Officer and the Minister of Education, Recreation and Sports.

1989, c. 36, s. 38; 1995, c. 23, s. 78; 1997, c. 47, s. 61; 2000, c. 59, s. 5; 2002, c. 10, s. 13; 2006, c. 51, s. 22.

DIVISION II **LIST OF ELECTORS**

§1. – Preparation

List of school electors. **39.** Not later than 38 days before polling day, the Chief Electoral Officer shall transmit to the returning officer the list of school electors containing, for each sector, the list of electors domiciled in the territory concerned by the election, and an extract of the permanent list of electors containing, for each electoral division, the list of electors having their domicile in the territory of the school board and indicating whether an elector may exercise his right to vote at a French language or English language school board, and whether the first or the second paragraph of section 11.1 applies to the elector.

By-election. At the time of a by-election, the returning officer shall request, in writing, that the Chief Electoral Officer transmit to him the documents referred to in the first paragraph.

Request. The request shall be made in the manner determined by the Chief Electoral Officer. It must specify the date on which the qualification to vote of electors must be ascertained, describe the territory concerned by the election and indicate the date on which and form in which the list must be transmitted.

Date. The Chief Electoral Officer shall transmit the list requested not later than the date specified in the request.

SCHOOL ELECTIONS

- Costs. The costs relating to the production of the list, established under section 549 of the Election Act (chapter E-3.3), shall be charged to the school board.
1989, c. 36, s. 39; 1995, c. 23, s. 79; 2002, c. 10, s. 14; 2006, c. 51, s. 23.
- 39.1 (Replaced).**
2002, c. 10, s. 15.
- List of electors. **40.** The list of electors of all sectors of an electoral division shall constitute the list of electors of that electoral division, and the list of electors of all the electoral divisions shall constitute the list of electors of the school board.
1989, c. 36, s. 40; 1997, c. 47, s. 63; 2000, c. 59, s. 6; 2002, c. 10, s. 15.
- Deposit. **41.** Not later than 35 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.
1989, c. 36, s. 41; 2002, c. 10, s. 16; 2006, c. 51, s. 24.
- 42. (Repealed).**
1989, c. 36, s. 42; 2002, c. 10, s. 17.
- Failure to carry out formalities. **43.** If on the twenty-eighth day before polling day, the list of electors has not been deposited, 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.
1989, c. 36, s. 43; 2002, c. 10, s. 18; 2006, c. 51, s. 25.
- §2.– *Cases where revision is required*
- List of electors. **44.** Where a poll must be held, the list of electors of the school board or, as the case may be, of the electoral division must be revised.
- Revision. Where no poll is to be held, the list may be revised by decision of the returning officer.
- Continuation or interruption. Where the holding of a poll ceases to be necessary following the end of the period for filing nomination papers, the returning officer shall decide whether the revision is to be continued or interrupted. If the revision is interrupted, the returning officer shall give public notice thereof as soon as practicable.

SCHOOL ELECTIONS

Notification. Where no revision takes place or where a revision is interrupted, the returning officer shall immediately notify in writing the Chief Electoral Officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3).

1989, c. 36, s. 44; 2002, c. 10, s. 19; 2006, c. 51, s. 26.

§3.– *Boards of revisors*

Board of revisors. **45.** The returning officer shall establish a board of revisors.

Boards of revisors. The returning officer may establish several boards of revisors and apportion and coordinate their work.

1989, c. 36, s. 45; 1990, c. 35, s. 7; 2002, c. 10, s. 19.

Location. **46.** The returning officer shall determine the place where each board of revisors will sit.

Accessibility. The place must, except in exceptional circumstances, be accessible to handicapped persons.

1989, c. 36, s. 46; 1999, c. 14, s. 13; 2002, c. 6, s. 137; 2002, c. 10, s. 19.

Composition. **47.** Each board of revisors shall be composed of three revisors appointed by the returning officer.

Returning officer. The returning officer may be a member of a board of revisors.

1989, c. 36, s. 47; 2002, c. 10, s. 19.

Chair and vice-chair. **48.** The returning officer shall appoint the chair and vice-chair of the board of revisors from among its members.

Chair. The returning officer shall be the chair of the board of revisors of which he is a member.

1989, c. 36, s. 48; 2002, c. 10, s. 19.

Secretary. **49.** The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to draw up notices of hearings and summonses, to assist the board in the performance of its work and to record all decisions of the board.

1989, c. 36, s. 49; 2002, c. 10, s. 19.

Revising officer. **50.** The returning officer may appoint any revising officer he considers necessary, whose chief duties shall be to serve notices of hearings and summonses and to gather, at the request of the board of revisors, any information relevant to the making of a decision.

1989, c. 36, s. 50; 2002, c. 10, s. 19.

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§4.– *Revision period*

- Public notice. **51.** Not later than 29 days before polling day, the returning officer shall give a public notice setting forth
- (1) the fact that the list of electors of the electoral division will be revised;
 - (2) the requirements to be met by a person to be an elector and to be entitled to have his name entered on the list;
 - (3) the place, days and times fixed for examining the list, presenting the notice referred to in section 18 and making applications for entry, striking off or correction;
 - (4) the fact that proof of identity must be provided upon making an application.
- Revision. Where the notice is given before the end of the period for filing nomination papers, it may indicate that the list will be revised only if the holding of a poll makes revision mandatory.
- Copies. The returning officer shall send a copy of the notice to the Chief Electoral Officer, who shall notify the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) of the fact, and to each candidate.
- 1989, c. 36, s. 51; 2002, c. 10, s. 19; 2006, c. 51, s. 27.
- Notice. **52.** Not later than 29 days before polling day, the returning officer shall send to each address for which the name of an elector is entered on the list of electors to be revised or to each elector whose name is entered on that list, a notice that reproduces the particulars concerning the electors domiciled at that address whose names are entered on the list of electors, except their date of birth.
- Content. The notice shall be sent with the information concerning the dates and procedure for revision and shall indicate in particular that an application for revision may be made to the returning officer or, as the case may be, to a person designated for that purpose under section 58.2. In addition, it shall indicate the places, dates and times of the advance poll and of the poll.
- 1989, c. 36, s. 52; 2002, c. 10, s. 19; 2006, c. 51, s. 28.
- Notice. **53.** The Chief Electoral Officer shall send to each address for which no electors' names are entered on the permanent list of electors, a notice indicating that no electors' names are entered for that address.

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Addresses. The Chief Electoral Officer shall inform the returning officer of the addresses to which such a notice has been sent.

1989, c. 36, s. 53; 2002, c. 10, s. 19.

Sittings. **54.** The board of revisors shall sit on the days and at the times fixed by the returning officer, subject to the first paragraph of section 55, during the period beginning 29 days and ending 15 days before polling day.

Additional sittings. The chair of the board of revisors may, after consulting with the returning officer, add hours and days of sittings of the board of revisors. The chair shall notify the returning officer of his decision, and the returning officer shall notify the candidates.

1989, c. 36, s. 54; 2002, c. 10, s. 19; 2006, c. 51, s. 29.

Sittings. **55.** The returning officer shall ensure that the board of revisors holds sittings for the purpose of receiving applications on at least two days, including during the evening of the nineteenth day before polling day.

Hours. According to whether the returning officer decides that the board is to hold sittings for that purpose in the morning, in the afternoon or in the evening, the board shall sit from at least 10:00 a.m. to 1:00 p.m., from 2:30 p.m. to 5:30 p.m. or from 7:00 p.m. to 10:00 p.m., respectively.

1989, c. 36, s. 55; 2002, c. 10, s. 19; 2006, c. 51, s. 30.

§5.– *Revision process*

Copies of list. **56.** Before the beginning of the work of a board of revisors, the returning officer shall provide two copies of the list of school electors to be revised, one for the use of the board of revisors and the other for deposit for examination by the public at the place where the board is sitting.

Copy for examination. No mention of the date of birth or sex of electors or of the particular provided for in section 11.2 shall be made on the copy deposited for examination.

Copy of extract. The returning officer shall also provide a copy of the extract of the permanent list of electors referred to in the first paragraph of section 39.

1989, c. 36, s. 56; 2002, c. 10, s. 19.

Omission of name. **57.** An elector who finds that his name is not entered on the list of electors although it should be must, if he wishes to exercise the right to vote, apply in person to the competent board of revisors to have his name entered on the list.

Striking off of name. An elector who finds that his name is entered on the list of electors although it should not be must apply in person to the competent board of revisors to have his name struck off the list.

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Striking off of name. An elector who finds that his name is entered on the list of electors although he does not wish to have it entered on the list must apply in person to the competent board of revisors to have his name struck off the list. The elector may request that his name be struck off only for the purposes of a school poll.

Wrong domicile. An elector who finds that his name is entered on the list of electors for the wrong domicile must apply in person to the competent board of revisors to have the erroneous entry struck off the list and, if he wishes to exercise the right to vote, to have his name entered correctly on the list.

Competent board. Where two boards of revisors of a school board are competent to each receive one of the applications referred to in the fourth paragraph, the board before which the first application is made becomes competent to hear the other application. The board of revisors that disposes of the applications shall notify the returning officer of its decision concerning the part of the list that is not within its competence, and the returning officer shall send the notice to the other board of revisors.

1989, c. 36, s. 57; 2002, c. 10, s. 19.

Striking off of name. **58.** If an elector whose name is entered on the part of the list of electors corresponding to an electoral division finds that the name of a person who is not entitled to be entered on that part of the list has been entered thereon, he may apply in person to the competent board of revisors to have the name of that person struck off the list.

1989, c. 36, s. 58; 2002, c. 10, s. 19.

Error. **58.1.** An elector must apply in person to the competent board of revisors to have an error in the entry of his name, address, sex, date of birth or, as the case may be, the particular provided for in section 11.2, corrected.

2002, c. 10, s. 19.

Application. **58.2.** From the twenty-ninth to the nineteenth day before polling day, an application under any of sections 57 to 58.1 may also be made, in accordance with sections 58.3 and 58.4, to the returning officer or to a person who may be designated for that purpose by the returning officer.

Notice. During that period, the notice provided for in section 18 may be presented to the returning officer or to a person who may be designated for that purpose by the returning officer, or be presented to a board of revisors of the English language school board or, if the English language school board in the territory of the division in which the domicile of the elector is situated has no board of revisors, to a board of revisors of the French language school board.

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Forwarding to board. The returning officer shall forward the applications and notices received by the returning officer or a designated person to the competent board of revisors not later than 10:00 p.m. on the nineteenth day before polling day. The returning officer shall also forward to the board from the first day on which it sits, the notices provided for in section 18 that he has received.

2002, c. 10, s. 19; 2006, c. 51, s. 31.

Application by relative. **58.3.** An application for entry, striking off or correction may be made by the spouse, by a relative of the person entitled to make the application, or by a person who is cohabiting with the person.

“relative”. For the purposes of the first paragraph, “relative” means a father, mother, grandfather, grandmother, father-in-law or stepfather, mother-in-law or stepmother, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, grandson or granddaughter.

2002, c. 10, s. 19; 2006, c. 51, s. 32.

Oath. **58.4.** Every application to the competent board of revisors must be made under oath.

Content of applications. The board may require the person making an application to submit to it any proof necessary for the making of a decision. However, in the case of an application to have the name of a person domiciled in the territory of the school board entered, the board shall require from the person making the application the former address of the domicile of the person in respect of whom the application is being made as well as two documents, one showing the name and date of birth of the person in respect of whom the application is being made and the other showing the name of that person and the address of the person’s domicile.

2002, c. 10, s. 19.

Examination. **58.5.** The board of revisors shall examine the applications made to it as soon as they are received, and shall dispose of them immediately in all cases where it is possible to do so.

2002, c. 10, s. 19.

Application by resident of residential facility. **58.5.1.** Despite the provisions of this subdivision, any person domiciled in a residential facility maintained by an institution operating a residential and long-term care facility governed by the Act respecting health services and social services (chapter S-4.2) or a private seniors’ residence entered in the register established under that Act may, not later than the last day fixed for making an application, submit to the returning officer a written application for entry, striking off or correction, along with the documents described in the second paragraph of section 58.4.

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- Forwarding to board. The returning officer shall transmit all applications and documents received to the competent board of revisors.
2006, c. 51, s. 33; 2011, c. 27, s. 38.
- Unlocatable electors. **58.5.2.** The returning officer may submit to the board of revisors the cases of persons registered on the list transmitted by the Chief Electoral Officer to the school board under section 11.3.
- Immediate decision. The board of revisors shall examine such cases as soon as they are received, and shall decide them immediately if it is possible to do so. The board of revisors has the same powers with respect to these cases as it has for processing an elector's application.
2006, c. 51, s. 33.
- Inquiry. **58.6.** The board of revisors or any member it authorizes for the purpose may make an inquiry to ascertain whether a person whose name is entered on the list of electors or who is applying to have his name entered thereon is so entitled. The person and any witnesses summoned may be assisted by an advocate.
2002, c. 10, s. 19.
- Initiative of board. **58.7.** Where the decision of the board of revisors concerning an application for entry or striking off entails entering or striking off a name for which no application has been made, the board of its own initiative may enter the name or strike it off.
- Notice. Where a correction is made or a name is entered on or struck off a part of the list that is not within the competence of the board, the board shall give notice of its decision to the returning officer who shall transmit the notice to the competent board.
2002, c. 10, s. 19.
- Notice. **58.8.** Before striking off or refusing to enter the name of a person, the board of revisors shall give one clear day's advance notice to the person.
- Transmission. The notice shall be transmitted to the address entered on the list of electors or to any place where the board or the revising officer has reason to believe that the person may be reached.
- Exceptions. However, the board is not required to give notice where
- (1) the person is present before the board;
 - (2) the board is satisfied with the proof made to it that the person in respect of whom the application for striking off is made is under curatorship or is deceased;

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(3) the person has met with and confirmed to a revising officer that he is not entitled to have his name entered on the list of electors.

2002, c. 10, s. 19.

Revocation or review. **58.9.** The board of revisors, on its own initiative or on an application, may revoke or review a decision to strike off or refuse to enter a person's name

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where the person concerned, owing to reasons considered sufficient, was unable to present observations.

2002, c. 10, s. 19.

Notification. **58.10.** In every case where the board of revisors makes a decision in the absence of the person concerned by the application or filing the application, the board shall immediately notify the elector in writing of its decision, unless the elector is under curatorship.

2002, c. 10, s. 19.

Quorum. **58.11.** Two revisors constitute a quorum of the board of revisors.

2002, c. 10, s. 19.

Decisions. **58.12.** 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 chair or, in his absence, the vice-chair shall have a casting vote.

2002, c. 10, s. 19.

Decisions. **58.13.** The board of revisors shall transmit its decisions to the appropriate returning officer in accordance with the returning officer's directives.

Decisions. The board of revisors shall also transmit its decisions to the returning officer of a school board whose territory wholly or partly coincides with the territory of the school board whose list of electors has been submitted to it for revision.

Changes. The returning officer shall incorporate the changes into the list or prepare an abstract of changes, including the changes referred to in the second paragraph.

2002, c. 10, s. 19.

Communication. **58.14.** The returning officer shall communicate to the Chief Electoral Officer the changes made to the list that concern the persons domiciled in the territory of the school board, in the manner determined by the Chief Electoral Officer.

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- Communication. The returning officer shall also communicate to the Chief Electoral Officer, if the change entails entering the name of a person who has changed his domicile, the former address of the domicile of that person and, if the change entails striking off the name of a person who requests that the striking off apply only for the purposes of a school poll, the request made by that person.
- Transmission. The information must be transmitted to the Chief Electoral Officer not later than the thirtieth day after the revision of the list of electors is completed or interrupted.
2002, c. 10, s. 19; 2006, c. 51, s. 34.
- Copies. **58.15.** As soon as practicable after receiving the decisions of the board of revisors, the returning officer shall transmit, free of charge, to each candidate, a copy of the revised list or of an abstract of the changes made to the list submitted to be revised without those candidates having to request the copies.
2002, c. 10, s. 19.
- Abstract of changes. **58.16.** The abstract of changes forms part of the list of electors until the changes are incorporated into the list.
2002, c. 10, s. 19.
- §6.– Coming into force*
- Coming into force. **59.** The list of electors comes into force upon completion or interruption of the revision or, where the list is not revised, upon the expiry of the period prescribed in section 62 for filing nomination papers.
- Indication on list. The returning officer shall indicate at the end of the list of electors the day on which it comes into force.
1989, c. 36, s. 59; 2002, c. 10, s. 21.
- Copy to candidates. **60.** Not later than 35 days before polling day, the returning officer shall give to every candidate, free of charge and in the form requested, a copy of the list of electors for the electoral division where he has filed for nomination.
1989, c. 36, s. 60; 2002, c. 10, s. 22; 2006, c. 51, s. 35.
- 61. (Repealed).**
1989, c. 36, s. 61; 2002, c. 10, s. 23.
- Valid period. **61.1.** The list of electors shall remain in force until a new list which replaces it comes into force.
2002, c. 10, s. 24.

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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 or of the assistant designated by the returning officer on the opening days and hours of the office, at any time from the fortieth day to 5:00 p.m. on the thirty-fifth day before polling day.
- Designation of mandatary. A person wishing to be a candidate may designate in writing a person to act in his name as his mandatary for the purposes of this division.
1989, c. 36, s. 62; 2002, c. 10, s. 25; 2006, c. 51, s. 36.
- Tickets. **63.** Candidates may be grouped into tickets recognized by the returning officer.
1989, c. 36, s. 63.
64. (Repealed).
1989, c. 36, s. 64; 2006, c. 51, s. 37.
- Application. **65.** The leader of the ticket shall transmit to the returning officer, at any time from the forty-fourth to the thirty-fifth day before 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.
- Supporting electors. The application must be accompanied by a list of the names, addresses and signatures of at least 10 electors of the school board who support the application.
1989, c. 36, s. 65; 2002, c. 10, s. 26; 2006, c. 51, s. 38.
- Recognition by returning officer. **66.** The returning officer shall grant the recognition to a ticket applying therefor in accordance with section 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.
1989, c. 36, s. 66; 2006, c. 51, s. 39.
- 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.

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- Approval. An application for approval is made by means of a writing from the leader of the ticket.
1989, c. 36, s. 67.
- Misleading name. **68.** The returning officer shall 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.
1989, c. 36, s. 68; 2006, c. 51, s. 40.
- Content of nomination paper. **69.** The nomination paper shall state the name, date of birth and address of the candidate, indicate the division for which he is a candidate and include an affidavit certifying that he is eligible.
1989, c. 36, s. 69; 2002, c. 10, s. 27.
- Indication of ticket. **70.** The nomination paper of the candidate of a recognized ticket shall state that he is the candidate for that ticket.
1989, c. 36, s. 70.
- Signatures. **71.** The nomination paper shall be signed by the candidate and supported by at least 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.
1989, c. 36, s. 71; 2002, c. 10, s. 28.
- 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 electoral division.
- Proof of identity. Proof of identity is an act of birth or any of the following: a certificate of Canadian citizenship, a Canadian passport, a driver’s licence or probationary licence issued as a plastic card by the Société de l’assurance automobile du Québec, a health insurance card issued by the Régie de l’assurance maladie du Québec or a copy of a name change order.
- 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.
1989, c. 36, s. 72; 2002, c. 10, s. 29; 2006, c. 51, s. 41.

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- 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.
1989, c. 36, s. 73.
- Information. **73.1.** The nomination paper may be accompanied by basic information for the electors.
- Information. The information is provided in the manner determined by the Chief Electoral Officer and may include a text provided by the candidate, a photograph of the candidate and the address and number where the candidate may be reached by the electors.
- Compliance. The candidate is responsible for ensuring that the text provided is in compliance with the law and for ascertaining the quality of the language and the accuracy of the information provided. The document distributed under section 86.1 must mention that responsibility.
- Non-compliance. If the information is not provided in the manner determined by the Chief Electoral Officer, the returning officer may refuse to distribute that information in the mailing referred to in section 86.1 if, having granted the candidate a reasonable time to comply, he does not receive the information duly modified on or before the nineteenth day before polling day.
2006, c. 51, s. 42.
- 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.
1989, c. 36, s. 74.
- Name of candidate. **75.** A person may be a candidate under the name 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.
1989, c. 36, s. 75.
- Filing. **76.** The returning officer shall receive, without delay, every nomination paper that is complete and accompanied by the required documents.
- Proof of nomination. The returning officer shall then issue an acknowledgement of receipt, which is proof of the nomination.
1989, c. 36, s. 76; 2006, c. 51, s. 43.
- 77. (Repealed).**
1989, c. 36, s. 77; 2002, c. 10, s. 31.

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- Copy of nomination paper. **78.** Every 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.
1989, c. 36, s. 78; 2002, c. 10, s. 32.
- Election by acclamation. **79.** If, at the end of the period for filing nomination papers, the returning officer has accepted only one nomination paper for an office or if only one candidate for that office remains, he shall declare that candidate elected.
- Holding of poll. In other cases, a poll must be held to determine which candidate will be elected to such office.
- Election by acclamation. Where, as a result of a withdrawal after the end of the period referred to in the first paragraph but before the close of the poll, there remains only one candidate for an office, the returning officer shall declare that candidate elected.
1989, c. 36, s. 79; 2002, c. 10, s. 33.
- 80. (Repealed).**
1989, c. 36, s. 80; 2002, c. 10, s. 34.
- Withdrawal of candidate. **81.** A candidate may withdraw at any time by filing with the returning officer a declaration to that effect bearing his signature.
1989, c. 36, s. 81.
- 82. (Repealed).**
1989, c. 36, s. 82; 2006, c. 51, s. 44.
- 83. (Repealed).**
1989, c. 36, s. 83; 2002, c. 10, s. 35.
- New election. **84.** Subject to section 84.2, the returning officer shall recommence election proceedings to fill an office on the council of commissioners, where
- (1) no person is nominated as a candidate for the office before the end of the period prescribed for filing nomination papers or all the persons nominated have withdrawn before the end of the period;
 - (2) every candidate for the office withdraws after the end of the period referred to in paragraph 1 but before the close of the poll;
 - (3) a candidate for the office dies after the end of the period referred to in paragraph 1 but before the close of the poll;

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(4) all the ballot papers placed in the ballot box in favour of the candidates for the office have been rejected during the counting of the votes or, as the case may be, during the recount.

1989, c. 36, s. 84; 2002, c. 10, s. 36.

Date of new election. **84.1.** Within 30 days of ascertaining a situation justifying the recommencement, the returning officer shall fix the date of the poll on a Sunday in any of the four following months. Where that is the case, he shall notify the council of commissioners as soon as practicable of the date fixed for the poll.

List of electors. The persons entitled to have their names entered on the list of electors or to be candidates are the same as in the original election.

Deposit and revision. The list of electors in force shall be used and no new list need be prepared. The list shall be deposited as soon as practicable after publication of the notice of election. No revision of the list is required if the revision was completed for the purposes of the original election.

2002, c. 10, s. 36; 2006, c. 51, s. 45.

One recommencement only. **84.2.** Election proceedings may be recommenced only once.

Appointment by Minister. Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Education, Recreation and Sports, who may then appoint an eligible person to the office concerned or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

2002, c. 10, s. 36; 2005, c. 28, s. 195.

DIVISION IV

POLL

§1.– *Notice of poll*

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 name and address of each candidate, in alphabetical order of the candidates' names;

(2) the date, address and hours at or during which advance polling places will be open and the electors entitled to vote thereat;

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(3) the date, address and hours at or during which polling places will be open on polling day.

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

1989, c. 36, s. 85; 2002, c. 10, s. 37.

Notice of poll. **86.** The notice of poll shall be published not later than 15 days before polling day.

1989, c. 36, s. 86; 2002, c. 10, s. 38.

Reminder. **86.1.** Not later than 10 days before polling day, the returning officer shall have a reminder sent to every person on the list of electors who is entitled to vote at the poll, as well as a document, in the same mailing, containing the information provided by the candidates under section 73.1. The document must be produced in the manner determined by the Chief Electoral Officer and must give equal space to each candidate.

Content. The reminder must provide either all the particulars contained in the notice of poll or only those relating to the candidates for whom the addressee is entitled to vote and to the voting place where he may exercise that right on polling day.

2002, c. 10, s. 38; 2006, c. 51, s. 46.

§2.– Advance poll

Advance polling stations. **87.** The returning officer shall establish as many advance polling stations as he considers necessary and determine which, if any, are to be mobile polling stations.

Polling station. The returning officer shall establish at least one advance polling station for each electoral division in which a poll is to be held.

Sectors. If the returning officer establishes several advance polling stations, he shall determine which sector is attached to each station.

Notice. The returning officer shall notify each candidate of his decision as soon as practicable.

1989, c. 36, s. 87; 2002, c. 10, s. 39; 2006, c. 51, s. 47.

Mobile polling station. **87.1.** If the returning officer establishes a mobile polling station, the only persons who may be present in that polling station are the deputy returning officer and the poll clerk.

2006, c. 51, s. 48.

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- Provisions applicable. **88.** Except if otherwise provided, the provisions of this division relating to a regular poll held in a polling station, except section 112, apply to the advance poll, with the necessary modifications.
- Identity verification panel. For the purposes of section 97.1, in the case of a mobile polling station, the identity verification panel is composed of the deputy returning officer, who is the chair of the panel, and the poll clerk, and decisions must be unanimous.
1989, c. 36, s. 88; 2006, c. 51, s. 49.
- Handicapped persons. **88.1.** Advance polling stations must be accessible to handicapped persons.
- Mobile polling station. A person operating a residential facility referred to in section 58.5.1 must ensure that the mobile polling station has access to the electors.
- Mobile polling station. Despite subparagraph 1 of the second paragraph of section 90, while visiting such a facility, a mobile polling station may, on request, go to the room or the apartment of an elector who is unable to move about.
2002, c. 10, s. 40; 2006, c. 51, s. 50.
- Hours. **89.** The advance polling station shall be open from 12:00 noon to 8:00 p.m., on Sunday of the week preceding polling day.
- Mobile polling station. However, a mobile polling station may have access to electors from 8:00 a.m. to 11:00 a.m. and, if the returning officer deems it necessary, on the eighth and sixth days preceding polling day, at the times the returning officer determines.
1989, c. 36, s. 89; 2002, c. 10, s. 41; 2006, c. 51, s. 51.
- Who may vote. **90.** Any elector registered on the list of electors may vote at the advance poll.
- Mobile polling station. Any person domiciled in a residential facility referred to in section 58.5.1 may vote at a mobile polling station if the following conditions are fulfilled:
- (1) the person applies in writing to the returning officer not later than 19 days before polling day;
 - (2) the person is registered on the list of electors; and
 - (3) the person is unable to move about.
- List. The returning officer shall draw up a list of the persons who have made an application under the second paragraph and transmit a copy of the list to each recognized ticket and each candidate concerned.
1989, c. 36, s. 90; 2006, c. 51, s. 52.
- 91. (Repealed).**
1989, c. 36, s. 91; 2002, c. 10, s. 42.

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92. *(Repealed).*

1989, c. 36, s. 92; 2002, c. 10, s. 42.

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.

1989, c. 36, s. 93.

Preparation of list. **93.1.** The poll clerk shall prepare the list of the electors who have voted in advance at the polling station and transmit it, as soon as practicable, to the returning officer or to the person designated by the latter. The returning officer shall transmit a copy of the list to each candidate not later than three days before polling day.

2002, c. 10, s. 43.

Counting of votes. **93.2.** From 7:00 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

Applicable rules. The counting shall be effected at the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, with the necessary modifications.

Appointment of substitute. If the deputy returning officer or poll clerk who acted in the advance polling station is unable to act, the returning officer shall appoint a substitute for the purposes of this section.

2002, c. 10, s. 43.

§3.– *Polling stations and poll officers*

Polling stations. **93.3.** The returning officer shall establish as many polling stations as he considers necessary for each sector and determine which electors of the sector are entitled to vote at each polling station.

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- Notice. The returning officer shall notify each candidate of his decision as soon as practicable.
2002, c. 10, s. 45.
- Convenient access. **94.** The polling stations of a sector must be situated in one place of convenient access, and, except in exceptional circumstances, must be accessible to handicapped persons.
- Location. However, where a special circumstance justifies it, the returning officer may establish the polling stations in more than one place.
- Authorization. In addition, if the returning officer is unable to establish a polling station in a place accessible to handicapped persons, he must obtain the authorization of the Chief Electoral Officer before establishing it in a place not so accessible.
- Arrangement of places. In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.
1989, c. 36, s. 94; 1992, c. 21, s. 156; 1999, c. 15, s. 43; 2002, c. 10, s. 46.
- Appointments. **95.** The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station. The returning officer shall also appoint the members of identity verification panels.
1989, c. 36, s. 95; 1999, c. 15, s. 44.
- 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.1989, c. 36, s. 96.
- 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.1989, c. 36, s. 97.

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- Identity verification panels. **97.1.** An identity verification panel shall be established for every place where a polling station is located.
- Composition. An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. If there are three polling stations or less in a place, the deputy returning officer and the poll clerk of the polling station may act as panel members.
- Function. The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 114. Decisions are made by a majority vote.
1999, c. 15, s. 45; 2006, c. 51, s. 53.
- Information and order. **98.** The returning officer may appoint an officer in charge of information and order for each place where a polling station is situated.
1989, c. 36, s. 98; 2002, c. 10, s. 47.
- Duties of officer. **98.1.** The officer in charge of information and order shall, in particular,
(1) receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote;
(2) ensure access to the polling stations and maintain orderly movement in the polling place;
(3) see to it that only the number of electors allowed by law are admitted to a polling station at the same time;
(4) see to it that only the electors who are on the premises of a polling station at the time scheduled for closing and who have not been able to vote before that time are allowed to exercise their right to vote after that time;
(5) see to it that only the persons authorized are present on the premises of a polling station;
(6) inform the returning officer of any situation requiring his intervention.
2002, c. 10, s. 47.
- §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.
1989, c. 36, s. 99.

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- 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.
1989, c. 36, s. 100.
- 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.
1989, c. 36, s. 101.
- 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.
1989, c. 36, s. 102.
- Same name. **103.** Where several candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where applicable, above the indication of his membership in a recognized ticket.
- Drawing of lots. The order in which the particulars relating to each candidate for the same office who has the same name appear shall be determined by a drawing of lots carried out by the returning officer.
1989, c. 36, s. 103; 2002, c. 10, s. 48.

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- Particulars. **103.1.** The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the recognition of the ticket has been withdrawn or the name of the ticket appearing on the nomination paper is inaccurate.
2002, c. 10, s. 48.
- Duty. **104.** The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.
1989, c. 36, s. 104; 2002, c. 10, s. 49.
- Late withdrawal. **105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.
- Information. The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate's withdrawal.
- Nullity of vote. Any vote cast in favour of the candidate, before or after his withdrawal, is null.
1989, c. 36, s. 105; 2002, c. 10, s. 50.
- Withdrawal of recognition. **105.1.** Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.
2002, c. 10, s. 50.
- Ballot boxes. **105.2.** The returning officer shall obtain a ballot box for each polling station.
2002, c. 10, s. 50.
- Construction of boxes. **105.3.** Each ballot box must be made of durable material with a slit or narrow opening on the top so constructed that the ballot papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.
2002, c. 10, s. 50.
- Contracts. **105.4.** The returning officer, on behalf of the school board, may enter into any contract to procure the materials required for the poll.
2002, c. 10, s. 50.

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§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 a ballot box, a copy of the part of the list of electors used for the advance poll and comprising the electors who are entitled to vote at the polling station, a poll book, 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.

Ballot papers. The returning officer shall also deliver to the deputy returning officer a sealed, initialled envelope containing the required number of ballot papers.

1989, c. 36, s. 106; 2002, c. 10, s. 51; 2006, c. 51, s. 54.

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.

1989, c. 36, s. 107.

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.

1989, c. 36, s. 108.

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.

1989, c. 36, s. 109.

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.

1989, c. 36, s. 110.

§6.– *Polling*

Polling hours. **111.** Polling shall take place from 10:00 a.m. to 8:00 p.m.

1989, c. 36, s. 111; 2006, c. 51, s. 55.

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.

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

1989, c. 36, s. 112.

Informing of electors. **112.1.** The returning officer shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 114 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 114 in their possession.

1999, c. 15, s. 46.

Obligations of elector. **112.2.** An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members;

(3) show his face and meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name, his date of birth and his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 114;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 58.3;

iv. produces a document referred to in the second paragraph of section 114 that bears his photograph; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

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- Exception. However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act
- Valid reasons. Despite subparagraphs 2 and 3 of the first paragraph, an elector who is unable to show his face for reasons of physical health that are considered valid by the Chief Electoral Officer or any person designated by the Chief Electoral Officer for that purpose may obtain an authorization allowing him to be identified without showing his face, provided he first signs the sworn statement provided for that purpose in the presence of the members of the verification panel.
- Authorization. The chairman of the verification panel shall give the elector the authorization described in the third paragraph. .
1999, c. 15, s. 46; 2006, c. 51, s. 56; 2007, c. 29, s. 3.
- Prohibition. **112.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 112.2.
1999, c. 15, s. 46.
- Certificate. **112.4.** Where an elector meets the conditions imposed by section 112.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.
1999, c. 15, s. 46.
- One elector at a time. **113.** Not more than one elector shall be admitted to a polling station at one time.
- Authorized persons. Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 124 may be present for the time required to enable the elector to exercise his right to vote.
1989, c. 36, s. 113; 2002, c. 10, s. 52.

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- Name and address. **114.** The elector shall give his name and address and, where required, his date of birth to the deputy returning officer and to the poll clerk.
- Identification. In addition, the elector shall show his face and identify himself, notwithstanding any incompatible provision, by producing his health-insurance card issued by the Régie de l'assurance maladie du Québec, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.
- Inability to produce identification. Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.
1989, c. 36, s. 114; 1999, c. 15, s. 47; 1999, c. 89, s. 53; 2007, c. 29, s. 4.
- Prohibition. **114.1.** No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 114.
1999, c. 15, s. 48.
- 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 part of the list of electors referred to in section 106, if his name, address and, where applicable, date of birth correspond to those appearing on the list of electors and if he has produced identification in accordance with section 112.2 or the second paragraph of section 114.
1989, c. 36, s. 115; 1999, c. 15, s. 49; 2002, c. 10, s. 53.
- 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.
1989, c. 36, s. 116.
- Required declaration. **117.** Every person presenting himself to vote shall, if requested by the deputy returning officer, the poll clerk, a candidate or his representative, make the following declaration before the deputy returning officer or the poll clerk:
"I declare under oath that I am a qualified elector and that I have not already voted in this election".

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- Refusal to comply. If the elector refuses, he shall lose his right to vote in the current election. An indication of the oath or the refusal shall be entered in the poll book.
1989, c. 36, s. 117; 1999, c. 40, s. 115; 2002, c. 10, s. 54; 2006, c. 51, s. 57.
- Erroneous entry. **118.** An elector whose name, address or, as the case may be, date of birth differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath that the erroneous entry was intended to refer to him. An indication thereof shall be entered in the poll book.
1989, c. 36, s. 118; 2002, c. 10, s. 55.
- 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 the ballot paper in one of the circles with the pencil given to him by the deputy returning officer at the same time as the ballot paper.
1989, c. 36, s. 119; 2002, c. 10, s. 56.
- 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.
1989, c. 36, s. 120.
- Indication on list of electors. **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.
1989, c. 36, s. 121.
- Initials. **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.
- Exceptions. Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper which does not bear any initials where all of the following conditions are met:
- (1) the ballot paper presented by the elector is, on its face and without being unfolded, the ballot paper given to him by the deputy returning officer;
 - (2) the deputy returning officer signs a written declaration supported by an oath attesting that he inadvertently omitted or forgot to affix his initials to the ballot paper.

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- Affixing of initials. The deputy returning officer shall then, in full view of the persons present, affix his initials to the reverse of the ballot paper and allow it to be placed in the ballot box. An indication thereof shall be entered in the poll book.
1989, c. 36, s. 122; 2002, c. 10, s. 50.
- Spoiled ballot paper. **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.
1989, c. 36, s. 123.
- Assistance. **124.** An elector who declares under oath that he is unable to mark his ballot paper himself may be assisted
- (1) by a person who is the elector's spouse or a relative within the meaning of section 58.3;
 - (2) by another person, in the presence of the deputy returning officer or the poll clerk. That person shall declare under oath that he has not already assisted any other elector during the poll other than the person's spouse or relative within the meaning of section 58.3;
 - (3) by the returning officer in the presence of the poll clerk.
- Indication in poll book. In all cases, an indication thereof shall be entered in the poll book.
1989, c. 36, s. 124; 2002, c. 10, s. 58; 2006, c. 51, s. 58.
- Visual handicap. **124.1.** The deputy returning officer shall provide a visually handicapped person who so requests with a template to enable him to vote without assistance. The deputy returning officer shall adjust the template and the ballot paper, give them to the person and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.
- Assistance. The deputy returning officer shall, upon request, assist the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.
2002, c. 10, s. 59.
- Sign language. **124.2.** A deaf or mute elector may be assisted, for the purpose of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.
2002, c. 10, s. 59.

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Name used by other. **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.

1989, c. 36, s. 125.

Written authorization. **126.** The returning officer or election clerk may give written authorization to vote to an elector

(1) whose name does not appear on the list of electors used at the polling station but appears on the list of electors in the possession of the returning officer;

(2) whose name was transcribed incorrectly following the decision of the board of revisors; or

(3) whose name was struck off the list of electors due to confusion with another elector.

Oath. 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.

1989, c. 36, s. 126; 2006, c. 51, s. 59.

127. (Repealed).

1989, c. 36, s. 127; 2002, c. 10, s. 60.

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.

1989, c. 36, s. 128.

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.

Waiting line. For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the time of closing of the poll.

1989, c. 36, s. 129; 2002, c. 10, s. 61.

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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.
- Closing of stations. Where several polling stations are situated at the same place, the counting of votes shall begin only after the poll is closed at all the polling stations.
1989, c. 36, s. 130; 2002, c. 10, s. 62.
- 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;
 - (3) the names of the persons who have performed duties as election officers or representatives assigned to the polling station.
- 1989, c. 36, s. 131; 2002, c. 10, s. 63.
- 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.
1989, c. 36, s. 132.
- Valid ballot papers. **133.** The deputy returning officer shall declare valid every ballot paper which an elector has marked in one of the circles.
- 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;
 - (7) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.
- 1989, c. 36, s. 133; 2002, c. 10, s. 64.

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- Exceptions. **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.
- 1989, c. 36, s. 134.
- 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 or that the circle is not completely filled.
- 1989, c. 36, s. 135; 2002, c. 10, s. 65.
- 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.
- 1989, c. 36, s. 136.
- Statement of votes. **137.** After counting the ballots, the deputy returning officer shall draw up a statement of votes.
- 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.
- 1989, c. 36, s. 137; 2002, c. 10, s. 66; 2006, c. 51, s. 60.
- 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 votes. He shall seal the envelopes.

SCHOOL ELECTIONS

- 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.
1989, c. 36, s. 138; 2002, c. 10, s. 67.
- 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.
1989, c. 36, s. 139.

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.
1989, c. 36, s. 140.
- Procedure. **141.** The returning officer shall add the votes by using the statements of votes 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.
1989, c. 36, s. 141; 2002, c. 10, s. 68.
- Adjournment. **142.** If the statement of votes 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 votes given to him or, failing that, the statement of the deputy returning officer or of a representative, and he shall continue with the addition.
1989, c. 36, s. 142; 2002, c. 10, s. 69.
- Results of addition. **143.** The returning officer shall declare the results of the addition. He may communicate them to any person on request.
1989, c. 36, s. 143.
- Tie. **144.** In the case of a tie for first place, the returning officer shall make a new addition of the votes.

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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.

1989, c. 36, s. 144.

DIVISION III **JUDICIAL RECOUNT**

Application by candidate or representative. **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.

1989, c. 36, s. 145.

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.

1989, c. 36, s. 146.

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.

1989, c. 36, s. 147.

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

1989, c. 36, s. 148.

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

1989, c. 36, s. 149.

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 votes of the electoral division concerned.

1989, c. 36, s. 150; 2002, c. 10, s. 70.

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

1989, c. 36, s. 151.

SCHOOL ELECTIONS

- 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.
1989, c. 36, s. 152.
- 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 (chapter C-37), except the power to order imprisonment.
- 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 (chapter C-25) apply, adapted as required.
1989, c. 36, s. 153; 1992, c. 61, s. 281.
- 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.
1989, c. 36, s. 154.
- 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 votes 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.
1989, c. 36, s. 155; 2002, c. 10, s. 71.
- 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 set the date of the poll so that it is held as rapidly as possible after the judge has rendered a decision. As soon as possible, the returning officer shall inform each person who was a candidate in the election that resulted in a tie of the date of the poll.
- Provisions applicable. The second and third paragraphs of section 200 apply to the election, with the necessary modifications. The list of electors in force is used and no new list need be prepared. The list is deposited as soon as practicable after publication of the notice of election and the list need not be revised.
1989, c. 36, s. 156; 2006, c. 51, s. 61.

SCHOOL ELECTIONS

- 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.
1989, c. 36, s. 157.
- Recovery of costs. **158.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.
1989, c. 36, s. 158.
- 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. He shall send a copy of the declaration to each candidate and to the Chief Electoral Officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) of the fact.
1989, c. 36, s. 159; 2002, c. 10, s. 72; 2006, c. 51, s. 62.
- 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 the date of the declaration of election of the candidate elected at a new election, unless his seat becomes vacant for one of the reasons set out in section 191.
1989, c. 36, s. 160; 2002, c. 10, s. 73.
- Sittings during election period. **160.1.** During the period beginning at 5:00 p.m. 35 days before polling day in a general election and ending when the majority of the candidates elected to the office of commissioner for seats open for nominations at that election have been declared elected, the council of commissioners or the executive committee shall not sit unless a fortuitous event necessitating its intervention occurs, or to comply with an obligation imposed by law. Deliberations during such a sitting shall pertain only to such event.

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- End of period. If the majority of the candidates elected to the office of commissioner for seats open for nominations at the election have not been declared elected before the fifth day following polling day, the provisions of the first paragraph cease to apply from the beginning of that day.
2002, c. 10, s. 74; 2006, c. 51, s. 63.
- Documents. **161.** The returning officer shall transmit the documents relating to the election to the secretary general of the school board after the declaration of election. The secretary general shall keep the documents for one year from their transmission or, if the election is contested, for one year from the decision on the contestation.
1989, c. 36, s. 161; 2006, c. 51, s. 64.
- 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.
1989, c. 36, s. 162.
- Public notice. **163.** The returning officer shall issue, without undue delay, a public notice stating the name of every elected candidate and the electoral division he represents.
1989, c. 36, s. 163.
- Oath of office. **164.** Within 30 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.
1989, c. 36, s. 164.

CHAPTER VII ELECTORAL CODE OF ETHICS

DIVISION I SECRECY OF VOTING

- Secrecy. **165.** Voting is secret.
1989, c. 36, s. 165.
- 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.

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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 deemed to be the premises of a polling station.

1989, c. 36, s. 166; 1999, c. 40, s. 115.

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.

1989, c. 36, s. 167.

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

1989, c. 36, s. 168.

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.

Power of returning officer. If the ticket or candidate promoted by prohibited partisan publicity refuses or neglects to stop or remove the publicity after being requested to do so, the returning officer may have it stopped or removed at the expense of the ticket or candidate.

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 are deemed to be the premises of the polling station.

1989, c. 36, s. 169; 1999, c. 40, s. 115; 2006, c. 51, s. 65.

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

1989, c. 36, s. 170.

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

1989, c. 36, s. 171; 2006, c. 51, s. 66.

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 is not partisan work.

SCHOOL ELECTIONS

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.

1989, c. 36, s. 172; 2006, c. 51, s. 67.

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.

1989, c. 36, s. 173.

174. *(Repealed).*

1990, c. 35, s. 8.

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.

1989, c. 36, s. 175.

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

1989, c. 36, s. 176; 1990, c. 35, s. 9.

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

1989, c. 36, s. 177.

Summons. **178.** The summons is made by service of the motion provided for in section 175.

1989, c. 36, s. 178; 1996, c. 5, s. 75.

Hearing. **179.** Proceedings are conducted in accordance with the rules of ordinary procedure prescribed by the Code of Civil Procedure (chapter C-25) but the motion is heard and decided by preference.

1989, c. 36, s. 179; 1996, c. 5, s. 76; 2002, c. 7, s. 170.

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

1989, c. 36, s. 180.

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.

1989, c. 36, s. 181.

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- 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.
- 1989, c. 36, s. 182.
- 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.
- 1989, c. 36, s. 183.
- 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.
- 1989, c. 36, s. 184.
- Unchanged results. **185.** The election of a candidate shall not be declared null by reason of an offence against this Act 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.
- 1989, c. 36, s. 185; 1990, c. 35, s. 10.

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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.

1989, c. 36, s. 186.

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.

1989, c. 36, s. 187.

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.

1989, c. 36, s. 188.

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

1989, c. 36, s. 189.

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.

1989, c. 36, s. 190.

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 three consecutive regular sittings of the council of commissioners, unless the council decides otherwise under section 193;
- (4) upon his becoming disqualified from sitting on the council;
- (5) upon his becoming ineligible for the office of commissioner;

SCHOOL ELECTIONS

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

1989, c. 36, s. 191; 2006, c. 51, s. 68.

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.

1989, c. 36, s. 192.

Failure to attend sittings. **193.** The term of a commissioner who fails to attend three consecutive regular sittings of the council of commissioners ends at the close of the following sitting unless the commissioner attends that sitting.

Grace period. The council may, at that sitting, grant the commissioner a period of grace until the next regular council sitting if he was in fact unable to attend the sittings. In such a case, the commissioner's term ends on the day of that next sitting, if he is not in attendance.

Serious reasons. The council may also in due time order that a commissioner's failure to attend sittings of the council for serious reasons beyond his control that cause no prejudice to the electors of the school board or the commissioner's electoral division, does not entail the end of his term.

Provisions not applicable. The first three paragraphs do not apply if the commissioner is unable to attend the sittings by reason of the provisional execution of a judgment declaring his disqualification or ouster from office.

1989, c. 36, s. 193; 2006, c. 51, s. 69.

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

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

Action. The Attorney General and the school board may bring the action.

1989, c. 36, s. 194; 1990, c. 35, s. 11; 2006, c. 51, s. 70.

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- Disqualified commissioner. **195.** The term of a commissioner who, after being elected, becomes disqualified pursuant to any of subparagraphs 1 to 4.1 of the first paragraph of section 21 ends on the day he takes office in a position referred to in those subparagraphs.
1989, c. 36, s. 195; 1990, c. 35, s. 12; 2002, c. 10, s. 75.
- End of term. **196.** The term of a commissioner convicted of an offence which disqualifies him ends on the day the judgment becomes final.
1989, c. 36, s. 196; 1990, c. 35, s. 13.
- 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*.
1989, c. 36, s. 197.
- Notice to council of commissioners. **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.
1989, c. 36, s. 198.

DIVISION II

BY-ELECTIONS AND APPOINTMENTS

- Vacancy. **199.** If between 12 and 4 months 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 (chapter I-13.3). The person appointed must have the qualifications required of a school commissioner.
- Vacancy. If 4 months or less remain before the end of the term of office or the commissioner in whose seat a vacancy has occurred, the council of commissioners may fill the vacancy in the manner provided in the first paragraph.
- Public notice. The school board shall give public notice of the name of the person appointed.
1989, c. 36, s. 199; 2002, c. 10, s. 76.
- 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.
- Notice of election. The provisions of Chapters IV to XIII, adapted as required, apply to the election. Within 30 days from the date on which the seat becomes vacant, the returning officer must set as polling day a Sunday in the four months following that date.

SCHOOL ELECTIONS

Copy. The returning officer shall send a copy of the notice of election as soon as possible to the council of commissioners, the Chief Electoral Officer and the Minister of Education, Recreation and Sports.

1989, c. 36, s. 200; 1990, c. 35, s. 14; 1995, c. 23, s. 80; 1999, c. 40, s. 115; 2002, c. 10, s. 77; 2006, c. 51, s. 71.

By-election. **200.1.** Where a by-election is required to be held owing to a vacancy in the office of a commissioner who remained in office in accordance with any of sections 150 to 152 of the Education Act (chapter I-13.3), the by-election shall be held

(1) in the part of the territory that has been annexed where that territory constituted or included the whole of an electoral division represented by the commissioner, in the case of a commissioner referred to in section 150 of that Act;

(2) in the part of the territory corresponding to the part of the electoral division represented by the commissioner in which the greatest number of electors were resident before the annexation, in the case of a commissioner referred to in section 151 of that Act;

(3) in the part of the territory corresponding to the electoral division represented by the commissioner the whole of which has been integrated, or, where the division represented by the commissioner has not been integrated in its entirety, in the part of the territory corresponding to the part of that division in which the greatest number of electors were resident at the time of integration, in the case of a commissioner referred to in section 152 of that Act.

2002, c. 10, s. 78.

Lack a quorum. **200.2.** The director general of the school board shall notify the Minister of Education, Recreation and Sports in writing if the council lacks a quorum by reason of vacancies.

Appointments. In that case, the Minister may make the appointments necessary to attain the quorum.

Presumption. The persons appointed by the Minister are deemed to have been elected and are declared elected on the day of their appointment.

2002, c. 10, s. 78; 2005, c. 28, s. 195.

SCHOOL ELECTIONS

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.
1989, c. 36, s. 201.
- 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.
1989, c. 36, s. 202.
- Election officer's 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.
1989, c. 36, s. 203.
- Leave without pay. **203.1.** Every employer shall, upon written request, grant leave without pay to an employee who is a member of the council of commissioners of a school board.
- Request. The request may be made at any time after the date the employee is declared elected, even before the employee becomes a member of the council.
- Maximum period. Notwithstanding the foregoing, no employer may be required pursuant to the first paragraph to grant leave without pay to an employee for a total period or more than eight years or two terms, whichever is longer.
2002, c. 10, s. 79.
- 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.

SCHOOL ELECTIONS

- 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.
1989, c. 36, s. 204.
- Complaints. **205.** An employee believing himself or herself to be the victim of a contravention of this chapter may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.
1989, c. 36, s. 205; 2001, c. 26, s. 104.
- 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 Commission des relations du travail. In that case, sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code (chapter C-27) apply, adapted as required.
- Concurrent procedures. The arbitrator shall refuse to hear the grievance if a complaint is filed with the Commission des relations du travail at the same time the grievance settlement and arbitration procedure is invoked.
1989, c. 36, s. 206; 2001, c. 26, s. 105.

CHAPTER XI

FINANCING OF CANDIDATES AND CONTROL OF ELECTION EXPENSES

DIVISION I

DEFINITIONS

- Interpretation. **206.1.** In this chapter,
- “election period”*; “election period” means the period beginning 44 days before polling day and ending on polling day at the time of closing of the polling station;
- “financial institution”*; “financial institution” means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (2000, chapter 29);
- “fiscal year”*; “fiscal year” means the calendar year.
- “candidate”*. In this chapter, the word “candidate” includes any person who subsequently becomes a candidate or has indicated an intention to become a candidate.
2002, c. 10, s. 80; 2006, c. 51, s. 72.

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DIVISION II CHIEF ELECTORAL OFFICER

- Chief Electoral Officer. **206.2.** The Chief Electoral Officer shall see to the carrying out of this chapter.
- Studies. The Chief Electoral Officer may conduct studies on the financing of candidates and their election expenses.
2002, c. 10, s. 80.
- Duties. **206.3.** The Chief Electoral Officer shall, in particular,
- (1) authorize candidates;
 - (2) verify that the candidates are complying with this chapter;
 - (3) give directives on the carrying out of this chapter;
 - (4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer.
- The Chief Electoral Officer shall have access to all books, accounts and documents relating to the financial affairs of candidates.
- At the request of the Chief Electoral Officer, candidates must provide any information required for the purposes of this chapter within 30 days.
2002, c. 10, s. 80; 2010, c. 35, s. 31; 2011, c. 38, s. 56.
- Delegation of powers. **206.4.** The Chief Electoral Officer may delegate to the returning officer of the school board, the exercise of any power or function he indicates as regards the authorization of a candidate.
- Delegation of powers. The returning officer may delegate in writing the exercise of any power or function referred to in the first paragraph to employees of the school board. The returning officer shall so advise the Chief Electoral Officer.
2002, c. 10, s. 80.
- Director general. **206.5.** For the purposes of the carrying out of this chapter, the director general of a school board is under the authority of the Chief Electoral Officer.
- Provision applicable. Section 30.1 applies, with the necessary modifications, to the director general of the school board.
2002, c. 10, s. 80.

DIVISION III AUTHORIZATION

- Authorization. **206.6.** Every candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the Chief Electoral Officer in accordance with this division.

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- Application. An elector who undertakes to run as a candidate in the next general election may file an application for authorization from 1 January of the year in which the general election is to be held.
- Application. An elector who undertakes to run as a candidate in a by-election may file an application for authorization from the date on which the seat becomes vacant.
2002, c. 10, s. 80.
- Content. **206.7.** The application for authorization of such an elector must be made in writing and contain the following information:
- (1) the name, domiciliary address and telephone number of the candidate;
 - (2) the name of the school board where he intends to be a candidate for election to the council of commissioners;
 - (3) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept, if that address differs from the address under subparagraph 1;
 - (4) the names, domiciliary addresses and signatures of at least ten electors of the school board for which the application for authorization is filed declaring that they support the application for authorization, where it is filed before the filing of the nomination paper.
- Verification. The Chief Electoral Officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.
- Validity. The authorization is valid only in respect of the school board mentioned in the application.
2002, c. 10, s. 80; 2006, c. 51, s. 73.
- Contributions. **206.8.** The authorization granted to a candidate entitles him to solicit and collect contributions until polling day.
- Payment of debts. After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses.
- Payment of debts. Where a candidate withdraws or is declared elected before polling day, his authorization entitles him, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election.
2002, c. 10, s. 80.

SCHOOL ELECTIONS

- Expiration of authorization. **206.9.** The authorization granted to a candidate expires on 31 December of the year following the year of the election unless it is withdrawn before then or the candidate produces before then a financial report establishing that the candidate's debts arising from election expenses have been paid in full and that there are no sums remaining in the candidate's electoral fund.
- Expiration of authorization. The authorization of a candidate who was elected and who has not discharged all the debts arising from his election expenses by 31 December of the year following the year of the election expires on the date the financial report establishing that all the debts have been discharged is files.
2002, c. 10, s. 80; 2006, c. 51, s. 74.
- Withdrawal of authorization. **206.10.** The Chief Electoral Officer may, upon the written application of a candidate, withdraw the candidate's authorization.
- Closing financial report. The application must be accompanied with a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the application. In addition, the application must be accompanied with the financial report for the preceding fiscal year where it has not been filed with the director general of the school board.
- Outstanding debts. Notwithstanding the foregoing, the Chief Electoral Officer shall not withdraw the authorization of a candidate who has not paid all the debts arising from his election expenses.
- Withdrawal of authorization. The Chief Electoral Officer may also withdraw the authorization of a candidate who contravenes Division IV or V.
2002, c. 10, s. 80.
- Death **206.11.** The Chief Electoral Officer shall withdraw the authorization of a candidate who dies.
- Failure to file nomination papers. The Chief Electoral Officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.
2002, c. 10, s. 80.
- Remittance of assets. **206.12.** Where the authorization of a candidate is withdrawn, the sums and assets remaining from those he obtained as a candidate shall be remitted to the Chief Electoral Officer by the persons holding them not later than 10 days after he is notified of the withdrawal.
2002, c. 10, s. 80.

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Required documents. **206.13.** A candidate whose authorization has been withdrawn shall transmit to the Chief Electoral Officer, within 60 days after the withdrawal of authorization,

(1) a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization;

(2) the preceding financial report, where it has not been filed with the director general of the school board;

(3) a list of his creditors including their names, addresses and the amounts due to each.

Additional information. In addition, the candidate shall, at the request of the Chief Electoral Officer, remit to him any book, account or document relating to his financial business.

2002, c. 10, s. 80.

Liquidation of assets. **206.14.** The Chief Electoral Officer shall liquidate the assets of the authorized candidate. He shall pay, *pro rata*, the debts of the candidate out of the sums remitted to him and the proceeds of the liquidation. The balance shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

2002, c. 10, s. 80.

Hearing. **206.15.** Where the Chief Electoral Officer intends to refuse or withdraw his authorization, he shall give the candidate the reasons for his decision and an opportunity to be heard.

Summons. Every summons is made by registered or certified mail or by any other means considered valid by the Chief Electoral Officer.

Exceptions. The first and second paragraphs do not apply where the Chief Electoral Officer is bound to withdraw the authorization or where the withdrawal of authorization is made at the request of the candidate.

2002, c. 10, s. 80.

Information. **206.16.** As soon as practicable after granting or withdrawing his authorization, the Chief Electoral Officer shall make that information available to the public and notify the director general of the school board.

Publication of notice. The Chief Electoral Officer shall also publish a notice to that effect in a newspaper having general circulation in the territory of the school board.

2002, c. 10, s. 80.

SCHOOL ELECTIONS

DIVISION IV

CONTRIBUTIONS, EXPENSES AND LOANS

Contributions. **206.17.** The following are contributions:

- (1) any gift of money to an authorized candidate;
- (2) any service rendered or goods furnished to an authorized candidate free of charge and for election purposes;
- (3) any money, goods or services furnished by the authorized candidate himself for the purposes of his election, except money used to pay an expense referred to in section 206.37.

Contribution. Where goods or services are furnished for election purposes to an authorized candidate at a price lower than their value, the difference constitutes a contribution.

Value of goods or services. For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the authorized candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the authorized candidate.

2002, c. 10, s. 80.

Exclusions. **206.18.** The following are not contributions:

- (1) the work performed by individuals, voluntarily and not for consideration, and the fruit of that work;
- (2) *(paragraph repealed)*;
- (3) an amount paid under any Act, including a reimbursement under section 207;
- (4) a loan granted for election purposes, by an elector of the school board or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;
- (5) suretyship contracted by an elector of the school board;

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(6) at the option of the authorized candidate, applied equally to all the participants, an entrance fee to an electoral activity or rally, where the fee is not over \$60 per day, up to one admission per person; the total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;

(6.1) ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer's directives;

(7) time or space made available free of charge, during the election period, in accordance with section 206.46.

2002, c. 10, s. 80; 2010, c. 32, s. 30.

- Electors. **206.19.** Only an elector of a school board may make a contribution to a candidate in the territory of that school board.
- Authorization. An elector may make a contribution only in favour of a candidate holding an authorization that is valid for the school board.
2002, c. 10, s. 80.
- Restriction. **206.20.** Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.
2002, c. 10, s. 80; 2010, c. 32, s. 31.
- Maximum amount. **206.21.** The total amount of contributions by the same elector for the same fiscal year shall not exceed \$1 000 to each of the authorized candidates.
2002, c. 10, s. 80; 2006, c. 51, s. 75.
- Solicitation. **206.22.** Contributions shall not be solicited except by the authorized candidate himself or through persons the authorized candidate designates in writing for that purpose. The person who receives a contribution shall issue a receipt to the contributor in the form prescribed by the Chief Electoral Officer.
- The receipt must include the contributor's given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.
2002, c. 10, s. 80; 2010, c. 32, s. 32.

SCHOOL ELECTIONS

- Cheque. **206.23.** Every contribution of money of \$100 or more must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized candidate.
2002, c. 10, s. 80; 2010, c. 35, s. 32.
- Deemed payment. **206.24.** On being cashed, a contribution is deemed paid by the person who made it and received by the authorized candidate for whom it is intended.
2002, c. 10, s. 80.
- Deposit of funds. **206.25.** The authorized candidate shall deposit, in a Québec branch of a financial institution, the funds obtained by the authorized candidate in such capacity.
2002, c. 10, s. 80.
- Illegal contribution. **206.26.** Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor.

Despite the first paragraph, if the contributor cannot be found or has been convicted of contravening any of sections 206.19 to 206.21 and 206.23, the contribution or the amount at which it is evaluated shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

However, a contribution or part of a contribution made contrary to this chapter need not be remitted to the contributor if five years have elapsed since the contribution was made.
2002, c. 10, s. 80; 2010, c. 36, s. 10.
- 206.26.1.** An authorized candidate who, during election activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the authorized candidate collected during that period must, within 30 days after the report is filed, remit to the director general of the school board an amount equal to the part of the amounts collected that exceeds that percentage.

The director general shall pay the amount into the general fund of the school board.
2010, c. 32, s. 33.
- 206.27.** *(Repealed).*
2002, c. 10, s. 80; 2010, c. 32, s. 34.

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Authorization of expenses. **206.28.** No person other than an authorized candidate may incur or authorize election expenses.

2002, c. 10, s. 80.

Loans. **206.29.** Every loan made by an authorized candidate for election purposes shall be evidenced in a writing setting out the name and address of the lender, the date, amount term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.

Suretyship. Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.

2002, c. 10, s. 80.

Maximum amount. **206.30.** The total of the following amounts shall not, for a given elector, exceed \$10 000:

(1) the outstanding principal of any loan granted by the elector to one or more authorized candidates; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized candidates.

2002, c. 10, s. 80.

Payment of loan interest. **206.31.** An authorized candidate must, at least once a year, pay the interest due on the loans he has contracted.

2002, c. 10, s. 80.

Repayment of loan. **206.32.** No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 206.39 or which has been used by an authorized candidate to pay election expenses.

2002, c. 10, s. 80.

DIVISION V ELECTION EXPENSES

Interpretation. **206.33.** For the purposes of sections 206.35 and 206.41 to 206.44, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the expression “authorized candidate” includes a private intervenor within the meaning of Division VIII, if the private intervenor is an elector, and a representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 80.

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Election expenses. **206.34.** The cost of any goods or services used during an election period to

- (1) promote or oppose, directly or indirectly, the election of a candidate,
- (2) propagate or oppose the program of a candidate,
- (3) approve or disapprove courses of action advocated or opposed by a candidate, or
- (4) approve or disapprove any act done or proposed by a candidate,

is an election expense.

2002, c. 10, s. 80.

Use before and during election period. **206.35.** Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

2002, c. 10, s. 80.

Exclusions. **206.36.** The following are not election expenses:

- (1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes of or with a view to the election and that the circulation and frequency of publication are as what obtains outside the election period;

- (2) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

- (3) the transportation costs of any person other than an authorized candidate, paid out of his own money, if the costs are not reimbursed to him;

- (4) the cost of the food and beverages served at an electoral activity where the cost is included in the entrance fee paid by participants;

- (5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an authorized candidate;

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(6) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an authorized candidate for election expenses, unless the authorized candidate has paid the interest and declared it as an election expense in his return of election expenses;

(7) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of an authorized candidate;

(8) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII, without directly promoting or opposing a candidate, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots.

2002, c. 10, s. 80.

Personal expenses. **206.37.** The reasonable costs incurred by an authorized candidate for transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity.

2002, c. 10, s. 80.

Authorization of expenses. **206.38.** During an election period, no person other than an authorized candidate may incur or authorize election expenses.

2002, c. 10, s. 80.

Election fund. **206.39.** In no case may an authorized candidate pay the cost of any election expense otherwise than out of an election fund.

Presumption. Any election expense referred to in section 206.35 that has been paid is deemed to have been paid out of an election fund.

2002, c. 10, s. 80.

Payment into election fund. **206.40.** No sums of money other than those collected in accordance with this chapter by an authorized candidate may be paid by him into his election fund or be used by the candidate to pay any election expense referred to in section 206.35.

Deposit. The candidate must deposit the sums paid into the election fund in an account opened for that purpose at a Québec branch of a financial institution.

2002, c. 10, s. 80; 2006, c. 51, s. 77.

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- Use of goods and services. **206.41.** No goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35 may be used during an election period except by an authorized candidate.
2002, c. 10, s. 80.
- Order for election expenses. **206.42.** No person may accept or execute an order for election expenses not given or authorized by an authorized candidate.
2002, c. 10, s. 80.
- Price of goods and services. **206.43.** No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period, or refuse to be paid for them.
- Volunteer work. Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 206.18.
2002, c. 10, s. 80.
- Advertising material. **206.44.** Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured.
- Newspaper advertisement. Any advertisement relating to an election published in a newspaper or other publication must mention the name of the authorized candidate who caused it to be published.
- Radio, television advertisement. In the case of an advertisement relating to an election broadcast on radio or television or circulated by means of any other information medium or technology, the name of the authorized candidate must be mentioned at the beginning or at the end of the advertisement.
- Presumption. Any goods or services all or part of the cost of which constitutes an election expense shall be deemed to relate to an election.
2002, c. 10, s. 80.
- Private intervenor. **206.45.** Where, pursuant to section 206.33, a writing, object, material, advertisement or publicity referred to in section 206.44 must mention the name and title of the private intervenor referred to in Division VIII of this chapter or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 209.13.

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Cost exceeding \$300. Where the cost of the writing, object, material, advertisement or publicity referred to in section 206.44 exceeds \$300, only the name and title of the authorized candidate may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.

2002, c. 10, s. 80.

Free time or space. **206.46.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office.

Verification. The Chief Electoral Officer shall verify the legality of services rendered under this section.

2002, c. 10, s. 80.

Maximum amount. **206.47.** The amount of election expenses incurred by an authorized candidate during an election must not exceed \$2 700, increased by \$0.42 per person entered on the list of electors of the electoral division.

Number of persons. The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

Adjustment. The government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The government shall publish the results of the adjustment in the *Gazette officielle du Québec*.

2002, c. 10, s. 80.

Required invoice. **206.48.** Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.

Itemized invoice. Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.

2002, c. 10, s. 80.

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- Presentation of claim. **206.49.** Every person to whom an amount is due for election expenses shall present his claim to the authorized candidate within 60 days after polling day.
- Expiry of time. No claim presented after the expiry of the prescribed time may be paid by the candidate. The claim shall in that case be presented to the director general of the school board within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.
2002, c. 10, s. 80.
- Payment by authorized candidate. **206.50.** Before filing his return of election expenses, the authorized candidate shall pay every claim received within 60 days after polling day, except any claim he contests.
2002, c. 10, s. 80.
- Payment by director general. **206.51.** The director general of the school board shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 209.5 and according to the rules provided in sections 206.52 and 206.53, every claim received within 120 days after the expiry of the time prescribed for presenting claims to the candidate.
2002, c. 10, s. 80.
- Payment in full. **206.52.** The director general of the school board shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the candidate.
- Excess amount. Any excess amount shall be deposited into the general fund of the school board after the one hundred and eightieth day after polling day.
2002, c. 10, s. 80.
- Insufficient funds. **206.53.** Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the director general of the school board shall advise the authorized candidate and forward the invoice to him as soon as practicable.
- Contestation of claim. The candidate may in that case contest all or part of the claim.
- Additional cheque. Where the authorized candidate does not contest the claim, or contests it in part, the authorized candidate shall, if necessary, forward to the director general an additional cheque made to the order of the school board to enable him to pay the claim or the uncontested part thereof.
- Payment of claim. The director general shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the candidate or, where such is the case, after he receives the additional cheque.
2002, c. 10, s. 80.

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Failure to present claim. **206.54.** Any amount set aside for a claim that is not presented to the director general of the school board within the prescribed time shall be deposited into the general fund of the school board.

2002, c. 10, s. 80.

Contested claim. **206.55.** In no case may an authorized candidate pay a contested claim or the contested part of a claim except in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

Error in good faith. Notwithstanding the foregoing, where no candidate objects, the director general of the school board may authorize the candidate to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to an authorized candidate, the payment thereof may be contested only by a candidate for the same office.

2002, c. 10, s. 80.

Debts of authorized candidates. **206.56.** Every authorized candidate is required as of 31 December of the year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.

2002, c. 10, s. 80.

DIVISION VI

REIMBURSEMENT OF ELECTION EXPENSES

Reimbursement to authorized candidate. **207.** Every authorized candidate who has been elected or has obtained at least 15% of the votes cast at the election for the office concerned is entitled to a reimbursement by the director general of the school board out of the school board's general fund of his election expenses reported in the return of election expenses and incurred and paid in accordance with Division V of this chapter.

Entitlement. An authorized candidate at an election where proceedings are recommenced by reason of the death of a candidate is also entitled to a reimbursement.

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

Maximum amount. However, the amount of the reimbursement shall not exceed the total of the amount of the debts arising from the election expenses of the authorized candidate and the amount of his personal contribution.

1989, c. 36, s. 207; 2002, c. 10, s. 80.

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Prohibition. **208.** No reimbursement shall be made to an authorized candidate until he has filed the report and return provided for in sections 209 and 209.4.

1989, c. 36, s. 208; 2002, c. 10, s. 80.

DIVISION VII **REPORTS AND RETURNS OF CANDIDATES**

Financial report. **209.** Every authorized candidate at an election for the office of member of the council of commissioners shall, within 90 days after polling day, transmit to the director general of the school board a financial report, in the form prescribed by the Chief Electoral Officer, containing a list of the electors who made certain election contributions to that authorized candidate.

List. The list shall indicate the full name and address of each elector who made one or more contributions totalling \$100 or more to the authorized candidate, and indicate the amount contributed by each elector.

1989, c. 36, s. 209; 2002, c. 10, s. 80; 2010, c. 35, s. 33.

Content. **209.1.** The report mentioned in section 209 shall also indicate

- (1) *(paragraph repealed)*;
- (2) the number and total amount of contributions of less than \$100;
- (3) the number and total amount of entrance fees of \$60 or less collected at an election activity or rally, and the nature, place and date of the activity or rally;
- (3.1) the total amount of ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer's directives, how that revenue breaks down, and the nature, place and date of the activity or rally;
- (4) the number and total amount of contributions of \$100 or more;
- (5) the name and full address of each elector who became surety for a loan of the authorized candidate and the amount for which he became surety;
- (6) an itemized statement of the amounts borrowed for election purposes from an elector or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest;
- (7) the financial institution where the funds collected are deposited and the account number used;

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(8) the total value of the goods and services furnished to the authorized candidate free of charge and for electoral purposes, taking account of the second and third paragraphs of section 206.17.

2002, c. 10, s. 80; 2010, c. 32, s. 35; 2010, c. 35, s. 34.

- Period. **209.2.** The financial report must cover the period ending the day before the filing. The report must be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.
- 2002, c. 10, s. 80.
- Yearly report. **209.3.** If, on the day he files a financial report provided for in section 209, an authorized candidate still has debts arising from his election expenses or is in possession of sums of money or goods obtained by the authorized candidate in his capacity as such, the authorized candidate shall file a financial report with the director general of the school board not later than 1 April of the year immediately following each fiscal year in which the authorized candidate remained authorized after the filing of his first financial report.
- Final report. Notwithstanding the foregoing, the authorized candidate is not required to file any further financial reports after the filing of a financial report establishing that all the debts referred to in the first paragraph have been paid.
- Period covered. The report, other than that provided for in section 209, establishing that all debts arising from the authorized candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.
- 2002, c. 10, s. 80.
- Return of election expenses. **209.4.** The authorized candidate must, within 90 days after polling day, file a return of election expenses, in the form prescribed by the Chief Electoral Officer, with the director general of the school board at the same time as he files his financial report.
- Attestation. The return must include a statement by the candidate attesting the accuracy of the return.
- Accompanying documents. The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.
- Contested claims. The return must also mention any claim the authorized candidate is contesting among those he received within 60 days after polling day.
- 2002, c. 10, s. 80.

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- Unfiled claims. **209.5.** The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and, for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.
- Cheque. The statement must be accompanied with a cheque for the total amount of such claims made payable to the order of the school board.
- Applicability. The first and second paragraphs do not apply to claims the authorized candidate intends to contest.
2002, c. 10, s. 80.
- Remittance. **209.6.** Any balance of the sums held by an authorized candidate in his election fund on 31 December of the year following that of polling day, shall be remitted to the director general of the school board to be deposited into the general fund of the school board. The goods held by the authorized candidate on that date belong to the school board and shall be remitted to the school board.
2002, c. 10, s. 80.
- Transmission to Chief Electoral Officer. **209.7.** The director general of the school board shall, on request, transmit to the Chief Electoral Officer a copy of the reports, returns and other documents required by this chapter and not already in his possession, except receipts issued for contributions of less than \$100.
2002, c. 10, s. 80; 2006, c. 51, s. 78; 2010, c. 35, s. 35.
- 209.8.** The director general of the school board shall keep the reports, returns and other documents required by this chapter for five years following their receipt.
- Invoices and vouchers. After the expiry of five years following the receipt of invoices and other vouchers, the director general of the school board may, on request, return them to the authorized candidate. Failing such a request, the director general may destroy them.
2002, c. 10, s. 80; 2010, c. 35, s. 36.
- DIVISION VIII**
EXPENSES OF PRIVATE INTERVENORS
- Private intervenor. **209.9.** Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.
2002, c. 10, s. 80.

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Application for authorization.

209.10. An elector who applies for authorization must

- (1) indicate his name, date of birth, domiciliary address and telephone number;
- (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;
- (5) declare that he is not acting directly or indirectly on behalf of any candidate;
- (6) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

2002, c. 10, s. 80.

Application for authorization

209.11. A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders;
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate;

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(8) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

- Application for authorization. The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.
2002, c. 10, s. 80.
- Application for authorization. **209.12.** An application for authorization must be filed with the Chief Electoral Officer of the school board of which the applicant is an elector.
- Period. The application must be filed at any time from the forty-fourth to the twentieth day before polling day.
2002, c. 10, s. 80.
- Issue of authorization. **209.13.** The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.
- Rejection. Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.
2002, c. 10, s. 80.
- List of authorization. **209.14.** Not later than the fifteenth day before polling day, the returning officer shall transmit to each candidate a list of the authorizations that have been granted.
- Content. The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.
2002, c. 10, s. 80.
- Election period. **209.15.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.
- Restriction. The representative of a group of electors may only act for that group.
2002, c. 10, s. 80.

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- Resignation. **209.16.** The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.
- Report and vouchers. Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.
2002, c. 10, s. 80.
- Representative. **209.17.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.
2002, c. 10, s. 80.
- Restriction on expenses. **209.18.** A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate.
2002, c. 10, s. 80.
- Restriction on expenses. **209.19.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.
2002, c. 10, s. 80.
- Expenses. **209.20.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.
- Expenses. A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.
- Payment of expenses. A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or financial services cooperative having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.
2002, c. 10, s. 80.
- Expenses. **209.21.** In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.
- Representative. The representative of a private intervenor is bound by the provisions of sections 209.18 to 209.20 and must ensure that they are complied with.
2002, c. 10, s. 80.

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- Voucher. **209.22.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.
- Invoice. The invoice must indicate the goods or services furnished and their rate or unit price.
2002, c. 10, s. 80.
- Filing of report. **209.23.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the returning officer a report of all the private intervenor's expenses, in the prescribed form.
- Accompanying documents. The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.
2002, c. 10, s. 80.
- Provisions applicable. **209.24.** Sections 209.7, 209.8 and 209.30 apply to the report referred to in section 209.23, with the necessary modifications.
2002, c. 10, s. 80.
- Withdrawal. **209.25.** The Chief Electoral Officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the Chief Electoral Officer ascertains that the application for authorization contains false or inaccurate information;
 - (2) if the Chief Electoral Officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization;
 - (3) if the Chief Electoral Officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.
- Observations and corrections. Before withdrawing the authorization, the Chief Electoral Officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.
2002, c. 10, s. 80.
- Appeal. **209.26.** Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

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Service of motion. The motion must be served beforehand on the returning officer or the Chief Electoral Officer, as the case may be.

Appeal. The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.

Decision. The decision of the judge is final.

2002, c. 10, s. 80.

DIVISION IX SANCTIONS

Failure to file report. **209.27.** A candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend, as a member, the sittings of the council of commissioners from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 209.29.

2002, c. 10, s. 80.

Right to attend sittings. **209.28.** The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the school board;

(2) any other board, committee or commission of which the person is a member by reason of the fact that he is a member of the council of commissioners.

2002, c. 10, s. 80.

Additional period. **209.29.** A judge may, by order, on a motion made before the person loses the right to attend the sittings of the council of commissioners, allow him to continue to do so for an additional period of not more than 30 days.

2002, c. 10, s. 80.

Extension. **209.30.** On proof that the candidate's failure to file the report or return is due to the absence, death or illness of the candidate or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Penalty. Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

2002, c. 10, s. 80.

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Correction of error. **209.31.** Where an error is found in a report or return that has been filed, the candidate may correct it at any time within the period prescribed for filing the report or return.

Opposition. After the period prescribed for filing, the candidate must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for correction shall be submitted to the Chief Electoral Officer.

Decision. If there is no opposition to the application or the Chief Electoral Officer considers that the opposition is not justified, the Chief Electoral Officer shall allow the correction. Otherwise, the candidate shall apply for leave to the judge having jurisdiction.

2002, c. 10, s. 80.

Judge. **209.32.** The judge having jurisdiction to rule on a motion under sections 209.29 to 209.31 is a judge of the Court of Québec of the judicial district where all or part of the territory of the school board is situated.

Notice. No motion made under any of sections 209.29 to 209.31 may be heard unless a notice of at least three clear days is given by the applicant to the director general of the school board and to every candidate for the office concerned at the last election.

2002, c. 10, s. 80.

Failure to pay debts. **209.33.** A candidate who is elected and who, on 31 December of the year following that of polling day, has not paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of commissioners from that date and until he has paid all such debts and filed a financial report establishing that he has done so.

Right to attend sittings. The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of the boards, committees and commissions referred to in section 209.28.

2002, c. 10, s. 80.

Notification. **209.34.** If at the expiry of the prescribed time the director general of the school board has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of the council of commissioners of such failure and of the effects thereof.

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- Notification. If on 31 December of the year following that of polling day, the director general of the school board has not received the elected candidate's financial report establishing that all debts arising from election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.
2002, c. 10, s. 80.
- Notification. **209.35.** As soon as practicable after a person has lost the right to attend the sittings of the council of commissioners, the director general of the school board shall notify the council and any other board or committee whose sittings he is no longer entitled to attend.
- Notification. The director general shall also notify them as soon as practicable where the person recovers the right to attend the sittings of the council of commissioners.
2002, c. 10, s. 80.
- Loss of remuneration. **209.36.** A person who loses the right to attend the sittings of the council of commissioners consequently loses the right to receive the remuneration or allowance provided for the period during which he is not authorized to attend.
2002, c. 10, s. 80.
- 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.
1989, c. 36, s. 210.
- Public notice. **211.** A public notice prescribed by this Act shall be published in one or more newspapers having general circulation in the territory of the school board. However, in the case of a by-election, a public notice shall be published in one or more newspapers having general circulation in the territory of the electoral division.
- Content. The notice shall set forth its object and be published within the time prescribed or, failing that, as soon as possible.
1989, c. 36, s. 211; 2002, c. 10, s. 81; 2006, c. 51, s. 79.

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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,

(4.1) makes an application to have his name entered on the list of electors with the knowledge that he is not entitled to have it entered thereon,

(5) in contravention of section 282.1, uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or communicates or allows to be communicated to a person not legally entitled thereto, any information contained in a list of electors,

(6) (*paragraph replaced*),

is guilty of an offence.

1989, c. 36, s. 212; 1995, c. 23, s. 81; 2002, c. 10, s. 82.

Offences. **212.1.** The following persons are guilty of an offence:

(1) every member of a board of revisors who does not allow the making of an application to amend the list of electors, which is made to him according to law;

(2) every member of a board of revisors who prevents the board of revisors from examining or deciding an application to amend the list submitted to it;

(3) every member of a board of revisors who takes part in a decision to strike off the name of a person from the list or to refuse to enter a name on the list with the knowledge that one clear day's notice as prescribed in section 58.8 has not been given to him.

2002, c. 10, s. 83.

Offences. **213.** Every person who

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

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(2) supports a nomination when he is not an elector in the electoral division for which the nomination is filed,

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

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

(5) affixes a name that is not his own as a supporting signature on a nomination paper,

(6) in his capacity as a candidate or mandatary, collects supporting signatures and falsely declares that he knows the persons whose names appear on the nomination paper, that they have signed in his presence or that they are electors of the electoral division,

(7) collects supporting signatures without being a candidate or mandatary, or

(8) being a returning officer, accepts a nomination paper that does not meet the requirements or is not accompanied with all the required documents.

is guilty of an offence.

1989, c. 36, s. 213; 2002, c. 10, s. 84; 2006, c. 51, s. 80.

Offence. **213.1.** Every employer who contravenes any of the provisions of section 112 is guilty of an offence.

2006, c. 51, s. 81.

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,

(3) votes without being entitled to vote,

(4) to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another 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,

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(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.

1989, c. 36, s. 214; 1999, c. 15, s. 50; 2002, c. 10, s. 85.

Offences. **215.** Every person who

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

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

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

(4) writes down or otherwise records information contained in a document produced pursuant to section 112.2 or the second paragraph of section 114 or makes use of such information for commercial purposes or for profit,

is guilty of an offence.

1989, c. 36, s. 215; 1999, c. 15, s. 51; 2002, c. 10, s. 86.

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.

1989, c. 36, s. 216.

Offences. **217.** Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibits 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.

1989, c. 36, s. 217.

Offences. **218.** Every employer who

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

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(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.

1989, c. 36, s. 218.

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.

1989, c. 36, s. 219.

Offences. **219.1.** The following persons are guilty of an offence:

(1) every election officer other than an employee of a school board who engages in partisan work after having made his oath of office;

(2) every employee of a school board who engages in partisan work prohibited by section 171.

2002, c. 10, s. 87.

Offences. **219.2.** Every candidate who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 206.47,

(2) files a false report, return or statement,

(3) produces a false or falsified invoice, receipt or other voucher,

(4) allows an election expense to be incurred or paid otherwise than as allowed under this Act, or

(5) after filing the report or return required under sections 209 and 209.4, pays a claim otherwise than as permitted by section 206.55,

is guilty of an offence.

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False declaration. Every elector referred to in section 209.10 or in the last paragraph of section 209.11 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.3.** Every person who

- (1) *(paragraph repealed)*;
 - (2) makes a false invoice, receipt or voucher, or
 - (3) falsifies an invoice, receipt or voucher,
- is guilty of an offence.

2002, c. 10, s. 87; 2010, c. 32, s. 36.

Offences. **219.4.** The following persons are guilty of an offence:

- (1) every unauthorized candidate who solicits or collects contributions, incurs expenses or contracts loans;
- (2) every unauthorized candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted in his name;
- (3) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized candidate;
- (4) every person who makes a contribution to a person with the knowledge that he is not an authorized candidate or a person designated by the latter in writing to solicit and collect contributions.

2002, c. 10, s. 87.

Offence. **219.5.** Every authorized candidate who has not, before filing his return of election expenses, paid all the claims received for such expenses, except any claim he contests, at the latest 60 days after polling day is guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.6.** Every director general of a school board who

- (1) reimburses an authorized candidate for election expenses otherwise than in circumstances described in section 207, or
 - (2) reimburses an authorized candidate for election expenses before the candidate's return of election expenses has been filed with him,
- is guilty of an offence.

2002, c. 10, s. 87.

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Offences. **219.7.** Every authorized candidate who, after polling day, after the candidate withdraws or after the candidate is declared elected before polling day, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred,

(2) disposes or allows a person to dispose, contrary to section 209.6, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such,

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts resulting from election expenses then incurred, or

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts resulting from election expenses then incurred,

is guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.8.** The following persons are guilty of an offence:

(1) every authorized candidate or person designated by an authorized candidate to solicit and collect contributions who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the school board;

(b) the contribution is not being made by the elector himself;

(b.1) the contribution is not being made voluntarily by the elector;

(b.2) the elector is receiving compensation or consideration, or is being reimbursed;

(c) the contribution is not being made out of the elector's own property;

(d) the contribution causes the elector to exceed the maximum prescribed in section 206.21;

(e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 206.17;

(2) every person who makes a contribution referred to in paragraph 1;

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(3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;

(4) every elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

2002, c. 10, s. 87; 2010, c. 32, s. 37.

Offences. **219.9.** Every candidate or person designated by a candidate to solicit and collect contributions who

(1) collects contributions without issuing a receipt to the contributor,

(2) collects a contribution of money of \$100 or more made otherwise than by cheque or other order of payment, or

(3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec,

is guilty of an offence.

2002, c. 10, s. 87; 2010, c. 35, s. 37.

Offence. **219.10.** Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized candidate during an election period without offering such service equitably as to quality and quantity to the other candidates for the same office, is guilty of an offence.

Offence. A person referred to in the first paragraph who circulates an advertisement in favour of an authorized candidate or causes it to be circulated free of charge by means of any other information medium or technology than those referred to in that paragraph without offering such service equitably as to quality and quantity to the other candidates for the same office, is also guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.11.** Every candidate who

(1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 206.29,

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(2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 206.29,

(3) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 206.30 in respect of the elector will be exceeded,

(4) fails to pay the yearly interest payable on the loans he has contracted, or

(5) uses sums of money other than those collected in accordance with Chapter XI to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 206.39 or which has been used by him to pay election expenses,

is guilty of an offence.

Offence. Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 206.30 will be exceeded.

2002, c. 10, s. 87.

Offences. **219.12.** The following persons are guilty of an offence:

(1) every authorized candidate who pays into his election fund sums of money other than those collected in accordance with Chapter XI;

(2) every authorized candidate who uses, to pay an election expense referred to in section 206.35, sums of money other than those collected in accordance with Chapter XI;

(3) every authorized candidate who pays any election expenses otherwise than out of his election fund.

2002, c. 10, s. 87.

Offence. **219.13.** Every person who incurs or authorizes an election expense or uses, during the election period, goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35, without being a candidate, is guilty of an offence.

Interpretation. For the purposes of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 87; 2010, c. 32, s. 38.

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Offences. **219.14.** Every person who

(1) accepts or executes an order for election expenses that is not given or authorized by an authorized candidate,

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price that is different from the regular price for similar goods or services outside the election period, or

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work referred to in paragraph 1 of section 206.18,

is guilty of an offence.

Interpretation. For the purposes of this section, the expression “election expenses” includes expenses referred to in paragraph 8 of section 206.36 and the expression “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector and the representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 87; 2010, c. 32, s. 39.

Offences. **219.15.** The following persons are guilty of an offence:

(1) a printer or manufacturer who does not mention on any advertising copy, object or material that the printer or manufacturer knows to be related to an election, the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured;

(2) the owner of a newspaper or other publication who allows the publication of an advertisement that the owner knows to be related to an election without the name of the authorized candidate who caused it to be published being mentioned in the advertisement;

(3) a radio or television broadcaster who allows the broadcasting of an advertisement that the broadcaster knows to be related to an election without the name of the authorized candidate who caused it to be broadcast being mentioned at the beginning or at the end of the advertisement;

(4) a person who circulates or allows the circulation of an advertisement that the person knows to be related to an election by means of any information medium or technology other than those referred to in subparagraphs 1 to 3 without the name of the authorized candidate being mentioned at the beginning or at the end of the advertisement.

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- Interpretation. For the purposes of this section, the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.
2002, c. 10, s. 87.
- Offence. **219.16.** Every person who contravenes any of the provisions of sections 206.45, 209.15 and 209.17 to 209.22 is guilty of an offence.
2002, c. 10, s. 87.
- Offence. **219.17.** Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars provided for in section 206.48 is guilty of an offence.
2002, c. 10, s. 87.
- Offence. **219.18.** Every private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to file the report prescribed in section 209.23 within the time fixed in that section is guilty of an offence.
2002, c. 10, s. 87.
- Offence. **219.19.** Every person who attends a sitting of a board, committee or commission as a member thereof, with the knowledge that he has lost the right to do so under this Act, is guilty of an offence.
2002, c. 10, s. 87.
- Offence. **219.20.** Every person who contravenes a provision of this Act or of a regulation made under this Act, not otherwise covered by another provision of this Chapter, is guilty of an offence.
2006, c. 51, s. 82.
- Offence. **219.21.** Every person who attempts to commit an act described in section 219.4, to the extent that it pertains to a contribution, or section 219.8, 219.12 or 219.13 is guilty of an offence.
2010, c. 32, s. 40.

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Fines. **220.** Every person who is guilty of an offence under section 212.1, 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 conviction, 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.

1989, c. 36, s. 220; 1990, c. 4, s. 972; 2002, c. 10, s. 88.

Fines. **221.** Every person who is guilty of an offence under section 213, either of paragraphs 1 and 4 to 8 of section 213, any of paragraphs 4, 5, 8 or 10 of section 214 or section 215 or 216 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 conviction, 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.

1989, c. 36, s. 221; 1990, c. 4, s. 273; 2002, c. 10, s. 89; 2010, c. 32, s. 41.

Fines. **221.0.1.** Every person who is guilty of an offence referred to in section 213.1 is liable,

(1) for a first offence, to a fine of not less than \$100 or more than \$1,000 in the case of a natural person or a fine of not less than \$300 or more than \$3,000 in the case of a legal person; and

(2) for any subsequent conviction, to a fine of not less than \$200 or more than \$2,000 in the case of a natural person or a fine of not less than \$600 or more than \$6,000 in the case of a legal person.

2006, c. 51, s. 83.

Fines. **221.1.** Every person who is guilty of an offence under any of sections 219.1 and 219.3, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to an expense or a loan, paragraph 4 of that section and sections 219.5 to 219.7, 219.10, 219.11 and 219.14 to 219.18 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of \$3,000 to \$30,000.

2002, c. 10, s. 90; 2010, c. 32, s. 42; 2011, c. 38, s. 57.

221.1.0.1. Every person who commits an offence under section 219.2 is liable to a fine of not less than \$5,000 nor more than \$20,000.

2011, c. 38, s. 58.

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221.1.1. Every person who commits an offence under any of sections 217 and 219, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to a contribution, and sections 219.8, 219.9, 219.12, 219.13 and 219.21 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 219.8, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

2010, c. 32, s. 43.

221.1.2. From the date of the judgment of conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence for contravening any of sections 206.19, 206.20 and 206.21 or an offence under any of paragraphs 2 to 4 of section 219.8. The prohibition applies for a period of three years from the date of the judgment of conviction or, in the case of a subsequent conviction within 10 years, for a period of five years from the date of the subsequent conviction.

Similarly, from the date of an order under section 221.1.3, no public contract may be entered into with a legal person or partnership named in the order. The prohibition applies for a period of three years from the date of the order or, if the legal person or partnership has been the subject of an earlier order, for a period of five years from the date of the new order.

As soon as the judgment of conviction is rendered or the order under section 221.1.3 is issued, the prohibition applies despite any appeal or other remedy.

However, in the case of an appeal of or other remedy against the judgment of conviction or the order, a judge may, on a motion, suspend the prohibition if the judge considers that it is in the public interest, taking into account, among other things,

(1) the spirit of the law;

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(2) the fact that, on the face of it, the judgment of conviction appears to be ill-founded;

(3) the existence of exceptional circumstances, if the matter is a serious one and there is colour of right;

(4) any serious and irreparable harm suffered; and

(5) the balance of convenience and the fact that the public interest must override any private interest.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following is party:

(1) a public body, government agency or government enterprise within the meaning of the Auditor General Act (chapter V-5.01);

(2) the Université du Québec or its constituent universities, research institutes or superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);

(3) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and not referred to in subparagraph 2;

(4) a general and vocational college established under the General and Vocational Colleges Act (chapter C-29);

(5) a school board governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;

(6) a private institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);

(7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(8) a public or private institution under agreement governed by the Act respecting health services and social services (chapter S-4.2);

(9) the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5);

(10) a municipality or a body within the meaning of section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

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(11) a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

(12) a regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or a local development centre constituted under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01); or

(13) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011).

2010, c. 32, s. 43.

221.1.3. If a natural person has been convicted of an offence under a provision referred to in the first paragraph of section 221.1.2 committed while the person was a director, officer or partner of a legal person or partnership, the person is presumed to have committed the offence for the benefit of or with a view to benefiting the legal person or partnership.

The Chief Electoral Officer may, after a judgment of conviction is rendered against the person, apply to the Superior Court for an order stating that section 221.1.2 applies to the legal person or partnership. The onus is on the legal person or partnership to prove, on the balance of probabilities, that the offence was not committed for its benefit or with a view to benefiting it.

2010, c. 32, s. 43.

221.1.4. The Chief Electoral Officer shall keep a register of the persons and partnerships referred to in the first and second paragraphs of section 221.1.2, which states, for each one,

(1) in the case of a natural person, the person's name and the name of the municipality in which the person resides;

(2) in the case of a legal person or partnership, its name and the address of its principal establishment in Québec;

(3) the penalty and any other measure imposed by the judge;

(4) the date on which the prohibition from entering into a public contract ends; and

(5) any other information the Chief Electoral Officer considers to be in the public interest.

The information contained in the register is public information, and the Chief Electoral Officer must make it available to the public, including on its website.

2010, c. 32, s. 43.

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221.1.5. Every person who enters into a contract with a department or body mentioned in the fifth paragraph of section 221.1.2 in contravention of that section is liable to a fine corresponding to the value of any consideration received by the person or payable to the person under the contract.

2010, c. 32, s. 43.

Fine. **221.2.** Every person who fails to file a report or return required by Chapter XI is liable to a fine of \$50 for each day of delay.

2002, c. 10, s. 90.

Fine. **221.3.** Every person who is guilty of an offence under section 219.19 is liable to a fine of \$50 to \$500 for each sitting attended without right.

2002, c. 10, s. 87.

Fine. **221.4.** Every person who is guilty of an offence under section 219.20 is liable to a fine of not less than \$100 or more than \$500.

2006, c. 51, s. 85.

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.

1989, c. 36, s. 222.

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.

1989, c. 36, s. 223.

Corrupt electoral practice. **223.1.** Every offence described in paragraphs 1 to 4.1 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, in sections 216, 217, 219, 219.2 and 219.3, in paragraphs 2 to 4 of section 219.8, and in section 219.21 to the extent that it is an offence described in any of paragraphs 2, 3 and 4 of section 219.8 is a corrupt electoral practice.

Exception. Notwithstanding the foregoing, in the case of an offence under subparagraph 1 of the first paragraph of section 219.2, the judge may rule that the alleged offence is not a corrupt electoral practice if

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(1) the election expenses exceed the maximum amount allowed either with the permission of the director general of the school board granted pursuant to section 206.55 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error made in good faith.

1990, c. 35, s. 15; 2002, c. 10, s. 91; 2010, c. 32, s. 44.

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

1990, c. 35, s. 15.

Penal proceedings. **223.3.** The Chief Electoral Officer may institute penal proceedings for an offence under this chapter.

Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) does not apply to the Chief Electoral Officer.

2002, c. 10, s. 93; 2010, c. 36, s. 11.

Prescription. **223.4.** Penal proceedings for an offence under this chapter are prescribed five years after the date the offence was committed. However, proceedings relating to an offence under any of paragraphs 1 to 4.1 of section 212, paragraph 4 of section 213, paragraphs 1, 2, 3, 4 and 10 of section 214, paragraphs 1 and 3 of section 215 and sections 216, 217 and 219 are prescribed 10 years after the date the offence was committed.

2002, c. 10, s. 93; 2010, c. 35, s. 38.

224. (*Repealed*).

1989, c. 36, s. 224; 1992, c. 61, s. 282

CHAPTER XIV CONCORDANCE AMENDMENTS

225. (*Amendment integrated into c. A-2.1, Schedule A*).

1989, c. 36, s. 225.

226. (*Amendment integrated into c. I-14, s. 39*).

1989, c. 36, s. 226.

227. (*Amendment integrated into c. I-14, s. 47.5*).

1989, c. 36, s. 227.

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- 228.** *(Omitted).*
1989, c. 36, s. 228.
- 229.** *(Amendment integrated into c. I-14, s. 52.1).*
1989, c. 36, s. 229.
- 230.** *(Amendment integrated into c. I-14, s. 52.2).*
1989, c. 36, s. 230.
- 231.** *(Amendment integrated into c. I-14, s. 58).*
1989, c. 36, s. 231.
- 232.** *(Amendment integrated into c. I-14, s. 63).*
1989, c. 36, s. 232.
- 233.** *(Amendment integrated into c. I-14, s. 65).*
1989, c. 36, s. 233.
- 234.** *(Amendment integrated into c. I-14, s. 71).*
1989, c. 36, s. 234.
- 235.** *(Amendment integrated into c. I-14, s. 72).*
1989, c. 36, s. 235.
- 236.** *(Amendment integrated into c. I-14, s. 74).*
1989, c. 36, s. 236.
- 237.** *(Omitted).*
1989, c. 36, s. 237.
- 238.** *(Amendment integrated into c. I-14, s. 172.1).*
1989, c. 36, s. 238.
- 239.** *(Amendment integrated into c. I-14, s. 177).*
1989, c. 36, s. 239.
- 240.** *(Amendment integrated into c. I-14, s. 194.1).*
1989, c. 36, s. 240.
- 241.** *(Amendment integrated into c. I-14, s. 293).*
1989, c. 36, s. 241.

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242. (*Amendment integrated into c. I-14, ss. 354.1.1-354.1.3*).

1989, c. 36, s. 242.

243. (*Amendment integrated into c. I-14, s. 396*).

1989, c. 36, s. 243.

244. (*Amendment integrated into c. I-14, s. 397*).

1989, c. 36, s. 244.

245. (*Amendment integrated into c. I-14, s. 399.4*).

1989, c. 36, s. 245.

246. (*Amendment integrated into c. I-14, s. 433*).

1989, c. 36, s. 246.

247. (*Amendment integrated into c. I-14, s. 498*).

1989, c. 36, s. 247.

248. (*Amendment integrated into c. I-14, ss. 535-537*).

1989, c. 36, s. 248.

249. (*Omitted*).

1989, c. 36, s. 249.

250. (*Amendment integrated into c. I-14, s. 543*).

1989, c. 36, s. 250.

251. (*Amendment integrated into c. I-14, s. 567*).

1989, c. 36, s. 251.

252. (*Amendment integrated into c. I-14, s. 567.1*).

1989, c. 36, s. 252.

253. (*Amendment integrated into c. I-14, s. 567.5*).

1989, c. 36, s. 253.

254. (*Amendment integrated into c. I-14, s. 567.6*).

1989, c. 36, s. 254.

255. (*Amendment integrated into c. I-14, s. 567.8*).

1989, c. 36, s. 255.

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256. *(Amendment integrated into c. I-14, s. 567.12).*

1989, c. 36, s. 256.

257. *(Omitted).*

1989, c. 36, s. 257.

258. *(Amendment integrated into c. I-13.3, s. 85).*

1989, c. 36, s. 258.

259. *(Amendment integrated into c. I-13.3, s. 87).*

1989, c. 36, s. 259.

260. *(Amendment integrated into c. I-13.3, s. 127).*

1989, c. 36, s. 260.

261. *(Amendment integrated into c. I-13.3, s. 145).*

1989, c. 36, s. 261.

262. *(Amendment integrated into c. I-13.3, s. 146).*

1989, c. 36, s. 262.

263. *(Amendment integrated into c. I-13.3, s. 189).*

1989, c. 36, s. 263.

264. *(Amendment integrated into c. I-13.3, s. 191).*

1989, c. 36, s. 264.

265. *(Amendment integrated into c. I-13.3, s. 200).*

1989, c. 36, s. 265.

266. *(Amendment integrated into c. I-13.3, s. 311).*

1989, c. 36, s. 266.

267. *(Amendment integrated into c. I-13.3, s. 314).*

1989, c. 36, s. 267.

268. *(Amendment integrated into c. I-13.3, s. 390).*

1989, c. 36, s. 268.

269. *(Amendment integrated into c. I-13.3, s. 401).*

1989, c. 36, s. 269.

SCHOOL ELECTIONS

270. *(Amendment integrated into c. I-13.3, s. 485).*

1989, c. 36, s. 270.

271. *(Amendment integrated into c. I-13.3, s. 497).*

1989, c. 36, s. 271.

272. *(Amendment integrated into c. I-13.3, s. 498).*

1989, c. 36, s. 272.

273. *(Amendment integrated into c. I-13.3, s. 525).*

1989, c. 36, s. 273.

274. *(Omitted).*

1989, c. 36, s. 274.

275. *(Amendment integrated into c. I-13.3, s. 183).*

1989, c. 36, s. 275.

276. *(Amendment integrated into c. I-13.3, s. 200).*

1989, c. 36, s. 276.

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.
- 1989, c. 36, s. 277.
- Reference. **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 (chapter I-14) is a reference to the equivalent provision of this Act.
- 1989, c. 36, s. 278; 1999, c. 40, s. 115.
- 279.** *(Omitted).*
- 1989, c. 36, s. 279; 1990, c. 35, s. 16.

SCHOOL ELECTIONS

280. *(Repealed).*

1989, c. 36, s. 280; 2002, c. 10, s. 94.

Minister responsible. **281.** The Minister of Education, Recreation and Sports is responsible for the carrying out of this Act.

1989, c. 36, s. 281; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

Provisions not applicable. **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 (chapter A-2.1) do not apply to the collection, keeping and use of personal information necessary for the preparation of the list of electors.

Personal information. 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.

Corrections. 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.

Access to ballots. Notwithstanding section 9 of the said Act, no access may be had to ballots except as provided by this Act.

Public information. Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Personal information. Notwithstanding the foregoing, personal information appearing on a list of electors, on an application made before a board of revisors, or on receipts for contributions of less than \$100 to a candidate and not required to appear in the financial report of the candidate is not public information.

Exception. The information referred to in the sixth paragraph shall be transmitted in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The school board and the Chief Electoral Officer are not required to file the information in the personal information file provided for in the said Act.

Provisions not applicable. Division II of Chapter II of the said Act does not apply to a document prescribed in this Act.

1989, c. 36, s. 282; 1995, c. 23, s. 82; 2002, c. 10, s. 95; 2010, c. 35, s. 39.

SCHOOL ELECTIONS

Confidentiality. **282.1.** No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act or in the Education Act (chapter I-13.3), or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors.

Confidentiality. However, a school board may, in the exercise of its powers, use information contained in a list referred to in the first paragraph provided that it takes adequate steps to ensure the confidentiality of personal information.

1995, c. 23, s. 83; 2006, c. 22, s. 177.

New methods of voting. **282.2.** A school board may, in accordance with an agreement made with the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for a period of application.

Agreement. The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

Effect. The agreement has the effect of law.

2002, c. 10, s. 96.

Report. **282.3.** After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education, Recreation and Sports and the Chief Electoral Officer.

2002, c. 10, s. 96; 2005, c. 28, s. 195.

Activities report. **282.4.** The Chief Electoral Officer and the Commission de la représentation shall, on or before 30 September of each year, submit a report of their respective activities under this Act for the preceding fiscal year to the President of the National Assembly.

Tabling. The report shall be tabled in the National Assembly within 30 days of receipt or, if the Assembly is not in session, within 30 days of resumption.

2002, c. 10, s. 96.

283. *(Repealed).*

1989, c. 36, s. 283; 2000, c. 59, s. 7.

284. *(This section ceased to have effect on 1 July 1999).*

1989, c. 36, s. 284; 1994, c. 11, s. 1; U.K., 1982, c. 11, Sch. B, Part I, s. 33.

285. *(Omitted).*

1989, c. 36, s. 285.

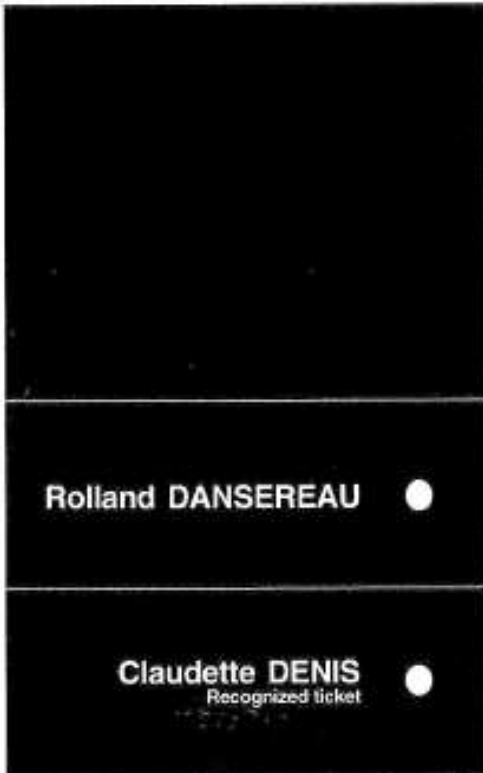
SCHOOL ELECTIONS

SCHEDULE

(Section 99)

BALLOT PAPER

OBSERVE



REVERSE

The image shows the back side of a ballot paper, which is white with black text. It contains two "0000" markings at the top. Below them is a box labeled "Deputy returning officer's initials". Further down are the labels "Name of school board" and "Name or No. of electoral division". The date "November 4, 2007" is printed. At the bottom, the printer's information is listed: "MAXIME TREMBLAY, printer", "117, rue Notre-Dame Est", and "Montréal (Québec)".

1989, c. 36, Schedule I; 2002, c. 10, s. 97; 2006, c. 51, s. 86.

SCHEDULE II

(Repealed)

1989, c. 36, Schedule II; 1999, c. 40, s. 115; 2006, c. 51, s. 87.

SCHEDULE III

(Repealed)

1989, c. 36, Schedule III; 2002, c. 10, s. 98; 2006, c. 51, s. 87.

SCHOOL ELECTIONS

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 36 of the statutes of 1989, in force on 1 March 1990, is repealed, except sections 279 and 285, effective from the coming into force of chapter E-2.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), paragraph 4 of section 12 of chapter 36 of the statutes of 1989, in force on 1 September 1990, is repealed effective from the coming into force of the updating to 1 September 1990 of chapter E-2.3 of the Revised Statutes.

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REGULATIONS

**REGULATION RESPECTING THE REIMBURSEMENT OF ELECTION EXPENSES
OF CANDIDATES IN SCHOOL ELECTIONS**

c. E-2.3, r. 1

An Act respecting school elections
(R.S.Q., c. E-2.3, ss. 207 and 210)

1. The amount of the reimbursement referred to in section 207 of the Act is determined in accordance with the following rules:

(1) for the first \$500 of expenses, an amount equal to 75% of those expenses; and

(2) for expenses exceeding the first \$500, an amount equal to 50% of those expenses.

O.C. 931-2003, s. 1.

2. This Regulation replaces the Regulation respecting the reimbursement of election expenses of candidates in school elections (O.C. 1132-90, 90-08-08).

O.C. 931-2003, s. 2.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

O.C. 931-2003, s. 3.

REFERENCES

O.C. 931-2003, 2003 G.O. 2, 2811

ELECTOR IDENTIFICATION REGULATION *

Election Act

(R.S.Q., c. E-3.3, ss. 337, 2nd par. and and 549, par. 4)

1. An elector may produce either of the following documents as identification under the second paragraph of section 337 of the Election Act:

(1) a Certificate of Indian Status issued to persons registered in the Indian Register under the Indian Act (R.S.C. 1985, c. I-5); or

(2) a Canadian Armed Forces identification card issued under Order CFAO 26-3 of the Department of National Defence.

O.C. 242-2005, s. 1.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

O.C. 242-2005, s. 2.

REFERENCES

O.C. 242-2005, 2005 G.O. 2, 780

*** In accordance with section 114 of the Act respecting School Elections, the documents referred to in the present regulation are recognized as identification of an elector at the time of voting.**

