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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 146

## **An Act to amend the Act respecting school elections and the Election Act**

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### **Introduction**

**Introduced by  
Mr François Legault  
Minister of Education**

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## **EXPLANATORY NOTES**

*This bill empowers school boards to collect and transmit to the chief electoral officer the information required to update the permanent list of electors and specifies the information the list is to contain for the purposes of the Act respecting school elections.*

*The bill also specifies the manner in which electors who qualify therefor may exercise, outside election proceedings, their option to vote at the election of the commissioners of the English language school board having jurisdiction over the territory in which they are domiciled.*

*Lastly, the bill removes an exception to the Charter of human rights and freedoms contained in the Act respecting school elections.*

## **LEGISLATION AMENDED BY THIS BILL :**

- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3).

## **Bill 146**

### **AN ACT TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS AND THE ELECTION ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **ACT RESPECTING SCHOOL ELECTIONS**

1. The Act respecting school elections (R.S.Q., chapter E-2.3) is amended by inserting the following chapter after section 11 :

##### **“CHAPTER III.1**

##### **“UPDATING OF THE PERMANENT LIST OF ELECTORS**

“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.

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.

“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.”

2. Section 15 of the said Act is amended

(1) by replacing “who is admitted to educational services provided in schools of” in the second line of the first paragraph by “to whom section 1 of the Education Act applies who is admitted to educational services provided by”;

(2) by replacing “who is admitted to educational services provided in schools of” in the first and second lines of the second paragraph by “to whom section 1 of the Education Act applies who is admitted to educational services provided by”;

(3) by adding the following paragraph at the end :

“The elector may exercise such voting option, 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.”

3. Section 17 of the said Act is amended

(1) by inserting “to whom section 1 of the Education Act applies” after “children” in the second line of the second paragraph ;

(2) by replacing “in schools of” in the third line of the second paragraph by “by”.

4. Section 18 of the said Act is amended

(1) by inserting “or, outside election proceedings, to the director general” after “officer” in the second line of the first paragraph ;

(2) by inserting “or, outside election proceedings, the director general” after “officer” in the third line of the first paragraph ;

(3) by inserting “, sex” after “birth” in the first line of the second paragraph.

5. Section 38 of the said Act is amended by replacing “admitted to educational services provided in schools of” in the second and third lines of the second paragraph by “to whom section 1 of the Education Act applies who is admitted to educational services provided by”.

6. Section 40 of the said Act is amended

(1) by replacing “admitted to educational services provided in schools of” in the fourth line of the first paragraph by “to whom section 1 of the Education Act applies who is admitted to educational services provided by” ;

(2) by replacing “admitted to educational services provided in schools of” in the third and fourth lines of the second paragraph by “to whom section 1 of the Education Act applies who are admitted to educational services provided by”.

7. Section 283 of the said Act is repealed.

## ELECTION ACT

8. Section 40.2 of the Election Act (R.S.Q., chapter E-3.3), amended by section 85 of chapter 25 of the statutes of 1999, is again amended by adding the following paragraph at the end:

“The information shall in addition specify, for the purposes of the Act respecting school elections (chapter E-2.3), the category of school board, French language or English language, at which the elector’s right to vote is to be exercised and whether the information relates to a person referred to in the first or in the second paragraph of section 11.1 of the said Act.”

9. Section 40.4 of the said Act, amended by section 5 of chapter 8 of the statutes of 1997 and by section 1 of chapter 15 of the statutes of 1999, is again amended by inserting “, the school boards” after “Québec” in the fourth line of the first paragraph.

10. The said Act is amended by inserting the following section after section 40.7:

“40.7.O.1. The chief electoral officer shall obtain from the school boards, in accordance with section 11.2 of the Act respecting school elections, the name, date of birth, sex and domiciliary address of the persons referred to in section 11.1 of the said Act.”

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