



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 59

**An Act to defer the date of the next
general school election and to amend
the Act respecting school elections**

Introduction

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

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EXPLANATORY NOTES

This bill provides that the next general school election will be held on 16 November 2003.

The Act respecting school elections is amended to establish a new process of division of the territory of a school board into electoral divisions whereby electors may be consulted on the division and the Commission de la représentation is given the power to intervene if necessary.

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 59

AN ACT TO DEFER THE DATE OF THE NEXT GENERAL SCHOOL ELECTION AND TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding section 2 of the Act respecting school elections (R.S.Q., chapter E-2.3), the next general election will be held on 16 November 2003.

2. Section 5 of the Act respecting school elections is repealed.

3. Section 6 of the said Act is replaced by the following section :

“6. The number of electoral divisions shall vary from 9 to 27 according to the number of electors of the school board established in the document referred to in section 7.4. There shall be

- (1) 9 divisions if there are fewer than 5,000 electors ;
- (2) 11 divisions if there are 5,000 electors or more but fewer than 10,000 ;
- (3) 13 divisions if there are 10,000 electors or more but fewer than 20,000 ;
- (4) 15 divisions if there are 20,000 electors or more but fewer than 30,000 ;
- (5) 17 divisions if there are 30,000 electors or more but fewer than 40,000 ;
- (6) 19 divisions if there are 40,000 electors or more but fewer than 70,000 ;
- (7) 21 divisions if there are 70,000 electors or more but fewer than 100,000 ;
- (8) 23 divisions if there are 100,000 electors or more but fewer than 150,000 ;
- (9) 25 divisions if there are 150,000 electors or more but fewer than 250,000 ;
- (10) 27 divisions if there are 250,000 electors or more.”

4. Section 7 of the said Act is amended

(1) by replacing “Government may, by order,” in the first line of the first paragraph by “Minister may, upon an application,” and by replacing “it” in the third line of the same paragraph by “the Minister”;

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

“The Minister’s decision shall be published in the *Gazette officielle du Québec*.

The Minister shall transmit a copy of the decision to the Commission de la représentation.”

5. The said Act is amended by inserting the following sections after section 7 :

“7.1. The electoral divisions shall be delimited in such a manner as to ensure that each 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, size and distance.

“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.

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.

“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.

“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.

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.

“7.5. The council of commissioners shall, after 15 February 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.

“7.6. The division proposal shall describe the boundaries of the proposed electoral divisions, using the names of thoroughfares wherever possible, and it shall indicate the number of electors included in each division.

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

“7.7. If on 15 October of the year preceding the year in which the general election is to be held, a school board has not adopted the resolution dividing its territory into electoral divisions, the director general of the school board may request from the chief electoral officer an updated version of the data referred to in the second paragraph of section 7.4.

For that purpose, the last three paragraphs of section 39 apply, with the necessary modifications.”

6. Sections 9 to 11 of the said Act are replaced by the following sections :

“9. Within 15 days of the adoption of the division proposal, the council of commissioners 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.

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.

“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.

“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 referred to in the second paragraph of section 7.4. For that purpose, section 39 applies, with the necessary modifications.

“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.

“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.

“9.5. The public meeting does not constitute a sitting of the council of commissioners.

A majority of the members of the council and the director general of the school board must attend the meeting.

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 one of the council members present designated by them. The designated member may maintain order in the same manner as the chair of a sitting of the council and has the same powers.

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

The director general shall draw up the minutes of the meeting.

“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.

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

“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 ;
- (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.

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.

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.

“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.

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

“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.

“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.

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

The persons present may make representations verbally or table documents.

“9.13. The resolution dividing the territory of the school board into electoral divisions must come into force before 31 March of the year in which the general election for which the division is required is to be held.

However, a coming into force that is not conditional on the approval provided for in the second paragraph of section 7.2 shall not occur before the forty-fifth day after the transmission provided for in section 9.4, unless the school board is informed in the meantime that the Commission de la représentation does not intend to propose any amendment to the resolution.

As soon as practicable after the coming into force of the resolution, the director general of the school board shall transmit a certified copy to the Commission. The director general of the school board may transmit to the Commission, in lieu of the certified copy, a notice indicating that the text in force is identical to the text adopted, and specifying the date of coming into force and the date of adoption.

The first and second paragraphs do not apply if the Commission decides, after holding a public meeting, that the resolution adopted by the council of commissioners is not to become effective.

“9.14. The Commission de la représentation shall divide into electoral divisions the territory of any school board which has not, in its resolution, complied with section 7.2, has not adopted the resolution within the time prescribed in section 9.6 or has not brought it into force within the time specified in section 9.13.

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.

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.

“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.

“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.

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.

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.

“9.17. A division into electoral divisions made by the Commission de la représentation becomes effective on the day of publication of the notice.

“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.

“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.

“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.

“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.

“10.3. The Commission de la représentation may, in respect of a school board having fewer than 20,000 electors, delegate the exercise of any of the powers or functions it indicates to any person it designates for that purpose.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

“10.4. 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.

On or before 1 September 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.”

7. The said Act is amended by inserting the following section after section 11.2:

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

8. Section 12 of the said Act is amended by replacing “, pursuant to section 223.2 of this Act or to” in paragraph 5 by “pursuant to section 223.2 of this Act, the Act respecting elections and referendums in municipalities (chapter E-2.2) or”.

9. Section 15 of the said Act, amended by section 2 of chapter 59 of the statutes of 2000, is again amended by replacing “30 September” in the first line of the first paragraph by “1 September”.

10. Section 541 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing “and by the Act respecting elections and referendums in municipalities (chapter E-2.2)” in the fourth and fifth lines by “, the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3)”.

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