
Extracts of the

Act respecting school elections

**Division of the territory of school boards
into electoral divisions**



LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

FOREWORD

This publication is an administrative codification which groups the provisions of the Act respecting school elections (c. E-2.3) with regard to the division of the territory of school boards into electoral divisions.

Where it is intended to interpret or to enforce the Act, the official wording published by the Quebec Official Publisher should be used.

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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. 32
1997, c. 47	2010, c. 35
1999, c. 14	2010, c. 36
1999, c. 15	2011, c. 27
1999, c. 40	2011, c. 38
1999, c. 89	2013, c. 15
2000, c. 59	2013, c. 16
2001, c. 26	2015, c. 6
2001, c. 45	2015, c. 15
2002, c. 6	2016, c. 18

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Chapter E-2.3

AN ACT RESPECTING SCHOOL ELECTIONS

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 II DATE OF ELECTIONS

Regular election. **2.** An election shall be held every four years to elect a chair and all the other commissioners who must be elected in accordance with this Act.

1989, c. 36, s. 2; 2008, c. 29, s. 36.

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

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

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 *(Repealed).*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.

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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.

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.

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- 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.
- 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.

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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.

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.

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- 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.
- 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.

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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;
- (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.

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- 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.
- 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.

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- 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.
- 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.

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- 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.
- 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.

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