

SCHOOL ELECTIONS



Running as a candidate in school elections

in an English-language school board

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| This document belongs to | NAME _____ |
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| English-language school board | _____ |
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| Returning officer | NAME _____ PHONE NUMBER _____ |
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|-----------------------|----------------------------------|
| Election clerk | NAME _____ PHONE NUMBER _____ |
|-----------------------|----------------------------------|

| | |
|--|----------------------------------|
| Assistant or assistants authorized to receive nomination papers (as applicable) | NAME _____ PHONE NUMBER _____ |
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| NAME _____ PHONE NUMBER _____ |
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|--|---|
| Period for filing nomination papers | FROM _____ TO _____ |
| | FROM ____ AM ____ TO ____ PM ____ |
| | ON SUNDAY _____, |
| | THE OFFICE WILL BE OPEN FROM ____ AM ____ TO 5:00 PM. |

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|---------------------|--------------|
| Advance poll | SUNDAY _____ |
|---------------------|--------------|

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|--------------------|--------------|
| Polling day | SUNDAY _____ |
|--------------------|--------------|

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Message from the returning officer

This guide was designed for individuals wishing to run as candidates for a chair seat or a commissioner seat on an English-language schoolboard's council of commissioners. It provides information on the main election rules.

This guide does not deal with financing rules or election expense monitoring. For those topics, please consult the *Guide for the authorized candidate* (DGE-5250).

This guide is not intended to be exhaustive and should be read in conjunction with the *Act respecting school elections to elect certain members of the boards of directors of English-language schoolboards* (ASEESSC)* (CQLR, chapter E-2.3). This statute is available for consultation on Élections Québec's website (www.electionsquebec.qc.ca).

As regards candidates and recognized tickets, my duties as returning officer include the following:

- Providing them with all required information on becoming a candidate and on the electoral process;
- Receiving nomination papers;
- Designating assistants who may receive nomination papers, with a view to reducing travel distances for persons wishing to be candidates;
- Receiving candidate-related information for subsequent communication to electors, as applicable;
- Authorizing candidates, as applicable, once this power has been delegated to me by Québec's Chief Electoral Officer;
- Receiving ticket recognition requests;
- Providing information and documents to which candidates and tickets are entitled under the ASEESSC, in particular the list of electors.

Please feel free to contact me should you require further information.

Returning officer

* Any reference to the ASEESSC refers to the provisions of the *Act respecting school elections* that were in force prior to the adoption of Bill 40.

1

Seats to be filled

Each English-language school board is administered by a council of commissioners. The *Education Act* (RLRQ, ch. I-13.3), designated by the initials EA, lists three types of seats that make up each board (EA, sec. 143.1):

- elected commissioner (including a chair);
- commissioner representing the parents' committee;
- commissioner co-opted (optional, depending on the decision of the commissioners mentioned above).

The two last types of seats are not filled pursuant to the ASEESSC and are not covered by the guide.

Each English-language school board has a chair seat to which is added a variable of commissioner seats to fill (between 7 and 17). This number is equivalent to the number of electoral districts (EA, sec. 143).

For information on the seats to be filled in your English-language school board, please consult the public election notice or contact your returning officer.

2

Prerequisites for being a candidate

Persons wishing to be a candidate for a chair seat or a commissioner seat on an English-language school board's council of commissioners must be eligible and qualified to sit if elected.

2.1 Eligibility

To be eligible for a **chair seat or a commissioner seat** on an English-language school board's council of commissioners, a person (ASEESSC, sec. 20):

- 1) **must be entitled** to have his or her name registered on the school board's list of electors;
- 2) on polling day, **must have been domiciled** in the area administered by the school board for six months or more.

To be entitled to have his or her name registered on the list of electors, a person (ASEESSC, sec. 12 and 15):

- Must be an elector on polling day, that is, he or she:
 - Must be at least 18 years of age;
 - Must be a Canadian citizen;
 - Must be domiciled in the area administered by the English-language school board and must be domiciled for at least six months in Québec;
 - Must not be under curatorship;
 - Must not have been convicted within the past five years of any corrupt electoral or referendum practices;

- **Must be entitled to vote** in the election for the council of commissioners of the English-language school board, that is, he or she:
 - Must be the parent of a child referred to in Section 1 of the EA who is enrolled in educational services provided by the school board having jurisdiction over the area in which his or her domicile is located; OR
 - Must not have a child enrolled in educational services provided either by an English-language school board or a French-language school service centre having jurisdiction over the area in which his or her domicile is located.

Important note Even if persons are entitled to have their name registered on the school list of electors, they are not registered automatically.

A person is registered on an English-language school board's list of electors:

- If he or she has a child attending the English-language school board, his or her name and contact information must be correctly recorded in the board's file;
- If he or she does not have a child enrolled in the English-language school board or the French-language service centre having jurisdiction over the area in which his or her domicile is located, he or she must submit a notice to the English-language school board within the prescribed timeframe;
- If his or her child completed his or her course of studies in the English-language school board, he or she is then deemed to have opted to be registered on that board's list of electors.

During the review period, electors may request modifications to the list of electors (initial registration, correcting existing information or removing their names from the list).

If you have any questions about registration on the school list of electors or on the list revision process, please contact the returning officer.

Concept of domicile *(Civil Code of Québec, sec. 75 and following)*

Being domiciled in the area administered by the English-language school board

The concept of domicile is subject to interpretation; it does not necessarily mean residence. Even though these two concepts may seem interchangeable, they have different meanings, legally speaking.

Under Québec's *Civil Code*, a person's domicile is where his or her "principal establishment" is located, i.e. the place that he or she regards as his or her principal residence and that is given as a point of reference for exercising his or her civil rights. Various declarations and circumstances prove a person's intention to establish his or her domicile at a specific location, e.g. the address appearing on ID cards, such as a driver's licence; the address used to receive personal mail; the address listed on an income tax return; etc.

When a person changes domicile, his or her residency is established in a different place with the intention of making it the person's principal residence. Once again, proof of intention is determined by declarations and circumstances.

A person's residence is the place where he or she ordinarily resides. If a person has more than one residence, the principal residence is regarded as the domicile.

A person cannot have more than one domicile, but he or she can have more than one residence. For example, a summer cottage is often deemed to be a secondary residence because it is only used on an occasional or temporary basis.

If a person's domicile cannot be determined with certainty, he or she is deemed to be domiciled at his or her current place of residence. If he or she does not have a current place of residence, he or she is deemed to be domiciled at the place where he or she happens to be. If that place is unknown, then he or she is deemed to be domiciled at the place of his or her last known domicile.

2.2 Ineligibility

The ASEESSC sets out various cases of ineligibility that prevent persons from running for a chair or a commissioner seat on an English-language school board's council of commissioners.

For further information, please read Sections 21 to 21.4 of the ASEESSC. These sections are also reproduced on page 8 of the *Nomination paper* form.

2.3 Criminal law provisions

The ASEESSC (sec. 212 to 223.4) lists various infractions that may apply to anyone (electors, candidates, staff members, election officers, etc.) who violates the *Act*.

3

Filing nomination papers

You can obtain the *Nomination paper* (Form ES-29) from the office of the returning officer.

3.1 Period for filing nomination papers

You must file your nomination paper and accompanying documents at the office of the returning officer or the assistant designated to receive them, during the office's business hours, **between the 40th and 35th day** before polling day (ASEESSC, sec. 62 and 69 to 75).

The business hours of the office of the returning officer are indicated on the public election notice. The *Act* states that the office must be open **until 5:00 PM on the Sunday corresponding to the 35th day** before polling day. After 5:00 PM on that day, nomination papers cannot be filed (ASEESSC, sec. 62).

3.2 Persons authorized to file nomination papers

Under the *Act*, you are not required to file your nomination paper yourself. You can designate a mandatary, in writing, to do so. You can also designate this person to collect signatures in support of your nomination.

If your mandatary files your nomination paper, please ensure that he or she completes all sections of the form and that he or she has all the required documents (ASEESSC, sec. 62 and 72).

3.3 Contents of the nomination paper and required documents

To run as a candidate, you must complete a nomination paper (Form ES-29) and submit it together with various required documents.

Person wishing to be a candidate

(Section 1 of Form ES-29)

First and last names of the person wishing to be a candidate

You must specify the first and last names you were given at birth, or that are formalized in the register of civil status, and under which you exercise your civil rights (ASEESSC, sec. 69).

However, you can run using the first and last names you ordinarily use, provided that they are the names by which you are commonly known in your political, professional or social life and provided that you are acting in good faith (ASEESSC, sec. 75). In that case, you must check the appropriate box in Section 1. The returning officer is not required to decide whether your first and last names are the ones you are commonly known by, nor whether you are acting in good faith. That is your responsibility. Ultimately, only the courts may be able to issue a definitive ruling in this regard.

Here are a few examples of first and last names that are ordinarily used:

- Stage name
A person who uses a stage name in his or her professional life may run as a candidate under the name by which he or she is known.
- Spouse's name
A woman who took her spouse's surname may run as a candidate under that surname if she is commonly known by it in her political, professional or social life.
- Nickname or diminutive
A person may run as a candidate using a nickname, a diminutive or any combination thereof if these are consistently used in his or her political, professional or social life.
- Initial
A person who uses an initial together with a first or last name may run as a candidate using that initial, provided that it is consistently used in his or her political, professional or social life.

Date of birth of the person wishing to be a candidate

You must indicate your date of birth on the nomination paper (ASEESSC, sec. 69).

Address of the person wishing to be a candidate

Your address is your “domiciliary address”. This includes the civic number (and apartment number, as applicable), the street name, the name of the municipality and the postal code (ASEESSC, sec. 69).

Phone number and email address

Please record your primary phone number and the email address via which you would like us to contact you. It is essential that you provide your phone number if you are submitting an authorization request at the same time as your nomination paper.

For further information on the candidate authorization process, please refer to Chapter 4.

Proof of identity of the person wishing to be a candidate

Your nomination paper must be accompanied by one of the following original documents (ASEESSC, sec. 72):

- A copy of your birth certificate;
- Your certificate of Canadian citizenship;
- Your Canadian passport;
- Your driver’s licence or probationary licence (laminated card issued by the Société de l’assurance automobile du Québec);
- Your health insurance card (issued by the Régie de l’assurance maladie du Québec);
- Proof of change of name (a copy of the court order formalizing the change of name or a copy of the name change announcement).

The returning officer will examine your proof of identity, make a photocopy of it and keep a certified copy. Your originals will be handed back to you; the photocopies will be kept on file with your nomination paper (ASEESSC, sec. 72).

Seat sought

(Section 2 of Form ES-29)

You must indicate the seat for which you are running. The seats to be filled in your English-language school board are listed in the public election notice. You can also contact your returning officer to obtain this information.

CHAPITRE 3 Filing nomination papers

If you are running for a commissioner seat, you must record the name or number of the electoral division in which you are applying.

Eligible persons can run as a candidate in only one English-language school board and for only one seat on its council of commissioners (ASEESSC, sec. 69 and 74).

Recognized ticket (as applicable)

(Section 3 of Form ES-29)

If you are a member of a recognized ticket, you must indicate its name as it was spelled when it was recognized (ASEESSC, sec. 70).

Candidacy certification for a recognized ticket

(As applicable; section 4 of Form ES-29)

If you are a member of a recognized ticket, your nomination paper must be accompanied by a letter signed by the leader of your ticket. This letter must certify that you are the ticket's official candidate for the seat in question (ASEESSC, sec. 73).

If Section 4 of the nomination paper form is completed, the abovementioned letter does not need to be provided.

Candidate's declaration under oath

(Section 5 of Form ES-29)

When applying to run as a candidate, you must certify your **eligibility** by making a declaration under oath. You alone are responsible for determining whether you are eligible (ASEESSC, sec. 20 to 21.4 and 69). **The returning officer is not required to issue an opinion on your eligibility.** If in doubt, please seek legal advice.

If you apply to be a candidate knowing that you are not eligible, you could be in violation of the Act (ASEESSC, sec. 213 and 221).

Your nomination paper must include your signature and that of the person authorized to administer the oath (ASEESSC, sec. 69 and 71). If either signature is missing, your nomination paper will be rejected (ASEESSC, sec. 76).

You can make your declaration under oath with the returning officer if you did not do so beforehand with another person authorized to receive your declaration.

Mandatory

(Section 6 of Form ES-29)

You can designate a mandatory to act on your behalf regarding your nomination paper. You can record this designation directly on your nomination paper or file a written document, which you must sign (ASEESSC, sec. 62).

Supporting signatures

(Section 7 of the Form ES-29)

Depending on the type of seat, the persons supporting your candidacy must either be electors within the area administered by the English-language school board or within the electoral division for which you are running as a candidate. In addition, those persons must be entitled to vote in elections involving board's council of commissioners.

Along with their signature, electors must indicate the address of their domicile exactly as it should appear on the list of electors.

Nomination papers for a **chair seat** must include the supporting signatures of at least **50 electors in the area administered by the English-language school board**.

Nomination papers for a **commissioner seat** must include the supporting signatures of at least **10 electors within the electoral division** for which the nomination paper is being filed (ASEESSC, sec. 71).

Persons wishing to be a candidate usually collect the required supporting signatures themselves. However, your mandatory may collect them on your behalf. Supporting signatures must be collected by yourself or by your mandatory; **this task cannot be shared** (ASEESSC, sec. 72).

To avoid challenges to the validity of certain signatures, you are advised to **collect more signatures** than the number required by the Act.

→ The parents who only have one or more child enrolled in educational services provided by a French-language school service centre cannot support your candidacy because they are not entitled to be registered on the list of electors of the English-language school board.

Declaration of the person who collected the supporting signatures

(Section 8 of Form ES-29)

Only one person may collect the supporting signatures: either yourself or the mandatary you designated in Section 7. The person who collects the signatures **must** certify as follows (ASEESSC, sec. 72):

- That he or she knows the persons who provided their signatures;
- That the signatures were provided in his or her presence;
- That to the best of his or her knowledge, these persons are electors:
 - In the area administered by the English-language school board, for a chair seat;
 - In the electoral division, for a commissioner seat.

Approval of the nomination paper

(Section 9 of Form ES-29)

The returning officer, or the designated assistant, must receive and accept your nomination paper immediately if it is complete and was submitted together with the required documents. Neither the returning officer nor the assistant can issue an opinion on your eligibility.

Once your nomination paper has been accepted, you will be given an acknowledgment of receipt (ASEESSC, sec. 62 and 76).

Authorization request (section relating to political financing)

(Section 10 of Form ES-29)

You must indicate whether or not you wish to request an authorization or whether you have already obtained one (see Chapter 4 of this guide for further information on the advantages of authorization).

If you do not wish to obtain an authorization, you must check the appropriate box and include your signature.

If you do wish to obtain an authorization, you must check the appropriate box. In addition, you must indicate **your birth name** and the address at which accounting books and records will be kept for the election fund you will be establishing and the expenses you will be incurring (if different from those indicated in Section 1 of the form), as well as providing your signature. The returning officer must also sign this section and record the date on which your nomination paper was accepted.

If **you obtained an authorization** prior to filing your nomination paper, please check the appropriate box and include your signature.

CHAPITRE 3 Filing nomination papers

This section of your nomination paper is not taken into consideration when your nomination paper is accepted or rejected.

If you wish to obtain an authorization after your nomination paper has been filed, you must use the form *Application for authorization of a candidate or an elector who undertakes to run as a candidate* (DGE-5801). The returning officer can provide you with a copy of this form.

For further information on the candidate authorization process, please refer to Chapter 4.

Information for electors

You can file your nomination paper together with information for electors (ASEESSC, sec. 73.1).

This information must meet the minimum criteria set by Québec's Chief Electoral Officer. You may include a written text, your photograph and the address and phone number at which electors can reach you.

This information is not taken into consideration when your nomination paper is accepted or rejected.

For further information on candidate-related information for electors, please refer to Chapter 6.

4 Candidate authorization process

As you wage your election campaign, you will most likely incur some expenses. However, if you wish to solicit or collect contributions, **including your own personal contribution**, incur expenses or contract loans, it is essential that you **obtain prior** authorization.

In addition, if you plan to use (or distribute, post, etc.) documents or materials that you already have in your possession, you must obtain prior authorization. Even if you do not incur any expenses in carrying out those activities, using any type of materials to promote your candidacy is regarded as an election expense.

Once you have obtained this authorization, you may be allowed to obtain reimbursement of your election expenses, under certain conditions.

4.1 Authorization request

You can submit an authorization request before, during or after you submit your nomination paper.

Before

You can obtain an authorization beginning on January 1 of the year in which the general election is held or, in the case of a by-election, as soon as the seat becomes vacant. To do so, you must obtain a copy of the appropriate form and its appendix from the executive director of your English-language school board or from Québec's Chief Electoral Officer. If you are running for a commissioner seat, you must collect at least 10 signatures from electors within the area administered by the English-language school board, who must state that they are in favour of your authorization request. If you are running for a chair seat, the minimum number of electors is raised to 50.

During

Please check the appropriate box on the nomination paper form. Supporting signatures collected for your nomination paper are also valid for your authorization request.

After

You can request an authorization until polling day. To do so, you must complete the appropriate form and file it at the office of the returning officer. You are not required to include supporting signatures.

As soon as the returning officer has accepted your application, you are authorized to receive contributions, incur expenses relating to your candidacy and contract loans.

4.2 *Guide for the authorized candidate* and contribution receipts

Once you have received your authorization, the executive director of the English-language school board will give you contribution receipts. You will also receive a communication from Québec's Chief Electoral Officer encouraging you to visit a website containing various reference documents, including the *Guide for the authorized candidate*. This document provides information on your duties and responsibilities. It is a useful reference tool about:

- Financing sources;
- Election expenses;
- Expenses other than election expenses;
- Reports to be filed;
- Reimbursement of election expenses;
- Criminal law provisions and other penalties;
- Guidelines to be followed.

4.3 Public notices

As soon as possible after granting or withdrawing an authorization, Québec's Chief Electoral Officer must make this information publicly available. To that end, the Chief Electoral Officer uses a newspaper distributed within the area administered by the English-language school board to publish a notice confirming authorizations that have been granted or withdrawn. This information is also posted on Élections Québec's website at the following address:

→ electionsquebec.qc.ca

For further information on the authorization process, financing and election expense monitoring, please call the Direction du financement politique et des affaires juridiques (Political Financing and Legal Affairs Division) at the following numbers:

→ Québec City region: 418-644-3570
Toll-free: 1-866-232-6494

5 Ticket recognition process

The *Act* allows candidates to run on a joint ticket in order to obtain official recognition. For example, a group of candidates may rally around a leader and run together in the next school general election (ASEESSC, sec. 63, 65 to 68, 70 and 73).

A ticket enables candidates to be identified as members of an officially recognized organization, whose name is protected. They are designated as such on the notice of poll and on the ballot papers.

The leader of a ticket seeking recognition must submit a written request to that effect to the returning officer (ASEESSC, sec. 65). This request must include:

- The name of the ticket;
- The address to which communications for the ticket should be sent;
- The name, address and phone number of the leader of the ticket;
- A list of the names, addresses and signatures of at least 10 electors in the area administered by the English-language school board who are in favour of the request.

The returning officer will grant recognition to the ticket submitting the request (Form ES-31) **between the 44th day and the 35th day** before polling day. The request must be submitted together with all of the abovementioned information (ASEESSC, sec. 65).

The returning officer will refuse to recognize a ticket if its name includes the word *independent* or is likely to mislead electors as to which ticket they are voting for (ASEESSC, sec. 66).

Recognition is granted for a limited period of time. It is granted for the purposes of the general election following the recognition and for any by-elections held prior to the following general election. Therefore, a recognized ticket must submit a new recognition request before each general election (ASEESSC, sec. 66).

6

Candidate-related information for electors

No later than 10 days before polling day, the returning officer will send a reminder card together with a document containing information provided by the candidates (in the same mailing) to the address of each person registered on the list of electors (ASEESSC, sec. 86.1).

This means you can provide electors with information about yourself. This information may include a written text, a photograph and the address and phone number via which electors can reach you (Form ES-29.1). You are responsible for the language quality and accuracy of the information provided. You must submit this information **by 5:00 PM on the 35th day** before polling day. This information must meet the minimum criteria set by Québec's Chief Electoral Officer (ASEESSC, sec. 73.1).

6.1 Written text

Your text must be written in English, French or both. It must contain no more than **1,500 characters** and must be limited to:

- Information about yourself;
- Information on the recognized ticket of which you are a member, as applicable;
- Your electoral program;
- What you intend to do if you win the election.

You must provide your written text to the returning officer, preferably in electronic format (.docx or .rtf file). The electronic document must be accompanied by a printed copy of the text, with your signature appearing at the bottom.

The returning officer is not allowed to modify your text. Typos or spelling, grammatical or syntactical errors will not be corrected. However, the returning officer is allowed to shorten your text so that it fits within the allowed limit. In that case, your text will conclude at the end of the final complete sentence before the limit is reached.

6.2 Photograph

Your photograph:

- Must provide a complete view, either frontal or slightly off to one side, of the upper part of your body, from your shoulders upwards. Your face must be uncovered and must appear against a plain light-coloured background;
- If your photograph is in electronic format, it must be accompanied by a document certifying the authenticity of the photo and including your name in block capitals, the name of the recognized ticket of which you are a member, as applicable, and your signature;
- If your photograph is on photographic paper, you must use a passport-style format, i.e. 50 mm by 70 mm (2 by 2.75 inches). Your name in block capitals, the name of the recognized ticket of which you are a member, as applicable, and your signature must all appear on the back.

6.3 Publication of the document containing information for electors

Under Section 73.1 of the ASEESSC, if you do not meet the minimum criteria set by Québec's Chief Electoral Officer, the returning officer may refuse to distribute your information for electors within the mailing containing the reminder card if, after granting you a reasonable period of time, the modified information was not received **by the 19th day** before polling day.

If the information does not meet the aforementioned criteria, or if it is frivolous, vexatious or otherwise unsuitable for publication, the returning officer will ask you to provide amended information within three business days.

CHAPITRE 6 Candidate-related information for electors

If you choose not to provide information about yourself or if you do not provide the amended information within the prescribed timeframe, the mention “Information not available” will be included in the published document. If you provide the appropriate information but do not submit a photograph, the mention “Photo not available” will be included in the published document.

The returning officer is not required to verify the accuracy of the information you provide. The published document will contain a notice to that effect.

The returning officer is not responsible for errors or omissions committed in good faith that may appear in the published document.

The returning officer will initially provide you with the form *Information about the candidate for the electors* (ES-29.1).

Once the returning officer has validated and approved the information provided, you will be given the form *Notice of compliance of information about the candidate for the electors* (ES30.1).

7

Additional information

Upon request, the returning officer can give you additional information on a variety of topics, including the following:

Election signs and partisan advertising on the premises of a polling station

The returning officer may stop or remove any prohibited partisan advertising, at the expense of the candidate or ticket promoted by it, if the candidate or ticket refuses or fails to do so, even if the candidate or ticket received a request to that effect (ASEESSC, sec. 169).

Representatives and poll runners

The *Act* allows each recognized ticket and candidate to designate a representative for each polling station at which electors can vote for said ticket or candidate. This person must be mandated by proxy to represent the candidate or the entire ticket, as applicable, in dealings with the deputy returning officer. Tickets and candidates may also mandate poll runners by proxy to monitor the conduct of the voting on polling day (ASEESSC, sec. 31 and 32).

The returning officer can provide additional information on the number of persons who can be mandated, how they are selected, the prerequisites for holding these positions, the presence of these individuals in a polling station and their respective roles.

CHAPITRE 7 Additional information

Right to unpaid leave

Upon receipt of a written request, your employer must grant you a period of unpaid leave if you are candidate in an election involving an English-language school board.

For further information, please refer to Sections 201 to 206 of the ASEESSC.

Other topics that may be covered

- Declaration of election, taking office and oaths (ASEESSC, sec. 159, 160 and 164);
- Duration of the elected officials' term (ASEESSC, sec. 2 and 160);
- Seats becoming vacant during the term of office (ASEESSC, sec. 191 to 197);
- Meetings of the council of commissioners during election periods (ASEESSC, sec. 160.1).