

chapter I-14, r. 3

**Regulation respecting the procedure for the election of commissioners to the Cree School Board**

Education Act for Cree, Inuit and Naskapi Native Persons  
(chapter I-14, s. 582).

O.C. 722-85; S.Q., 1988, c. 84, s. 703.

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**SCHEDULE 1**

## DIVISION I

### INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise:

“the school board” means the Cree School Board;

“community” or “Cree community” means the Cree communities of Fort-George (Chisasibi), Nouveau-Comptoir (Wemindji), Eastmain, Fort-Rupert, Waswanipi, Mistassini, Poste-de-la-Baleine and Nemaska;

“election” means the election in a community of a commissioner to the school board;

“Minister” means the Minister of Education, Recreation and Sports.

O.C. 722-85, s. 1.

## DIVISION II

### ELECTION OFFICERS

**2.** Anything that may be done under this Regulation by an election clerk may validly be done by the returning officer, in the absence or inability to act of the election clerk.

O.C. 722-85, s. 2.

**3.** The school board shall appoint a returning officer by resolution.

O.C. 722-85, s. 3.

**4.** The returning officer, by a commission signed by him, shall appoint 1 election clerk for each community.

An election clerk may select an assistant with the authorization of the returning officer.

O.C. 722-85, s. 4.

**5.** Nobody may be a candidate in an election for which he acts as returning officer, election clerk or assistant.

All election officers may be appointed from among the employees of the school board.

O.C. 722-85, s. 5.

**6.** Before taking office, the returning officer, every election clerk and every assistant must take an oath in the form in Schedule 1.

O.C. 722-85, s. 6.

**7.** The school board may set a scale of fees and expenses to be paid to the returning officer, election clerks and assistants. The scale comes into force upon authorization by the Minister.

Authorization is presumed if 40 days have elapsed since a copy of the scale has been forwarded to the Minister, unless within such time the Minister refuses his authorization in writing.

O.C. 722-85, s. 7.

### **DIVISION III**

#### **ELECTORAL LIST**

**8.** Thirty days before an election, the returning officer shall obtain from the community, or shall prepare, a list of the members of the community entitled to vote where an election is to be held.

He shall also prepare a list of the non-natives entitled to the school board's services in the Cree community in question and who are qualified as electors under the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14).

O.C. 722-85, s. 8.

**9.** The lists shall be signed and certified by the returning officer under his oath of office.

O.C. 722-85, s. 9.

**10.** Fifteen days before an election, the returning officer shall file the lists with the election clerk in each Cree community, and he shall post or cause to be posted a notice of filing in the community's schools, in the office of the Band Council or in any other public place. The notice shall be drawn up in Cree, French and English.

O.C. 722-85, s. 10.

**11.** Anybody who believes that his name or someone else's name has been wrongfully omitted from or entered on the list, may, within 7 days following the day on which notice was given under section 10, apply orally or in writing to the returning officer or the election clerk of the community to have that name entered on or struck off the list.

O.C. 722-85, s. 11.

**12.** The returning officer or election clerk shall enquire into every such application and may, on his own authority, confirm or correct the list.

O.C. 722-85, s. 12.

**13.** The lists come into force on election day.

O.C. 722-85, s. 13.

### **DIVISION IV**

#### **MEETING OF ELECTORS AND NOMINATION OF CANDIDATES**

**14.** The election clerk shall call a public meeting of all qualified electors of the Cree community and all other persons entitled to vote in the election.

The notice shall be posted in the community's schools, in the office of the Band Council, or in any other public place.

O.C. 722-85, s. 14.

**15.** The election clerk shall act as chairman of the meeting and shall invite the electors to nominate candidates.

O.C. 722-85, s. 15.

**16.** Any elector present at the meeting may nominate a member of the Cree community as candidate if that member is willing.

Any number of candidates may be nominated.

If only 1 candidate is nominated, he shall be declared elected forthwith by the election clerk.

O.C. 722-85, s. 16.

**17.** Any candidate may, at any time before the election, notify the election clerk of his withdrawal, orally or in writing.

If, after a candidate's withdrawal, only 1 candidate remains, he shall be declared elected forthwith by the election clerk.

O.C. 722-85, s. 17.

## **DIVISION V**

### **ELECTION PROCEDURE**

**18.** The election clerk shall act as chairman of the election during the meeting convened under section 14 and introduce the candidates to the electors present.

He shall then ask the electors to vote by secret ballot.

O.C. 722-85, s. 18.

**19.** The electors shall vote by writing an X or other mark beside the name of the candidate of their choice on a ballot paper prepared by the election clerk, and containing the names of the candidates in Cree, and French or English.

O.C. 722-85, s. 19.

**20.** Before giving any person a ballot paper, the election clerk shall make sure that the person is entitled to vote by checking the electoral list.

O.C. 722-85, s. 20.

**21.** The election clerk may, upon request, give an elector all the information necessary on how to vote. He must do so openly and clearly, and without the slightest indication of preference or suggestion regarding the choice of a candidate. Whenever the clerk does not understand the language spoken by an elector, he must appoint an interpreter.

O.C. 722-85, s. 21.

**22.** Upon request by any elector who is unable to read, or who, being blind or otherwise handicapped, is unable to vote in the manner prescribed in section 19, the election clerk shall assist such elector by marking his ballot paper as directed by him. Any such elector who is accompanied by a relative or friend may ask the relative or friend to mark his ballot instead of the election clerk.

O.C. 722-85, s. 22.

**23.** Every ballot is deposited in a ballot-box prepared for that purpose by the election clerk.

O.C. 722-85, s. 23.

**24.** When every person wishing to vote has done so and has deposited his ballot in the ballot-box, the election clerk shall count the ballots in front of the electors present at the meeting and total the votes cast for each candidate.

He shall declare elected the candidate who has obtained the greatest number of votes.

O.C. 722-85, s. 24.

**25.** In any election, if there is a tie-vote, the election clerk shall break the tie by voting for one of the candidates.

O.C. 722-85, s. 25.

**26.** In any Cree community, it is permitted to follow the customs of the Band for voting, rather than the election procedure prescribed under sections 2 to 25.

O.C. 722-85, s. 26.

**27.** In the Cree communities of Fort-George (Chisasibi), Nouveau-Comptoir (Wemindji), Nemaska and Eastmain, the election clerk may proceed to a vote by a show of hands rather than by secret ballot.

In that case, the electors present at the meeting vote by holding up their hands when the election clerk calls the name of the candidate of their choice. In the Cree communities of Nouveau-Comptoir (Wemindji) and Nemaska, the electors may line up behind the candidate of their choice rather than voting by a show of hands.

The election clerk shall count the votes for each candidate and shall declare elected the candidate who has obtained the greatest number of votes.

O.C. 722-85, s. 27.

**28.** In the Cree community of Eastmain, instead of holding an election meeting, the election clerk may proceed to a vote by visiting, on the election day, the house of every elector and by asking each elector to cast his ballot in the manner prescribed in sections 19 to 23.

The election clerk shall declare elected the candidate who has obtained the greatest number of votes.

O.C. 722-85, s. 28.

## **DIVISION VI**

### **REPORTS AND FINAL**

**29.** The election clerk shall inform the returning officer and the elected commissioner of the results, within 10 days following an election.

O.C. 722-85, s. 29.

**30.** Within 60 days following an election, the returning officer shall make a written report to the school board and to the Minister giving the date and place where the election was held, and the names of the persons elected.

If, in a given Cree community, no commissioner has been elected, the election clerk shall notify the Minister of the fact, within the same period of time.

O.C. 722-85, s. 30.

**31.** *(Omitted).*

O.C. 722-85, s. 31.

**32.** *(Omitted).*

O.C. 722-85, s. 32.

**SCHEDULE 1**

(s. 6)

**OATH**

QUÉBEC

CREE SCHOOL MUNICIPALITY

I, A.B., having been duly appointed (election clerk or returning officer) of the Cree school municipality for the community of (insert the name of the community), swear that I will faithfully discharge the duties of my office according to the best of my judgment and ability.

I swear that I will act impartially and that I will not favour any candidate during an election for school commissioner in which I shall be carrying out my duties.

I swear that I will keep secret the name of a candidate for whom any voter in the community may have marked his ballot in my presence.

\_\_\_\_\_  
signature

Sworn before me on

\_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
signature

(Qualifications of the person receiving the oath)

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O.C. 722-85, Sch. 1.

**UPDATES**

O.C. 722-85, 1985 G.O. 2, 1561

S.Q. 1988, c. 84, s. 703