

## PROCEDURE FOR THE ELECTION OF COMMISSIONERS

<b>Department responsible :</b> General Administration	<b>Approved by :</b>  _____ Director general
<b>Effective date :</b> March 14, 1990	<b>Amended :</b>
<b>References :</b> Ordinance No. 229 1989/90-10	

These rules are adopted in accordance with the powers granted to Kativik Ilisarniliriniq (KI) in section 622.1 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.

This Ordinance replaces the election procedure prescribed by sections 623 to 633, 635 to 640, 642 to 647 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.

### **1. ELECTION OFFICERS**

- 1.1 The Director General shall act as the presiding-officer. In the event that the Director General is absent or unable to act, he shall be replaced by the Secretary General.
- 1.2 The presiding-officer may appoint as many election clerks as there are communities where the election of a commissioner is being held.
- Election clerks may appoint one or several assistants with the authorization of the presiding-officer
- 1.3 May not be nominated for an election any person acting as presiding-officer, election clerk or assistant for that election.
- 1.4 All election officers may be appointed from the personnel of the school board.
- 1.5 Prior to taking over their duties, every election officer shall take an oath or make a solemn declaration.
- 1.6 Should an election clerk be absent or incapacitated, everything that may be done by the election clerk may validly be done by the presiding-officer who may also revoke the mandate of this election clerk and appoint another one.



## 2. LIST OF ELECTORS

- 2.1 Thirty (30) days prior to the date of the election, the election clerk shall prepare the list of electors or obtain it from the Northern village.
- 2.2 Fifteen (15) days prior to the date of the election, the election secretary shall post the list of electors at the school, at the office of the Northern village or in any other public place.
- 2.3 Within ten (10) days from this posting, any person who believes that his name or that of any person has been omitted from the list or wrongfully entered thereon may apply to the election clerk, in writing or verbally, to have the name entered or struck off, as the case may be.
- 2.4 The election clerk shall make enquiries with respect to each such application and may on his own authority confirm or revise the list. His decision is final. Any application and the results of the enquiry must be recorded in writing in the election report.
- 2.5 The list of electors becomes effective on the date of the election. It is signed and certified by the election clerk and a copy is attached to the election report.
- 2.6 No Informality in the preparation, completion, revision or putting into force of the list shall invalidate the list unless an actual injustice results therefrom, the whole in accordance with section 627 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.

## 3. ELECTION NOTICE

- 3.1 In accordance with sections 622 and 656 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*, commissioners' elections shall be held every three years in all the communities on the third Wednesday of November and a commissioner shall remain in office until his replacement is elected or appointed.
- 3.2 Thirty (30) days prior to the date of the elections, the election clerk shall make an announcement to that effect by public notice. This notice shall specify the place, the day and hour fixed for the nomination of candidates and for taking the votes of the electors in case a poll is held.



3.3 Every notice shall be in writing, in Inuktitut, in French and in English, and shall be broadcasted on the local radio.

3.4 The election period shall begin on the day of the publication of the notice of election and end, for each candidate, on the day on which the election clerk declares a candidate for the office of commissioner elected.

#### **4. NOMINATION OF CANDIDATES**

4.1 The nomination of candidates shall be held ten (10) days prior to the date of the election, between 9:00 a.m. and 9:00 p.m.

4.2 Any person qualified to vote and whose name is entered on the electoral list in force in the community may nominate a candidate for the office of commissioner or may come forward as a candidate.

4.3 Candidates may be nominated in writing or through a broadcast on the local radio. The election clerk shall record every nomination in the election report.

4.4 The election clerk verifies the eligibility of the candidate or candidates and whether the nomination was accepted. If, at the expiration of the delay fixed for the nomination of candidates for the office of commissioner only one candidate has been nominated, the election clerk shall forthwith proclaim such candidate elected.

4.5 Any nominated candidate may withdraw at any time before the closing of the poll by filing with the election clerk a declaration to that effect. If, after such withdrawal, there remains but one candidate for the office of commissioner, the election clerk shall return as duly elected the candidate so remaining.

4.6 When several persons are candidates for the office of commissioner, the election clerk shall give notice that a poll will be held.

#### **5. POLL**

5.1 When a poll is necessary, the election clerk shall give a public notice thereof, establish a polling station and cause the necessary number of ballot boxes to be made.

5.2 The names of the candidates shall be written out both in syllabics and in the roman alphabet on the ballot paper.



- 5.3 The vote is held by secret ballot from 9:00 a.m. to 8:00 p.m. **No elector may vote by proxy.** An elector unable to be present on the day of the election, may vote in advance with the election clerk.
- 5.4 The election clerk may, on request, provide the elector with all necessary information on the manner in which a vote should be registered. He must do so with no indication of preference whatsoever nor any suggestion as to the selection of a candidate.
- 5.5 When the election clerk does not understand the language spoken by an elector, he must appoint an interpreter.
- 5.6 At the request of any elector who is unable to read or is incapacitated by blindness or any other physical cause from voting in the manner prescribed, the election clerk shall assist such elector by marking his ballot paper in the manner directed by such elector. The elector who is accompanied by a friend or a relative may ask that this friend or this relative mark his ballot paper in place of the election clerk.
- 5.7 The election clerk shall enter on the list of electors, opposite the name of each elector voting, the fact that he has voted as soon as his ballot paper has been deposited in the ballot box.
- 5.8 At 8:00 p.m., the poll and the voting shall be closed. The election clerk shall open the ballot boxes and proceed to count and notes down the number of votes given for each candidate.
- 5.9 The election clerk shall at once proclaim elected for the office of commissioner the candidate who is found to have obtained the greatest number of votes and give public notice thereof.
- 5.10 In case of a tie-vote, a second vote is held within five (5) days of the original vote. Only the candidates with the tie-vote are eligible to the second vote.
- 5.11 In case of a second tie-vote, the election clerk shall hold a public drawing of lots and proclaim elected the person favoured thereby.



## 6. ELECTION REPORT

- 6.1 Within ten (10) days from the date of the election, the election clerk shall send to the presiding-officer a report on the election. This report shall include:
- (1) The forms authenticating the election officers' oaths;
  - (2) The list of nominations;
  - (3) The certified list of electors;
  - (4) The applications for modifications to the list of electors and the results of the enquiries;
  - (5) The results of the poll.



**APPENDIX A**  
**LEGISLATIVE RULES APPLICABLE TO THE ELECTION OF COMMISSIONERS**

**Excerpts** from the *Education Act for Cree, Inuit and Naskapi Native Persons* (CQLR, c. C-1-14) applicable at all times and from which Kativik Ilisarniliriniq may not amend or replace by ordinance under section 622.1.

**614.** The chairman of the executive committee must devote all his time to the service of the school board and shall not have any other remunerative employment or occupation or hold any other public office, except as member of the education committee of the municipality which he represents or as regional councillor. The chairman of the executive committee shall be entitled to the remuneration fixed by the Government.

(...)

**619.** Every natural person entered on the list of electors in force and used at the poll and who is not affected during the preparation of the list of electors and at the time of voting by any disqualification contemplated by this Part, shall be entitled to vote at an election.

**620.** Every person of full age who is a Canadian citizen shall be entitled to be entered on the list of electors if he has been domiciled or ordinarily resident in the territory of the municipality for at least 12 months before the date of the election.

(...)

**622.** The general election for commissioners shall be held once every three years on the third Wednesday of November. (...)

**652.** The commissioner may resign his office by transmitting his resignation signed by himself to the director-general; the term of office of the commissioner shall expire upon the delivery of the writing to the director-general who shall transmit it to the Council at the next sitting.

The death of the commissioner shall terminate his term of office.

The term of office of the commissioner shall also terminate if he has failed to attend at least three consecutive regular sittings of the Council.

Whenever the Court of Québec annuls the election of a commissioner, or a commissioner loses the eligibility or qualification required by law during his tenure of office, such office shall *ipso facto* become vacant.



- 653.** If 6 months or less remain before the end of the term of a commissioner whose office is vacant, the Council may elect a person who has the qualifications required by section 615 to fill the office of the commissioner for the remainder of the term.

Such election shall be by secret ballot and the director-general of the school board shall proclaim elected the person who obtains the majority of the votes of the members of the Council present. In case of a tie-vote, the president must give a casting vote.

- 654.** Proceedings for a new election to fill vacancies in the Council shall be taken at the first regular meeting of the Council following the vacancy if

(a) the election of the commissioner has not taken place within the time prescribed by this part; or

(b) by reason of vacancies, there remains less than a quorum of the members of the Council in office; or

(c) the Council has not availed itself of the provisions of section 653.

Such election must be conducted in the same manner, in all respects, as a general election.

- 655.** Whenever the election contemplated by section 654 is not held within the time prescribed by this part, notice thereof shall be sent forthwith to the Regional Government, which shall forthwith transmit its recommendations to the Minister for the nomination of a commissioner.

- 656.** Every member of a Council elected or appointed to replace another holds office only for the remainder of the time for which his predecessor had been elected or appointed.









**Summary of the election procedure  
essential tasks and deadlines**

**ELECTION of SCHOOL COMMISSIONER**

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**30 DAYS BEFORE ELECTION**

**PUBLIC NOTICE OF ELECTION**

(Posting of public notice and radio broadcast in Inuktitut, French, English)

**PREPARATION OF ELECTORAL LIST**

(List may come from Northern village or Education Committee's list of voters)  
(List has to be updated if it is old - older than 1 year)

**15 DAYS BEFORE ELECTION**

**POSTING OF VOTERS LIST**

(To be put up at school, Northern village., Co-op, Post Office, Northern Store...)

**BETWEEN THE 15th AND THE 5th DAY BEFORE THE ELECTION**

People can apply to have their names added or taken off the electoral list.

**10 DAYS BEFORE ELECTION**

9:00 A.M. TO 9:00 P.M.

**NOMINATION OF CANDIDATES**

(Any person who can vote can nominate a candidate)  
(Only one nominator per candidate is necessary)  
(Nominations should always be made in writing as much as possible  
but can be made by radio. If there are several candidates running, give out a second notice  
to voters to confirm that a poll will take place and list the names of the candidates.)

**THIRD WEDNESDAY OF NOVEMBER**

**ELECTION DAY**

9:00 A.M. POLLS OPEN

8:00 P.M. POLLS CLOSE

(have an independent witness for the voting process and especially the counting of the  
votes)







**FORM II**  
**ELECTION OF SCHOOL COMMISSIONERS**  
**COMMISSION OF ELECTION-CLERK BY PRESIDING-OFFICER**

To \_\_\_\_\_

in my capacity of Presiding-Officer, I appoint you by these presents, Election-Clerk (Returning-Officer) at the election of School Commissioner now pending in the School Municipality of Kativik Ilisarniliriniq to fulfill the duties of your office.

GIVEN UNDER MY HAND, in \_\_\_\_\_ this \_\_\_\_\_(day) of \_\_\_\_\_(month),  
\_\_\_\_\_(year).

\_\_\_\_\_  
Presiding-Officer

**OATH OR SOLEMN AFFIRMATION BY ELECTION-CLERK (Returning Officer)**

I, \_\_\_\_\_, the undersigned having been appointed Election-Clerk (Returning Officer) for the community of \_\_\_\_\_ for the election of School Commissioner solemnly swear (or affirm) that I will faithfully and honestly fulfill the duties of this office in accordance with the law, to the best of my judgment and capacity.

Sworn and solemnly affirmed this this \_\_\_\_\_(day) of \_\_\_\_\_(month),  
\_\_\_\_\_(year).

\_\_\_\_\_  
Election-Clerk

at \_\_\_\_\_ Nunavik, Québec.



**FORM III  
NOMINATION FORM**

\_\_\_\_\_, elector duly qualified to vote  
**Name of Nominator**

nominate: \_\_\_\_\_, to the office of School Commissioner of \_\_\_\_\_  
(municipality)

This \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_,  
Signature of nominator



**FORM IV  
ACCEPTANCE FORM**

I, \_\_\_\_\_, solemnly swear (or affirm) that:  
*name of the candidate*

I have not **been convicted** in the last three (3) years of an act punishable under a law of the Parliament of Canada or of the National Assembly by **imprisonment of one (1) year or more**; (this also covers the case where only a fine was imposed or if the sentence was suspended).

I have not **been convicted** in the last ten (10) years of an act punishable under a law of the Parliament of Canada or of the National Assembly by **imprisonment of five (5) years or more**; (this also covers the case where only a fine was imposed or if the sentence was suspended).

I am acquainted with sections 615, 616, 617 and 618 of the *Education Act for Cree, Inuit and Naskapi Native Persons* (see appended).

I am qualified for election as School Commissioner, and I hereby accept the nomination for this position.

I authorize the Kativik Ilisarniliriniq to verify the above statement and get any relevant information concerning my eligibility.

This \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
*Signature of the candidate*



## CONDITIONS TO BE NOMINATED OR ELECTED AS A COMMISSIONER

**Excerpts** from section 615 to 618 of the *Education Act for Cree, Inuit and Naskapi Native Persons* (CQLR, c. C-1-14) applicable at all times and from which Kativik Ilisarniliriniq may not amend or replace by ordinance under section 622.1.

- 615.** Every natural person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a commissioner of the school board representing the municipality in whose territory he resides if he has been domiciled or ordinarily resident in the school municipality for at least 36 months. In the case of a newly erected school municipality, the Minister may, for a period not exceeding 36 months following the date of erection, change the said requirements with respect to domicile and residence.
- 616.** The following persons shall not be nominated for, elected or appointed commissioner:
- (a) persons mentioned in paragraphs 1, 2 and 3 of section 116 of the Cities and Towns Act (chapter C-19);
  - (b) any person convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for one year or more; such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for three years from the date of such condemnation, unless the person has obtained a pardon;
  - (c) any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for ten years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for ten years from the date of the conviction, unless the person has obtained a pardon for either of such indictable offences;
  - (d) any person responsible for moneys belonging to the school board;
  - (e) any person who is surety for any employee of the Council; and
  - (f) any person who receives any pecuniary allowance or other consideration from the school board for his services otherwise than under a legislative provision, save where a description of the pecuniary allowance or other consideration has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office.
- 617.** No person shall be nominated for or elected or appointed commissioner who has directly or indirectly and personally or through his associates a contract with the





school board, unless a description of every such contract has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains posted, with all additions or deletions, if any, at all times during his tenure of office.

An employment contract made with a teacher does not disqualify his consort for nomination for or election or appointment as commissioner.

Nevertheless, a shareholder in a lawfully constituted business corporation which has a contract or agreement with the school board or which receives a subsidy or grant from it is not disqualified to act as a commissioner; however, he is deemed interested when any matter involving such business corporation is under discussion in council or in committee, except where such business corporation is the Makivik Corporation established by the Act respecting the Makivik Corporation (chapter S-18.1) or one of its subsidiaries or one of the Inuit land corporations established under the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), in which cases he is deemed interested only if he is an officer or director of such business corporation.

- 618.** No person may act as commissioner or hold any other office on the school board unless he is eligible and possesses at all times the qualifications required by this part.



**FORM V**  
**SECOND NOTICE TO VOTERS CONCERNING THE ELECTION OF COMMISSIONERS**

On Wednesday, \_\_\_\_\_, an election will be held to elect a school commissioner.

**Who is qualified to vote?**

All Canadian citizens aged 18 years and over who have been domiciled or ordinarily resident of the community since at least twelve (12) months and are duly registered on the electors list are entitled to vote. The electoral list shall be posted at the school and at the office of the Northern village from \_\_\_\_\_ to \_\_\_\_\_. People can apply to have their names added or taken off the list.

**No elector may vote by proxy.** An elector unable to be present on Election Day may vote in advance with the Centre Director.

**Names of the candidates nominated and running:**

*(by alphabetical order of family name)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**Opening of the poll**

Voting will take place at the school on Wednesday, \_\_\_\_\_, between 9 a.m. and 8 p.m

This \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Center Director



## BALLOT

### Kativik Ilisarniliriniq Commissioner's Election

In the municipality of \_\_\_\_\_

Wednesday, \_\_\_\_\_,

**Vote for one (1) candidate only.** Voting for more than one candidate will spoil your ballot and your vote will be rejected.

Put an  $\checkmark$  or an  $X$  in the circle for the candidate of your choice

name of the candidate O

name of the candidate O

name of the candidate O

name of the candidate O



**FORM VI  
RESULTS OF POLL**

Date of the election: \_\_\_\_\_

Number of seats to be filled: 1

Number of candidates: \_\_\_\_\_

Number of eligible voters: \_\_\_\_\_

Number of votes cast: \_\_\_\_\_

Number of spoiled ballots: \_\_\_\_\_

**NAMES AND RESULTS FOR EACH CANDIDATE:**

**Elected candidate**

(Name of the candidate) \_\_\_\_\_

**Defeated candidates**

(Name of the candidate) \_\_\_\_\_

(Name of the candidate) \_\_\_\_\_

(Name of the candidate) \_\_\_\_\_

(Name of the candidate) \_\_\_\_\_

I, \_\_\_\_\_, certify that the above record is the true and exact count of the votes given at the poll. If the candidate was elected by acclamation, I certify that the candidate mentioned above was elected as such.

This \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Center Director

I, \_\_\_\_\_, being present as a witness during the vote and/or counting of the vote, confirms that the above record is the true and exact count of the votes given at the poll.

This \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Witness

