

EC2022-423

BUSINESS CORPORATIONS ACT
BUSINESS CORPORATIONS REGULATIONS
AMENDMENT

Pursuant to subsection 143(6) and section 220 of the *Business Corporations Act* R.S.P.E.I. 1988, Cap. B-6.01, Council made the following regulations:

1. **Subclause 32(a)(iv) of the *Business Corporations Act Business Corporations Regulations (EC133/19)* is amended by the deletion of the words “Her Majesty in right of Canada or of a province or territory of Canada” and the substitution of the words “the Government of Canada or of a province or territory of Canada”.**
2. **These regulations come into force on June 4, 2022.**

EXPLANATORY NOTES

SECTION 1 amends subclause 32(a)(iv) of the *Business Corporations Regulations (EC133/19)* by deleting a reference to Her Majesty in right of Canada or of a province or territory of Canada and substituting a reference to the Government of Canada or of a province or territory of Canada.

SECTION 2 provides for the commencement of the regulations.

EC2022-424

EDUCATION ACT
EDUCATION AUTHORITY REGULATIONS
AMENDMENT

Pursuant to subsections 12(2) and 13(4) and section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-02, Council made the following regulations:

1. **Section 1 of the *Education Act Education Authority Regulations (EC524/16)* is amended**
 - (a) **by the revocation of clause (c);**
 - (b) **by the addition of the following after clause (c):**

- (c.1) **“education authority election”** means an election of trustees for an education authority held in accordance with the Election Regulations (EC525/16);
- (c) **by the revocation of clause (e); and**
- (d) **in clause (f), by the deletion of the words “of the French Language School Board” and the substitution of the words “of an education authority”.**

- 2. The heading immediately preceding section 2 of the regulations is revoked and the following substituted:**

Members of an Education Authority

- 3. (1) Subsection 2(1) of the regulations is amended by the deletion of the word “comprised” and the substitution of the word “composed”.**

- (2) Section 2 of the regulations is amended by the addition of the following after subsection (1):**

Composition of Public Schools Branch

- (1.1) The board of trustees of the Public Schools Branch shall be composed of 11 trustees elected or appointed in accordance with the Election Regulations and these regulations.

- (3) Subsection 2(2) of the regulations is amended by the deletion of the words “school board election” and the substitution of the words “education authority election”.**

- 4. Section 3 of the regulations is revoked and the following substituted:**

3. Term of office

- (1) The term of office of a trustee commences on November 1 following an education authority election and ends on October 31 of the next year in which an education authority election is held.

Exception for 2022

- (2) The term of office of a trustee of the Public Schools Branch elected in or appointed pursuant to the education authority election held on October 21, 2022, commences on January 1, 2023, and ends on October 31 of the next year in which an education authority election is held.

Number of terms - appointed trustee

- (3) An appointed trustee of the Public Schools Branch may be reappointed, but shall not serve more than two consecutive terms.

- 5. (1) Clause 4(1)(d) of the regulations is amended by the deletion of the words “his or her” and the substitution of the words “the trustee’s”.**

- (2) Subsection 4(3) of the regulations is amended**

- (a) **in the words preceding clause (a), by the deletion of the words “he or she” and the substitution of the words “the trustee”; and**
- (b) **in clause (e), by the deletion of the words “the French Language School Board” and the substitution of the words “an education authority”.**

- 6. (1) Subsection 5(1) of the regulations is amended by the deletion of the words “during the first two years” and the substitution of the words “during the first year”.**
- (2) Clause 5(2)(b) of the regulations is amended by the deletion of the words “more than two years” and the substitution of the words “more than one year”.**
- (3) Subsection 5(3) of the regulations is amended by the deletion of the words “he or she” and the substitution of the words “the person”.**
- (4) Subsection 5(5) of the regulations is amended**
- (a) in clause (a), by the deletion of the words “first two years” and the substitution of the words “first year”; and**
- (b) in clause (b), by the deletion of the words “he or she” and the substitution of the words “the Chief Electoral Officer”.**
- 7. The heading immediately preceding section 6 and sections 6 and 7 of the regulations are revoked.**
- 8. (1) Subsection 9(1) of the regulations is amended by the deletion of the words “, other than the chairperson of the Public Schools Branch,”.**
- (2) Subsection 9(2) of the regulations is revoked and the following substituted:**
- Maximum remuneration for trustees**
- (2) The total amount of remuneration paid each year**
- (a) with respect to the trustees of the French Language School Board shall not exceed \$35,000; and**
- (b) with respect to the trustees of the Public Schools Branch shall not exceed \$42,779.**
- Remuneration while training**
- (2.1) The trustees of the Public Schools Branch elected in or appointed pursuant to the education authority election held on October 21, 2022, shall be paid for the time they spend in training from November 1, 2022, to December 31, 2022, at the rate set out in clause (2)(b).**
- (3) Subsection 9(3) of the regulations is revoked.**
- 9. Clause 11(1)(a) of the regulations is amended by the deletion of the words “of the French school system” and the substitution of the words “of an education authority”.**
- 10. Section 14 of the regulations is amended**
- (a) in clause (d), by the deletion of the period and the substitution of the semicolon; and**
- (b) by the addition of the following after clause (d):**
- (e) to follow the direction of the Minister respecting the delivery of professional development to address instructional personnel development needs;**
- (f) to follow the direction of the Minister respecting the implementation of the provincial programs of study and education programs prescribed, approved or authorized pursuant to the Act.**
- 11. Clause 15(1)(f) of the regulations is amended by the deletion of the words “the courses of study” and the substitution of the words “the provincial programs of study”.**

- (2) **Subsection 15(2) of the regulations is revoked.**
12. (1) **Subsection 27(2) of the regulations is amended by the deletion of the words “An education authority” and the substitution of the words “The members of an education authority”.**
- (2) **Subsection 27(3) of the regulations is amended by the deletion of the words “an education authority” and the substitution of the words “the members of an education authority”.**
- (3) **Subsections 27(2) and (3) of the regulations are amended by the deletion of the words “Transportation, Infrastructure and Energy” wherever they occur and the substitution of the words “Transportation and Infrastructure”.**
13. (1) **Subject to subsections (2) and (3), these regulations come into force on June 4, 2022.**
- (2) **Subsection 8(2) of these regulations comes into force on November 1, 2022.**
- (3) **Subsection 8(3) of these regulations comes into force on December 31, 2022.**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Education Act* Education Authority Regulations by revoking clause (c), which defined a term that is no longer used in the regulations, by substituting the term “education authority election” for “school board election”, and amending the definition of “trustee” to make it applicable to both education authorities.

SECTION 2 amends the heading preceding section 2 to make it applicable to both education authorities.

SECTION 3 amends section 2 of the regulations by adding a new subsection (1.1) which specifies the number of trustees of the Public Schools Branch, to correct a grammatical error and to substitute “education authority election” for “school board election”.

SECTION 4 revokes section 3 of the regulations and substitutes a new section 3 that specifies the start and end dates for the term of office of a trustee of an education authority, with an exception as specified for the term of office of a trustee of the Public Schools Branch following the election in October, 2022. The section also imposes a limit of two consecutive terms for an appointed trustee of the Public Schools Branch.

SECTION 5 amends section 4 of the regulations to eliminate gendered wording and to substitute “education authority election” for “school board election”.

SECTION 6 amends section 5 of the regulations to change the time at which a vacancy shall be filled by by-election or appointment. Under the *Education Act* Election Regulations, the time between education authority elections is reduced from four years to three years. The section also eliminates gendered wording.

SECTION 7 revokes the heading preceding section 6 of the regulations, and also revokes sections 6 and 7. These sections provided special rules for the Public Schools Branch that no longer apply to it as an elected education authority.

SECTION 8 amends section 9 of the regulations to delete an unnecessary reference to the chairperson of the Public Schools Branch and to update the total amounts of remuneration to be paid to the trustees of each education authority. The section also authorizes the trustees of the Public Schools Branch to be paid for time spent in training before they take office on January 1, 2023. Finally, the section revokes subsection 9(3) of the regulations,

which authorized the remuneration to be paid to the appointed directors of the Public Schools Branch, effective December 31, 2022.

SECTION 9 amends clause 11(1)(a) of the regulations to broaden its application to both education authorities.

SECTION 10 amends section 14 of the regulations to correct a typographical error and to add two new clauses (e) and (f) to the responsibilities of the French Language School Board, for consistency with the responsibilities of the Public Schools Branch set out in the following section.

SECTION 11 amends clause 15(1)(f) of the regulations for consistency with the wording used in the new clause 14(f) for the French Language School Board, and revokes subsection 15(2) of the regulations.

SECTION 12 amends subsections 27(2) and (3) of the regulations to clarify that it is the members of the education authority who may make a resolution under those subsections, and to correct the title of the Department of Transportation and Infrastructure.

SECTION 13 provides for the commencement of these regulations.

EC2022-425

EDUCATION ACT
ELECTION REGULATIONS
AMENDMENT

Pursuant to subsection 12(2) of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

- 1. Section 1 of the *Education Act* Election Regulations (EC525/16) is amended**
 - (a) by the revocation of clause (b) and the substitution of the following:**
 - (b) “**ballot**” means a ballot paper provided to a voter to be marked by the voter and returned to the office of the Chief Electoral Officer;
 - (b) by the addition of the following after clause (b):**
 - (b.1) “**certificate envelope**” means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s marked ballot;
 - (c) by the addition of the following after clause (d):**
 - (d.1) “**election day**” means the third Friday in October;
 - (d) in clause (e), by the deletion of the words “, after an election, by a returning officer”;**
 - (e) in clause (f), by the deletion of the words “every returning officer, election clerk, deputy returning officer, poll clerk or” and the substitution of the word “any”;**
 - (f) by the addition of the following after clause (f):**
 - (f.1) “**election period**” means the period beginning on the second Monday in September and ending on the third Friday in October in an election year for the education authorities;

(g) by the addition of the following after clause (g):

(g.1) **“inner envelope”** means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s marked ballot in its certificate envelope;

(g.2) **“outer envelope”** means the envelope supplied by the Chief Electoral Officer in which a voter places the voter’s inner envelope containing the voter’s marked ballot in its certificate envelope;

(h) in clause (h), by the deletion of the words “school board election” and the substitution of the words “education authority election”; and

(i) in clause (i), by the deletion of the words “trustee of the French Language School Board” and the substitution of the words “trustee of an education authority”.

2. The regulations are amended by the addition of the following after section 2:**2.1 Election zones**

For the purposes of the election of trustees

(a) for the French Language School Board, the province is divided into six electoral zones as set out in Schedule 1 to these regulations; and

(b) for the Public Schools Branch, the province is divided into seven electoral zones as set out in Schedule 2 to these regulations.

3. (1) Subsection 3(1) of the regulations is amended

(a) by the deletion of the words “trustees shall be elected” and the substitution of the words “trustees for the French Language School Board shall be elected”; and

(b) by the deletion of the words “described in the Schedule” and the substitution of the words “set out in Schedule 1”.

(2) Section 3 of the regulations is amended by the addition of the following after subsection (1):**Trustees for Public Schools Branch**

(1.1) Subject to subsection (2), the board of trustees for the Public Schools Branch shall be composed of

(a) two trustees elected from Electoral Zone 5 and one trustee elected from each of the other electoral zones set out in Schedule 2 to these regulations;

(b) two trustees who are members at large, appointed by the Lieutenant Governor in Council, each for a term not to exceed two years; and

(c) one Mi’kmaq representative, nominated by the Epekwitk Assembly of Councils and appointed by the Lieutenant Governor in Council for a term not to exceed two years.

(3) Subsection 3(2) of the regulations is amended

(a) by the deletion of the words “a school board election” and the substitution of the words “an education authority election”; and

(b) by the deletion of the words “number of trustees” and the substitution of the words “number of elected trustees”.

4. The regulations are amended by the addition of the following after section 3:**3.1 Qualifications for member at large**

A trustee who is a member at large appointed under clause 3(1.1)(b) shall meet the qualifications set out in clauses 4(1)(a) to (c) for an eligible voter.

5. (1) Subsection 4(1) of the regulations is amended

- (a) **in the words preceding clause (a), by the deletion of the words “in a school board election” and the substitution of the words “in an education authority election”;**
 - (b) **in clause (c), by the deletion of the words “the election is called” and the substitution of the words “of the election”; and**
 - (c) **in clause (d), by the deletion of the word “meets” and the substitution of the words “where the election is for trustees for the French Language School Board, meets”.**
- (2) **Subsection 4(3) of the regulations is amended by the deletion of the words “resided on the date the election was called” and the substitution of the words “resides on election day”.**

6. Section 5 of the regulations is revoked and the following substituted:

5. Eligible candidate for French Language School Board

- (1) Subject to subsection (3), a person is eligible to be nominated and run as a candidate for trustee of the French Language School Board if the person
- (a) meets the qualifications set out in clauses 4(1)(a), (b) and (d); and
 - (b) has been resident in the electoral zone in which the person proposes to run as a candidate for at least the six months immediately preceding the date of the election.

Eligible candidate for Public Schools Branch

- (2) Subject to subsection (3), a person is eligible to be nominated and run as a candidate for trustee of the Public Schools Branch if the person
- (a) meets the qualifications set out in clauses 4(1)(a) and (b); and
 - (b) has been resident in the electoral zone in which the person proposes to run as a candidate for at least the six months immediately preceding the date of the election.

Ineligibility

- (3) The following persons are not eligible to be nominated or to run as a candidate:
- (a) a person who is not qualified pursuant to subsection (1) or (2), as the case may be;
 - (b) an employee of either education authority;
 - (c) an employee of the Department who, in the opinion of the Minister, would as a trustee have a potential conflict of interest;
 - (d) a person who, immediately preceding the date of the election, is or has become disqualified from holding office as a trustee under the *Education Act* Education Authority Regulations (EC524/16);
 - (e) a person who has been found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.

Withdrawal

- (4) A candidate who has been nominated may withdraw as a candidate by giving notice of the intention to withdraw to the Chief Electoral Officer in the form approved by the Chief Electoral Officer.

7. Section 6 of the regulations is amended

- (a) **in subsection (1), by the deletion of the words “school board elections” and the substitution of the words “education authority elections”; and**
- (b) **in subsection (2), by the deletion of the words “such employees as” and the substitution of the words “the employees that”.**

8. Section 8 of the regulations is revoked and the following substituted:

8. Powers and duties of Chief Electoral Officer

- (1) The Chief Electoral Officer shall

- (a) exercise general direction and supervision over the conduct and administration of education authority elections;
- (b) instruct each election officer appointed under subsection 9(1) and provide necessary supervision to ensure the effective conduct of education authority elections;
- (c) supply a mail-in ballot package to each eligible voter who applies for it, consisting of a ballot, inner envelope, certificate envelope and outer envelope and instructions for their use;
- (d) develop and approve any forms necessary for the conduct of education authority elections;
- (e) have the discretion to adapt the provisions of these regulations to existing circumstances where the Chief Electoral Officer considers it necessary;
- (f) be responsible solely to the Minister;
- (g) publish notices respecting the nomination and election of trustees in daily and weekly newspapers in the province, in English and French, as the Chief Electoral Officer considers appropriate;
- (h) enforce, on the part of election officers, fairness, impartiality and compliance with the Act and these regulations; and
- (i) exercise the powers necessary to fulfil the office of Chief Electoral Officer in conducting education authority elections.

Special powers for Chief Electoral Officer

- (2) Where, during the course of an education authority election, it appears to the Chief Electoral Officer that insufficient time has been allowed or insufficient election officers have been provided for the conduct of the election, the Chief Electoral Officer may, notwithstanding anything in these regulations,
 - (a) except as provided in this subsection, extend or abridge the time for doing any act; and
 - (b) generally adapt the provisions of these regulations to existing circumstances,
 but the Chief Electoral Officer shall not change the date of the election.

9. Section 9 of the regulations is revoked and the following substituted:

9. Election officers

- (1) The Chief Electoral Officer shall appoint election officers as required to administer the mail-in ballot process.

Duties of election officers

- (2) Each election officer shall
 - (a) report to and be responsible to the Chief Electoral Officer;
 - (b) exercise direction and supervision over the administration of the mail-in ballot process, subject to the rules and instructions issued by the Chief Electoral Officer; and
 - (c) exercise any other powers and perform any other duties prescribed by these regulations or assigned by the Chief Electoral Officer.

10. Section 10 of the regulations is revoked and the following substituted:

10. Nominating candidate

- (1) Any 10 or more eligible voters may nominate a candidate for trustee for the electoral zone in which the nominators and the candidate reside by filing a nomination paper in the form approved by the Chief Electoral Officer in the office of the Chief Electoral Officer during the period set out in subsection (2).

Nominations accepted

- (2) The Chief Electoral Officer shall accept nomination papers at any time between the start of the election period and 2 p.m. on nomination day as set out in subsection (3).

Nomination day

- (3) Nomination day shall be the Friday that is the 21st day before election day.

11. Section 11 of the regulations is revoked and the following substituted:**11. Nominated candidates**

After nomination day, the Chief Electoral Officer shall

- (a) determine the eligibility of candidates; and
- (b) publish in the daily and weekly newspaper in the province, in English and French, as the Chief Electoral Officer considers appropriate,
 - (i) the name of each nominated candidate, and
 - (ii) the name of the zone in which each candidate has been nominated.

12. Section 12 of the regulations is revoked and the following substituted:**12. Election by acclamation**

- (1) Where, on nomination day, only the required number of candidates have been nominated for a particular electoral zone, the Chief Electoral Officer shall declare those candidates elected by acclamation.

Report to Minister

- (2) The Chief Electoral Officer shall report to the Minister the fact that there are eligible candidates elected by acclamation and the Minister shall appoint those candidates as duly elected trustees.

12.1 Mail-in ballot application deadline

- (1) Applications by eligible voters for mail-in ballots shall be accepted by the Chief Electoral Officer from the second Monday in September until 11:59 p.m. on Sunday, the 12th day before election day.

Deadline to return mail-in ballots

- (2) Only mail-in ballots received by the Chief Electoral Officer before 12 noon on election day shall be counted.

13. Section 13 of the regulations is revoked and the following substituted:**13. Duties of eligible voter - application**

- (1) An eligible voter shall complete the application for a mail-in ballot, including the voter's declaration of eligibility, and send or deliver the application to the Chief Electoral Officer, as directed on the application form.

Duties of eligible voter - voting by mail-in ballot

- (2) On receiving the mail-in ballot package, an eligible voter shall
 - (a) mark the ballot paper for the candidate or candidates of the voter's choice;
 - (b) refold the ballot paper in the same manner as it was received, place the ballot paper in the inner envelope, seal the inner envelope, place it in the certificate envelope, and sign, date and seal the certificate envelope; and
 - (c) place the certificate envelope in the outer envelope, seal it and return it to the office of the Chief Electoral Officer no later than 12 noon on election day.

13.1 Authority of Chief Electoral Officer

- (1) In the event of a dispute concerning the electoral zone in which a voter shall vote, the Chief Electoral Officer shall decide the matter.

Decision not subject to appeal

- (2) The decision of the Chief Electoral Officer under subsection (1) is conclusive and final and shall not be appealed.

Additional information

- (3) The Chief Electoral Officer may, where an application for a mail-in ballot package does not contain all the required information, or in order to determine the applicant's electoral zone for the purposes of these regulations, request the applicant to provide

- (a) the information required on the application form; or
- (b) additional information specified by the Chief Electoral Officer.

14. Section 14 of the regulations is revoked and the following substituted:

14. Eligible voter needing assistance

Where an eligible voter is unable to submit an application or vote in the manner set out in section 13 because the voter is unable to read or write or is visually disabled or impaired, the voter may contact the Chief Electoral Officer for assistance in voting.

15. Section 15 of the regulations is revoked.

16. (1) Subsection 16(1) of the regulations is amended by the deletion of the words “at each polling station” and the substitution of the words “at the counting of the ballots”.

(2) Subsection 16(2) of the regulations is revoked and the following substituted:

Proof of appointment

- (2) A candidate’s agent shall carry a certificate of appointment that is signed by the candidate, and shall produce the certificate on demand by an election officer for the purpose of attending the counting of the ballots.

17. Section 17 of the regulations is revoked and the following substituted:

17. Counting of ballots

Following the close of the election period, election officers at a time and place directed by the Chief Electoral Officer shall

- (a) open the ballot box; and
- (b) count the votes using the following method:
 - (i) complete the tally sheet and give a tally sheet to at least two other persons present, who shall act as witnesses,
 - (ii) after each person present is given full opportunity to examine each ballot, the designated election officer shall decide whether the ballot should be rejected or counted,
 - (iii) if the ballot is counted, the election officer shall call out the vote and have it entered on the tally sheet, and
 - (iv) if the ballot is rejected, the election officer shall place it in a separate envelope.

18. Section 18 of the regulations is amended

- (a) **by the deletion of the words “the deputy returning officer shall” and the substitution of the words “the designated election official shall”; and**
- (b) **by the deletion of the words “the deputy returning officer’s decision” and the substitution of the words “the designated election official’s decision”.**

19. Section 19 of the regulations is revoked and the following substituted:

19. Duties after counting ballots

- (1) After counting the votes, the designated election officer shall
 - (a) place the ballots for each candidate in marked envelopes and seal them;
 - (b) complete the required number of statements of poll supplied by the Chief Electoral Officer;
 - (c) sign the statements of poll and have them signed by a witness and any other person present who wishes to do so; and

- (d) deposit all ballots and tally sheets in the ballot box.

Delivery to Chief Electoral Officer

- (2) The designated election officer shall immediately after completing the duties listed in subsection (1) deliver all ballot boxes with their contents and each completed statement of poll to the Chief Electoral Officer.

Security of election documents, etc.

- (3) The Chief Electoral Officer shall secure all ballot boxes, ballots and other election documents used in an election for a period of two months following election day.

20. (1) Subsection 20(4) of the regulations is revoked and the following substituted:

Recount by election officer

- (4) At the time and place specified by the Chief Electoral Officer under subsection (3), and in the presence of the persons authorized to be present, an election officer designated by the Chief Electoral Officer shall open the sealed envelopes containing the ballots and count all the votes or ballots in them.

(2) Subsection 20(5) of the regulations is amended

- (a) **by the deletion of the words “Chief Electoral Officer” and substitution of the words “designated election officer”; and**
- (b) **by the deletion of the words “for a deputy returning officer”.**

- (3) **Subsection 20(6) of the regulations is amended by the deletion of the words “by the Chief Electoral Officer”.**

- (4) **Subsection 20(7) of the regulations is amended by the deletion of the words “Chief Electoral Officer” and substitution of the words “designated election officer”.**

(5) Subsection 20(8) of the regulations is revoked and the following substituted:

Breaking a tie vote

- (8) Where after the judicial review referred to in subsection (6) or a recount under subsection (7) the votes cast for two or more candidates are still equal in number, an election officer designated by the Chief Electoral Officer shall, in the presence of at least two of the persons authorized to be present under subsection (9), toss a coin to determine the winning candidate.

(6) Subsection 20(9) of the regulations is amended

- (a) **by the deletion of the words “by the Chief Electoral Officer, the returning officer and his or her election clerk shall be present, and”; and**
- (b) **by the deletion of the words “by not more than two agents” and the substitution of the words “by one agent”.**

(7) Subsection 20(10) of the regulations is amended

- (a) **by the deletion of the words “and the returning officer and his or her election clerk”; and**
- (b) **by the deletion of the words “by not more than two agents” and the substitution of the words “by one agent”.**

21. Subsection 21(3) of the regulations is revoked and the following substituted:

Inspection of election documents

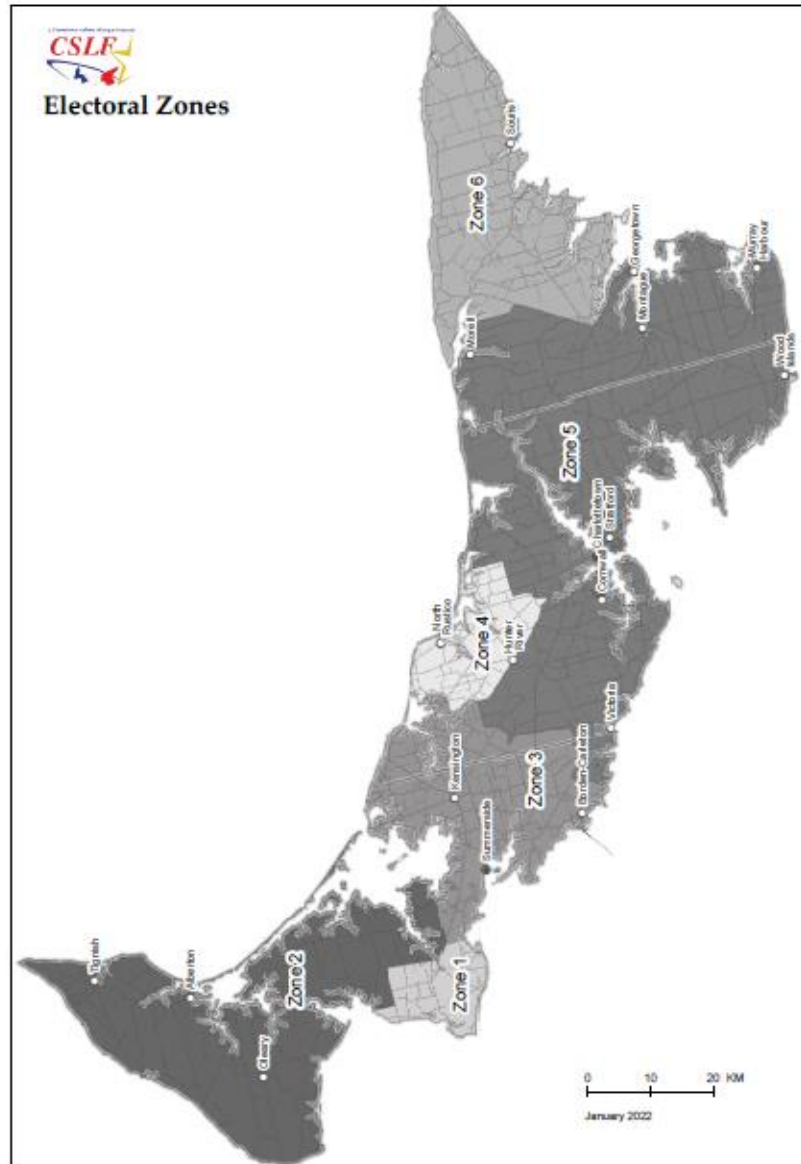
- (3) All election documents filed with the Chief Electoral Officer are public records and may be inspected by any person on request at the office of the Chief Electoral Officer during normal office hours.

22. **Subsection 23(2) of the regulations is amended by the addition of the words “, pending any recount,” after the words “after election day”.**
23. **Section 25 of the regulations is revoked and the following substituted:**
25. **Schedules adopted**
The Schedules to these regulations are hereby adopted and form part of these regulations.
24. **The Schedule to the regulations is revoked and Schedule 1 and Schedule 2 as set out in the Schedule to these regulations are substituted.**
25. **These regulations come into force on June 4, 2022.**

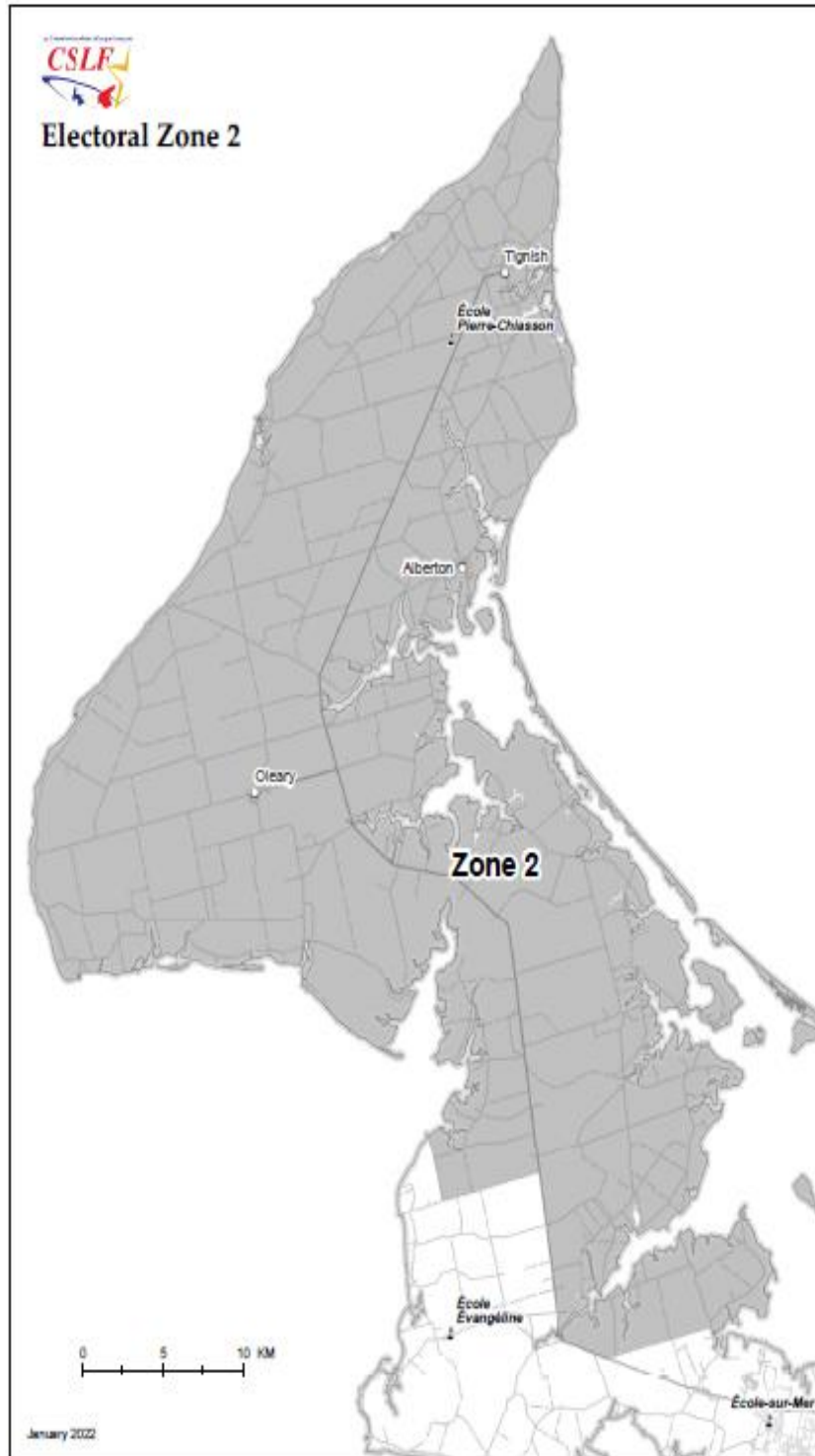
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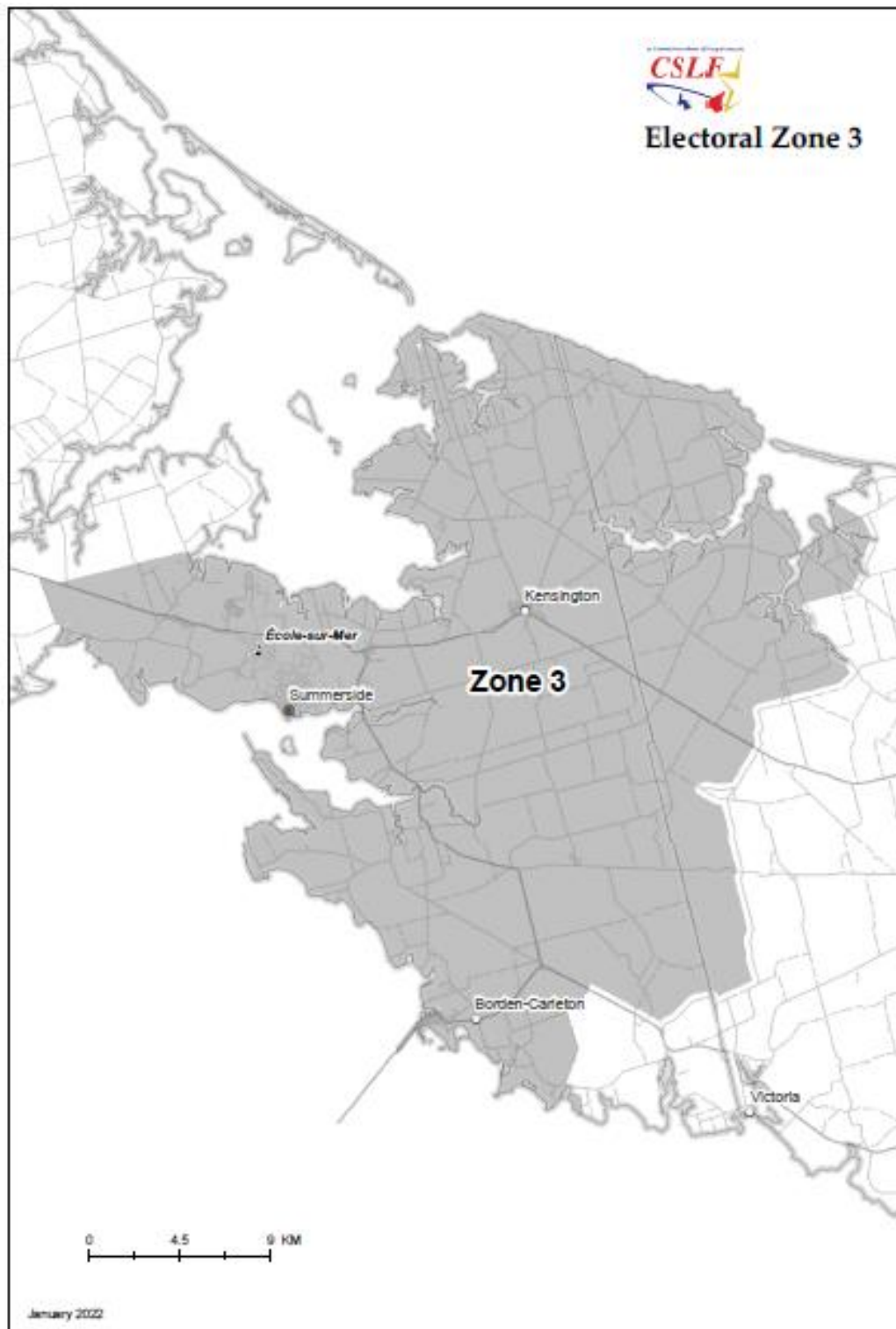
SCHEDULE 1

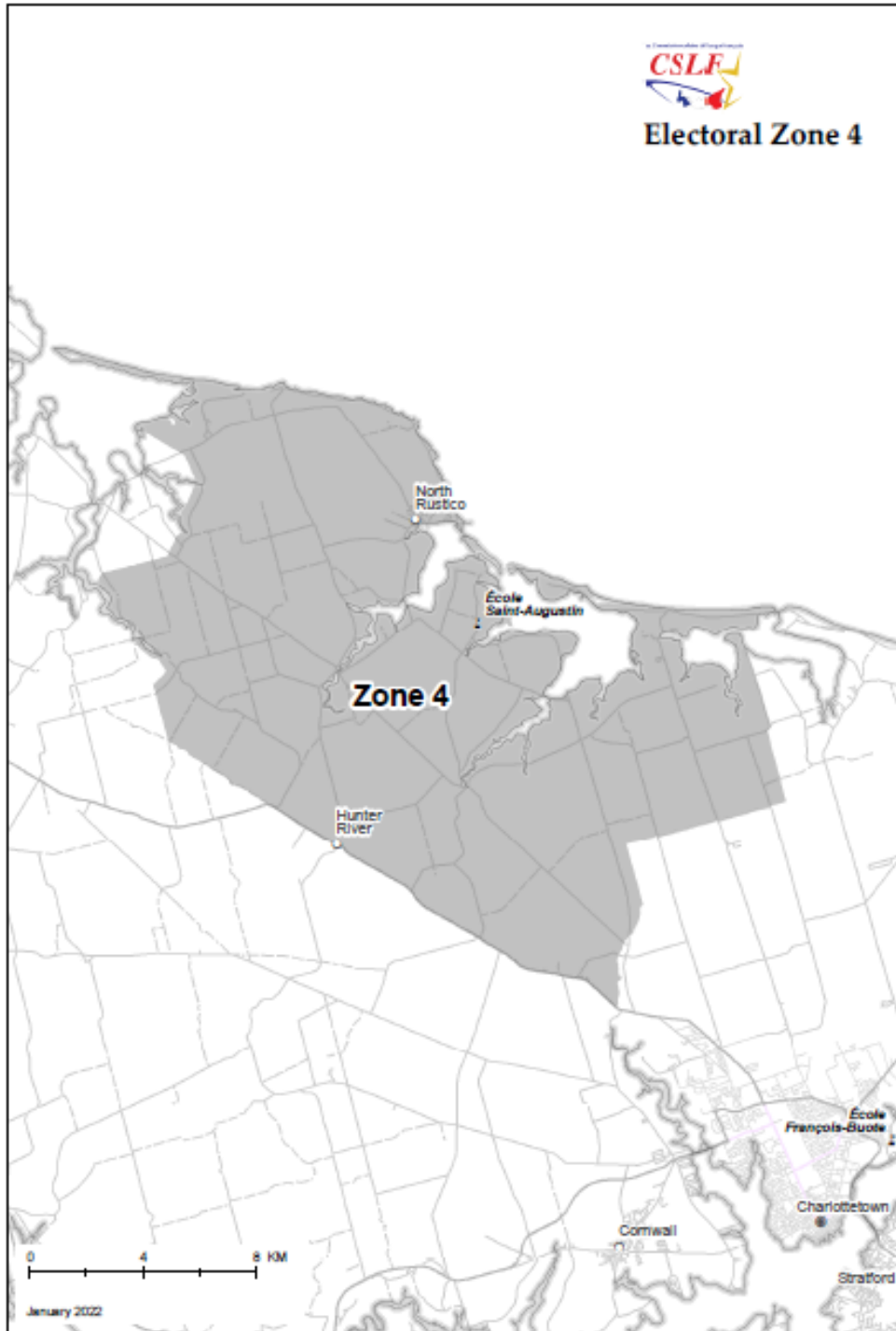
FRENCH LANGUAGE SCHOOL BOARD ELECTORAL ZONES



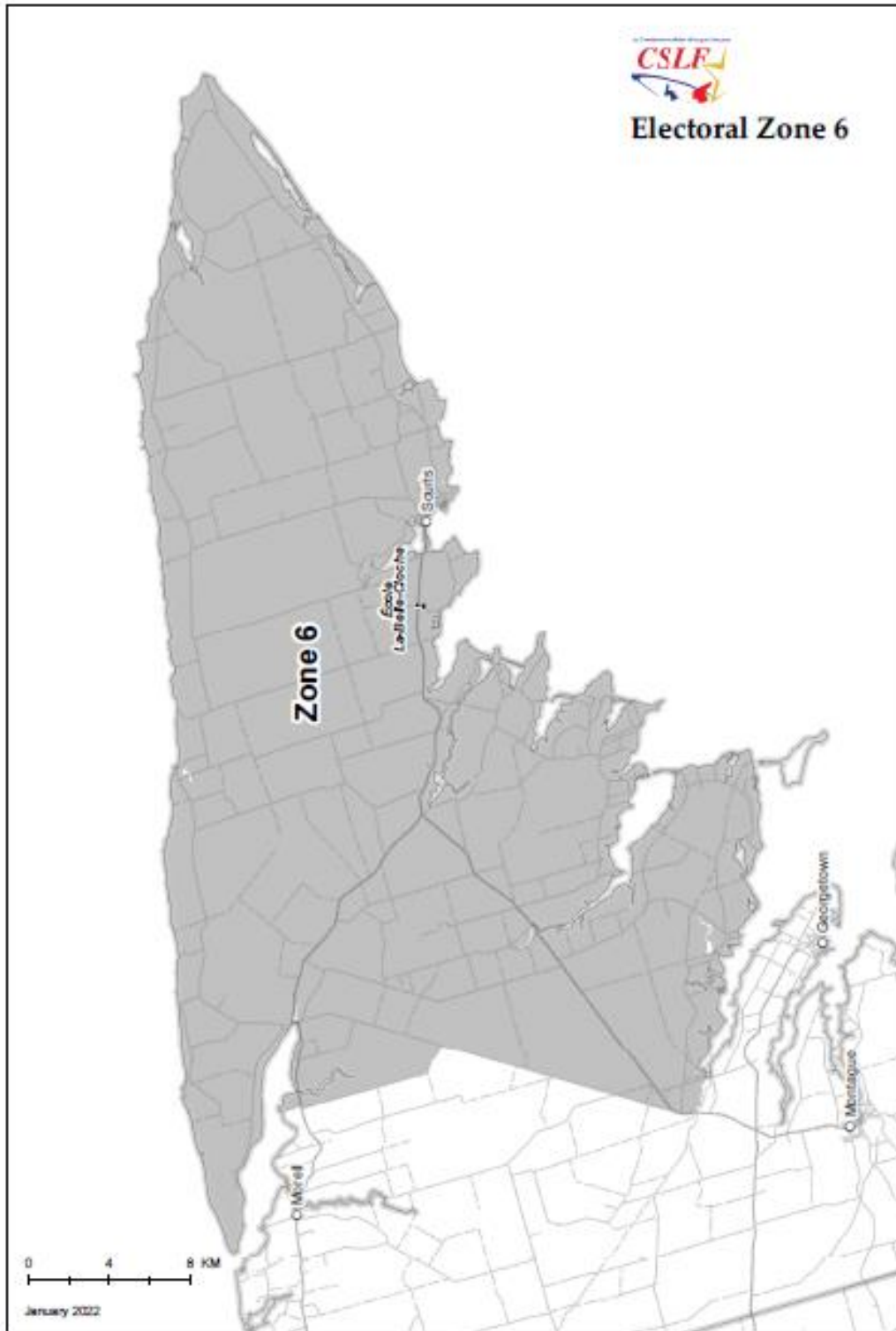




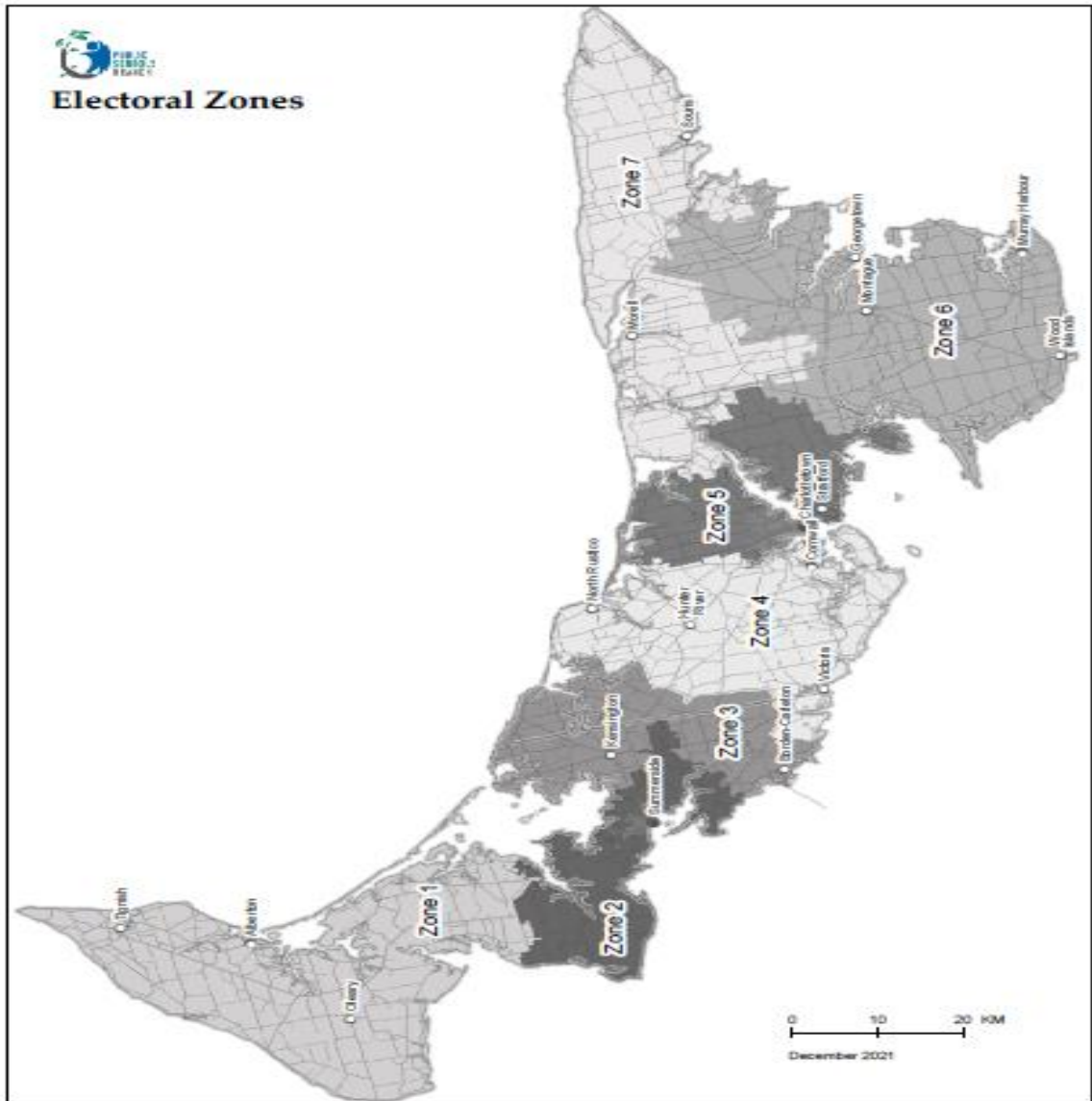




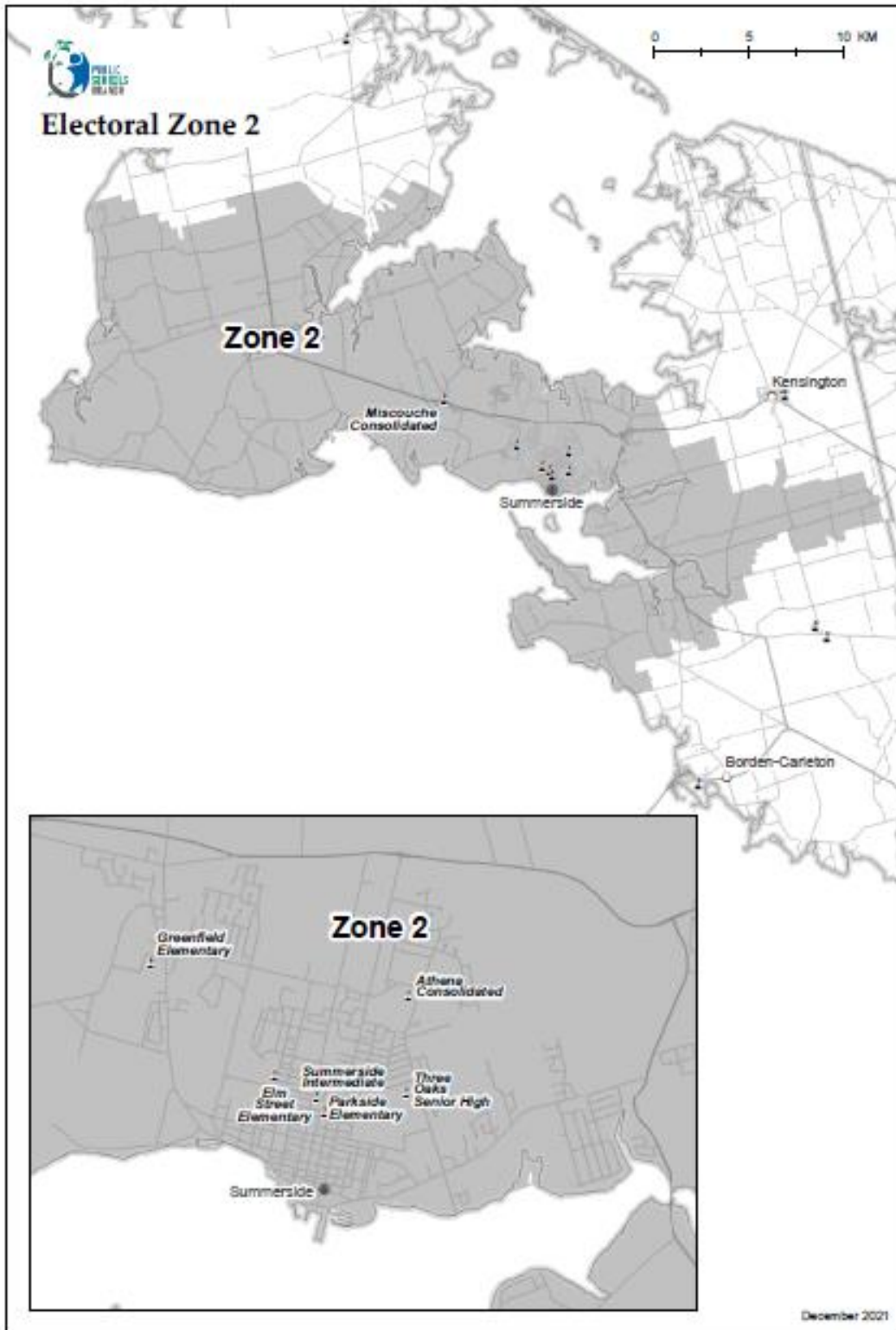


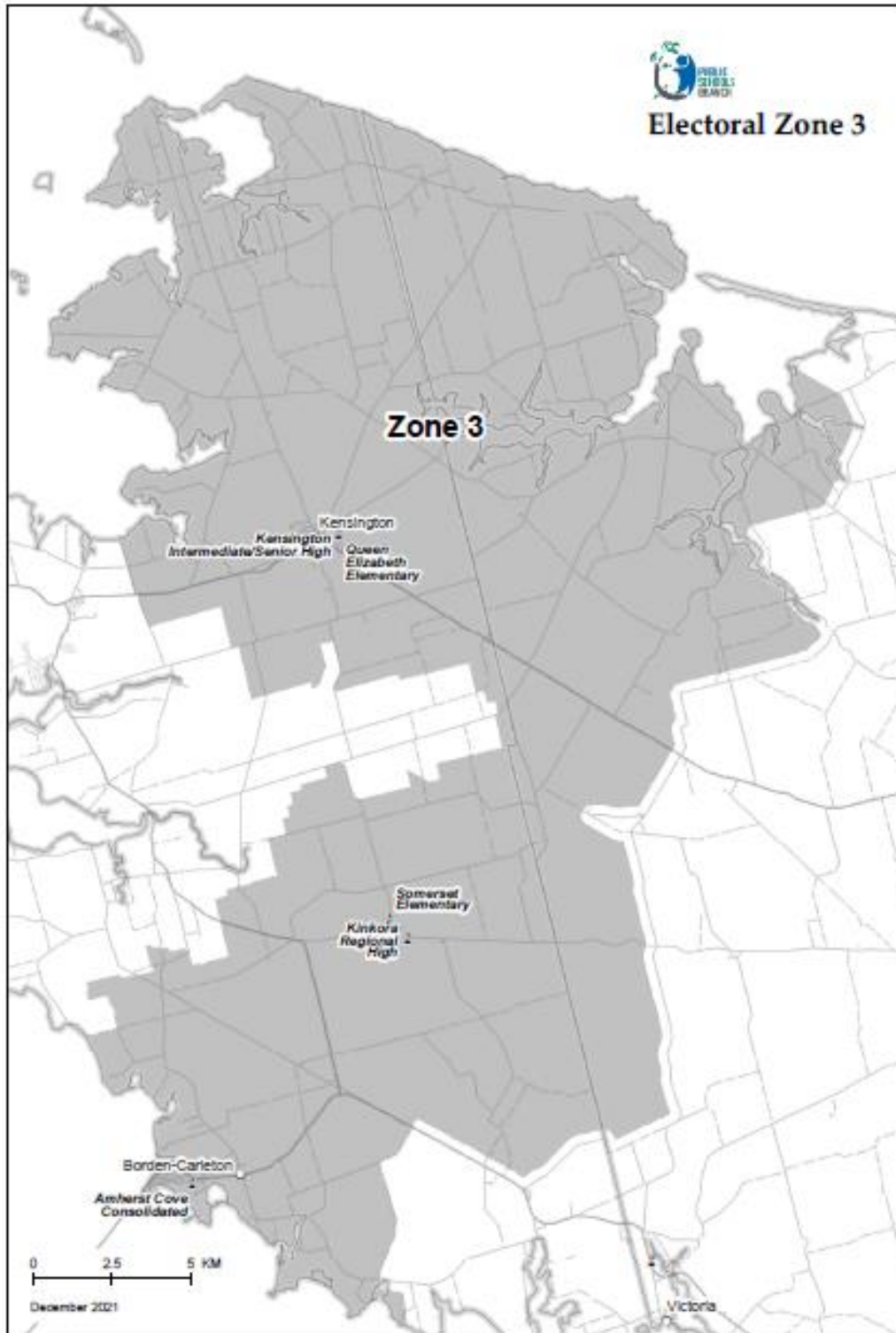


**SCHEDULE 2
Public Schools Branch Electoral Zones**

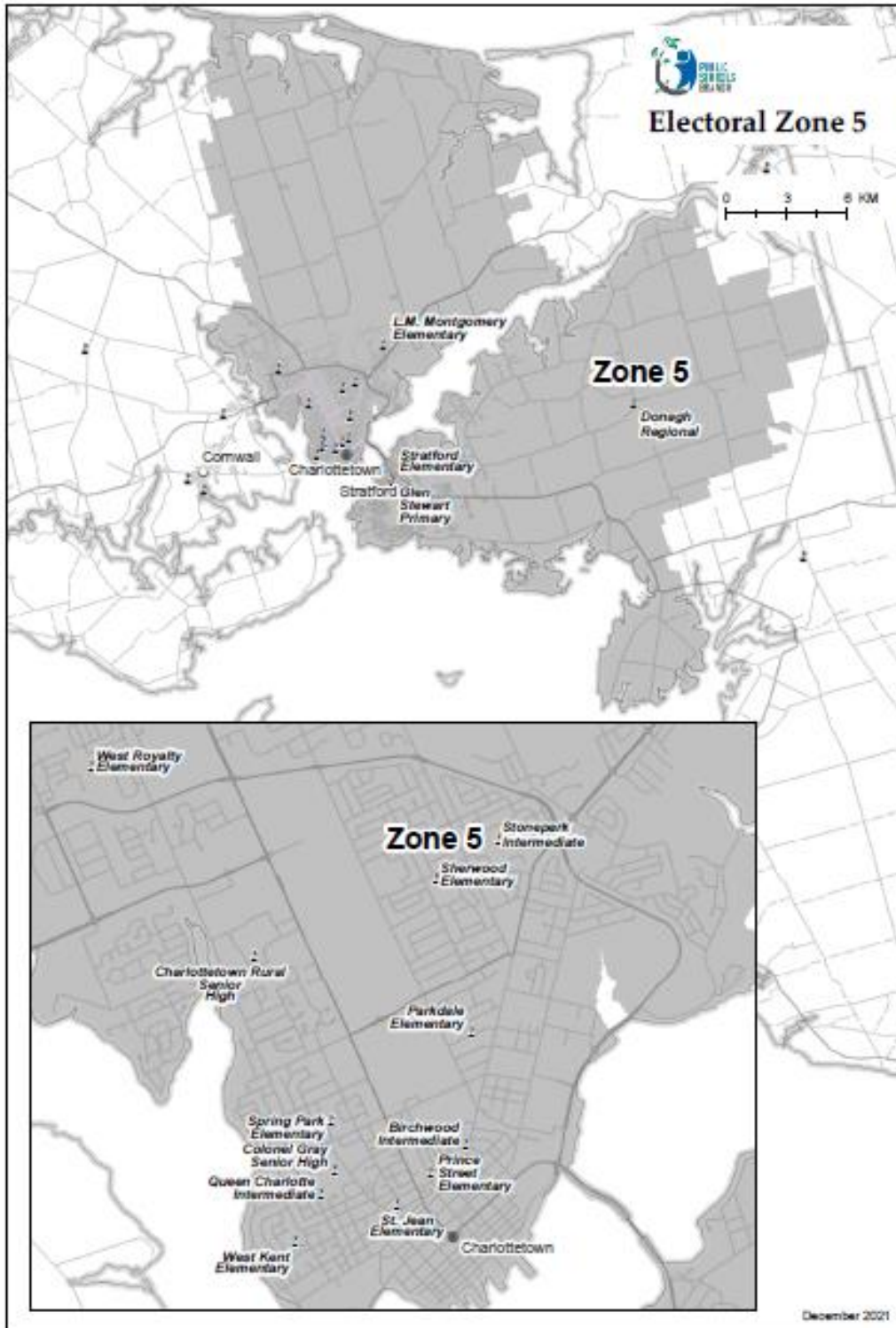


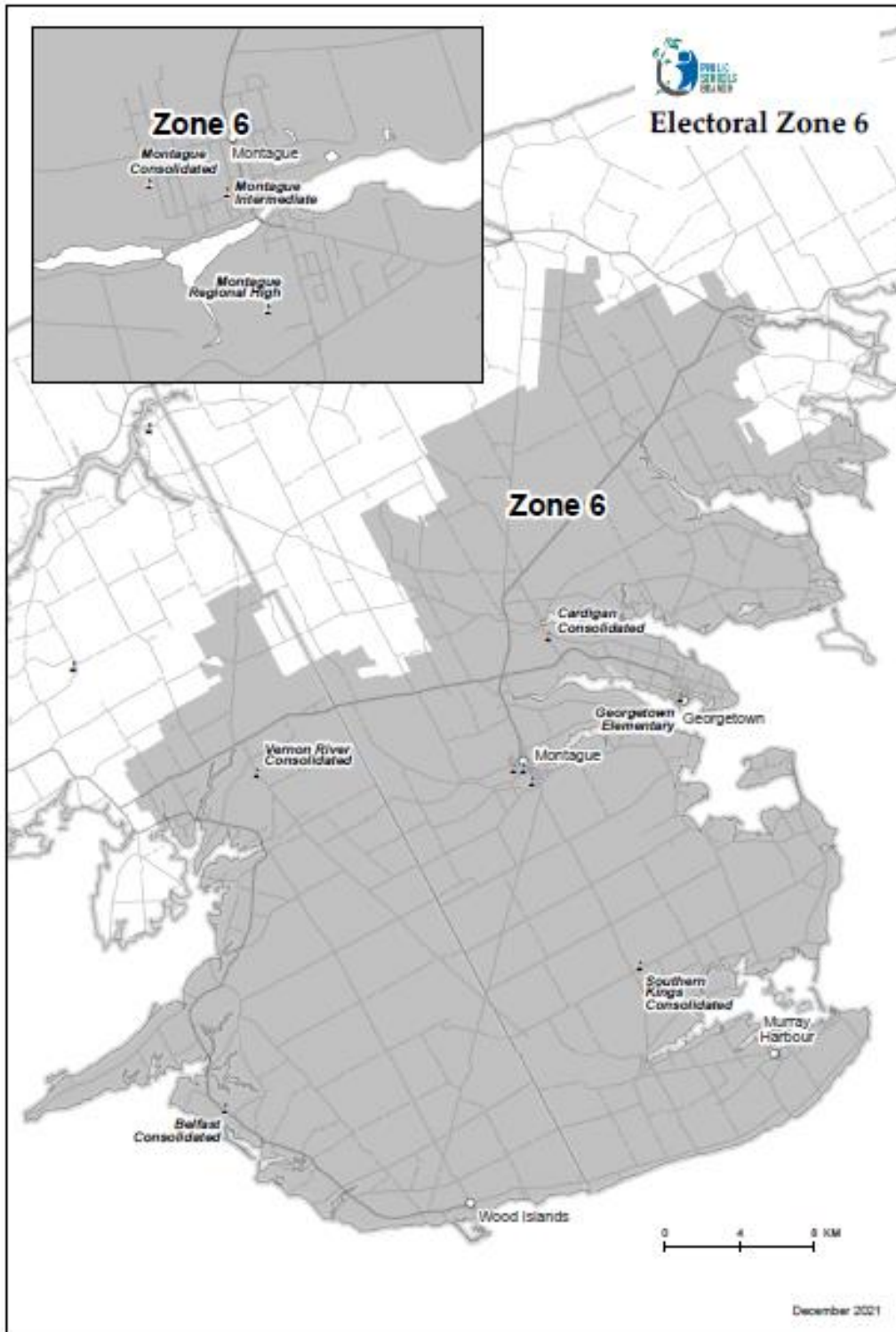


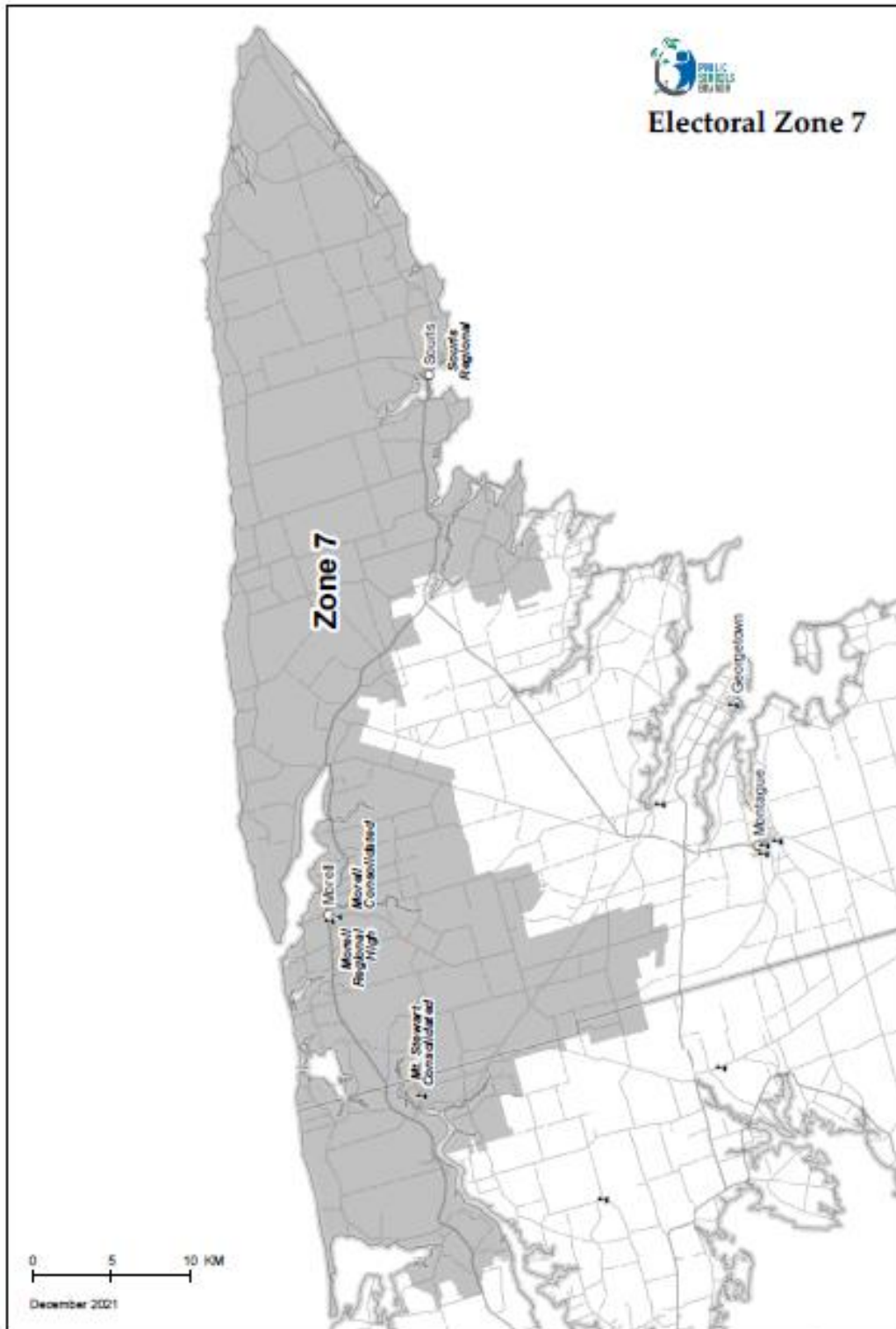












EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Education Act* Election Regulations (EC525/16) to add new definitions of terms to be used in the election process for the education authorities, to specify the new election day and election period, and to make other amendments in consequence of recent amendments to the Act.

SECTION 2 adds a new section 2.1 that specifies the electoral zones for the French Language School Board and the Public Schools Branch.

SECTION 3 amends subsection 3(1) of the regulations to clarify that it applies to the trustees for the French Language School Board, adds a new subsection 3(1.1) to establish the composition of the Public Schools Branch, and makes related amendments.

SECTION 4 amends the regulations by adding a new section 3.1 that specifies the qualifications required of the trustees who are members at large of the Public Schools Branch.

SECTION 5 amends subsection 4(1) of the regulations to clarify the wording.

SECTION 6 revokes section 5 of the regulations and substitutes a new section 5 to establish the eligibility rules for candidates for trustee of each education authority.

SECTION 7 amends section 6 of the regulations to clarify the wording.

SECTION 8 revokes section 8 of the regulations and substitutes a new section 8 to clarify the powers of the Chief Electoral Officer in directing and supervising the election process for the education authorities.

SECTION 9 revokes section 9 of the regulations and substitutes a new section 9 that authorizes the Chief Electoral Officer to appoint election officers as required, and sets out the duties of the election officers.

SECTION 10 revokes section 10 of the regulations and substitutes a new section 10 that updates the process for nominating candidates in an education authority election.

SECTION 11 revokes section 11 of the regulations and substitutes a new section 11 that updates the responsibilities of the Chief Electoral Officer at the close of nominations.

SECTION 12 revokes section 12 of the regulations and substitutes a new section 12 that provides for election by acclamation of unopposed candidates, and a new section 12.1 that establishes the periods during which applications by eligible voters for mail-in ballots will be accepted and the returned mail-in ballots counted.

SECTION 13 revokes section 13 of the regulations and substitutes a new section 13, to establish the mail-in ballot process, and a new section 13.1, that provides that in the event of a dispute as to the electoral zone in which a voter shall vote, the matter shall be decided by the Chief Electoral Officer, whose decision is conclusive, final and not to be appealed.

SECTION 14 revokes section 14 of the regulations and substitutes a new section 14 that provides that where a voter is unable to vote using the mail-in ballot process, the voter may contact the Chief Electoral Officer for assistance in voting.

SECTION 15 revokes section 15 of the regulations. It is not relevant to the mail-in ballot election process.

SECTION 16 amends subsection 16(1) of the regulations for consistency with the mail-in ballot process. The section also revokes subsection 16(2) of the regulations and substitutes a new subsection 16(2) to require a candidate’s agent to carry and show proof of appointment on demand by an election officer.

SECTION 17 revokes section 17 of the regulations and substitutes a new section 17 to update the process for the counting of the ballots on election day.

SECTION 18 amends section 18 of the regulations to change references to “the deputy returning officer” to the election official, for consistency with the amendments made in section 9.

SECTION 19 revokes section 19 of the regulations and substitutes a new section 19 to update the election process following the counting of the ballots.

SECTION 20 revokes subsection 20(4) of the regulations and substitutes a new subsection 20(4) to update the process for a recount of the ballots. The section also amends subsections 20(5) to (7), (9) and (10) of the regulations to make related amendments. The section also revokes subsection 20(8) of the regulations and substitutes a new subsection 20(8) to provide a process for breaking a tie vote.

SECTION 21 revokes subsection 21(3) of the regulations and substitutes a new subsection 21(3) that provides that all election documents filed with the Chief Electoral Officer are public records and may be inspected by a person on request during office hours at the office of the Chief Electoral Officer.

SECTION 22 amends subsection 23(2) of the regulations to add the words “pending any recount” after the words “after election day”.

SECTION 23 revokes section 25 of the regulations and substitutes a new section 25 to correctly refer to “Schedules” rather than “Schedule”.

SECTION 24 provides that the regulations are amended by the revocation of the Schedule and the substitution of the new Schedule 1 and Schedule 2, which are set out in the Schedule to these regulations.

SECTION 25 provides for the commencement of these regulations.

EC2022-426

EDUCATION ACT

**STUDENT REGULATIONS
AMENDMENT**

Pursuant to subsection 26(2) and section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

1. **Subsection 2(1) of the *Education Act Student Regulations (EC531/16)* is amended by the deletion of the words “his or her” and the substitution of the words “the parent’s”.**
2. **Subsection 3(1) of the regulations is amended by the deletion of the words “his or her” and the substitution of the words “the parent’s”.**
3. (1) **Subsection 4(1) of the regulations is amended by the deletion of the words “his or her” and the substitution of the words “the parent’s”.**
- (2) **Clause 4(3)(b) of the regulations is amended by the deletion of the words “his or her” and the substitution of the words “the parent’s”.**
4. **Section 7 of the regulations is revoked.**
5. **Subsection 13(1) of the regulations is amended by the deletion of the words “Where an education authority is considering the expulsion of a student pursuant to section 54 of the Act, it shall” and the substitution of the words “Where the Director of an education authority is considering the expulsion of a student pursuant to section 54 of the Act, the Director shall”.**
6. (1) **Subsection 16(1) of the regulations is amended by the deletion of the words “the education authority may” and the substitution of the words “the Director of the education authority may”.**
- (2) **Subsection 16(2) of the regulations is amended by the deletion of the words “An education authority” and the substitution of the words “The Director of an education authority”.**
7. **These regulations come into force on June 4, 2022.**

EXPLANATORY NOTES

SECTION 1 amends subsection 2(1) of the regulations to remove gendered wording.

SECTION 2 amends subsection 3(1) of the regulations to remove gendered wording.

SECTION 3 amends subsection 4(1) and clause 4(3)(b) of the regulations to remove gendered wording.

SECTION 4 revokes section 7 of the regulations. This section applied only to the appointed directors of the Public Schools Branch and is no longer needed.

SECTION 5 amends subsection 13(1) of the regulations to clarify that it is the Director of an education authority who has the authority to expel a student pursuant to section 54. This amendment is consistent with recent amendments to the Act.

SECTION 6 amends subsections 16(1) and (2) of the Act to clarify that it is the Director of an education authority who has the authority to expel a student, and also the Director who is required to notify the parent of the student concerning the expulsion.

SECTION 7 provides for the commencement of these regulations.

EC2022-427

EXECUTIVE COUNCIL ACT
 MINISTER OF ENVIRONMENT, ENERGY AND CLIMATE ACTION
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CLIMATE CHALLENGE FUND –
 FUNDING AGREEMENT)
 WITH
 THE TOWN OF THREE RIVERS

Pursuant to clause 10(c) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Environment, Energy and Climate Action to enter into a funding agreement with the Town of Three Rivers to set out the terms and conditions for the Province's contributions for the establishment of two community reception centres, for the period April 1, 2022 to March 2024, such as more particularly described in the draft agreement.

EC2022-428

MUNICIPAL GOVERNMENT ACT
 CITY OF CHARLOTTETOWN
 EXTENSION OF MUNICIPAL BOUNDARY
 (APPLICATION TO ANNEX 7 PARCELS, PROVINCIAL PROPERTY NOS.
 140061, 140087, 530972, 620989, 490573, 1068873, AND PART OF
 PROVINCIAL PROPERTY NO. 992909)
 APPROVED

Having under consideration an application from the City of Charlottetown presented pursuant to subsection 15(2) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1 to extend its boundaries to include approximately one hundred sixteen decimal three (116.3) acres, being Provincial Property Nos. 140061, 140087, 530972, 620989, 490573, 1068873, and part of Provincial Property No. 992909 for which no municipal government is provided under the said Act, and having under consideration the recommendation of the Island Regulatory and Appeals Commission, Council under authority of clause 21(1)(b) of the aforesaid Act, approved the application to restructure as proposed and ordered that the boundary of the City of Charlottetown be extended to annex approximately one hundred sixteen decimal three (116.3) acres as aforesaid, effective June 1, 2022 in accordance with the said application and as indicated on a plan filed in the Registry Office for Queens County by the Minister of Fisheries and Communities pursuant to subsection 21(3) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

This Order-in-Council comes into force on June 1, 2022.

EC2022-429**PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENTS**

Under authority of subsection 4(2) of the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

Honourable Natalie Jameson to be Acting Minister of Agriculture and Land commencing on the 28th day of May 2022 and continuing for the duration of the absence from the Province of Honourable Bloyce Thompson.

Honourable Natalie Jameson to be Acting Minister of Justice and Public Safety and Acting Attorney General commencing on the 28th day of May 2022 and continuing for the duration of the absence from the Province of Honourable Bloyce Thompson.