

1978

c 127 The Lincoln County Board of Education Act, 1978

Ontario

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CHAPTER 127

**An Act respecting the composition of
The Lincoln County Board of Education**

Assented to October 26th, 1978

WHEREAS The Lincoln County Board of Education, ^{Preamble}
 herein called the Board, hereby represents that pursuant to section 57 of *The Education Act, 1974* a determination ^{1974, c. 109}
 was made of the number of members that should compose the Board and the number of members that should be elected to represent the City of St. Catharines and the county municipalities within the school division for the four year period commencing the first day of December, 1978; that the present composition of the Board and the composition of the Board as determined under the said section 57 is shown in the following table:

COLUMN 1	COLUMN 2	COLUMN 3
	Present	As Determined
1. Public School Electors		
City of St. Catharines.....	10	11
Town of Grimsby.....	2	1
Town of Lincoln.....	2	2
Town of Niagara-on-the-Lake.....	2	2
Township of West Lincoln.....	1	1
2. Separate School Electors.....	3	3
TOTAL.....	20	20

that the members of the Board are of the opinion that, having regard to all of the circumstances, the composition of the Board should remain as set out in column 2 of the table; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Deemed
determination
1974 c. 109

1. The determinations made under subsections 6 and 9 of section 57 of *The Education Act, 1974*, as set out in column 3 of the table contained in the Preamble hereto opposite the names of the municipalities listed in column 1 thereof under "Public School Electors" in item 1, are hereby declared to be of no effect and for the purposes of every Act, the determinations made in the year 1978 under the said subsections 6 and 9 shall be deemed to be as follows:

1. The number of members of the Board to be elected by the public school electors of,

(a) the City of St. Catharines is ten;

(b) the Town of Grimsby is two;

(c) the Town of Lincoln is two;

(d) the Town of Niagara-on-the-Lake is two; and

(e) the Township of West Lincoln is one.

Application

2.—(1) This section applies only to the election of members of the Board by the public school electors of the City of St. Catharines and the Town of Grimsby in the regular election to be held in 1978.

Idem
1977 c. 62

(2) Except as provided in this section, *The Municipal Elections Act, 1977* applies, with necessary modifications, to the regular election to be held in 1978 of members of the Board to be elected by the public school electors of the City of St. Catharines and the Town of Grimsby.

Nomination
changed

(3) Notwithstanding subsection 1 of section 35 of *The Municipal Elections Act, 1977*, for the purposes of the regular election to be held in 1978 of members of the Board representing the public school electors of the City of St. Catharines and the Town of Grimsby, the nomination day for such election shall be the 30th day of October, 1978.

Notice

(4) Notwithstanding subsection 3 of section 35 of *The Municipal Elections Act, 1977*, not later than the 28th day of October, 1978, the clerk of each municipality shall post, in at least two conspicuous places in his municipality, notice of the date and times for filing and withdrawing nominations for the offices to which this section applies and of the number

of members to be elected to the Board by public school electors in his municipality at the regular election to be held in the year 1978, and such notice shall be published not later than the 28th day of October, 1978 in a newspaper having general circulation in his municipality and a notice published pursuant to this subsection in *The Grimsby Independent* on the 25th day of October, 1978 shall be deemed to comply with this subsection.

(5) The posting and publishing of the notice referred to in subsection 4 shall be effective to vary the terms of any notice that may have been posted or published pursuant to subsection 3 of section 35 of *The Municipal Elections Act, 1977*, c. 62 prior to the coming into force of this Act. Idem

(6) Nominations for the offices to which this section applies filed prior to the coming into force of this Act shall remain valid. Prior nominations

(7) Any declaration made prior to the coming into force of this Act that a candidate has been declared to be elected to an office to which this section applies under subsection 1 or 2 of section 40 of *The Municipal Elections Act, 1977* is hereby declared to be of no effect. Prior acclamation

(8) Notwithstanding subsection 1 of section 39 of *The Municipal Elections Act, 1977*, a person nominated as a candidate for an office to which this section applies may withdraw his nomination in writing, verified by his affidavit and delivered to the clerk of the municipality before 8 o'clock in the evening of nomination day. Withdrawal of nominations

(9) A person who has been nominated on or before the 23rd day of October, 1978 for any office, other than an office to which this section applies, shall not be eligible for nomination for election to an office to which this section applies unless the person has withdrawn his nomination to such other office or offices by filing his withdrawal in writing with the clerk of the municipality in the clerk's office before 5 o'clock in the afternoon on the 24th day of October, 1978. Eligibility

(10) A person whose nomination is filed under subsection 5 of section 37 of *The Municipal Elections Act, 1977* for any office other than an office to which this Act applies shall not be eligible for nomination to an office to which this section applies. Idem

(11) Notwithstanding subsection 1 of section 40 of *The Municipal Elections Act, 1977* if no more candidates are nominated for an office to which this section applies at the Acclamation

end of nomination day than the number to be elected, the clerk of the municipality shall forthwith after 8 o'clock in the evening of nomination day declare those candidates duly elected.

Where
number of
candidates
nominated
insufficient
1977, c. 62

(12) Notwithstanding subsection 5 of section 37 of *The Municipal Elections Act, 1977* where, at 8 o'clock in the evening of nomination day, the number of candidates who have been nominated for an office to which this section applies and who have not withdrawn under subsection 8 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 11 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk of the municipality on the 31st day of October, 1978 between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 of the said section 37 apply, with necessary modifications, as though the additional nomination papers had been filed on nomination day and no person so nominated may withdraw his nomination.

Acclamation

(13) Notwithstanding subsection 1a of section 40 of *The Municipal Elections Act, 1977*, where additional nominations have been filed under subsection 12 and the additional number of candidates nominated is not more than the remaining number of vacancies for which the additional candidates were nominated, the clerk of the municipality shall forthwith after 5 o'clock in the afternoon of the 31st day of October, 1978 declare those candidates duly elected.

Idem

(14) If more candidates are nominated than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk of the municipality shall forthwith after 8 o'clock in the evening of nomination day declare the remaining candidate or candidates to be duly elected.

Vacancy

(15) If the number of candidates declared to be elected to an office under subsection 11 or 14 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Lincoln County Board of Education Act, 1978*.