SCHOOL ACT

WITHDRAWAL OF WARD
PLEBISCITE REGULATION

Alberta Regulation 27/2004

With amendments up to and including Alberta Regulation 136/2016

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.
Definitions

1 In this Regulation,

(a) “Act” means the School Act;
(b) “board” means a board of trustees of a regional division;
(c) “district” means a district as defined in the Act;
(d) “division” means a division as defined in the Act;
(e) “elector” means an elector as defined in the Act;
(f) “petition” means a petition under section 228 of the Act;
(g) “petitioning ward” means a ward in respect of which petition is being carried out;
(h) “regional division” means a regional division as defined in the Act;
(i) “ward” means a ward of a regional division.

Requirements re signatures, etc.

2(1) To be eligible to be a signatory to a petition a person must be an elector who resides in the petitioning ward.
(2) Each signature of a signatory to a petition must, for the purposes of section 263(1)(b) of the Act, be witnessed by an elector who resides in the petitioning ward and that elector must be the person who swears the affidavit required under section 263(2) of the Act.

(3) For the purposes of section 263(3) of the Act, the elector signing the statement required under that subsection must be an elector who resides in the petitioning ward.

Time limit for submission of petition

3(1) In this section, “general election year” means the year within which a general election is conducted to elect trustees for a board.

(2) A petition for a plebiscite to determine whether a ward should be withdrawn from a regional division must be submitted to the board of that regional division before March 1 of the general election year in which the plebiscite is to be conducted.

Petition calling for vote

4 For the purposes of requiring a question to be submitted to a vote to determine whether a ward should be withdrawn from a regional division, the petition must be signed by at least

(a) the lesser of

   (i) 5000 electors, and
   (ii) the number of electors that is equal to 10% of the number of students residing in the ward,

   in the case of a ward having 5000 or more students,

(b) the lesser of

   (i) 500 electors, and
   (ii) the number of electors that is equal to 25% of the number of students residing in the ward,

   in the case of a ward having fewer than 5000 but 1000 or more students, or

(c) the lesser of

   (i) 250 electors, and
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(ii) the number of electors that is equal to 40% of the number of students residing in the ward,

in the case of a ward having fewer than 1000 students.

Preparation of plebiscite question

5(1) Where a petition is determined to be sufficient, the board must prepare the plebiscite question in the form set out in the Schedule.

(2) In the plebiscite question,

(a) the petitioning ward must be cited by a name and, if necessary, a description of its boundaries that enables the electors to identify the petitioning ward, and

(b) the regional division must be cited by its corporate name.

Notice of plebiscite

6 The board to which a petition has been submitted must provide public notice of the plebiscite in accordance with the Local Authorities Election Act once

(a) the plebiscite question has been prepared, and

(b) provision has been made under section 229 of the Act for the election of individuals to represent the ward.

Expiry

7 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2018.


Schedule

Form of Plebiscite Question

Are you in favour of _ (petitioning ward)_ withdrawing from _ (regional division)_ in order to join a different district or division?

☐ Yes, I want _ (petitioning ward)_ to withdraw from _ (regional division)_ .

☐ No, I do not want _ (petitioning ward)_ to withdraw from _ (regional division)_ .