

Catholic Dimension - Legally Speaking - Spring 2010

Kevin P. Feehan
Dentons Canada LLP

Ask not what your country can do for you

"...Ask what you can do for your country".

This exhortation by President John F. Kennedy in 1961 remains true today, and is particularly important with respect to Catholic school elections. What can you do for your Catholic schools? How can you serve both the educational and spiritual needs of students attending Catholic schools? How can you participate in the integral formation of our students as whole persons; intellectually, physically, emotionally and spiritually? How can you model Catholic principles in your life, both inside and outside of the local Catholic school? The answer to these questions is, clearly, to participate... participate in Catholic school elections this October, by voting, and potentially by running for the position of Catholic school trustee.

Voting for Catholic School Trustee

The legislation that sets out the requirements to vote in school board elections is the *Local Authorities Election Act*. Section 47(1) sets out the civil legal requirements to vote in a school board election:

"A person is eligible to vote in an election held pursuant to this Act if the person: (a) is at least 18 years old, (b) is a Canadian citizen, and (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day."

Running for Catholic School Trustee

The basic requirements to run for the position of school board trustee are set out in section 21 of the *Local Authorities Election Act*:

"(1) A person may be nominated as a candidate in any election under this Act if on nomination day the person: (a) is eligible to vote in that election, (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and (c) is not otherwise ineligible or disqualified.

(3) Notwithstanding subsection (1), a candidate for trustee for a board of a school district that is wholly or partially within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school district."

Sections 22 through 24 of the *Local Authorities Election Act* describe when a person will be ineligible to be nominated as a candidate. The following subsections are of particular interest:

"1(1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by: (a) a school district or division, (b) a chartered school, or (c) a private school, in Alberta unless the person is on a leave of absence granted under this section.

(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may apply to his or her employer for a leave of absence without pay on or after July 1 in the year of an election but before the employee's last working day prior to nomination day.

(6.1) A school district or division, a charter school or a private school shall grant every application it receives under subsection (5.1).

(9) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official."

Who is a Resident of a Catholic School Jurisdiction?

You will note that the provisions setting out both eligibility to vote and run for school trustee require that one be a "resident" of the jurisdiction. Residency, for the purpose of Catholic schools is set out in sections 44(4) and 220(6) of the *School Act* which read:

"44(4) Where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic, (a) is a resident of the separate school district, and (b) is not a resident of the public school district.

220(6) ... after a separate school district is established, a person residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic, as a resident of the separate school district and is not a resident of the public school district."

Who is a Roman Catholic?

When the *School Act* uses the words "Roman Catholic" it is not limited to members of the Latin Rite or Western Church. A Roman Catholic has been defined by Alberta Education in the booklet "Establishing a Separate School District":

p.10: "...a Roman Catholic is defined as an individual who recognizes the Pope as the head of the church. A Protestant is defined as a Christian who is not a Roman Catholic. A person who is neither Roman Catholic or Protestant is defined as Other."

p.13: "...'Roman Catholic' is an individual who recognizes the Pope as the head of the church, a baptized member of the Roman Catholic Church or one of the Eastern Catholic churches in communion with the Pope in Rome, including but not limited to, the Albanian, Armenian, Belarusian, Bulgarian, Chaldean, Coptic, Ethiopian, Eritrean, Georgian, Greek, Hungarian, Italo-Albanian, Maronite, Melkite, Romanian, Russian, Ruthenian, Byzantine, Ruthenian-Greek, Slovak, Syrian, Syro-Malabar, Syro-Malankara and Ukrainian Catholic Churches."

As a result, anyone belonging to a Catholic Church, Western or Eastern, in communion with Rome, is a resident eligible to vote and run for the position of Catholic school trustee.

Just Do It

Therefore, if you are Catholic, you have an opportunity, and a responsibility, to vote for Catholic school trustee in the October, 2010 elections. You also have the opportunity to run for the position of Catholic school trustee. Involvement as an elector or as a candidate is critical to the continued success of Catholic education in Alberta.

Every adult Catholic is part of the Catholic school system. It is their support, involvement, and commitment that will keep the Catholic school system strong, vibrant and growing. If you believe that Jesus Christ is the central focus around which the rest of education should evolve, and that a wholly-permeated Catholic education should seek to develop the child as a whole person, you are called to participate this fall. Become active and become part of Catholic education in Alberta.